

**CITY OF SIGNAL HILL, CALIFORNIA  
MUNICIPAL CODE**

The Signal Hill Municipal Code is current through  
Ordinance 2017-06-1494, passed 6-27-17, and effective 7-27-17

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**PREFACE**

The Signal Hill Municipal Code, originally published by Book Publishing Company in 1979, has been kept current by regular supplementation.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of the city attorney.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 18.12.050 is Section .050, located in Chapter 18.12 of Title 18. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification.

Footnotes referring to applicable statutory provisions are located throughout the text. A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This supplement brings the code up to date through Ordinance 2017-06-1494, passed 6-27-2017.

**Title 1  
GENERAL PROVISIONS**

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- 1.01 Code Adoption
- 1.02 City Seal and Logo
- 1.04 General Provisions
- 1.08 Public Notice
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## **Chapter 1.01 CODE ADOPTION**

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### **1.01.010 Adoption.**

There is adopted the "Signal Hill Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington.

(Ord. 96-05-1204 § 1, 1996; Ord. 80-5-845 § 1, 1980)

### **1.01.020 Title--Citation--Reference.**

This code shall be known as the "Signal Hill Municipal Code" and it shall be sufficient to refer to said code as the "Signal Hill 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 "Signal Hill Municipal Code." References may be made to the titles, chapters, sections and subsections of the "Signal Hill Municipal Code" and such references shall apply to those titles, chapters, sections or subsections as they appear in the code.

(Ord. 96-05-1204 § 2, 1996; Ord. 80-5-845 § 2, 1980)

### **1.01.030 Codification authority.**

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Signal Hill, California, codified pursuant to the provisions of Sections 50022.1--50022.8 and 50022.10 of the Government Code.

(Ord. 80-5-845 § 3, 1980)

#### **1.01.040 Ordinances passed prior to adoption of the code.**

The last ordinance included in this code was Ordinance 95-11-1200, passed December 5, 1995. The following ordinances, passed subsequent to Ordinance 95-11-1200, but prior to adoption of this code, are adopted and made a part of this code: Ordinances 96-01-1201, 96-01-1202 and 96-02-1203.

(Ord. 96-05-1204 § 6, 1996: Ord. 80-5-845 § 4, 1980)

#### **1.01.050 Reference applies to all amendments.**

Whenever a reference is made to this code as the "Signal Hill Municipal Code" or to any portion thereof, or to any ordinance of the city of Signal Hill, California, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

(Ord. 96-05-1204 § 3, 1996: Ord. 80-5-845 § 5, 1980)

#### **1.01.060 Title, chapter and section headings.**

Title, chapter and section headings contained herein 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 hereof.

(Ord. 96-05-1204 § 4, 1996: Ord. 80-5-845 § 6, 1980)

#### **1.01.070 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. 96-05-1204 § 5, 1996: Ord. 80-5-845 § 7, 1980)

#### **1.01.080 Effect of code on past actions and obligations.**

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

(Ord. 96-05-1204 § 7, 1996: Ord. 80-5-845 § 8, 1980)

#### **1.01.090 Effective date.**

This code shall become effective on the date the ordinance adopting this code as the Signal Hill Municipal Code shall become effective.

(Ord. 80-5-845 § 9, 1980)

#### **1.01.100 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.

(Ord. 96-05-1204 § 8, 1996: Ord. 80-5-845 § 10, 1980)

#### **1.01.110 Distribution of code.**

In accordance with the provisions of Section 36971 of the Government Code, not less than three copies of this code shall be filed for use and examination by the public in the office of the city clerk. At least three copies, duly certified to by the city clerk, shall be permanently bound and maintained on file in this office. Additional copies shall be prepared in loose-leaf form and shall be mounted to withstand heavy usage in such binders as the city clerk may prescribe. Copies thereof shall be distributed to the departments and divisions of the city as shall be prescribed by the city council.

(Ord. 80-5-845 § 11, 1980)

#### **1.01.120 Notation of amendments.**

Upon the adoption of any amendment or addition to said code, or upon the repeal of any of its provisions, the city clerk shall certify thereto and shall make an appropriate notation thereon the number of the ordinances pursuant to which such action is taken. Duly certified copies of every ordinance making changes in such code shall be filed in the office of the city clerk in books for such purpose, duly indexed for ready reference.

(Ord. 80-5-845 § 12, 1980)

#### **1.01.130 Printing amendments.**

The city clerk shall prepare copies of such changes in the code for insertion in the loose-leaf copies thereof and for distribution in accordance with the instructions of the city council. Every section of the code so changed shall have printed thereon a notation of the ordinance number pursuant to which such change is adopted.

At least once yearly, the city clerk shall cause the loose-leaf pages of said code in which changes have been made, to be reprinted, including the notation as to the ordinance number pursuant to which such change is adopted, in order that at least once yearly the loose-leaf copies of such code prepared for the use and convenience of the officers and employees of the city and the general public may be brought up to date.

(Ord. 80-5-845 § 13, 1980)

## **Chapter 1.02 CITY SEAL AND LOGO**

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Sections:

- 1.02.010 Definitions.
- 1.02.020 Description.
- 1.02.130 Use of city seal and/or city logo.
- 1.02.140 Use of city seal - prohibitions.
- 1.02.150 Use of city seal - exceptions.
- 1.02.160 City seal - commercial use of.
- 1.02.170 Unlawful to use city name without authorization.
- 1.02.180 Penalty.
- 1.02.190 Exceptions.
- 1.02.200 City flag.

### **1.02.010 Definitions.**

The term "City Seal" means the official Seal of the City of Signal Hill that was adopted by the Signal Hill City Council by minute order on February 16, 1988, or any reasonably similar copy, facsimile, imitation or replica thereof.

(Ord. 2008-11-1392 § 1, 2008)

### **1.02.020 Description.**

A. The image of the City Seal is described and shown below:

Around the top half of the margin of the Seal shall be 31 stars of which directly under shall be the words "City of Signal Hill." The Seal shows a Native American woman watching a signal fire, with a cornucopia directly under depicting two oil derricks and two birds flying. There are five zinnias of orange, coral, yellow, lavender, and maroon along the bottom quarter. The city's incorporation year of 1924 is in the bottom center of the Seal.



B. The term "general city logo" means the official logo of the City of Signal Hill that is displayed on official city documents, stationery, and monument signs, the image of which is substantially the same as the form shown below:



(Ord. 2008-11-1392 § 1, 2008)

### **1.02.130 Use of City Seal and/or City Logo.**

The City Seal and City Logo are the property of the City of Signal Hill. The City Seal and City Logo are, and have been established and designated to identify official city facilities, events and publications. The impression of the City Seal/City Logo shall be made and used upon official documents executed by the city or its duly authorized officials. It shall be unlawful for any person to make, reproduce, manufacture, display or use the City Seal/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 Seal, for any purpose other than for the official business of the city.

(Ord. 2008-11-1392 § 1, 2008)

### **1.02.140 Use of City Seal - Prohibitions.**

A. No person shall place the City Seal/City Logo or any copy, facsimile, or reproduction thereof on any written or printed material supporting or opposing any candidate or candidates for any elective public office or supporting or opposing any state or federal legislation or any local or statewide referendum, initiative, or other ballot measure, and no person shall circulate or distribute any such

written or printed material containing or bearing the City Seal/City Logo or any copy, facsimile or reproduction thereof, except only as provided in section 1.02.150.

B. It shall be unlawful for any person to make, reproduce, manufacturer, display or use the City Seal/City Logo, or their 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 Seal/City Logo, for any purpose other than for official city business, a city-sponsored event or publication, or a city-endorsed event or publication, without the approval of the City Council.

C. Unless specifically approved by a majority of the City Council, no person who is not an officer, employee or agent of the city shall place any copy, facsimile, imitation or replica of the City Seal/City Logo, or anniversary logo on any document so as to cause another person to reasonably believe that the document bearing the Seal or Logo was generated or approved by the city or that the person responsible for creating the document is employed by or is an officer of the city.

D. It shall be unlawful for any person to use the City Seal/City Logo, or any copy, facsimile, imitation or reproduction thereof, for any private or commercial purpose, except upon the approval of the City Council.

E. No person shall place any imitation of the City Seal on any written or printed material which is designed, calculated, intended or likely to confuse, deceive or mislead the public or cause the reader of such written or printed material to believe it to be an official city publication, and no person shall circulate or distribute any such written or printed material in the City of Signal Hill.

F. No person may use, or authorize the use of city stationery bearing the City Seal for any purposes other than those set forth in section 1.02.150 unless specifically authorized by the City Council.

G. Except as authorized herein, the City Seal should not be used on or in connection with any advertisement or promotion for any product, business, organization, service or article, whether offered for sale, for profit or offered without charge.

H. No person, other than the City Manager or the city-designated buyer, may print or order the printing of any city stationery bearing the City Seal or City Logo.

(Ord. 2008-11-1392 § 1, 2008)

### **1.02.150 Use of City Seal - Exceptions.**

Section 1.02.140 shall not prohibit:

A. Use of the City Seal or a copy, facsimile or reproduction thereof on written material in support of or in opposition to any state or federal legislation or statewide referendum, initiative, or other ballot measure when specifically authorized by the City Council.

B. Use of the City letterhead bearing the City Seal/City Logo by a member of the City Council for individual correspondence, or the reproduction and distribution of a City Council Member's letter by the recipient thereof, at no cost to the City of Signal Hill, except that nothing in this subsection shall permit any Council Member to use the City Seal/City Logo contrary to the provisions of section 1.02.140 A, D, or G, and further provided that in using city letterhead in individual correspondence, the City Council Member shall indicate that the views expressed are individual and not the views of the Council, if appropriate.

C. City Council may, by resolution, adopt a policy for the official use of the City Seal, general city logo or anniversary logo by officers, employees and agents of the city, which policy may be in addition to the limitations included in this chapter so long as not inconsistent herewith.

D. Use of city stationery or other written or printed materials by city officials or employees used in authorized and official city business.

E. Use for embroidery or other placement on uniforms, named badges, and other clothing and identification materials worn or used by city employees and city officials.

F. Use for printing on official city promotional and recognition materials, such as pens, plaques, coffee mugs and other similar items as may be approved by the City Manager.

(Ord. 2008-11-1392 § 1, 2008)

### **1.02.160 City Seal - Commercial Use of.**

No person shall place the City Seal or any copy, facsimile or reproduction thereof on any written or printed material other than that specified in section 1.02.150, for any commercial, business or private purpose unless specifically authorized by the City Council.

(Ord. 2008-11-1392 § 1, 2008)

#### **1.02.170 Unlawful to use city name without authorization.**

It is unlawful for any event organizer to use in the title of the event the words "the City of Signal Hill," or "City of Signal Hill" or facsimile of the Seal or logo of the City of Signal Hill without city's written authorization.

(Ord. 2008-11-1392 § 1, 2008)

#### **1.02.180 Penalty.**

A. Any person or persons violating the provisions of this chapter shall be guilty of a misdemeanor and subject to penalties in accordance with Chapter 1.16 of the Signal Hill Municipal Code. Each and every day during any portion of which the provisions of this chapter are violated shall constitute a separate offense and may be punished accordingly.

B. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this chapter shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment as provided in Chapter 1.16 of this code. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person and shall be punishable accordingly (See California Government Code Section 18304).

(Ord. 2008-11-1392 § 1, 2008)

#### **1.02.190 Exceptions.**

A. No act of the City Council or document in evidence thereof shall be invalid by reason of the omission of the City Seal.

B. Nothing in this chapter shall prevent a person from manufacturing or selling non-documentary objects, such as souvenirs or decorative items, bearing the City Seal as part of the design, provided that such person undertakes such activity pursuant to agreement with the city, approved by the City Council or by such officer as the City Council may designate, containing such requirements and limitations as the City Council or such officer shall deem appropriate to assure that such use of the City Seal is in good taste and in the best interests of the city.

(Ord. 2008-11-1392 § 1, 2008)

#### **1.02.200 City Flag.**

A. The City of Signal Hill shall have an official flag to be known as "The Flag of the City of Signal Hill" which shall depict the City Seal. The City Flag may be utilized at city facilities and for city business purposes as approved by the City Manager or designee.

B. The City Flag may be issued by the city to private business entities located in the City of Signal Hill under the restriction that the flag will be flown on a flag pole(s) in conjunction with the National and State Flag, and will be flown in conformance with City, State and Federal Flag statutes, protocols and guidelines.

(Ord. 2008-11-1392 § 1, 2008)

### **Chapter 1.04 GENERAL PROVISIONS**

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Sections:

1.04.010 Definitions.

- 1.04.020 Title of office.
- 1.04.030 Interpretation of language.
- 1.04.040 Grammatical interpretation.
- 1.04.050 Acts by agents.
- 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 Signal Hill, 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" and "town" each mean the city of Signal Hill, California, or the area within the territorial limits of the city of Signal Hill, California, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "Council" means the city council of the city of Signal Hill. "All its members" or "all councilmen" means the total number of councilmen holding office.
- C. "County" means the county of Los Angeles.
- D. "Law" denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the city of Signal Hill, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- E. "May" is permissive.
- F. "Month" means a calendar month.
- G. "Must" and "shall" are each mandatory.
- H. "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."
- I. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.
- J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- L. "Preceding" and "following" mean next before and next after, respectively.
- M. "Property" includes real and personal property.
- N. "Real property" includes lands, tenements and hereditaments.
- O. "Sidewalk" means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.
- P. "State" means the state of California.
- Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.



R. "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.

S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

T. "Year" means a calendar year.

(Ord. 80-3-840 § 1 (part))

#### **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. 80-3-840 § 1 (part))

#### **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. 80-3-840 § 1 (part))

#### **1.04.040 Grammatical interpretation.**

The following grammatical rules shall apply in the ordinances of the city of Signal Hill, 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. 80-3-840 § 1 (part))

#### **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. 80-3-840 § 1 (part))

#### **1.04.060 Prohibited acts include causing and permitting.**

Whenever in the ordinances of the city of Signal Hill, 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. 80-3-840 § 1 (part))

#### **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 Sunday or a holiday, in which case it shall also be excluded.

(Ord. 80-3-840 § 1 (part))

#### **1.04.080 Construction.**

The provisions of the ordinances of the city of Signal Hill, and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

(Ord. 80-3-840 § 1 (part))

#### **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. 80-3-840 § 1 (part))

### **Chapter 1.08 POSTING NOTICE**

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Sections:

1.08.010 Posting of public notice.

1.08.020 Service of notice.

1.08.030 Proof of notice.

#### **1.08.010 Posting of public notice.**

The city council by resolution shall designate four public places or premises for posting of public notices, ordinances and all other official documents and papers or things required by law or otherwise. Whenever this code or any other applicable law requires public notices, ordinances or other official documents and papers to be publicly posted, those public places or premises shall be such as are designated by resolution of the city council in accordance with this section.

(Ord. 2008-09-1386 § 1, 2008; Ord. 80-6-846 § 1 (part), 1980)

#### **1.08.020 Service of notice.**

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

(Ord. 80-6-846 § 1 (part), 1980)

#### **1.08.030 Proof of notice.**

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

(Ord. 80-6-846 § 1 (part), 1980)

Sections:

- 1.12.010 Designated.
- 1.12.020 Time of filing.
- 1.12.030 Deposit of funds.

**1.12.010 Designated.**

A filing fee of twenty-five dollars is established for candidate's nomination papers for elective offices at municipal elections held in the city.

(Ord. 73-10-711 § 1 (part), 1973: prior code § 1.09.010)

**1.12.020 Time of filing.**

The filing fee shall be paid to the city clerk by each candidate for an elective office at the time the candidate's nomination paper is filed with the city clerk.

(Ord. 73-10-711 § 1 (part), 1973: prior code § 1.09.020)

**1.12.030 Deposit of funds.**

The city clerk shall pay to the city treasurer all fees received which shall be deposited in the general fund.

(Ord. 73-10-711 § 1 (part), 1973: prior code § 1.09.030)

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**Chapter 1.14**  
**MUNICIPAL ELECTION**

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Sections:

- 1.14.010 Date of general municipal election.
- 1.14.020 Extension of terms.
- 1.14.030 Minimum number of official ballots.

**1.14.010 Date of general municipal election.**

General municipal elections of the city shall be held on the first Tuesday after the first Monday in March of odd-numbered years commencing March 4, 1997.

(Ord. 94-08-1184 § 1 (part))

**1.14.020 Extension of terms.**

The terms of office of elected municipal officers which would have expired on the second Tuesday in April of even numbered years shall be extended by less than twelve months to the first Tuesday after the first Monday in March of odd numbered years, and such municipal officers shall serve until their successors are elected and qualified. All succeeding elections shall be for four-year terms.

### **1.14.030 Minimum number of official ballots.**

The City Clerk shall provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in that precinct on election day using the precinct's voter turnout history as the criterion. Notwithstanding any provision of the California Elections Code, the number of official ballots provided in each precinct may be less than seventy-five percent (75%), but in no case less than fifty percent (50%), of the registered voters in the precinct. And for vote-by-mail and emergency purposes, the City Clerk shall provide the additional number of ballots that may be necessary.

(Ord. 12-01-1442 § 1)

## **Chapter 1.16 GENERAL PENALTY**

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Sections:

1.16.010 Violation--Penalty.

1.16.020 Processing of juvenile citations.

### **1.16.010 Violation--Penalty.**

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city shall be guilty of a misdemeanor, unless the violation is made an infraction by ordinance.

B. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a misdemeanor for 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 is punishable by:

1. A fine not exceeding fifty dollars for a first violation;
2. A fine not exceeding one hundred dollars for a second violation of the same ordinance within one year;
3. A fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year.

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted by any such person, and he shall be punishable accordingly.

E. In addition to the penalties provided in this section, 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 each day such condition continues shall be deemed as a new and separate offense.

F. In addition to any other remedies available under this code or state law, the city attorney is specifically authorized to initiate a civil action against any person in violation of provisions of this code, and in such action to seek injunctive relief against the violation or continued or threatened violation.

G. In addition to any other remedies available in this code or state law, violations of this code may be processed through the administrative citation provisions established within Chapter 8.13 of this code. Nothing in this chapter shall prevent the city from exercising its discretion to select between criminal enforcement for a municipal code violation and enforcement through the administrative citation process established herein, or pursue both simultaneously.

(Ord. 2001-10-1296 § 1; Ord. 93-03-1152 § 1; Ord. 80-6-846 § 2; Ord. 80-5-845 § 14; Ord. 80-3-840 § 2)

### **1.16.020 Processing of juvenile citations.**

Notwithstanding any other provisions of this code, when any minor under the age of eighteen years is charged with a violation of this code, and a peace officer issues a notice to appear in Superior Court to such minor, the charge shall be deemed an infraction unless the minor requests that a petition be filed under Welfare and Institutions Code Sections 601 and 602, and shall be heard, pursuant to Welfare and Institutions Code Section 256, by the traffic hearing officer of the Los Angeles County Juvenile Court. If such minor has, for a period of fifteen or more days, violated a written promise to appear or a lawfully granted continuance of a promise to appear, the traffic hearing officer shall give notice of such failure to appear to the Department of Motor Vehicles, all as authorized by Vehicle Code Section 40509, and shall take such further steps as are authorized by law to effect a suspension of the minor's privileges to operate a motor vehicle.

(Ord. 96-08-1206 § 1)

## **Chapter 1.20 IMPRISONMENT**

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Sections:

1.20.010 Sheriff's custody.

1.20.020 Place of imprisonment.

1.20.030 Expenses.

### **1.20.010 Sheriff's custody.**

Any person under arrest charged with the violation of any ordinance of the city or any law in force therein may, before conviction, unless released on bail in the manner provided by law, be committed either to the city jail or to the custody of the sheriff of the county, except during such times as it may be necessary for any such person to attend court.

(Ord. 80-6-846 § 3 (part): prior code § 9.64.010 (Ord. 5 § 1, 1924))

### **1.20.020 Place of imprisonment.**

All persons sentenced by any court to imprisonment for the violation of any ordinance of the city, or any law in effect therein, shall be imprisoned in either the county or the city jail.

(Ord. 80-6-846 § 3 (part): prior code § 9.64.020 (Ord. 5 § 2, 1924))

### **1.20.030 Expenses.**

All expenses of imprisonment under this chapter shall be paid by the city.

(Prior code § 9.64.030 (Ord. 5 § 2, 1924))

## **Title 2 ADMINISTRATION AND PERSONNEL**

Chapters:

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2.08 Council Meetings

2.12 Department of Finance

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## **Chapter 2.04**

### **ADMINISTRATIVE OFFICER\***

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#### Sections:

- 2.04.010 City manager deemed city administrative officer.
- 2.04.020 Established.
- 2.04.040 Eligibility.
- 2.04.050 Bond.
- 2.04.060 Assistant--Acting administrative officer.
- 2.04.070 Compensation--Reimbursement for expenses.
- 2.04.080 Powers and duties generally.
- 2.04.090 Law enforcement.
- 2.04.100 Supervision of employees.
- 2.04.110 Appointment and removal of officers and employees.
- 2.04.120 Administrative organization.

- 2.04.130 Ordinance recommendation.
- 2.04.140 Council meeting attendance.
- 2.04.150 Financial reports.
- 2.04.160 Budgeting.
- 2.04.170 Purchasing duties.
- 2.04.180 Investigation of complaints.
- 2.04.190 Supervision of public property.
- 2.04.200 Employment hours.
- 2.04.210 Other duties.
- 2.04.220 Relation of council to administrative services.
- 2.04.230 Cooperation of departments and officers.
- 2.04.240 Relation to commissions, boards and committees.
- 2.04.250 Removal--Generally.
- 2.04.260 Removal--Limitations.
- 2.04.270 Nonlimitation of council authority.
- 2.04.280 Conflicts with other provisions.

\* Prior code Ch. 2.08, from which the provisions of this chapter are derived, contained the following historical footnote: "Prior ordinance history: Ordinance 537."

#### **2.04.010 City manager deemed city administrative officer.**

The administrative officer of the city shall be referred to as city manager. The use of the title of city manager shall mean the administrative officer of the city.

(Ord. 74-7-731 § 1; Ord. 70-5-659 § 1 (part); prior code § 2.08.140)

#### **2.04.020 Established.**

The office of administrative officer of the city is created and established. The administrative officer shall be appointed by the city council wholly on the basis of his administrative and executive ability and qualifications and shall hold office for and during the pleasure of the city council.

(Ord. 70-5-659 § 1 (part); prior code § 2.08.010)

#### **2.04.040 Eligibility.**

No member of the city council shall be eligible for appointment as administrative officer until one year has elapsed after such council member has ceased to be a member of the city council.

(Ord. 70-5-659 § 1 (part); prior code § 2.08.030)

#### **2.04.050 Bond.**

The administrative officer shall furnish a corporate surety bond to be approved by the city council in such sum as may be determined

by the city council and shall be conditioned upon the faithful performance of the duties imposed upon the administrative officer as prescribed in this chapter. Any premium for such bond shall be a proper charge against the city.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.040)

#### **2.04.060 Assistant--Acting administrative officer.**

A. The assistant administrative officer shall serve as administrative officer pro tempore during any temporary absence or disability of the administrative officer.

B. In the event there is no assistant administrative officer, the city council shall designate a qualified person to exercise the powers and perform the duties of administrative officer during his temporary absence or disability.

C. In the event the administrative officer's absence or disability extends over a six-month period, the city council may, after a six-month period, appoint an acting administrative officer.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.050)

#### **2.04.070 Compensation--Reimbursement for expenses.**

A. The administrative officer shall receive such compensation and expense allowances as the city council shall from time to time determine, and the compensation and expenses shall be a proper charge against such funds of the city as the city council shall designate.

B. In addition, the administrative officer shall be reimbursed for all actual and necessary expenses incurred by him in the performance of his official duties, including those incurred when traveling on business pertaining to the city. Reimbursement shall only be made, however, when an itemized claim, setting forth the sums expended for such business for which reimbursement is requested, and has been presented to and approved by the city council.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.060 (part))

#### **2.04.080 Powers and duties generally.**

The administrative officer shall be the administrative head of the government of the city under the direction and control of the city council. He shall be responsible for the efficient administration of all the affairs of the city which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon. It shall be his duty and he shall have the powers set forth in Sections 2.04.090 through 2.04.210.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.070 (part))

#### **2.04.090 Law enforcement.**

It shall be the duty of the administrative officer as representative of the city council to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits, and privileges granted by the city council are faithfully observed.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.070(a))

#### **2.04.100 Supervision of employees.**

It shall be the duty of the administrative officer and he shall have the authority to control, order, and give directions to all department heads, to all contractual employees except the city attorney, to all consultants, and to subordinate officers and employees of the city under his jurisdiction through their department heads.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.070(b))



#### **2.04.110 Appointment and removal of officers and employees.**

It shall be the duty of the administrative officer to, and he shall appoint, remove, promote, and demote any and all officers and employees of the city except the city clerk, city attorney, and city treasurer and other officers and employees whose appointment, removal, promotion and demotion are reserved to the city council, subject to all applicable personnel ordinances, rules and regulations.

(Ord. 83-03-903 § 1: Ord. 70-5-659 § 1 (part): prior code § 2.08.070(c))

#### **2.04.120 Administrative organization.**

It shall be the duty and responsibility of the administrative officer to conduct studies and effect such administrative reorganization of offices, positions, or units under his direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.070(d))

#### **2.04.130 Ordinance recommendation.**

It shall be the duty of the administrative officer to, and he shall recommend to the city council for adoption such measures and ordinances as he deems necessary.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.070(e))

#### **2.04.140 Council meeting attendance.**

It shall be the duty of the administrative officer to attend all meetings of the city council unless excused therefrom by the mayor individually or city council as a whole, except when his removal is under consideration.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.070(f))

#### **2.04.150 Financial reports.**

It shall be the duty of the administrative officer to keep the city council at all times fully advised as to the financial condition and needs of the city.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.070(g))

#### **2.04.160 Budgeting.**

It shall be the duty of the administrative officer to prepare and submit the proposed annual operating budget, the capital improvement budget, and the proposed annual salary plan to the city council for its approval.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.070(h))

#### **2.04.170 Purchasing duties.\***

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

(Ord. 70-5-659 § 1 (part): prior code § 2.08.070(i))

\* For provisions regarding the duties of the purchasing officer, see § 3.20.020 of this code.

#### **2.04.180 Investigation of complaints.**

It shall be the duty of the administrative officer to make investigations into the affairs of the city and any department or division thereof, and any contract or the proper performance of any obligations of the city. Further, it shall be the duty of the administrative officer 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.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.070(j))

#### **2.04.190 Supervision of public property.**

It shall be the duty of the administrative officer to, and he shall exercise general supervision over all public buildings, public parks and all other public property which are under the control and jurisdiction of the city council.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.070(k))

#### **2.04.200 Employment hours.**

It shall be the duty of the administrative officer to devote his entire time to the duties of his office and in furthering the interests of the city.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.070(l))

#### **2.04.210 Other duties.**

It shall be the duty of the administrative officer to perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance or resolution or other official action of the city council.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.070(m))

#### **2.04.220 Relation of council to administrative services.**

The city council and its members shall deal with the administrative services of the city only through the administrative officer, except for the purpose of inquiry.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.080)

#### **2.04.230 Cooperation of departments and officers.**

It shall be the duty of all subordinate officers and the city clerk, city treasurer and city attorney to assist the administrative officer in administering the affairs of the city efficiently, economically, and harmoniously.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.090)

#### **2.04.240 Relation to commissions, boards and committees.**

The administrative officer may attend any and all meetings of the planning commission, parks and recreation commission, civil service commission, and any other commissions, boards, or committees created by the city council, upon his own volition or upon direction of the city council. At such meetings which the administrative officer attends, he shall be heard by such commissions, boards, or committees as to all matters upon which he wishes to address the members thereof, and he shall inform the members as to the status of any matter being considered by the city council, and he shall cooperate to the fullest extent with the members of all commissions, boards, or committees appointed by the city council.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.100)

**2.04.250 Removal--Generally.**

- A. The removal of the administrative officer shall be effected only by a majority vote of the whole council as then constituted, convened in a regular council meeting.
  - B. On termination of employment of the administrative officer by reason of involuntary removal from service other than for misconduct in office, the administrative officer shall receive ninety days' written notice prior to such termination.
- (Ord. 70-5-659 § 1 (part): prior code §§ 2.08.060 (part), 2.08.110)

**2.04.260 Removal--Limitations.**

Notwithstanding the provisions of Section 2.04.250, the administrative officer shall not be removed from office, other than for misconduct in office, during or within a period of ninety days next succeeding any general municipal election held in the city at which election a member of the city council is elected. The purpose of this provision is to allow any newly elected member of the city council or a reorganized city council to observe the actions and ability of the administrative officer in the performance of the powers and duties of his office. After the expiration of the ninety-day period, the provisions of Section 2.04.250 as to the removal of the administrative officer shall apply and be effective.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.120)

**2.04.270 Nonlimitation of council authority.**

Nothing in this chapter shall be construed as a limitation of the power or authority of the city council to enter into any supplemental agreement with the administrative officer delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.130)

**2.04.280 Conflicts with other provisions.**

To the extent that any provision of this chapter clearly conflicts with the provision of any chapter, this chapter shall control.

(Ord. 70-5-659 § 1 (part): prior code § 2.08.150)

**Chapter 2.08**  
**COUNCIL MEETINGS**

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Sections:

- 2.08.010 Location.
- 2.08.020 Procedures for the conduct of meetings.
- 2.08.030 Public attendance.
- 2.08.040 Time of meetings.
- 2.08.050 Quorum - Compelling attendance of members.
- 2.08.060 Compensation.
- 2.08.070 Ordinance and resolution enactment.
- 2.08.080 Demands or bills.
- 2.08.090 Disturbing meetings prohibited - Penalties - Enforcement.

### **2.08.010 Location.**

All meetings of the city council shall be held in the council chamber of the city hall, located at 2175 Cherry Avenue, Signal Hill, California.

(Ord. 69-10-649 § 1: prior code § 2.04.010 (Ord. 490 § 1, 1960))

### **2.08.020 Procedures for the conduct of meetings.**

The city council shall, from time to time by resolution, establish procedural rules and guidelines to govern the conduct of its own meetings and those of other legislative bodies within the city.

(Ord. 87-01-985 § 1; Ord. 84-1-917 § 1; Ord. 71-5-674 § 1 (part); Ord. 70-11-669 § 1; Ord. 69-10-649 § 2 (part): prior code § 2.04.020(a) (Ord. 490 § 2 (part), 1960))

### **2.08.030 Public attendance.**

All meetings of the city council shall be open to public attendance; provided, however, in conformity with Section 54957 of the Government Code of the State of California, the public may be excluded from executive sessions held during any formal meeting.

(Ord. 84-1-917 § 2 (part); Ord. 69-10-649 § 3: prior code § 2.04.030 (Ord. 490 § 3, 1960))

### **2.08.040 Time of meetings.**

A. Regular meetings of the city council shall be conducted on the second and fourth Tuesday of each month. Meetings shall commence at six p.m. with the conduct of any business permitted to be conducted in closed session by the Brown Act (Government Code Section 54950, et seq.), if any, and with the public portion of the meeting commencing at seven p.m. In the event there is no business to be conducted in closed session, the regular meeting shall commence at seven p.m. Any meeting may be adjourned to a time and place stated in the order of adjournment.

B. A special meeting may be called at any time by the presiding officer of the legislative body or a majority of the members of the legislative body. The notice shall be delivered personally, by telephone, or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meeting by the legislative body. The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

C. When the date for any meeting falls on a legal holiday, as established by any law of the state, any ordinance of the city, or proclamation of the President of the United States or Governor of the state, then such meeting shall be held at the same hour on the next succeeding business day, with the same effect as if it has been held on the day appointed in this section.

(Ord. 2015-09-1479 § 1; Ord. 2013-07-1458 § 1; Ord. 2011-07-1429 § 1; Ord. 2008-12-1393 § 1; Ord. 2002-07- 1305 § 1; Ord. 96-11-1214 § 1)

### **2.08.050 Quorum - Compelling attendance of members.**

A. At any meeting of the city council a majority of the councilmen shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

B. In case a quorum should not be present at any meeting of the council, any two members of the council then may cause written notice to be served personally upon the absent members directing their immediate attendance, whereupon the members receiving such written notice shall be required to attend immediately. If any member receiving such written notice fails to attend immediately, the members in attendance may direct the chief of police to bring the member or members so failing to attend to the city council chamber, whereupon the chief of police shall immediately place the member or members so failing to attend in custody, and bring the member or members immediately to the council chamber; provided, however, that no member who has been excused from attendance by the city council, or in whose immediate family there is serious illness or death, shall be subject to the provisions of this section.

(Ord. 84-1-917 § 2 (part); prior code § 2.04.060 (Ord. 113 § 5, 1930))

#### **2.08.060 Compensation.**

The members of the city council shall receive such monthly compensation for their services as may be established from time to time by ordinance pursuant to Government Code Section 36516. Such compensation may not be increased during their term of office except as provided in Government Code Section 36516.5. In addition, councilmembers shall be reimbursed for reasonable costs and expenses actually incurred pursuant to Government Code Section 36514.5.

(Ord. 96-11-1214 § 2)

#### **2.08.070 Ordinance and resolution enactment.**

A. No ordinance of any kind, where an ordinance is required by law, and no resolution granting a franchise for any purpose shall be passed by the city council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular or adjourned regular meeting.

B. Every such ordinance or resolution shall be read in full unless after reading the title thereof the further reading thereof is waived by motion regularly made and adopted by the unanimous vote of the councilmen present.

C. In the event that such ordinance or resolution is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance or resolution was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

D. Resolutions or orders for the payment of money shall be adopted or made only at a regular meeting or at a special meeting for which the notice of such special meeting specifies the business to be transacted. No such ordinance or resolution or any order for the payment of money shall have any validity or effect unless passed by the votes of at least three members of the City Council.

E. No ordinance shall become effective until thirty days from and after the date of its final passage, except an ordinance calling or otherwise relating to an election and except an ordinance for the immediate preservation of the public peace, health or safety which contains a declaration of and the facts constituting its urgency and unless it is passed by a four-fifths vote of the city council, and except ordinances relating to street improvement proceedings and other ordinances governed by particular provisions of state law prescribing the manner of their passage and adoption.

(Ord. 84-1-917 § 2 (part); prior code § 2.04.080 (Ord. 2011-07-1428, § 1; Ord. 268 § 1, 1944; Ord. 113 § 1, 1930))

#### **2.08.080 Demands or bills.**

Demands or bills against the city for the payment of money shall be considered by the city council only after presentation of the bills or demands to the city clerk not later than ten a.m. of the day of the council meeting. This rule may be waived for any one meeting by a majority vote of members present.

(Ord. 84-1-917 § 2 (part); Ord. 113 § 3, 1930)

#### **2.08.090 Disturbing meetings prohibited - Penalties - Enforcement.**

A. Any member of the city council, or other person, using profane, vulgar, loud or boisterous language at any meeting of the council, or who otherwise interrupts the proceedings of the city council, who refuses to be seated or to keep quiet when ordered to do so by the mayor or the presiding officer of the city council, is guilty of a misdemeanor punishable by a fine of not to exceed twenty-five dollars, or by imprisonment in the county jail of Los Angeles County, California, for a period not to exceed ten days, or by both such fine and imprisonment.

B. It shall be the duty of the chief of police upon order of the presiding officer, to maintain order in the council chamber, or to eject any councilman or person violating the provisions of this section, from the council chambers.

(Ord. 84-1-917 § 2 (part); prior code § 2.04.050 (Ord. 113 § 4, 1930))

Sections:

- 2.12.010 Established.
- 2.12.020 Director--Created--Duties generally.
- 2.12.030 Director--Duties enumerated.
- 2.12.040 Treasurer--Duties generally.
- 2.12.050 Treasurer--Reports and records.

**2.12.010 Established.**

There is established in the city government the department of finance. It shall be the function of the department to perform all finance and accounting services required to properly and efficiently serve the fiscal needs of the city government and to account for and safeguard the funds and property of the city.

(Prior code § 2.12.010 (Ord. 506 § 1, 1961))

**2.12.020 Director--Created--Duties generally.**

A. There is created in the department of finance the office of director of finance, who shall be the head of the department and shall be responsible to the administrative officer for the functioning thereof. The director of finance shall not be under civil service.

B. It shall be the duty of the director of finance to keep and maintain the financial and accounting books and records of the city and to perform all financial and accounting duties heretofore performed by the city clerk as provided in Article I of Chapter 4 of Part 2 and in Article I of Chapter 2 of Part 3 of Title 4, Division 3 of the Government Code of the State of California, all of which duties are transferred to the director of finance.

(Ord. 70-5-658 § 1 (part): prior code § 2.12.020 (part) (Ord. 506 § 2 (part), 1961))

**2.12.030 Director--Duties enumerated.**

Without limiting the generality of Section 2.12.020, the authority and duties of the director of finance shall include the following:

A. Assistance to the administrative officer in the preparation of both the annual operating budget and transmitting the same to the administrative officer for preparation of the capital improvement budget; the keeping of accounting records reflecting the disbursement and commitment of funds within the budget appropriations; and informing the city council and department heads of the current standing of budget appropriations;

B. Auditing and approving before payment all invoices, bills, payrolls, claims, demands, or other charges against the city;

C. Settlement of claims, demands, or other charges against the city and the issuance of warrants in payment thereof;

D. Maintenance of general and cost-accounting systems for the city government and all of its offices, departments, and divisions, which systems shall include a separate account for each item of appropriation contained in the budget, which shall show the amount of the appropriation, the amount expended against the appropriation, the unpaid obligations against it, and the unencumbered balance;

E. Maintenance of detailed subsidiary records controlled by general ledger accounts of all amounts due the city, and of all deposit or trust amounts due from or refundable by the city, and reconciliation of the receivable and trust payable subsidiary ledgers with the controlling accounts at least monthly;

F. Submission to the city council of a monthly statement of all receipts and disbursements and other financial data in sufficient detail to show the financial condition of the city; submission similarly at the end of the year of a complete financial statement and report;

G. Administration of the issuance of business licenses and dog licenses as provided in the ordinances of the city, and responsibility

for the collection of all amounts due the city from other governmental agencies or offices and from the holders of franchises granted by the city.

(Ord. 70-5-658 § 1 (part): prior code § 2.12.020 (part) (Ord. 506 § 2 (part), 1961))

#### **2.12.040 Treasurer--Duties generally.**

It shall be the duty of the city treasurer to receive and safeguard all funds which are remitted to the city or any of its officers, and to issue a proper receipt to the payor for each remittance received. Insofar as the provisions of any ordinance of the city direct any officer of the city to collect fees, charges, taxes, or payments of any kind, such provisions shall be construed as referring to actions incidental to the collection of such payments, with the actual receipt of the funds to be performed by the city treasurer.

(Prior code § 2.12.030 (Ord. 506 § 3, 1961))

#### **2.12.050 Treasurer--Reports and records.**

The city treasurer shall prepare as of the end of each day a summary of moneys received, which shall state the fund into which the payments have been credited and the source thereof. Said report shall be transmitted to the finance director along with supporting evidence of receipt. Promptly at the end of each month the treasurer shall submit to the finance director a written report accounting for all moneys received and disbursements made during such month and setting forth the fund balances as of the end of such month. A copy of such report shall be filed with the clerk and by him presented to the city council at its next meeting.

(Prior code § 2.12.040 (Ord. 506 § 4, 1961))

### **Chapter 2.16 CITY ENGINEER**

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Sections:

2.16.010 Established.

2.16.020 Duties.

#### **2.16.010 Established.**

The position of city engineer is created and established in the unclassified service of the city. The city engineer shall receive such compensation as the city council shall from time to time determine and fix as the salary for such position.

(Ord. 74-7-730 § 2 (part): prior code § 2.09.010)

#### **2.16.020 Duties.**

Under the direction of the administrative officer, the city engineer shall be responsible for the general administration of the engineering department.

(Ord. 74-7-730 § 2 (part): prior code § 2.09.020)

### **Chapter 2.20 DIRECTOR OF BUILDING AND SAFETY**

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Sections:

2.20.010 Established.

2.20.020 Duties.

### **2.20.010 Established.**

The position of director of building and safety is created and established in the unclassified service of the city. The director of building and safety shall receive such compensation as the city council shall from time to time determine and fix as the salary for such position.

(Ord. 74-10-732 § 1 (part): Ord. 74-7-730 § 2 (part): prior code § 2.13.010)

### **2.20.020 Duties.**

Under the direction of the administrative officer, the director of building and safety shall be responsible for the general administration of the building and safety department.

(Ord. 74-10-732 § 1 (part): Ord. 74-7-730 § 2 (part): prior code § 2.13.020)

## **Chapter 2.24 DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT**

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Sections:

2.24.010 Established.

2.24.020 Duties.

### **2.24.010 Established.**

The position of director of planning and community development is created and established in the unclassified service of the city. The director of planning and community development shall receive such compensation as the city council shall from time to time determine and fix as the salary for such position.

(Ord. 74-7-730 § 2 (part): prior code § 2.11.010)

### **2.24.020 Duties.**

Under the direction of the administrative officer, the director of planning and community development shall be responsible for the general administration of the planning and community development department.

(Ord. 74-7-730 § 2 (part): prior code § 2.11.020)

## **Chapter 2.28 DIRECTOR OF PUBLIC WORKS\***

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Sections:

2.28.010 Established.

2.28.020 Duties.

\* For provisions designating the director of public works as superintendent of the water department, see § 2.48.040 of this code.

### **2.28.010 Established.**

The position of director of public works is created and established in the unclassified service of the city. The director of public works shall receive such compensation as the city council shall from time to time determine and fix as the salary for such position.



(Ord. 74-7-730 § 2 (part): prior code § 2.10.010)

**2.28.020 Duties.**

Under the general direction of the administrative officer, the director of public works shall be responsible for the general administration of the public works department.

(Ord. 74-7-730 § 2 (part): prior code § 2.10.020)

**Chapter 2.32**  
**PARKS AND RECREATION COMMISSION**

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Sections:

- 2.32.010 Established.
- 2.32.020 Membership.
- 2.32.030 Duties.
- 2.32.040 Appointments.
- 2.32.050 Terms.
- 2.32.055 Removal of commissioners.
- 2.32.060 Appropriations.
- 2.32.070 Compensation.
- 2.32.080 Order of business and meetings.
- 2.32.090 Attendance of commissioners.

**2.32.010 Established.**

A parks and recreation commission is created and established to be known as the parks and recreation commission of the city of Signal Hill.

(Ord. 70-6-661 § 1 (part): prior code § 2.33.010)

**2.32.020 Membership.**

The parks and recreation commission shall consist of five members who shall be electors of the city, and two ex officio nonvoting members selected as follows: one from school grades below the ninth grade, and one from school grades above the ninth grade, both students of the city.

(Ord. 70-6-661 § 1 (part): prior code § 2.33.020)

**2.32.030 Duties.**

The parks and recreation commission shall act in an advisory capacity to the council and the administrative officer. It shall interpret to public officials and the general public the leisure-time needs, facilities, and services of the citizens of Signal Hill, in order that adequate support may be obtained for programs therefor. It shall recommend general policies concerning all parks and recreation properties, facilities, plans, programs, and activities. It may evaluate suggestions, criticisms, and comments in light of such policies. It may recommend a long-range program for the improvement, acquisition, and development of parks and recreation facilities and for the extension of services. The commission shall perform such additional duties as may be designated by the council by ordinance or

resolution.

(Ord. 70-6-661 § 1 (part): prior code § 2.33.030)

#### **2.32.040 Appointments.**

The members of the parks and recreation commission shall be appointed by not less than three-fifths vote of all the members of the city council, after the provision of notice of the availability of the office pursuant to Government Code Section 54970, et seq. No person who holds office in the city government or who is employed by the city shall be appointed to the parks and recreation commission or serve thereon, and the members of the commission shall be qualified electors of the city for the duration of their tenure of office, and for at least thirty days prior to appointment. In the event that a parks and recreation commissioner changes his or her residence to one outside the city, he or she shall become ineligible to serve on the parks and recreation commission.

(Ord. 94-06-1180 § 1)

#### **2.32.050 Terms.**

The offices of the members of the parks and recreation commission shall be designated as offices one, two, three, four and five. The city council shall appoint a commissioner to fill each office. As of June 1, 1994, three parks and recreation commissioner terms are scheduled to expire on July 1, 1996, and two terms are scheduled to expire on July 1, 1997. The terms scheduled to expire on July 1, 1996, are shortened to expire on September 30, 1994 and are designated as offices one, two, and three. The terms scheduled to expire on July 1, 1997, are shortened to September 30, 1996 and are designated as offices four and five. On or about October 1, 1994, new appointments will be made by the council to fill offices one, two, and three. The initial terms of offices one and two shall be until May 31, 1999. The initial term of office three shall be until May 31, 1997. Thereafter, the succeeding terms shall be four years for each office. Each member of the commission shall serve until his/her successor is appointed and qualified. Vacancies on the commission arising from any cause whatsoever shall be filled by appointment by the city council for the unexpired term. The ex-officio members shall serve for a term of one year.

(Ord. 94-09-1185 § 1: Ord. 94-06-1180 § 2)

#### **2.32.055 Removal of commissioners.**

A. Any member of the parks and recreation commission may be removed prior to the expiration of his or her term of office, with or without cause, by an affirmative vote of at least three members of the city council. No prior notice needs to be given to any commissioner that the city council intends to take such action nor does the city council need to provide any statement of its reasons for taking such action. The city council may remove any commissioner for inadequate attendance in accordance with Section 2.32.090.

B. Prior to filling any vacancy created on the commission by the removal of any member pursuant to this section, the city council shall comply with Government Code Section 54974 and provide for the posting of notice of the vacancy and not make any final appointment for at least ten working days following posting of the notice in the clerk's office.

(Ord. 88-09-1014 § 2 (part))

#### **2.32.060 Appropriations.**

The council shall include in its annual budget such appropriation of funds as, in its opinion, shall be sufficient for the efficient and proper functioning of the parks and recreation commission.

(Ord. 70-6-661 § 1 (part): prior code § 2.33.060)

#### **2.32.070 Compensation.**

The members of the parks and recreation commission shall receive such monthly compensation for their services as the city council may establish from time to time by resolution. This compensation shall be in addition to any funds paid and reimbursement for reasonable and actual costs and expenses.

### **2.32.080 Order of business and meetings.**

The parks and recreation commission shall determine the order of business for the conduct of its meetings, and transmit regularly as so required by its rules and regulations, or on call of the chairman, or to members of the commission. Three members of the commission shall constitute a quorum for the transaction of business.

(Ord. 70-6-661 § 1 (part); prior code § 2.33.080)

### **2.32.090 Attendance of commissioners.**

A. It shall be the obligation of members of the parks and recreation commission to attend all meetings, whether regular or special, of the parks and recreation commission, except for good cause. If a commissioner knows he or she will be unable to attend a meeting of the commission, the commissioner must contact the chairperson of the commission or the staff member assigned to the commission prior to the time established for commencement of the meeting. The commissioner must explain his or her reasons for being absent. At the beginning of the commission meeting, the chairperson shall inform the commission of the reason for the absence of any commissioner, and the commission shall determine whether such absence stems from good cause and whether such absence is excused or unexcused. Failure by any commissioner to make said contact prior to the commencement of the commission meeting shall automatically be deemed an unexcused absence.

B. In the event that any commissioner arrives at a meeting after the commission determines that the commissioner's absence is unexcused, the commissioner may give his or her reasons for being late, and the commission may then rescind its prior action and find such absence to be excused, but otherwise, the late arrival shall be deemed an unexcused absence.

C. After a commissioner has accumulated three unexcused absences in any calendar year, and upon the occurrence of the next unexcused absence, the commissioner shall be deemed to be automatically removed from the commission, and their office shall be deemed vacated by operation of law.

D. A commissioner who misses any regular commission meeting due to an unexcused absence shall not be entitled to receive compensation for such meeting. Attending ad hoc or committee meetings on behalf of the city is on a volunteer basis and commissioners shall not receive any compensation for attending such meetings. (Ord. 2016-11-1943 § 2; Ord. 88-09-1014 § 2 (part))

## **Chapter 2.36 PLANNING COMMISSION\***

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### Sections:

- 2.36.010 Created.
- 2.36.020 Composition - Terms.
- 2.36.025 Removal of commissioners.
- 2.36.030 Location of meetings.
- 2.36.040 Officers.
- 2.36.050 Regulations and records.
- 2.36.060 Meetings.
- 2.36.065 Compensation.
- 2.36.070 Attendance of commissioners.
- 2.36.080 Public attendance.
- 2.36.090 Order of business.

\* For provisions regarding the planning commission administrative committee, see Ch. 2.90 of this code.

### **2.36.010 Created.**

There is created a planning commission for the city pursuant to the provisions of Section 65300 of the Government Code of the State of California.

(Prior code § 19.56.010) (Ord. 560 § 1 (part), 1964; Ord. 249 § 1, 1942)

### **2.36.020 Composition - Terms.**

A. The members of the planning commission shall be appointed by not less than three-fifths vote of all the members of the city council, after the provision of notice of the availability of the office pursuant to Government Code Section 54970, et seq. No person who holds office in the city government or who is employed by the city shall be appointed to the planning commission or serve thereon, and the members of the commission shall be qualified electors of the city for the duration of their tenure of office, and for at least thirty days prior to appointment. In the event that a planning commissioner changes his or her residence to one outside the city, he or she shall become ineligible to serve on the planning commission.

B. The offices of the planning commission shall be designated as offices one, two, three, four, and five. The city council shall appoint a commissioner to fill each office. As of June 1, 1994, three planning commissioner terms are scheduled to expire on September 1, 1995, and two terms are scheduled to expire on September 1, 1996. The terms scheduled to expire on September 1, 1995 are shortened to expire on September 30, 1994 and are designated as offices one, two, and three. The terms scheduled to expire on September 1, 1996 are hereby extended to May 31, 1997, and are designated as offices four and five. On or about October 1, 1994, new appointments will be made to fill offices one, two, and three. The initial terms of offices one and two shall be until May 31, 1999. The initial term of office three shall be until May 31, 1997. Thereafter, the succeeding terms shall be four years for each office. Each member of the commission shall serve until his/her successor is appointed and qualified. Vacancies on the commission arising from any cause whatsoever shall be filled by appointment by the city council for the unexpired term.

(Ord. 94-09-1185 § 2; Ord. 94-06-1180 § 3)

### **2.36.025 Removal of commissioners.**

A. Any member of the planning commission may be removed prior to the expiration of his or her term of office, with or without cause, by an affirmative vote of at least three members of the city council. No prior notice needs to be given to any commissioner that the city council intends to take such action nor does the city council need to provide any statement of its reasons for taking such action. The city council may remove any commissioner for inadequate attendance in accordance with Section 2.36.070.

B. Prior to filling any vacancy created on the commission by the removal of any member pursuant to this section, the city council shall comply with Government Code Section 54974 and provide for the posting of notice of the vacancy and not make any final appointment for at least ten working days following posting of the notice in the clerk's office.

(Ord. 88-09-1014 § 1 (part))

### **2.36.030 Location of meetings.**

All formal meetings of the planning commission shall be held in the council chamber of the city hall, located at 2175 Cherry Avenue, Signal Hill, California. All informal study meetings shall be held in the committee room or in the council chamber of the city hall.

(Ord. 71-11-681 § 1 (part); Ord. 71-9-679 § 1 (part); Ord. 70-2-652 § 1 (part); prior code § 19.56.030(A); Ord. 249 § 3 (part), 1942))

### **2.36.040 Officers.**

The planning commission shall, upon its organization and annually thereafter at its first following formal meeting, elect its chairman

from among its appointed members and may create and fill such other offices as it may determine; provided, however, in a year when new appointments are made to fill four-year terms, such meeting shall be postponed to the first formal meeting following the appointment of the new members.

(Ord. 71-11-681 § 1 (part); Ord. 71-9-679 § 1 (part); Ord. 70-2-652 § 1 (part): prior code § 19.56.030(B); Ord. 249 § 3 (part), 1942))

#### **2.36.050 Regulations and records.**

The planning commission shall adopt rules for the transaction of business and shall keep a record of its proceedings, which record shall be a public record.

(Ord. 71-11-681 § 1 (part); Ord. 71-9-679 § 1 (part); Ord. 70-2-652 § 1 (part): prior code § 19.56.030(C); Ord. 249 § 3 (part), 1942))

#### **2.36.060 Meetings.**

A. The planning commission shall meet in the Council Chamber of the City Hall on the third Tuesday of each month commencing at seven p.m. and on such other days at such other times as may be designated in order for a special meeting. Any meeting may be adjourned to a time and place stated in the order of adjournment.

B. A special meeting may be ordered in accordance with the provisions of Section 54946 of the Government Code of the State of California.

C. When the date for any meeting falls on a legal holiday, as established by any law of the state, any ordinance of the city, or proclamation of the President of the United States or Governor of the state, then such meeting shall be held at the same hour on the next succeeding business day, with the same effect as if it had been held on the day appointed in this section.

(Ord. 2015-09-1479 § 2; Ord. 2008-12-1393 § 2; Ord. 2002-07-1305 § 2; Ord. 86-11-982 § 1; Ord. 72-10-692 § 1; Ord. 71-11-681 § 1 (part); Ord. 71-09-679 § 1 (part); Ord. 70-2-652 § 1 (part): prior code § 19.56.030(D); Ord. 249 § 3 (part), 1942))

#### **2.36.065 Compensation.**

The members of the planning commission shall receive such monthly compensation for their services as the city council may establish from time to time by resolution. This compensation shall be in addition to any funds paid and reimbursement for reasonable and actual costs and expenses.

(Ord. 95-06-1194 § 2)

#### **2.36.070 Attendance of commissioners.**

A. It shall be the obligation of members of the planning commission to attend all meetings, whether regular or special, of the planning commission, except for good cause. If a commissioner knows he or she will be unable to attend a meeting of the commission, the commissioner must contact the chairperson of the commission or the staff member assigned to the commission prior to the time established for commencement of the meeting. The commissioner must explain his or her reasons for being absent. At the beginning of the commission meeting, the chairperson shall inform the commission of the reason for the absence of any commissioner, and the commission shall determine whether such absence stems from good cause and whether such absence is excused or unexcused. Failure by any commissioner to make said contact prior to the commencement of the commission meeting shall automatically be deemed an unexcused absence.

B. In the event that any commissioner arrives at a meeting after the commission determines that the commissioner's absence is unexcused, the commissioner may give his or her reasons for being late, and the commission may then rescind its prior action and find such absence to be excused, but otherwise, the late arrival shall be deemed an unexcused absence.

C. After a commissioner has accumulated three unexcused absences in any calendar year, and upon the occurrence of the next unexcused absence, the commissioner shall be deemed to be automatically removed from the commission, and their office shall be deemed vacated by operation of law.

D. A commissioner who misses any regular commission meeting due to an unexcused absence shall not be entitled to receive

compensation for such meeting. Attending ad hoc or committee meetings on behalf of the city is on a volunteer basis and commissioners shall not receive any compensation for attending such meetings. (Ord. 2016-11-1943 § 2; Ord. 88-09-1014 § 1 (part))

**2.36.080 Public attendance.**

All meetings of the planning commission shall be open to public attendance.  
(Ord. 71-11-681 § 1 (part): Ord. 71-9-679 § 1 (part): Ord. 70-2-652 § 1 (part): prior code § 19.56.030(F) (Ord. 249 § 3 (part), 1942))

**2.36.090 Order of business.**

The order of business at all formal meetings of the planning commission, except as otherwise ordered by the commission, shall be as follows:

- A. Call to order;
- B. Roll call;
- C. Approval of minutes;
- D. Presentation of awards;
- E. Public hearings;
- F. Action items;
- G. Information items;
- H. New business;
- I. Unfinished business;
- J. Public business from the floor;
- K. Study items;
- L. Adjournment.

(Ord. 71-11-681 § 1 (part): Ord. 71-9-679 § 1 (part): Ord. 70-2-652 § 1 (part): prior code § 19.56.030 (G) (Ord. 249 § 3 (part), 1942))

**2.36.100 Powers and duties.**

The planning commission shall have all of the authority, powers, duties, and discretions conferred upon such bodies by the laws of the state or which under any ordinance of the city are provided to be vested in or performed or exercised by the planning commission of the city.

(Prior code § 19.56.040 (Ord. 560 § 1 (part), 1964: Ord. 249 § 4, 1942))

**Chapter 2.40  
POLICE SURGEON**

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Sections:

- 2.40.010 Established.
- 2.40.020 Qualifications--Duties.
- 2.40.030 Appointment and compensation.

#### **2.40.010 Established.**

The office of police surgeon is established as an official position in the city and the police surgeon appointed to the office shall be an officer of the city.

(Prior code § 2.52.010 (Ord. 188 § 1, 1937))

#### **2.40.020 Qualifications--Duties.**

A. The police surgeon shall be a physician and surgeon duly licensed to practice by the state.

B. His duties shall be as follows:

1. To examine persons for symptoms of intoxication when requested so to do by the chief of police or other police officer, to report to the chief of police his findings upon such examination, and testify in court when requested by the chief of police;
2. To render first aid of a medical nature when requested by the chief of police or other police officer;
3. To perform such other and additional duties as a physician and surgeon as may be now or hereafter designated by resolution or ordinance of the city council.

(Prior code § 2.52.020 (Ord. 188 § 2, 1937))

#### **2.40.030 Appointment and compensation.**

The city council may in its discretion appoint a police surgeon to serve at its pleasure and fix his compensation by resolution or otherwise.

(Prior code § 2.52.030 (Ord. 188 § 3, 1937))

### **Chapter 2.44 REDEVELOPMENT AGENCY\***

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Sections:

2.44.010 Authorization.

2.44.020 Council deemed agency.

\* For provisions regarding the water system, see Ch. 13.04 of this code.

#### **2.44.010 Authorization.**

It is found and declared, pursuant to Section 33101 of the Community Redevelopment Law, that there is a need for the redevelopment agency created by Section 33100 of said law to function in the city, and the agency is authorized to transact business and exercise its powers under the Community Redevelopment Law.

(Ord. 74-4-725 § 1)

#### **2.44.020 Council deemed agency.**

The city council declares itself to be the redevelopment agency provided in Section 2.44.010, and that all rights, powers, duties, privileges, and immunities vested by the Community Redevelopment Law in such agency shall be, and are, vested in this body.

(Ord. 74-4-726 § 1)

Sections:

- 2.48.010 Created.
- 2.48.020 Powers and duties.
- 2.48.030 Employees.
- 2.48.040 Authority.
- 2.48.050 Employee identification cards.
- 2.48.060 Department expenditures.

\* For provisions regarding the water system, see Ch. 13.04 of this code.

#### **2.48.010 Created.**

There is created a department of the government of the city to be known as the water and power department.

(Ord. 2001-06-1288 § 1: prior code § 2.16.010 (Ord. 87 § 1, 1928))

#### **2.48.020 Powers and duties.**

The water and power department shall, subject to the supervision and control of the administrative officer, have charge of the installation, maintenance, and operation of all pumping plants, filters, beds, settling basins, reservoirs, tanks, water mains, power plants, transmission and distribution lines, and meters, together with all other property and appurtenances used in connection with the operation of the municipal water and power system, and the sale and distribution of water and power.

(Ord. 2001-06-1288 § 2: Ord. 70-5-657 § 1: prior code § 2.16.020 (Ord. 87 § 2, 1928))

#### **2.48.030 Employees.**

The water and power department of the city shall consist of a superintendent of the water and power department, and all such clerks, employees, and attaches as the city council may from time to time by resolution prescribe and authorize.

(Ord. 2001-06-1288 § 3: prior code § 2.16.030 (Ord. 87 § 3, 1928))

#### **2.48.040 Authority.**

The director of public works shall, under the control and direction of the administrative officer, have full charge of the water and power department and all employees thereof, and he shall be responsible to the administrative officer for the proper management of the water and power department and, subject to the approval of the administrative officer, shall employ and discharge the employees of the department. The director, of public works shall have and perform such other duties as the administrative officer may from time to time by ordinance or resolution determine.

(Ord. 2001-06-1288 § 4: Ord. 70-5-657 § 2: prior code § 2.16.040 (Ord. 87 § 4, 1928))

#### **2.48.050 Employee identification cards.**

A. An official identification card may be carried or worn by all department employees who, in line of duty, may be required to enter upon private premises.

B. Every officer or employee, upon resignation or dismissal from the department, shall forthwith surrender and deliver to the proper



official all identification cards, badges, and credentials of the department.

C. It is unlawful for any unauthorized person to possess, carry, wear, or exhibit any badge or other official identification of the department, nor shall any person, whether or not possession is authorized, display, exhibit, or cause to be exhibited any badge or other official identification of the department at any time, place, or in any manner, or for any purpose which is not authorized by the department.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.135, 21.04.150, 21.04.185)

#### **2.48.060 Department expenditures.**

All expenditures in the department shall be approved by the public works director and the city administrative officer.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.015)

### **Chapter 2.52 OFFICERS' BONDS\***

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Sections:

2.52.010 Director of finance--Purchasing officer.

2.52.020 Clerk--Treasurer.

\* For provisions regarding the bond of the administrative officer, see Ch. 2.04 of this code.

#### **2.52.010 Director of finance--Purchasing officer.**

Before entering upon the duties of their offices, the director of finance and the purchasing officer of the city shall each furnish to the city a bond executed in the manner and conforming to the provisions of the Government Code of the State of California relating to bonds of public officers. The penal sum of said bonds shall be as follows:

A. Director of finance, fifty thousand dollars;

B. Purchasing officer, fifty thousand dollars.

(Prior code § 2.12.470 (part) (Ord. 506 § 14 (part), 1961))

#### **2.52.020 Clerk--Treasurer.**

The amounts of the bonds required to be furnished by the city clerk and the city treasurer as provided in Section 36518 of the Government Code of the State of California is fixed as follows:

A. City clerk, five thousand dollars;

B. City treasurer, fifty thousand dollars.

(Prior code § 2.12.470 (part) (Ord. 506 § 14 (part), 1961))

### **Chapter 2.56 PUBLIC HEARINGS**

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Sections:

2.56.010 Procedural rules.

2.56.020 Records.

## **2.56.010 Procedural rules.**

All public hearings held before the city council or any board or commission of the city shall be conducted in accordance with the following procedure:

- A. The officer presiding at any such hearing shall announce the nature of the matter under consideration and, if notice of hearing is required, shall inquire as to whether the applicable provisions as to notice have been complied with.
- B. Any written communications pertaining to the matter under consideration, including staff or other recommendations, shall be read or summarized and made a part of the record if relevant.
- C. Persons in favor of the matter under consideration shall then be heard, followed by those who are opposed.
- D. Thereafter a reasonable opportunity shall be given for rebuttal testimony.

(Ord. 73-8-70 § 1 (part): prior code § 1.20.010)

## **2.56.020 Records.**

A record shall be made and duly preserved of all hearings when a matter is contested and a request therefor is made in writing prior to the date of any such hearing accompanied by a deposit sufficient to cover the cost of making such record. A copy of the record of any such hearing shall be made available at cost to any person requesting the same.

(Ord. 73-8-70 § 1 (part): prior code § 1.20.020)

## **Chapter 2.60 FIRE PROTECTION**

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Sections:

- 2.60.010 Annexation to county district--Boundaries.
- 2.60.020 Annexation to county district--Map.
- 2.60.030 Intent of council.

### **2.60.010 Annexation to county district--Boundaries.**

The boundaries of the city as set forth in Exhibit A to the ordinance codified in this chapter, were previously approved by the Local Agency Formation Commission on January 10, 1968. The Los Angeles County board of supervisors by order approved the proposed annexation of the city described in this chapter, a city of the sixth class, to the Consolidated Fire Protection District of Los Angeles County pursuant to a previous request of the city council on January 16, 1968.

(Ord. 68-2-614 § 1)

### **2.60.020 Annexation to county district--Map.**

The boundaries of the city proposed to be annexed to the Consolidated Fire Protection District of Los Angeles County and designated as Annexation No. 90-67 is as shown on the map attached to the ordinance codified in this chapter as Exhibit A, the legal description of which is attached as Exhibit B, and made a part of this chapter.

(Ord. 68-2-614 § 2)

### **2.60.030 Intent of council.**

The city council by and on behalf of the city declares its intent and desire to have the city embraced and included within the district

and does declare that the territory as described be annexed to the Consolidated Fire Protection District of Los Angeles County.

(Ord. 68-2-614 § 3)

## **Chapter 2.64**

### **UNCLAIMED PROPERTY IN CUSTODY OF POLICE DEPARTMENT**

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Sections:

- 2.64.010 Recordkeeping.
- 2.64.020 Period for holding property.
- 2.64.030 Annual inventory--Required.
- 2.64.040 Annual inventory--Publishing.
- 2.64.050 Public sale.
- 2.64.060 Destruction of weapons, drugs, and kindred items.
- 2.64.070 Disposition of proceeds of sale.

#### **2.64.010 Recordkeeping.**

A. The chief of police shall keep or cause to be kept a record of all articles of personal property found by the members of the police department, recovered from persons under arrest, or which have come into the possession of the police department in any other manner as stolen or unclaimed property.

B. The record shall show the following:

1. Date when it came into possession of the police department;
2. Description of the property;
3. Name, if known, of the person from whom taken;
4. The place where and the circumstances under which taken, found, or recovered.

(Prior code § 2.54.010 (Ord. 120 § 1, 1930))

#### **2.64.020 Period for holding property.**

The chief of police shall keep or cause to be kept all such articles for at least ninety days after first coming into possession of the police department unless sooner claimed and satisfactorily identified by the owner.

(Prior code § 2.54.020 (Ord. 120 § 2, 1930))

#### **2.64.030 Annual inventory--Required.**

The chief of police, in addition to other duties as prescribed in this chapter, shall, on or before the first Monday in November of each year, make a complete inventory of all articles of personal property of every kind and description on hand and held by the police department for a period of more than ninety days as stolen or unclaimed property.

(Prior code § 2.54.030 (Ord. 120 § 6, 1930))

#### **2.64.040 Annual inventory--Publishing.**

Such inventory shall give a brief description of all articles as set forth in Section 2.64.010. Such inventory, less items of intoxicating liquors, opium, and other drugs, shall be published in a newspaper of general circulation for the city once each week for a period of four successive weeks prior to the date established for the sale. Published with the inventory shall be a notice to the effect that all of the articles not identified and claimed by the owner thereof five days prior to the established date of sale shall be sold at public auction to the highest bidder at the location designated in the notice.

(Ord. 88-10-1016 § 1 (part): prior code § 2.54.040 (Ord. 120 § 7, 1930))

#### **2.64.050 Public sale.**

Each calendar year on a date established by resolution of the city council and then after publication of such notice as provided in Section 2.64.040 and in accordance with state law, the chief of police shall sell or cause to be sold, to the highest bidder all articles of personal property recovered and held by the police department as defined in Section 2.64.010, except intoxicating liquors and drugs.

(Ord. 88-10-1016 § 1 (part): Ord. 71-12-684 § 1: prior code § 2.54.050 (Ord. 120 § 8, 1930))

#### **2.64.060 Destruction of weapons, drugs, and kindred items.**

Firearms, deadly weapons, burglar's tools, intoxicating liquors, opium, and drugs not kept to be used as evidence shall be disposed of by the chief of police in a manner prescribed by law. Disposal of firearms shall be in accordance with Section 12028 of the California Penal Code.

(Ord. 88-10-1016 § 1 (part): prior code § 2.54.060 (Ord. 120 § 9, 1930))

#### **2.64.070 Disposition of proceeds of sale.**

All money received from the sale of such property shall be deposited in the city treasury and credited the general fund.

(Prior code § 2.54.070 (Ord. 120 § 10, 1930))

### **Chapter 2.68 PEACE OFFICER TRAINING AND STANDARDS**

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Sections:

2.68.010 Intent.

2.68.020 Standards.

#### **2.68.010 Intent.**

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

(Prior code § 2.40.010 (Ord. 529 § 1, 1962))

#### **2.68.020 Standards.**

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

(Prior code § 2.40.020 (Ord. 529 § 2, 1962))

Sections:

- 2.72.010 Establishment of police reserve unit.
- 2.72.020 Chief of police to have control.
- 2.72.030 Method of appointment.
- 2.72.040 Power of chief of police to change size of reserve unit.
- 2.72.050 Termination of appointment.
- 2.72.060 Badge and identification card.
- 2.72.070 Uniforms.
- 2.72.080 Use of uniform and badge.
- 2.72.090 Training requirements.
- 2.72.100 Duties of reserve unit.
- 2.72.110 Duties and authority of reserve officers.
- 2.72.120 False personation.
- 2.72.130 Carrying of firearms.
- 2.72.140 Other weapons.
- 2.72.150 Limitation of duties.

**2.72.010 Establishment of police reserve unit.**

A police reserve unit, hereinafter called the "reserve unit", is established as a volunteer organization in the city to serve gratuitously, except for court time and special details such as movie security, to be determined by the chief of police, hereinafter called the "chief." The reserve unit shall be composed of persons appointed by the chief. Members of the reserve unit shall be called "reserve officers."

(Ord. 97-08-1220 § 1 (part); prior code § 2.44.010 (Ord. 457 § 1, 1959))

**2.72.020 Chief of police to have control.**

Except as provided elsewhere in the City Municipal Code, the chief shall have complete authority and control over the reserve unit. The chief may appoint as member(s) thereof any person(s) who is/are qualified, pursuant to the laws of the state and the requirements, rules and regulations of the commission on peace officer standards and training (P.O.S.T.), and may reject any application for membership. The chief shall provide for the training of candidates for membership and for the further training of members. Membership in the reserve unit is open to men and women.

(Ord. 97-08-1220 § 1 (part); prior code § 2.44.020 (Ord. 457 § 2, 1959))

**2.72.030 Method of appointment.**

No person shall become a member of the reserve unit until his/her application for appointment has been thoroughly investigated and he/she is able to meet all requirements prescribed by the chief, pursuant to Section 2.72.020. When so qualified, he/she may be appointed by the chief.

(Ord. 97-08-1220 § 1 (part); prior code § 2.44.030 (Ord. 457 § 3, 1959))

#### **2.72.040 Power of chief of police to change size of reserve unit.**

Subject to the provisions of this chapter, the chief may, by order, diminish or expand the membership of the reserve unit as existing conditions may require.

(Ord. 97-08-1220 § 1 (part): prior code § 2.44.100 (Ord. 457 § 10, 1959))

#### **2.72.050 Termination of appointment.**

The membership of any person in the reserve unit is deemed an at will position and may be terminated by the chief at any time without cause. Any member may resign from the reserve unit at any time upon his/her written notification to the chief of the fact of his/her resignation.

(Ord. 97-08-1220 § 1 (part): prior code § 2.44.060 (Ord. 457 § 6, 1959))

#### **2.72.060 Badge and identification card.**

An identification card, badge and such other insignia or evidence of identification as the chief may prescribe for regular police officers, shall be issued to each reserve officer, who must carry such identification card at all times. Upon termination or resignation of his/her membership, each member of the reserve unit shall surrender to the police department all city property which has been issued to him/her.

(Ord. 97-08-1220 § 1 (part): prior code § 2.44.050 (Ord. 457 § 5, 1959))

#### **2.72.070 Uniforms.**

The uniform worn by reserve officers shall be identical to the uniform worn by regular officers.

(Ord. 97-08-1220 § 1 (part): prior code § 2.44.120 (Ord. 457 § 12, 1959))

#### **2.72.080 Use of uniform and badge.**

The uniform and badge prescribed for use by members of the reserve unit may be worn by a member only while he/she is on duty, or while going to or coming from such duty. Such members may also wear the prescribed uniform and badge while going to or coming from a duly authorized meeting of the reserve unit. A member may carry the prescribed identification and/or badge on his/her person at all times when he/she is not in uniform.

(Ord. 97-08-1220 § 1 (part): prior code § 2.44.130 (Ord. 457 § 13, 1959))

#### **2.72.090 Training requirements.**

Each member of the reserve unit shall faithfully attend the required meetings thereof, which meetings shall include appropriate training as determined by the chief or his/her designee.

(Ord. 97-08-1220 § 1 (part): prior code § 2.44.140 (Ord. 457 § 14, 1959))

#### **2.72.100 Duties of reserve unit.**

The duties of the reserve unit, subject at all times to the direction, supervision, and control of the chief or his/her designees, shall be the enforcement of law and the maintenance of peace and order whenever and wherever its services are required due to conditions in the city, in the same manner and fashion as the regular police force. The chief may, by order, establish rules and regulations for the purpose of governing the reserve unit, including the fixing of specific duties of its members and providing for the maintenance of discipline. The chief may change such orders from time to time as he/she deems necessary or appropriate to the duties of the reserve unit.

(Ord. 97-08-1220 § 1 (part): prior code § 2.44.040 (Ord. 457 § 4, 1959))

#### **2.72.110 Duties and authority of reserve officers.**

Subject to the direction, supervision and control of the chief or his/her designees pursuant to the authority of Penal Code 830.6(a) and/or 832.6(b), an otherwise qualified reserve officer is authorized to exercise the powers granted to peace officers under Penal Code 830.1 and the laws and constitution of the state.

(Ord. 97-08-1220 § 1 (part): prior code § 2.44.090 (Ord. 457 § 9, 1959))

#### **2.72.120 False personation.**

It shall be a misdemeanor for any person not a member of the reserve unit: (a) To wear, carry or display a reserve unit identification card, badge or other evidence of membership in such unit, or (b) In any manner to represent himself/herself as being a member of the reserve unit.

(Ord. 97-08-1220 § 1 (part): prior code § 2.44.110 (Ord. 457 § 11, 1959))

#### **2.72.130 Carrying of firearms.**

No member of the reserve unit shall carry any firearm until he/she has been qualified for and has demonstrated a proficiency in the use of firearms as determined by a certified firearms instructor. Such a member shall thereafter carry a firearm only in such a manner and at such times as may be authorized by the chief.

(Ord. 97-08-1220 § 1 (part): prior code § 2.44.070 (Ord. 457 § 7, 1959))

#### **2.72.140 Other weapons.**

Any and all weapons designated to be carried by regular police officers may be carried by members of the reserve unit upon completion of mandated training. Such weapons shall be carried only in such a manner and at such times as authorized by the chief.

(Ord. 97-08-1220 § 1 (part): prior code § 2.44.080 (Ord. 457 § 8, 1959))

#### **2.72.150 Limitation of duties.**

Nothing shall prohibit the chief of police from limiting the assignment of a member of the reserve unit to specific duties.

(Ord. 97-08-1220 § 1 (part))

### **Chapter 2.76 EMERGENCY ORGANIZATION AND FUNCTIONS**

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Sections:

2.76.010 Purposes.

2.76.020 Definition.

2.76.030 Disaster council membership.

2.76.040 Disaster council powers and duties.

2.76.050 Director and assistant director of emergency services.

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

- 2.76.070 Emergency organization.
- 2.76.080 Emergency plan.
- 2.76.090 Expenditures.
- 2.76.100 Punishment of violations.

### **2.76.010 Purposes.**

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

(Ord. 79-6-824 § 1 (part): prior code § 2.24.010)

### **2.76.020 Definition.**

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

(Ord. 79-6-824 § 1 (part): prior code § 2.24.020)

### **2.76.030 Disaster council membership.**

The Signal Hill disaster council is created and shall consist of the following:

- A. The mayor, who shall be chairman;
- B. The director of emergency services, who shall be vice-chairman;
- C. The assistant director of emergency services;
- D. Such chiefs of emergency services as are provided for in a current emergency plan of this city, adopted pursuant to this chapter;
- E. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the city council.

(Ord. 79-6-824 § 1 (part): prior code § 2.24.030)

### **2.76.040 Disaster council powers and duties.**

It shall be the duty of the Signal Hill disaster council, and it is empowered, to develop and recommend for adoption by the city council emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The disaster council shall meet upon call of the chairman or, in his absence from the city or inability to call such meeting, upon call of the vice-chairman.

(Ord. 79-6-824 § 1 (part): prior code § 2.24.040)

### **2.76.050 Director and assistant director of emergency services.**

- A. There is created the office of director of emergency services. The city manager shall be the director of emergency services.



B. There is created the office of assistant director of emergency services, who shall be appointed by the director.

(Ord. 79-6-824 § 1 (part): prior code § 2.24.050)

## **2.76.060 Powers and duties of the director and assistant director of emergency services.**

A. The director is empowered to:

1. Request the city council to proclaim the existence or threatened existence of a local emergency if the city council is in session, or to issue such 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 the State Office of Emergency Services, or the existence of a state of war emergency, the director is empowered:
  - a. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, 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 and property 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 state of war emergency, to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers,
  - d. To requisition necessary personnel or material of any city department or agency, and
  - e. To execute all of his ordinary power as city manager, all of the special powers conferred upon him by this chapter or by resolution or emergency plan pursuant hereto adopted by the city council, all powers conferred upon him 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 his duties during an emergency. Such order of succession shall be approved by the city council.

C. The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this city; and shall have such other powers and duties as may be assigned by the director.

(Ord. 79-6-824 § 1 (part): prior code § 2.24.060)

## **2.76.070 Emergency organization.**

All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 2.76.060(A)(6)(c) of this chapter, be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the city.

(Ord. 79-6-824 § 1 (part): prior code § 2.24.070)

**2.76.080 Emergency plan.**

The Signal Hill disaster council shall be responsible for the development of the city of Signal Hill 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.

(Ord. 79-6-824 § 1 (part): prior code § 2.24.080)

**2.76.090 Expenditures.**

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

(Ord. 79-6-824 § 1 (part): prior code § 2.24.090)

**2.76.100 Punishment of violations.**

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars, or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to:

- A. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;
- B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this city, or to prevent, hinder, or delay the defense or protection thereof;
- C. Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state.

(Ord. 79-6-824 § 1 (part): prior code § 2.24.100)

**Chapter 2.80**  
**PERSONNEL SYSTEM RULES AND REGULATIONS**

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Sections:

- 2.80.000 Short title.
- 2.80.010 Adoption of personnel system--Purpose.
- 2.80.015 Application.
- 2.80.025 Definitions of terms.
- 2.80.035 Authority to interpret.
- 2.80.040 Personnel officer.
- 2.80.045 Civil service commission.
- 2.80.050 Meetings.
- 2.80.051 Compensation.
- 2.80.052 Attendance of commissioners.

2.80.055 Functions and authority.

2.80.060 Classification plan.

2.80.100 Filling vacancies.

2.80.110 Certification of eligibles.

2.80.120 Appointment.

2.80.130 Reinstatement.

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- 2.80.410 Employee performance evaluation.
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- 2.80.570 City council review of commission findings.
- 2.80.580 Appeals, probationary demotions and reassignments.
- 2.80.600 Grievance procedure--Purpose.
- 2.80.620 Procedure.
- 2.80.630 Representation.
- 2.80.640 Class grievance.
- 2.80.650 Time limits.
- 2.80.660 Grievance withdrawal.
- 2.80.670 Freedom from reprisal.
- 2.80.700 Amendments.

## **2.80.000 Short title.**

This chapter shall be known as the personnel system.

(Ord. 86-03-970 § 1 (part), 1986)

## **2.80.010 Adoption of personnel system--Purpose.**

In order to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness; and, to provide a reasonable degree of security for qualified employees, the personnel system set forth in this chapter is adopted. All rules and regulations adopted by resolution or otherwise pursuant to the authority herein shall be deemed incorporated herein by reference, and any reference to the personnel system shall be deemed to include those rules and regulations.

(Ord. 86-03-970 § 1 (part), 1986)

## **2.80.015 Application.**

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

- A. Elective officers;
- B. Members of appointive boards, commissions and committees;
- C. Persons engaged under contract to supply independent expert, professional or technical services for a definite period of time;
- D. Volunteer personnel who receive no regular compensation from the city;
- E. City manager;

- F. City attorney;
- G. Department heads and other management/supervisory employees as may be designated by the city council;
- H. Part-time crossing guards, per diem, hourly, seasonal, and other part-time employees;
- I. Emergency employees who are hired to meet the immediate requirements of an emergency condition.

(Ord. 86-03-970 § 1 (part), 1986)

## **2.80.025 Definitions of terms.**

All words and terms used in this chapter and in any ordinance or resolution dealing with personnel policies or procedures, including Chapter 2.82 and 2.84, shall be defined as they are normally and generally defined in the field of personnel administration. For the purpose of convenience, however, unless the context of such ordinances or resolutions clearly indicates that a different meaning is intended, the following words and terms most commonly used are hereinafter defined:

1. "Acting appointment" means the appointment of a person to a classification in the city service on an interim basis during which that person will continue to occupy the position from which he/she was appointed.
2. "Advancement" means a salary increase within the limits of the pay range established for classes provided by resolution.
3. "Allocation" means the assignment of a single position to its proper class in accordance with the duties exercised, and the education and experience requirements; or, the assignment of a class to a salary range or rate.
4. Appointing Power. The "appointing power" to fill positions in the city service is the respective department head insofar as subordinate employees within the respective department is concerned.
5. "Appointment" means the employment of a person in a position.
6. "Base salary" means the salary range and step established in a salary resolution by the city council exclusive of any overtime, shift-differential, incentive or other type of premium pay an employee may receive.
7. "Benefit accrual" means the earning of various benefits by an employee through an incremental process tied to time served as an eligible employee of the city.
8. "Call-back duty" means when an employee is unexpectedly ordered by his/her department to return to duty, following the termination of his/her normal work shift or work week, because of unanticipated work requirements.
9. "Class" or "classification" means a group of positions sufficiently similar in duties, authority, responsibilities, and minimum qualifications for employment to permit combining them under a single title and the equitable application of common standards of selection and compensation.
10. "Classification plan" means the designation by resolution of the city council of a title for each class together with the specifications for each class as prepared and maintained by the personnel officer.
11. "Class specification" means a written description of a class, setting forth the essential characteristics, knowledge, skills, abilities, and requirements of positions in the class.
12. "Compensatory time-off" means time taken off, with pay, from work in lieu of overtime pay previously accrued by the employees.
13. "Competitive service" means all positions in the city service except those specifically excluded by these rules.
14. "Continuous service" means the employment without break or interruption of an employee having a probationary or regular appointment. A break or interruption in continuous service shall be construed as an absence of the employee from his/her employment initiated by either the city or the employee for periods of more than fifteen consecutive calendar days.
15. Day. For purposes of the grievance procedure, a "day" shall be defined as a calendar day, commencing at 12:01 a.m.
16. "Demotion" means a transfer of an employee to a position in the personnel system having a lower maximum rate of pay. No employee shall be demoted to a position for which he or she does not possess the minimum qualifications.
17. "Department head" means an exempt, senior management employee charged with responsibility for managing major activities

or functions of the city and implementing policy set by the city council. For the purposes of this chapter, department head includes the positions of city manager, assistant city manager, police chief, and directors of community services, planning and community development, public works, and finance, and any other position so designated by the city council, by resolution.

18. "Disciplinary action" means an action taken by a department head against an employee for a violation of some condition of employment or rule and regulation of the city. Except when dismissal is warranted, the purpose of such action is to alert an employee to problems in his/her performance and to provide an opportunity to the employee to improve his/her performance.

19. "Dismissal" means a termination of an employee's service.

20. "Eligible" means a person who may be appointed to a vacant position in the competitive service as provided by these rules.

21. "Eligibility list" means a list of names of persons who have taken an examination for a position in the competitive service and have been passed and ranked on the list in order of the score received.

22. "Employee" means a person occupying a position in the city service.

23. "Exempt classes" means those classes of positions that, by the nature of the job requirements, do not earn overtime and are not subject to the provisions of this chapter. These classes are set forth in Section 2.80.015.

24. "Full-time position" means a position in the competitive service of the city which requires at least forty hours of work per week, and accrues benefits.

25. Grievance. A "grievance" is a formal written allegation by a grievant that he or she has been adversely affected by a violation, misinterpretation, or misapplication of one or more of the specific provisions of the memorandum of understanding and/or provisions of these personnel rules and regulations.

26. Grievant. A "grievant" may be any bargaining unit employee who files a written allegation as outlined in the grievance procedure.

27. Immediate Supervisor. The "immediate supervisor" shall be the person having evaluation responsibility for an employee.

28. "Incidental overtime" means the designation given to overtime of fewer than thirty minutes, that is nonrecurrent.

29. "Interim position" means a full-time or part-time position for a designated period of time, which may extend beyond the six months' limit reserved for temporary positions. Interim positions accrue all fringe benefits and salary increases the same as full-time and part-time permanent positions during the authorized period of employment.

30. "Layoff" means a separation of an employee from city service for reasons of economy or efficiency or reductions or elimination of city services.

31. "Merit salary increase" means the increase of an employee's salary within the salary range established for the class of position he/she occupies as a result of satisfactory job performance in such position.

32. "Overtime" means the time which an interim, probationary, or permanent employee is required to work beyond the number of hours prescribed for a full-time employee in that classification in a week.

33. "Part-time position" means a position having a work week of fewer hours than the normal work week established for full-time positions. A part-time position may be either interim, temporary or permanent, and may or may not accrue benefits.

34. "Permanent position" means a full-time or part-time position which is expected to exist indefinitely.

35. "Personnel system" means this chapter as amended from time to time, and all ordinances, resolutions, rules, and regulations pertaining to the personnel system of the city.

36. "Position" means a combination of duties and responsibilities assigned to a single employee and performed on either a full-time or part-time basis.

37. "Probationary appointment" means the probationary employment of a person. A probationary appointment is for a specified period, during which job performance is evaluated as a basis for a subsequent regular appointment.

38. "Probationary employee" means an employee who has a probationary appointment.

39. "Probationary period" means a working test period that is part of the selection process and during which an employee is required to demonstrate his/her fitness for the duties of the position to which he/she has been assigned by actual performance of such

duties. As used in this chapter, the term "initial probationary period" means an employee's first probationary period during his/her continuous city employment.

40. "Promotion" means the advancement of an employee from a position in one class to a position in another class having higher maximum salary rate.

41. "Reclassification" means the reassignment of a position from one class to a different class in accordance with a reevaluation of the minimum qualifications, duties and responsibilities of the position. A reclassification is distinguished from a demotion in that there is no reduction in the maximum salary rate.

42. "Reduction in salary" means a salary decrease within the limits of the pay range established for a class.

43. "Reemployment" means the reappointment of a person to the same or comparable class within twelve months of his/her layoff from a position previously held in the classified service of the city. Any employee who is "reemployed" shall receive credit for former service for purposes of seniority, benefit compensation, and salary advancement.

44. "Reemployment list" means an eligibility list containing the names of laid-off probationary or regular employees ranked in the order of their competency.

45. "Regular appointment" means the appointment of a person in a permanent budgeted position. A regular appointment follows successful completion of a probationary period and signifies satisfactory performance of duties and responsibilities in the position to which the employee is assigned.

46. "Regular employee" means an employee who has successfully completed his/her probationary period in a permanent position.

47. "Rejection" means the involuntary separation from the city service of an employee who has not successfully completed his/her probationary period, or, the reduction of an employee who did not successfully complete his/her probationary period to a position in a different class in which he/she had previously acquired regular status.

48. "Reprimand" means a written statement placed in the employee's personnel file which shall describe the deficiencies in the employee's conduct, the corrective action required, and what further disciplinary action may result if such corrective action is not taken.

49. "Reinstatement" means the reappointment of an employee to a position in the same or a comparable class within twenty-four months of his/her resignation in good standing. No credit shall be granted for prior service in terms of benefits accrued or seniority. A reinstated employee shall serve a probationary period.

50. "Resignation" means the voluntary separation of an employee from the city service.

51. "Salary anniversary date" means the future date on which an interim, probationary, or regular employee is eligible, on the basis of satisfactory job performance for a prescribed period, for a merit salary increase within the salary range established for the class of position he/she occupies.

52. "Salary plan" means the assignment by city council resolution of salary ranges and/or salary rates to each class.

53. "Salary range" means the range of salary rates for a class.

54. "Salary rate" means the dollar amount of each step in a salary range, or the flat dollar amount for a class not having a salary range.

55. "Salary step" means the minimum through maximum salary increments of a salary range.

56. "Standby duty" means when an employee who is released from duty is required by his/her department to leave notice where he/she can be reached and to be available to return to duty when required.

57. "Suspension" means a period of time during which the employee is not permitted to exercise his or her duties to appear at his or her work place. Suspension may be with or without pay and for any period of time. The department head may offer the employee the option to work extra duty without pay in lieu of suspension which the employee may accept or reject without prejudice to his or her appeal rights under Section 2.80.520.

58. "Temporary appointment" means an appointment to a temporary or permanent position for a period of six months or less which may be extended by the city manager for a maximum of an additional six months.

59. "Temporary employee" means a person who has been appointed to a temporary or a permanent position for a period of six

months or less.

60. "Temporary position" means a full-time or part-time position of a duration not to exceed six months.

61. "Termination" means the separation of an employee from the city service because of retirement, resignation, death or dismissal.

62. "Title," "class title," "title of class" means the official name applied to a class, and to each position allocated to the class and to the incumbent of each position.

63. "Transfer" means a change of an employee from one position to another position in the same class or in another class having the same maximum salary rate, involving the performance of basically similar duties, and requiring substantially the same minimum qualifications.

64. Y-Rate. A "Y-rate" exists when an employee's monthly salary is higher than the top step salary of the classification to which he/she is assigned. The salary of an employee who is Y-rated is frozen at its then existing monthly rate, until such time as the top step salary of the employee's classification through general salary increases catches up with, or exceeds, the Y-rated employee's salary.

(Ord. 86-03-970 § 1 (part), 1986)

### **2.80.035 Authority to interpret.**

The city manager is authorized to issue written guidelines to implement and enforce this chapter, and to make adjustments to avoid or eliminate inequities resulting from its application. Such guidelines shall have the city's best interests as their paramount concern, shall be consistent with applicable state and federal guidelines, and shall not apply to those sections of this chapter which concern powers and authority specifically reserved to the civil service commission or the city council.

(Ord. 86-03-970 § 1 (part), 1986)

### **2.80.040 Personnel officer.**

The city manager shall be the personnel officer. The city manager may delegate any of the powers and duties conferred upon him/her as the personnel officer to any other officer or employee of the city or may recommend that such powers and duties shall be performed under contract. The personnel officer shall:

A. Prepare and recommend to the council, as required, amendments to this chapter;

B. Prepare a salary plan and revisions thereto as required;

C. Be responsible for administration of the following procedures within the framework of this chapter:

1. The formulation of specifications for each class of positions in the competitive service of the city,

2. The allocation of positions to classes in the competitive service on the basis of duties, responsibilities, and requirements,

3. The public announcement of vacancies and examinations after review of such announcements by the commission, and the acceptance of applications for employment,

4. The preparation and conduct of examinations,

5. The appointment of persons from eligibility lists to fill vacancies and the making of temporary and emergency appointments,

6. The evaluation of employees during the probationary period and periodically thereafter,

7. The transfer, promotion, demotion, discipline, suspension and reinstatement and reemployment of employees in the competitive service,

8. The standardization of hours of work, attendance and leave regulations, and working conditions,

9. The development of employees' morale, welfare, training, and safety,

10. The separation from the competitive service of employees through layoff, rejection, and dismissal,

11. The maintenance and use of necessary records and forms, including payroll certification,



12. The establishment and maintenance of suitable methods of effective communication between employees and their supervisors; between employees and the city manager; and between employees and the city council, relating to conditions of employment in the city service,

13. The development of a pay and benefit package for management, confidential, and unrepresented employees and the presentation of this package to the city council,

14. The development and administration of the city's employee-employer relations program consistent with the letter and intent of state law and the city's employee Memoranda of Understanding,

15. The development and administration of policies which assure an unbiased work environment and fully protect the rights of each employee;

D. Administer all other provisions of this chapter which do not involve powers and authority specifically reserved to the city council or the civil service commission.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.045 Civil service commission.**

A. There is established a civil service commission which shall consist of five members to be appointed by not less than three-fifths vote of all the members of the city council. No person who holds office in the city government or who is employed by the city shall be appointed to the civil service commission or serve thereon, and the members of the commission shall be qualified electors of the city for the duration of their tenure of office, and for at least thirty days prior to appointment. In the event that a civil service commissioner changes his or her residence to one outside the city, he or she shall become ineligible to serve on the civil service commission.

B. The offices of the members of the civil service commission shall be designated as offices one, two, three, four, and five. The city council shall appoint a commissioner to fill each office. As of June 1, 1994, three civil service commissioner terms are scheduled to expire on June 1, 1995, and two terms are scheduled to expire on June 1, 1997. The terms scheduled to expire on June 1, 1995 are shortened to expire on September 30, 1994 and are designated as offices one, two, and three. The terms scheduled to expire on June 1, 1997 are shortened to May 31, 1997, and are designated as offices four and five. On or about October 1, 1994, new appointments will be made to fill offices one, two, and three. The initial terms of offices one and two shall be until May 31, 1999. The initial term of office three shall be until May 31, 1997. Thereafter, the succeeding terms shall be four years for each office. Each member of the commission shall serve until his/her successor is appointed and qualified. Vacancies on the commission arising from any cause whatsoever shall be filled by appointment by the city council for the unexpired term. A commissioner may be removed at any time by a vote of not less than three-fifths vote of all the members of the city council. In making appointments and filling vacancies, the city shall comply with Government Code Section 54970, et seq., requiring open lists of local appointive offices; provided that upon a finding that an emergency exists, an unscheduled vacancy may be filled immediately without notice, on an acting basis until a final appointment is made.

C. The commission, by a majority vote, shall annually, at its June meeting, elect a chairman who shall serve at the pleasure of the commission. If a vacancy should occur in the office of chairman, the commission shall elect a new chairman who shall serve for the unexpired term. The chairman shall preside at all meetings of the commission and execute documents on behalf of the commission.

D. The commission shall designate one officer of the city to serve as secretary to the commission, subject to the confirmation of the city council. The secretary shall be responsible for making, keeping, and preserving all records of the commission at City Hall, including minutes of each meeting, and is designated as the official upon or with whom all notices, requests for hearing, complaints, and other documents relating to civil service shall be served and filed. The secretary shall perform such other duties as the city council or the commission shall require.

E. The city attorney shall serve as the legal advisor to the commission in all matters except in a hearing where, due to the city attorney's prior involvement with the parties, the city attorney will represent one of the parties or otherwise must withdraw from representing the commission.

F. During their tenure of office, and for a period of one year thereafter, a member of the civil service commission shall be disqualified for appointment to any position in the classified service of the city. No member of the commission shall be interested directly or indirectly in any contract with the city, or with any officer thereof in his/her official capacity, or in doing any work or furnishing any supplies.

(Ord. 94-09-1185 § 3; Ord. 94-06-1180 § 4; Ord. 91-08-1111 §§ 1, 2; Ord. 89-04-1029 § 1; Ord. 86-03-970 § 1 (part), 1986)

## **2.80.050 Meetings.**

A. The civil service commission shall meet monthly in the offices of the City Hall at such time and day as the commission may establish, and such other day and at such other times as may be specified in an order of adjournment or in an order for a special meeting, which order may be issued by the chairman or three members of the commission.

B. At any meeting of the commission, three members shall constitute a quorum for purposes of conducting business or meetings. Unless otherwise provided, a majority vote of those present and voting shall be sufficient to adopt any motion.

C. All meetings of the commission shall be conducted in accordance with Robert's Rules of Order. The commission may adopt and amend by-laws for the governance of its meetings and proceedings, which shall be ratified by the city council.

D. All meetings of the commission and all records of its proceedings shall be open to the public, except as permitted by state law and except as provided by Section 2.80.560 in the case of hearings on appeals.

(Ord. 91-08-1111 §§ 3, 4; Ord. 86-03-970 § 1 (part), 1986)

## **2.80.051 Compensation.**

The members of the civil service commission shall receive such monthly compensation for their services as the city council may establish from time to time by resolution. This compensation shall be in addition to any funds paid and reimbursement for reasonable and actual costs and expenses.

(Ord. 95-06-1194 § 3)

## **2.80.052 Attendance of commissioners.**

A. It shall be the obligation of members of the civil service commission to attend all meetings, whether regular or special, of the civil service commission, except for good cause. If a commissioner knows he or she will be unable to attend a meeting of the commission, the commissioner must contact the chairperson of the commission or the staff member assigned to the commission prior to the time established for commencement of the meeting. The commissioner must explain his or her reasons for being absent. At the beginning of the commission meeting, the chairperson shall inform the commission of the reason for the absence of any commissioner, and the commission shall determine whether such absence stems from good cause and whether such absence is excused or unexcused. Failure by any commissioner to make said contact prior to the commencement of the commission meeting shall automatically be deemed an unexcused absence.

B. In the event that any commissioner arrives at a meeting after the commission determines that the commissioner's absence is unexcused, the commissioner may give his or her reasons for being late, and the commission may then rescind its prior action and find such absence to be excused, but otherwise, the late arrival shall be deemed an unexcused absence.

C. After a commissioner has accumulated three unexcused absences in any calendar year, and upon the occurrence of the next unexcused absence, the commissioner shall be deemed to be automatically removed from the commission, and their office shall be deemed vacated by operation of law.

D. A commissioner who misses any regular commission meeting due to an unexcused absence shall not be entitled to receive compensation for such meeting. Attending ad hoc or committee meetings on behalf of the city is on a volunteer basis and commissioners shall not receive any compensation for attending such meetings. (Ord. 2016-11-1943 § 2; Ord. 88-09-1014 § 3)

## **2.80.055 Functions and authority.**

A. The functions of the civil service commission shall be as follows:

1. As provided by this chapter, the commission shall hear appeals submitted by any person in the classified service relative to any suspension, dismissal, demotion, or reduction in pay, and to certify its findings and recommendations as provided in this chapter.

2. The commission shall certify to the appointing power a list of all persons eligible for appointment to the appropriate position in the classified service. Such eligibility list shall be established by the personnel officer, as provided by this chapter and on the basis of merit and fitness ascertained so far as practicable by competitive examination. The commission, at its discretion, shall have available to it any

and all documents, tests, examinations, work samples, or any combination of these which will, in the opinion of the commission, demonstrate the fair and impartial administration of the examination process by the personnel officer.

3. When requested by the council, the commission shall hold hearings and make recommendations on any matter of personnel administration within the limits of the requests of the council.

4. The commission may, at the request of the city council, review any and all information in the personnel file of an employee in the classified service.

B. The commission is authorized to adopt resolutions and take all actions necessary and proper to carry out the functions of the commission pursuant to this section and this chapter, including, but not limited to:

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

2. The commission shall conduct appeal hearings in accordance with the procedures contained in Section 2.80.560.

3. The commission may request that the city council appoint a hearing officer to conduct hearings, gather evidence, prepare findings, and/or make recommendations to the commission.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.060 Classification plan.**

A. The personnel officer, or a person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the competitive service and, after consultation with appointing authorities and heads of departments affected, shall recommend a classification plan for the positions. The classification plan shall consist of classes of positions in the competitive service defined by class specifications, including title, a description of typical duties and responsibilities of positions in each class, and a statement of the training, experience and other qualifications to be required of applicants for positions in each class. Class specifications are explanatory, but not restricting. The listing of particular tasks shall not preclude the assignment of other related kinds of tasks, or jobs requiring lesser skills. The classification plan shall be developed and maintained, that all positions substantially similar with respect to duties, authority, character of work, and qualifications are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

B. In the preparation of the classification plan, the personnel officer shall allocate every position in the competitive service to one of the classes established by the plan. Before the classification plan or any part thereof shall become effective, it shall first be approved in whole or in part by the city council. Upon adoption by the council, by resolution, the provisions of the classification plan shall be observed in the handling of all personnel actions and activities. The classification plan shall be amended or revised as occasion requires in the same manner as originally established.

C. When a new position is created, before the same may be filled, and except as otherwise provided by the personnel system, no person shall be appointed or employed to fill any such position until the classification plan shall have been amended to provide therefor, and an appropriate eligible list has been established for such position.

D. Positions in which the duties have changed materially, so as to necessitate reclassification, shall be allocated to a more appropriate class, whether new or already created, in the same manner as originally classified and allocated. Reclassifications shall not be used for the purpose of avoiding restrictions surrounding demotions and promotions.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.100 Filling vacancies.**

All vacancies, other than temporary vacancies, in the competitive service, shall be filled by reinstatement, reemployment, transfer, demotion, or from eligibles on an appropriate eligibility or promotional list, if available. In the absence of persons eligible for appointment in the above manner, temporary appointments may be in accordance with these rules and regulations. The civil service

commission shall be informed of all appointments at the next regularly scheduled commission meeting.

(Ord. 86-03-970 § 1 (part), 1986)

### **2.80.110 Certification of eligibles.**

A. The personnel officer shall determine whether it is desired to fill a vacancy by reinstatement, reemployment, transfer, demotion, or whether appointment from a promotional or eligibility list is preferred. The names of persons willing to accept appointment from a promotional or eligibility list shall be certified by the civil service commission prior to appointment. Appointments may be made from any persons appearing on the eligibility list. If sufficient names are not available on the list, as established in accordance with Section 2.80.370, then a temporary appointment may be effected until eligibles can be certified after appropriate examination. If the temporary employee does not successfully pass the examination, he/she shall be terminated and replaced by a person appearing on a new eligible list.

B. The personnel officer may certify names from the list for a higher classification in order to fill a vacancy in a lower classification when job duties are of a similar nature and the eligibility list for the higher classification has been certified by the civil service commission. In no case shall names be certified from a list for a lower classification to fill a vacancy in a higher classification.

(Ord. 86-03-970 § 1 (part), 1986)

### **2.80.120 Appointment.**

A. After interview and investigation, the personnel officer shall effect the appointment by notifying the applicant, and if the applicant accepts the appointment and presents himself/herself for duty within the period of time the appointing authority prescribes, he/she shall be deemed to be appointed; otherwise he/she shall be deemed to have declined the appointment.

B. Appointments, as designated below in this subsection, shall be considered "at will," and the employee shall have no property or vested rights in his/her position. Before such an appointment shall become effective, except for a probationary employee, the prospective appointee shall sign a statement indicating that he/she acknowledges that he/she may be terminated for any reason, with or without cause, without right of appeal, and that he/she may have limited benefit accrual under the personnel system. Such appointments are as follows:

1. Emergency appointments;
2. Temporary appointments;
3. Industrial appointments;
4. Long-term illness appointments;
5. Probationary appointments;
6. Interim appointments;
7. Acting appointments.

C. The civil service commission, at its next regularly scheduled meeting, shall be informed of any appointments under this section.

(Ord. 86-03-970 § 1 (part), 1986)

### **2.80.130 Reinstatement.**

With the approval of the personnel officer and following notification of the civil service commission, an employee who has resigned with a good record may be reinstated without examination within two years, to his/her former position, if vacant, or to a vacant position in the same or a comparable class, or to a position in a lower classification. A reinstated employee shall serve the probationary period prescribed for that class and, for purposes of benefit accrual, begins with new employee status. The reinstated employee may be appointed at a higher step than the entry level with the approval of the city manager.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.140 Emergency appointments.**

To meet the immediate requirements of an emergency condition, such as fire, flood, earthquake, or other public calamity, which threatens life or property, the appointing authority may employ such persons as may be needed for the duration of the emergency without regard to the personnel rules affecting appointments. Such appointments shall be reported to the personnel officer as soon as possible, and to the civil service commission at its next regularly scheduled meeting. No emergency appointment shall exceed sixty working days, nor shall an individual hold successive emergency appointments. No position shall be filled by a succession of emergency appointments.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.150 Temporary appointments.**

Temporary appointments of persons who appear to possess the minimum standards or qualifications for a position may be made by the personnel officer. Such appointments shall not continue for a period in excess of six months in any fiscal year unless approved by the city manager. Temporary appointments shall be reported to the civil service commission at its next regularly scheduled meeting. Temporary employees shall not be entitled to fringe benefits. No credit shall be allowed upon an application or in the giving of an examination for service rendered under a temporary appointment. However, if a temporary appointment is converted to a probationary appointment without interruption of service, the period of temporary service may be credited towards the completion of the probationary period, but no accrual of sick or annual vacation leave may be allowed for the period of service that the temporary appointee has served and received compensation for as provided in these rules. All temporary appointments must be made within budget limitation. A temporary employee may be removed at any time without the right of appeal or hearing.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.160 Industrial appointments.**

Where a vacancy occurs as a result of a 4850 industrial leave which extends beyond ninety days, it shall be filled in accordance with Sections 2.80.110 and 2.80.120(B). In the event that the original employee returns to the position and subsequently goes on another 4850 industrial leave, the person previously appointed to fill the vacancy created by the previous 4850 industrial leave may be reinstated, or a new appointment made, at the option of the department head. The civil service commission, at its next regularly scheduled meeting, shall be informed of any industrial appointments made. Any industrial appointee shall receive all of the regular benefits of employees in the classified service except that he or she shall continue to be deemed a probationary employee without vested rights to his or her position until such time as the original employee leaves the service of the city or the appointee is transferred to a different position.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.170 Long-term illness appointments.**

Wherever a vacancy occurs as a result of a long-term illness leave which extends beyond ninety days, it shall be filled in accordance with Sections 2.80.100 and 2.80.120(B). In the event that the original employee returns to the position and subsequently goes on another long-term illness leave, the person previously appointed to fill the vacancy created by the previous long-term illness leave may be reinstated, or a new appointment made, at the option of the department head. The civil service commission, at its next regularly scheduled meeting shall be informed of any long-term illness appointments made. Any long-term illness appointee shall receive all of the regular benefits of employees in the classified service except that he or she shall continue to be deemed a probationary employee without vested rights to his or her position until such time as the original employee leaves the service of the city or the appointee is transferred to a different position.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.200 Preparation of compensation plan.**

A. The personnel officer or the person or agency employed for that purpose shall prepare a pay plan covering all classes of positions in the service, showing the minimum, intermediate (if applicable), and maximum rate of pay. The personnel officer or the

person or agency employed for that purpose shall thereafter make such further studies of the compensation plan as may be requested by the city council.

B. The personnel officer shall submit the proposed pay plan to the city council. The council shall adopt, or amend and adopt, the proposed plan, but no pay plan shall be effective until approved by the city council. Thereafter, no position shall be assigned a salary higher than the maximum or lower than the minimum salary provided for that class of position unless the salary schedule for the class is amended in the same manner as herein provided for its adoption.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.205 Salary at appointment.**

Except as otherwise provided by this section, all new employees shall be appointed at the first step of the salary range for the particular class in which the appointment is made. When in the judgment of the city manager and with the recommendation of the department head, the education, training and experience of a proposed employee are superior and justify a salary in excess of the first step, the city manager may authorize an appointment to a position at a higher step in the salary range. Initial employment at a salary step other than the first step may be authorized by the city manager when a particularly difficult recruiting problem for a class is found to exist.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.210 Advancement within salary range.**

Advancement within a salary range shall be authorized only after the affirmative recommendation of the department head and with the approval of the city manager. Only interim, probationary and permanent employees holding positions allocated to a salary range shall be eligible for such advancement. Such recommendation may be made only on the basis of satisfactory job performance. No salary advancement shall be made which will exceed the maximum rate established in the pay plan.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.215 Salary anniversary date.**

A. Appointment at First Step of Salary Range. A person appointed at the first step of the salary range for the class to which his/her position is allocated shall have a salary anniversary date which shall be six months from the date of his/her appointment, promotion, or reinstatement.

B. Appointment Above First Step of Salary Range. A person appointed at a step higher than the first step of the salary range for the class to which his/her position is allocated shall have a salary anniversary date which shall be twelve months from the date of his/her appointment, promotion, or reinstatement.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.220 Step advancement.**

A. All employees shall be eligible to be advanced through the five steps in their respective salary schedules in the following manner:

1. Step A. The first step is the minimum rate and shall normally be the hiring rate for the class. No employee shall be considered to be on permanent status until he or she has satisfactorily completed the probationary period.

2. Step B. The second step is a rate which a qualified, experienced, and conscientious employee may merit following the completion of six months' satisfactory service in Step A.

3. Step C. The third step is the rate which a qualified, experienced and conscientious employee may merit following the completion of one year's satisfactory service in Step B.

4. Step D. The fourth step is the rate which a fully qualified, experienced and conscientious employee may merit following the completion of a minimum of one year's satisfactory service in Step C.

5. Step E. The fifth step is the rate which a fully qualified, experienced, and conscientious employee may merit following the completion of a minimum of one year's satisfactory service in Step D.

B. The city manager may authorize the advancement of an employee to any of the last four steps of his/her allocated salary schedule earlier than would normally be attained if exceptional performance warrants. The recommendation for such advancement shall normally be initiated by the respective department head.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.225 Advancement procedure.**

The following provisions shall govern the normal advancement procedures for employees assigned to positions having a salary range:

A. Notification of Eligibility to Department Head. Thirty days prior to each employee's salary anniversary date and annually thereafter until the employee reaches the maximum step of the salary range for his/her class, the personnel officer shall advise the department head in writing of the employee's pending eligibility for a merit salary increase. The department head shall subsequently advise the personnel officer in writing prior to the employee's salary anniversary date whether or not he/she recommends advancement of the employee to the next higher step in the appropriate salary range.

B. Notification of Authorization to Finance Director. If the department head recommends the advancement of the employee to the next higher salary step, and the city manager approves such advancement, the personnel officer shall notify the finance director in writing of the approval merit salary increase, and such notification shall constitute authorization for the finance director to make payment to the employee at the specified higher rate. Such payment shall commence at the beginning of the pay period in which the employee's salary anniversary date falls.

C. Postponement of Merit Salary Increase. If a department head recommends that advancement of the employee to the next higher salary step be postponed pending further review of the employee's job performance, and the city manager approves, the employee will not be assigned a new salary anniversary date providing that said postponement does not exceed a period of three months. If during or at the conclusion of the period of postponement, the department head recommends that the employee be advanced to the next higher salary step, the personnel officer shall notify the finance director in writing and such notification constitutes authorization for the finance director to make payment to the employee at the specified higher rate. Such payment shall commence at the beginning of the pay period in which the recommendation is made. If said postponement exceeds three months, the employee will be assigned a new salary anniversary date which shall be the date to which his/her previous salary anniversary date was postponed.

D. Failure to Notify Department Head of Employee's Eligibility. Should an employee's salary anniversary date be overlooked through error, and upon discovery of the error, the employee is recommended for a merit salary increase, the finance director shall, on the next regular paycheck, include payment compensating the employee from the beginning of the pay period in which his/her salary anniversary falls.

E. Error in Determination of Correct Salary Rate.

1. Should an employee be advanced to a higher step in the salary range for his/her class than for which he/she was recommended through error, such error shall be corrected immediately following its discovery. Reimbursement to the city by the employee for said error shall be made by reduction of next or subsequent paychecks or any other method mutually agreed to.

2. Determination of which one or combination of the above methods of reimbursements should be used shall be made by the department head subject to the approval of the personnel officer. Should the employee terminate before full reimbursement to the city has been made, the money required to complete reimbursement shall be deducted from his/her final paycheck.

F. Adjustment in Salary Anniversary Date Due to Leave of Absence. The granting of any leave of absence without pay exceeding fifteen consecutive calendar days shall cause the employee's salary anniversary date to be postponed by the number of calendar days for which such leave of absence has been granted, less the first fifteen calendar days of such leave. The employee shall be assigned a new salary anniversary date which shall be the date to which his/her previous salary anniversary date has been postponed.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.230 Salary on promotion.**

An employee who is appointed to a position in a class allocated to a higher salary range than the class in which he/she formerly



occupied a position shall receive the nearest higher monthly salary which is at least five percent higher than his/her previous base salary but in no case shall he/she be compensated above the top step of the new salary range unless the city council grants special approval. Payment in such new salary range shall commence at the beginning of the pay period in which the appointment became effective as indicated on the city personnel action form. The effective date of the promotion shall be the employee's new salary anniversary date.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.235 Salary on transfer.**

A. After notice to the personnel officer, an employee may be transferred by the department head at any time from one position to another position in the same or a comparable class.

B. An employee who is transferred from one position to another in the same class or to another position in a class having the same salary range shall be compensated at the same step in the salary range he/she previously received. The employee's salary anniversary date shall remain the same as it was before transfer.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.240 Salary upon appointment to a position in an acting capacity.**

A. Whenever the needs of the city require an employee to temporarily perform the duties of a higher classification than that in which the employee is currently employed for a period of more than fifteen consecutive working days, the employee shall receive the salary rate of the higher class in which he/she is performing the required duties. In such cases, the employee shall be paid at an appropriate step of the salary schedule of the higher classification which will assure an increase of not less than five percent greater than the salary of his/her current position, but in no case shall such salary exceed the top salary step of the higher classification. The higher salary rate payable shall commence on the sixteenth working day following the temporary reassignment to the performance of duties of the higher classification. The requirement for the performance of duties of the higher classification shall be placed in writing by the personnel officer following recommendation by the affected department head. No employee shall be required to perform any of the duties of a higher classification unless that employee is deemed to possess the minimum qualifications of the higher classification by the personnel officer as recommended by the affected department head.

B. The employee assigned to perform the duties of a higher classification shall not serve for more than ninety working days in a higher classification whenever a vacancy exists (or it is apparent that a vacancy will be present) without the announcement by the personnel officer of an approved examination as otherwise provided in this chapter. In no case shall an employee serve more than six months in a higher classification without passing the examination.

C. A person appointed in an acting capacity shall be eligible to receive merit increases in his/her permanent position during the acting appointment but shall not be entitled to merit increases in the position which he/she holds in an acting capacity. If successful in being promoted, the period of time of service in the higher classification shall be credited to the promoted employee toward the required period of probation for the higher classification as otherwise required in this chapter.

D. The personnel officer shall obtain the employee's written consent for the temporary performance of any of the duties of the higher classification beyond a period of fifteen working days, prior to an employee's assuming or continuing the duties and compensation of a higher classification, which consent shall clearly state that it is understood that a reduction in salary shall be effected to his/her original salary rate upon the expiration of the need for the performance of the duties of the higher classification. In no instance shall the salary rate of the higher classification extend beyond the six-month period as hereinabove set forth, unless otherwise promoted in accordance with the provisions of this chapter.

(Ord. 89-02-1026 § 1: Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.245 Salary on reinstatement.**

Notwithstanding other provisions of this chapter, a person reinstated (within two years) in (A) a position allocated to a class in which he/she previously held regular status and from which he/she was separated in good standing, or (B) a position allocated to a class which is comparable (as determined by the city) to a position in which he/she previously held regular status and from which he/she was separated in good standing, may, with the approval of the city manager and the head of the department in which he/she would be



reinstated, be appointed to the same step of the salary range for the particular class of position as the step which he/she occupied at the effective date of his/her resignation. Upon reinstatement, the employee's salary anniversary date shall be determined as provided by Section 2.80.215.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.250 Salary on suspension.**

An employee who has been suspended without pay from his/her position shall not receive his/her salary for the duration of the suspension. Suspended employees will continue to accrue vacation and sick leave benefits for suspensions of thirty working days or fewer.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.255 Salary on demotion.**

The salary of an employee who is demoted to a position in a class allocated to a lower salary range than the class in which he/she formerly occupied a position shall be determined as follows:

A. Involuntary Demotion. An employee who is involuntarily demoted to a position in a class allocated to a lower salary range than the class in which he/she formerly occupied a position shall have his/her monthly salary reduced to the nearest lower monthly salary rate in the salary range for the class to which he/she has been demoted. In lieu of a reduction in salary, the city manager may approve a "Y" rate for the employee. He/she shall not be required to serve a probationary period in the lower position unless he/she has not completed his/her initial probationary period as required by this chapter. In such case, he/she will be required to complete his/her probationary period in the lower position. The employee shall retain the salary anniversary date he/she had in the higher position.

B. Voluntary Demotion. An employee who is demoted at his/her own request to a position in a class allocated to a lower salary range than the class in which he/she formerly occupied a position shall have his/her monthly salary reduced to the nearest lower monthly salary in the salary range for the class to which he/she has been demoted. In lieu of a reduction in salary, the city manager may approve a "Y" rate for the employee. He/she shall not be required to serve a probationary period in the lower position unless he/she has not completed his/her initial probationary period as required by this chapter. In such case, he/she will be required to complete his/her probationary period in the lower position. The employee shall retain the salary anniversary date he/she had in the higher position.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.260 Changes in salary allocation.**

Whenever a classification is reallocated to a new salary range, the salary of any employee in that classification (except an employee in an acting capacity) shall be determined as follows:

A. Allocation to a Higher Salary Range. If the class is reallocated to a higher salary range, the employee shall be compensated at the step in the new salary range which is most nearly equivalent to what he/she was receiving in the range to which the class was previously allocated. With the approval of the personnel officer, the employee may be compensated at the same step in the new salary range as he/she was receiving at the range to which the class was previously allocated. The employee's anniversary date shall not change.

B. Allocation to a Lower Range. If the class is reallocated to a lower salary range the salary of the employee shall not change unless it is greater than the maximum step of the lower salary range, in which case, it shall be reduced to the maximum step of the new range. In lieu of a reduction in salary, the city manager may approve a "Y" rate for the employee. The employee's salary anniversary date shall not change.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.265 Salary on position reclassification.**

The salary of an employee in a position that is reclassified shall be determined as follows:

A. Class with Same Salary Range. If the position is reclassified to a class with the same salary range as the previous class, and if the incumbent is appointed to the reclassified position, the salary range and salary anniversary date of the employee shall not change. This provision shall also apply to the change of class title, provided there is no change in the basic duties of the position.

B. Class with Higher Salary Range. If the position is reclassified to a class with a higher salary range than the previous classification, and if the incumbent is appointed to the reclassified position, he/she shall be compensated at the step in the new salary range which comes nearest to but not less than five percent higher than the step he/she held in the previous salary range. The salary anniversary date shall be established in accordance with Section 2.80.215. The salary of the employee serving in an acting capacity shall be reestablished based on the provisions concerning appointments to acting positions.

C. Class with Lower Salary Range. If the position is reclassified to a class with a lower salary range than the previous class, and if the incumbent is appointed to the reclassified position, his/her salary shall not change unless it is greater than the maximum step of the lower salary range, in which case it shall be reduced to the maximum step of the new range. In lieu of a reduction in salary, the city manager may approve a "Y" rate for the employee. The incumbent's salary anniversary date shall not change. The salary of the employee serving in an acting capacity shall be reestablished based on the provisions concerning appointments to acting positions.

(Ord. 86-03-970 § 1 (part), 1986)

### **2.80.270 Council authority to specify salary.**

Notwithstanding anything in this chapter to the contrary, the city council may by resolution, upon recommendation of the city manager, specify that the incumbent of a particular position shall occupy a step on the salary range for that class either higher or lower than that provided for elsewhere in this chapter.

(Ord. 86-03-970 § 1 (part), 1986)

### **2.80.280 Additional compensation.**

Notwithstanding anything in this chapter to the contrary, when in the judgment of the city council it becomes necessary or desirable to utilize the service of city employees in capacities other than those for which they are regularly employed, the city council may, by minute order, so authorize and fix an additional rate of compensation for such employees, and they shall be paid in accordance with the provisions of this chapter.

(Ord. 86-03-970 § 1 (part), 1986)

### **2.80.300 Job announcements for recruitment.**

All positions to be filled competitively in the classified service shall be publicized by posting announcements on the city's official bulletin board, or in such other places as the civil service commission deems advisable. The announcements shall specify the title and pay range of the class for which the examination is announced; the nature of the work to be performed; preparation desirable for the performance of the work of the class; the date, time, place and manner of making applications; the closing date for receiving applications; the minimum requirements for the position; and other pertinent information. Special recruitment methods may be utilized as necessary to insure that the employment needs of the city are met.

(Ord. 86-03-970 § 1 (part), 1986)

### **2.80.310 Application forms.**

Applications shall be made on forms provided by the personnel officer. Such forms shall require information covering training, experience, and other pertinent information as deemed necessary by the personnel officer. All applications must be signed by the person applying. Applications received at times other than following announcements as set forth above shall be destroyed or returned to the applicant at the discretion of the personnel officer.

(Ord. 86-03-970 § 1 (part), 1986)

## **2.80.320 Disqualification.**

A. The personnel officer shall reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position or when the application is not properly completed. Applications shall also be rejected if the applicant is physically unfit for the performance of duties of the position to which he/she seeks appointment; is addicted to the habitual use of drugs or intoxicating liquor; has been convicted of a crime which would impede his/her ability to perform the job for which he/she is applying; is not legally permitted to work within the United States; has made any false statement of any material fact or practiced or attempted to practice any deception or fraud in his/her application; or other reasons which would indicate that the applicant is unfit for the position. Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the personnel officer. Defective applications may be returned to the applicant with notice to amend same providing the time limit for receiving applications has not expired.

B. As part of the review of an application, the personnel officer is empowered to obtain summary criminal history information and local summary criminal history information, as defined in Sections 11105 and 13300 of the California Penal Code, for the sole purpose of determining whether or not an applicant is addicted to the habitual or excessive use of drugs or intoxicating liquor, or has been convicted of a crime which would impede his/her ability to perform the job for which he/she is applying.

(Ord. 86-03-970 § 1 (part), 1986)

## **2.80.330 Physical requirements.**

The city requires that all applicants and employees be in such physical or mental condition to perform the duties of their jobs and may require periodic medical or psychological evaluation. No employee shall hold any position in a classification in which he/she cannot physically or mentally perform all the duties of the job adequately or without hazard to the employee or others. Within the limitations indicated, the city's policy shall be to make such efforts as are consistent with the provisions of these rules and regulations to place physically disabled employees in such positions as are available in the city service where their disabilities will not affect their performance of duties. A disabled employee's length of service, nature of past performance, and the availability of openings may be considered in placing him or her.

(Ord. 86-03-970 § 1 (part), 1986)

## **2.80.350 Examinations.**

Examinations for employment shall be competitive and shall include any technique which, in the opinion of the civil service commission, fairly measures the job related qualifications of applicants. These may include written tests, interviews, performance tests, assessment centers, physical ability tests, prior training, experience and education, or any combination of the above. The city may contract with any competent agency or individual for the performance by such agency or individual of the responsibility for giving or scoring examinations.

(Ord. 86-03-970 § 1 (part), 1986)

## **2.80.360 Qualifying grade and rating examinations.**

A. In all examinations the minimum grade or standing for which eligibility may be earned shall be based upon all factors in the examination, including educational requirements, experience, and other qualifying elements as shown in the application of the candidate or other verified information. Failure in one part of the examination may be grounds for disqualifying the applicant from further consideration for the position or from subsequent parts of an examination.

B. Prior to appointment to a position in the competitive service, a person may be required to pass a medical and/or physical examination to the satisfaction of the personnel officer. The scope and type of examination is to be determined by the personnel officer. If a person fails to pass such an examination, he/she may be disqualified from consideration for employment.

(Ord. 86-03-970 § 1 (part), 1986)

## **2.80.370 Eligibility lists.**

A. Eligibility lists will be established following examinations listing the names of those applicants who qualified in the examination, arranged in order of the scores received. These applicants will be considered qualified for appointment, pending further review by the appointing power and other qualifying procedures such as background investigations, reference checks, polygraph, and medical examinations. Eligibility lists shall be valid and in effect for a period of one year. An eligibility list may be extended by action of the personnel officer for additional six month periods, but in no event shall a list remain in effect for more than two years. If fewer than three qualified applicants are available for appointment, the personnel officer may declare the list invalid and announce a new recruitment and examination period. Names of those not chosen from an eligibility list that is less than one year old may be merged with names on a newly established list for the same classification, but such names shall not remain on the new list for more than twelve months from the date of the applicant's original examination.

B. The personnel officer shall remove names from an eligibility list for any of the following reasons:

1. If an eligible requests orally or in writing that his/her name be removed;
2. If an eligible fails to accept an offer of employment within ten days following the forwarding of such offer;
3. If an eligible on a promotional list resigns from the service;
4. If an eligible in a medical examiner's opinion does not meet the physical, medical or mental parameters established for the position;
5. If a person on the eligibility list leaves no forwarding address at which he/she can be contacted by registered mail;
6. If an appointing power can demonstrate that the eligible would be incompatible with the city service as ascertained through background investigations;
7. When a person's name is removed from an eligibility list by the personnel office, the civil service commission shall be informed with the reason for the removal at its next regularly scheduled meeting.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.380 Notification of results.**

Every applicant taking part in the examination process shall be given written notice of the results. Any applicant shall have the right to review his/her own test results within five working days after notification of the examination results. An error in rating or grading, called to the attention of the personnel officer within one month after the effective date of the eligibility list, shall be corrected. Any correction shall not, however, invalidate certification of an appointment previously made.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.400 Probationary period.**

A. All original and promotional appointments shall be tentative and subject to a probationary period of not fewer than twelve months.

B. The probationary period shall be regarded as part of the testing process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his/her position, and for rejecting any probationary employee whose performance does not meet the required standards of work. A department head may recommend, and the city manager may extend, an employee's probationary period by a maximum of six months, in three-month increments.

C. Probationary employees do not have property or vested rights to their positions with the city. During the probationary period, an employee may be rejected at any time by the appointing power without cause and without the right of appeal. Notification of rejection in writing shall be served on the probationer and a copy shall be filed with the personnel officer.

D. If the service of the probationary employee has been satisfactory, then the appointing power shall file with the personnel officer a statement to that effect.

E. Any employee rejected during the probationary period following a promotional appointment shall be reinstated to the position from which he/she was promoted unless charges are filed and he/she is discharged in the manner provided in this chapter for positions in the competitive service.

**2.80.410 Employee performance evaluation.**

- A. A report of performance of each probationary employee shall be made every three months by the respective department heads or their designees on a form provided by the personnel officer. A performance report for regular employees shall be prepared within thirty days prior to the salary anniversary date each year. In addition, a report may be prepared at any time at the discretion of the employee's supervisor.
- B. Each performance evaluation shall be thoroughly discussed with the employee to point out areas of successful performance and areas that need improvement. The employee shall sign the performance report to acknowledge that he/she is aware of its contents and has discussed the report with the evaluator. The employee's signature does not imply that he/she fully agrees with the contents of the report.
- C. Reports shall be prepared with a copy to the employee, the department's file, and to the personnel officer for retention in the employee's employment history file.

(Ord. 86-03-970 § 1 (part), 1986)

**2.80.420 Layoff procedure.**

- A. For reasons of economy or efficiency, reductions or elimination of city services may be required, and it may be necessary to layoff one or more city employees. The layoff procedure is intended to give consideration to both seniority and competency whenever the layoff of employees is necessary.
- B.
  - 1. Determination of a need for layoff will be made by the city council. Classifications to be affected and the number of employees included will be determined by the city council.
  - 2. Within the classification, employees will be ranked by seniority and ranked by competency. After six months, an employee carries seniority in the new position with him/her into the new classification. Seniority is computed from the date of probationary appointment to a full-time position.
- C.
  - 1. The department head will determine, based upon official personnel records, and/or qualified testing procedures, where applicable, the individual selected for layoff in the classification. The department head will equally consider both the seniority and competency of the individual in making this determination utilizing the following formula:

Seniority Formula:

$$\text{Seniority} + \text{Competency} \div 2 \text{ (Number of Categories)} = \text{Average Ranking}$$

Example:

	Seniority		Competency		Average Ranking	
Employee A	1	+	2	÷	2	= 1-1/2
Employee B	2	+	3	÷	2	= 2-1/2
Employee C	3	+	1	÷	2	= 2

- 2. Employee B would be the employee selected to be laid off in this classification. If employee B chooses to bump into a lower classification, he/she would be given a competency factor equal to the average for the new classification. In the event of equal average ranking scores, seniority will be used to determine selection.
- 3. An individual laid off from a particular classification may "bump" into a classification for which he/she is qualified (qualification is presumed where the person has held the position previously with the city or where a lower position is in a normal line of promotion). After an employee is informed of an impending layoff or "bump down," he/she must inform the personnel officer within five working days of his/her intent to take the option of the layoff or the "bump down." The process will be repeated at the next classification level

where an employee bumps in and creates an overage in that classification.

4. The names of probationary and regular employees who have been laid off shall be placed on appropriate reemployment lists in the order of their competency, from highest to lowest. Such names shall remain thereon for a period of one year unless such persons are sooner reemployed.

5. When a reemployment list is to be used to fill vacancies, the personnel officer shall certify from the top of such lists the number of names equal to the number of vacancies. An employee who is reemployed shall receive credit for former service for purposes of seniority, benefit compensation, and salary advancement.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.500 Basis for disciplinary action.**

A. Every employee is required to provide good conduct and fit and efficient service.

B. An employee may be disciplined for any of the following reasons: dishonesty; incompetency; inefficiency; neglect of duty; insubordination; disruptive or disorderly conduct; unexcused absence; drunkenness; drug/alcohol addiction; disability resulting from other than work-related cause; discourtesy to the public or fellow employees; misuse, abuse, or misappropriation of city property or equipment; engaging in inconsistent or incompatible employment; violation of the conflict of interest code; conviction of a felony or misdemeanor involving moral turpitude, immorality or other cause related to job performance; violation of this chapter or the policies, orders, rules, regulations or guidelines established by the city; and other acts which are incompatible with service to the public.

C. Notwithstanding anything in this chapter to the contrary, any probationary employee, and any other employee as specified in subsection B of Section 2.80.120, may be discharged either with or without cause or subjected to other disciplinary measures, and shall have no right of hearing or appeal.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.510 Types of discipline.**

A. Disciplinary action shall be administered equitably. It is the policy of the city that in taking disciplinary action, the severity of the discipline imposed shall be commensurate with the seriousness of the offense and with due consideration to the employee's prior performance record. It is further the policy of the city that a system of progressive discipline be utilized with the objective of correcting inappropriate employee conduct.

B. Disciplinary actions, which may be taken for any of the reasons provided in Section 2.80.500, listed generally in order of severity are as follows: reprimand; suspension; reduction in salary; demotion and dismissal. These disciplinary actions are defined in Section 2.80.025.

C. For nondisciplinary purposes, the department head, or, in the case of an emergency, a supervisor, may suspend an employee with pay and without complying with the procedures of Section 2.80.520 in the following circumstances:

1. In an emergency when life, property, or employee safety is endangered or the self-control of the employee is questionable, and suspension is necessary to reduce or eliminate the danger or to establish control; or

2. When an investigation is being made of the circumstances surrounding a possible disciplinary action, and the presence of the employee would interfere with such investigation.

The personnel officer immediately shall be advised of the foregoing actions. In the event that the department head proposes to convert the nondisciplinary suspension into a disciplinary suspension without pay or take any other disciplinary action, prior to taking such action, the department head shall comply with all provisions of Section 2.80.520 and the employee shall have all rights thereunder, including the right of appeal.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.520 Disciplinary procedure.**

A. Counseling. To the degree possible, a supervisor should assist the employee in resolving discipline problems through discussion

and counseling.

B. **Party Imposing Discipline.** Unless otherwise specified, the party authorized to impose discipline shall be the department head. In the case of any member of the staff of the city manager's office, the city manager shall, for the purpose of this section, be considered to be a department head. Although no right of appeal exists from the decision of the department head to the city manager, the city manager may, on his own motion, reverse or modify the decision of the department head, so long as the city manager acts prior to the decision's becoming effective.

C. **Notice of Proposed Discipline.** Except for written reprimands, nondisciplinary suspensions, or as otherwise provided herein, no disciplinary action may be taken without giving the employee written notice of the proposed disciplinary action not fewer than five working days prior to the proposed effective date of such action. The notice shall contain a description of the events which necessitated the disciplinary action, a statement of the charges, notification that the employee may review available materials leading to the disciplinary action, a statement of the employee's right to meet with the department head and/or respond in writing prior to the effective date of the discipline, notice of possible further action(s) in the event corrective action by the employee does not occur, if applicable, and a description of the appeal procedure. The department head shall advise the personnel officer in writing of his/her intention to take such disciplinary action prior to taking such action.

D. **Employee's Opportunity to Respond.** Within the time set forth in the notice, as described in subsection C of this section, the employee may either request a meeting with the department head and/or respond in writing. An employee's opportunity to respond to the department head is not intended to be an adversarial hearing, although the employee has a right to have a representative or counselor present. The employee need not be given the opportunity to present or cross-examine witnesses or present a formal evidentiary case, but shall have the opportunity to present a response.

E. **Decision.** If the employee does not respond to the notice, the decision shall be effective on the date stated in the notice. If the employee does respond, the department head shall evaluate the proposed discipline in light of the employee's response and shall initiate further investigation if the employee's version of the facts raises doubts as to the accuracy of the department head's information leading to the discipline proposal. The decision shall contain the applicable information previously set forth in subsection C of this section, and set forth the department head's evaluation of the employee's response and further investigation if such was necessary. The decision shall be signed by the department head and personnel officer and shall clearly inform the employee that he/she has the right, within five working days after receipt of the decision, to request a hearing on the charges before the civil service commission by filing a written request with the personnel officer.

F. **Appeal.** Within five days of receipt of the decision, the employee may appeal by giving written notice of appeal to the personnel officer. Thereafter the civil service commission shall hold a hearing on such appeal. The date for commencement of the hearing shall be not fewer than ten days, nor more than thirty days, from the date of the filing of the appeal, unless the parties stipulate to a different date. All interested parties shall be notified in writing of the date, time, and place of the hearing at least seven calendar days prior to the hearing.

G. **Finality.** If within the five-day appeal period the employee involved does not file said appeal, the decision shall be final.

H. **Notices.** All notices required to be given hereunder, will be given to the employee in person, whenever possible and the employee's signature obtained to indicate receipt. In the absence of personal service, the notice may be sent by registered mail to the employee's last known address.

I. **Waiver.** Failure of the employee to take any action required by this section within the time limits permitted therefor shall be deemed a waiver of all further rights of appeal.

(Ord. 86-03-970 § 1 (part), 1986)

## **2.80.560 Civil service commission hearing procedures.**

A. The civil service commission shall hear all appeals. Three members of the commission shall constitute a quorum for the purpose of conducting a hearing on any appeal, provided that no commission member may vote on the decision if absent from a part of the hearing unless such commission member certifies that he/she has listened to or read the transcript of the entire proceedings.

B. All hearings shall be open to the public provided, however, that the commission shall, at the request of the employee, exclude the public from all or any portion of such hearings. The commission may, at its discretion, exclude the public from any portion of the hearings.

C. The chairman shall issue subpoenas on behalf of the commission under the authority of the city council. Subpoenas pertaining to



a hearing shall be issued at the request of either party prior to the commencement of such hearing. After the commencement of such hearing, subpoenas shall be issued only at the discretion of the commission.

D. The commission shall select a presiding officer for every hearing from among its membership.

E. The hearing need not be conducted in accordance with the technical rules relating to evidence and witnesses, but hearings shall be conducted in a manner most conducive to determination of the truth. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded. Decisions made by the commission shall not be invalidated by any informality in the proceedings, and the commission shall not be bound by technical rules of evidence.

F. The presiding officer shall rule on the admission or exclusion of evidence with or without the assistance of the legal advisor to the commission.

G. Each party shall have these rights: To be represented by legal counsel or other person of his or her choice; to call and cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him/her to testify; and to rebut the evidence against him/her.

H. Oral evidence shall be taken only on oath or affirmation.

I. 1. With respect to any matters set for hearing, both parties shall confer no later than ten business days prior to the date for the hearing for the purpose of agreeing to a statement in writing setting forth the specific facts or contentions in issue. The party imposing the discipline shall have the burden of proof and shall initiate the contact with the opposing party. The statement must be filed with the commission not later than five business days prior to the hearing and shall include an estimate of the time required for the hearing. The commission may also require such additional matters in the written statement as it deems appropriate. The commission may issue such orders as are necessary to assure that both parties attend the prehearing conference and cooperate in preparation of the statement in writing. If either party does not attend the prehearing conference and participate in attempting the preparation of the statement in writing, the commission may accept the statement of the other party as to the facts and contentions in issue to the extent such statement conforms to the scope of the hearing.

2. If the parties fail to reach agreement, then each party must file a written statement with the commission. The commission shall rule on all disputes, and announce the rulings to the parties as the first order of business in the hearing.

J. The hearing shall proceed as follows, unless the commission otherwise directs:

1. Final stipulations of facts or issues shall be disseminated to the parties;
2. In the event that the prehearing conference between the parties has resulted in disputes, the commission shall rule on those disputes as provided in subsection I;
3. The party imposing discipline shall be permitted to make an opening statement;
4. The appealing party shall be permitted to make an opening statement;
5. The party imposing disciplinary action shall produce the evidence on his/her part;
6. The party appealing from such disciplinary action may then open his/her defense and offer his/her evidence in support thereof;
7. The parties may then, in order, respectively, offer rebutting evidence only, unless the commission, for good reason, permits them to offer evidence upon their original cases;
8. Closing arguments shall be allowed at all commission hearings.

K. The commission shall determine relevancy, weight, and credibility of testimony and evidence. It shall base its findings on the preponderance of evidence.

L. The commission may, and shall if requested by the disciplining party or the appealing employee, subpoena witnesses at no loss of compensation to a city employee, and/or require the production of records or other material evidence as authorized by law.

M. During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing, unless the



commission, in its discretion, for good cause, otherwise directs.

N. No still photographs, moving pictures, or television pictures shall be taken in the hearing chamber during the hearing.

O. The costs of a court reporter during the hearing shall be borne equally by the parties.

P. The commission, prior to or during a hearing, may grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.

Q. Whether the hearing is held in a public or closed session, the commission, after it concludes the hearing, may deliberate its decision in closed session. Members of the commission may request the attendance of the commission's legal counsel to a discussion solely for the purpose of rendering legal advice to the commission.

R. The commission shall render its judgement as soon after the conclusion of the hearing as possible and in no event later than ten working days after conducting the hearing. Its decision shall set forth which charges, if any, are sustained and the reasons therefor.

S. The commission may sustain or reject any or all of the charges filed against the employee. It may sustain, reject or modify the disciplinary action invoked against the employee. It may not provide for discipline more stringent than that invoked by the department head.

T. The commission's order of judgement shall be filed with the charged employee and the city manager, and shall set forth its findings and decisions. Any member of the commission may submit a minority or supplemental finding and recommendations. If a dismissal is not sustained, the commission's order shall set forth the effective date the employee is to return to work, which may be any time on or after the date of disciplinary action. An employee who returns to work under the provisions of this section shall not be discriminated against in any manner with respect to benefit accrual, prior service, or seniority.

U. The civil service commission's decision shall be final unless overturned or modified by a four-fifths vote of the city council.

(Ord. 91-08-1111 § 5; Ord. 86-04-970 § 1 (part), 1986)

#### **2.80.570 City council review of commission findings.**

A. The civil service commission's decision shall be transmitted to the city council by the city manager immediately following its issuance by the commission. The city council shall, at its next regularly scheduled city council meeting, occurring not less than five days after receipt of said decision, either:

1. Receive and file and commission decision;
2. Announce its intent to review the commission's findings.

B. If a majority of the city council decides to review the commission's decision, that review shall be of the record prepared of the commission's proceedings only. No new evidence shall be introduced, nor shall examinations of witnesses be permitted.

C. Following a review of the commission's decision, the city council may sustain, reject or modify the disciplinary action invoked against the employee by the department head or the civil service commission. It may not provide for discipline more stringent than that invoked by the department head. The decision of the city council shall be final.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.580 Appeals, probationary demotions and reassignments.**

A. Permanent sworn police personnel shall have the right to appeal a probationary demotion or reassignment in the following manner:

1. Following a review of the proposed action by the employee's immediate supervisor and appointing power, the personnel officer shall serve or cause to be served on the employee affected, by registered mail or personal delivery, a statement signed by the appointing power of the specific action against the employee. This statement shall clearly inform the employee that he/she has the right, within five working days after receipt of this notice, to request an informal hearing on the action by filing a request with the personnel officer.

2. If within the five-day appeal period the employee involved does not file said appeal, unless good cause for the failure is shown,

the action of the city shall be considered conclusive and shall take effect as prescribed.

3. If within the five-day appeal period the employee involved files such notice of appeal by giving written notice of appeal to the personnel officer, a time for an appeal hearing before the city manager shall be established. The date for a hearing shall not be fewer than ten days, nor more than thirty days, from the date of the filing of the appeal, unless the parties shall be notified in writing of the date, time, and place of the hearing at least seven calendar days prior to the hearing.

4. The city manager shall conduct an informal hearing on the appeal. Each party shall have the opportunity to present all relevant information in support of its respective position. These proceedings may be electronically recorded and either party shall have the right to cause them to be reported by a certified shorthand reporter at that party's expense.

B. Within ten working days after the conclusion of the hearing, the city manager shall deliver to the employee a written decision which shall either (1) affirm the decision, (2) modify it by (a) holding that certain charges were not established by a preponderance of the evidence and/or (b) reducing the penalty or (3) overturn the decision in its entirety. Said decision shall be final and binding on the parties, subject to their right to seek judicial review pursuant to 1094.5 of the California Code of Civil Procedure.

C. Exempt employees, disciplined entry level probationary employees, or persons who have been rejected from probationary status in an entry level position shall have no right to appeal such action under these rules. In the event that any right to appeal is mandated by either the Legislature, or the California Supreme Court, the appeal procedure described in subsection A3 of this section shall be the appropriate procedure to be followed.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.600 Grievance procedure--Purpose.**

The purpose and objectives of the grievance procedure are to:

- A. Assure fair and equitable treatment of all employees and promote harmonious relations among employees and their supervisors;
- B. Afford employees a written and simple means of obtaining consideration of their grievances by informal means at the supervisory level and review of the supervisor's decisions;
- C. Resolve grievances as quickly as possible and correct, if possible, the causes of grievances, thereby reducing the number of grievances and future similar complaints.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.620 Procedure.**

##### **A. Informal Resolution.**

1. Within ten days after a grievant knew, or by reasonable diligence should have known, of the condition upon which a grievance may be based, the grievant shall attempt to resolve it by an informal conference with the grievant's immediate supervisor.

2. Every effort shall be made to resolve a grievance through discussion between the employee and his/her immediate supervisor. It is the spirit and intent of this procedure that all grievances be settled quickly and fairly without any subsequent discrimination against employees who may seek to adjust a grievance. Every effort should be made to find an acceptable solution at the lowest level of supervision.

B. If the problem cannot be resolved between the employee and the supervisor, the employee may, within seven calendar days from the date of receiving the answer from his/her supervisor, request and be granted an interview with the division head, if one exists, in order to discuss the grievance.

C. If the division head and employee cannot reach a solution to the grievance, the employee may, within seven calendar days from the date of receiving the answer from the division head, request in writing and be granted an interview with the department head.

D. The department head shall render his/her decision in writing within fifteen calendar days of receiving the appeal. If the department head and employee are unable to arrive at a satisfactory solution, the employee may, within ten calendar days from the date of the decision by the department head, submit a written appeal to the city manager.

E. The city manager shall review the grievance and respond to the employee within twenty calendar days of receiving the appeal.

The response shall be in writing, will be considered an expression of management's viewpoint, and shall be final.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.630 Representation.**

A. An employee may request representation by the appropriate employee association at any stage of the grievance procedure.

B. The grievant and designated association representative shall receive release time for the purpose of representing the grievant in conference at any step, but in no way shall release time be granted for purposes of gathering information, interviewing witnesses, or preparing a presentation.

C. Association representation shall be limited to one person and shall not inordinately interfere with the normal course of city business.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.640 Class grievance.**

A. Each employee must submit his or her grievance in writing. At the discretion of the city, individual grievances may be treated as a single grievance for a class.

B. Resolution of a class grievance may not be consistent among all grievants in the class grievance due to differences in the circumstances or occurrences that brought about the grievance.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.650 Time limits.**

A. Failure by a grievant to meet a deadline set forth in this procedure shall terminate the grievance and the grievant shall not have a right to refile on the same set of facts.

B. Failure by the city to meet a deadline shall give the grievant the right to proceed to the next step.

C. Time limits in this procedure may be extended by mutual written agreement between the grievant and the city.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.660 Grievance withdrawal.**

Any grievance may be withdrawn by the grievant at any time in writing. Withdrawal of a grievance shall be with prejudice and shall remove the right of the grievant to refile on the same set of facts.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.670 Freedom from reprisal.**

No grievant shall be subject to coercion or disciplinary action for discussing a complaint with his/her immediate supervisor or for the good faith filing of a grievance.

(Ord. 86-03-970 § 1 (part), 1986)

#### **2.80.700 Amendments.**

Proposed amendments to this chapter shall be submitted to the city manager and civil service commission for review and

recommendation prior to submittal to the city council. Advance notice shall be given to recognized employee organizations of any amendments which affect wages, hours, and other terms and conditions of employment. Upon request, the city manager shall provide the opportunity to consult with any employee organization so requesting, regarding amendments affecting wages, hours, and other terms and conditions of employment. As provided in Section 3500, et seq. of the Government Code, in cases of emergency, when the city council determines that amendment(s) to these rules must be adopted immediately without prior notice or meeting with a recognized employee organization, the city shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of the amendment(s). Amendments shall become effective upon adoption by the city council.

(Ord. 86-03-970 § 1 (part), 1986)

## **Chapter 2.82**

### **PERSONNEL RULES FOR CLASSIFIED AND NONCLASSIFIED EMPLOYEES**

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Sections:

- 2.82.010 Application--Incorporation in personnel system.
- 2.82.020 Equal employment opportunity.
- 2.82.030 Light duty appointments.
- 2.82.040 Loyalty oath.
- 2.82.050 Positions changed from elective to appointive.
- 2.82.100 Employment of members of family.
- 2.82.110 Employee activities.
- 2.82.120 Prohibition of incompatible activities.
- 2.82.130 Improper use of city equipment prohibited.
- 2.82.200 Confidentiality of records.
- 2.82.210 Access to personnel file.
- 2.82.300 City officials--Financial interests.
- 2.82.310 Conflicts of interest--Contracts, sales and purchases.
- 2.82.320 Adoption of a conflict of interest code.
- 2.82.330 Interpretation.
- 2.82.340 Violation.
- 2.82.400 Hourly, part-time, seasonal, volunteer, emergency and other employees.

#### **2.82.010 Application--Incorporation in personnel system.**

A. This chapter shall apply to all offices, positions, and employments in the service of the city, whether elective, appointive, management, classified, hourly, seasonal, part-time, contractual, volunteer, emergency, or other. In addition, the provisions of Chapter 2.80 govern those employees in the classified service and those of Chapter 2.84 govern management employees.

B. The provisions of this chapter are deemed to be included in the personnel system of the city as are all rules and regulations adopted by resolution or otherwise pursuant hereto. In the event of any inconsistency between the provisions of this chapter and those of Chapters 2.80 or 2.84, the provisions of Chapters 2.80 and 2.84 shall govern as to the employees covered thereunder (i.e., classified and management employees, respectively), and the provisions hereof and the rules and regulations adopted pursuant hereto shall govern as to all other employees.

C. Unless otherwise specified, the words and terms used in this chapter shall have the meaning as defined in Section 2.80.025.

D. The city manager is authorized to issue written guidelines to implement and enforce the personnel system and this chapter, and to make adjustments to avoid or eliminate inequities resulting from its application.

(Ord. 86-04-974 § 1 (part), 1986)

#### **2.82.020 Equal employment opportunity.**

A. Equal employment opportunity shall be accorded to all persons regardless of their race, color, national origin, religion, sex, age, handicap, marital status, or political opinions and affiliations. All persons shall receive equal treatment in matters affecting recruitment, hiring, promotion, discipline, compensation, assignments, benefits, training, layoff, and recall practices and any other matters affecting employment.

B. The city shall establish an affirmative action program with a goal of equality of opportunity in all personnel actions. Special recruitment efforts among minorities, women, disadvantaged individuals, and handicapped persons do not conflict with the merit system and assure equality of opportunity in employment with the city.

(Ord. 86-04-974 § 1 (part), 1986)

#### **2.82.030 Light duty appointments.**

A. It is the policy of the city to favor the employment and the utilization of physically and/or mentally permanently disabled employees who are injured as a result of their duties and responsibilities as employees. The city reserves the right to make available a permanent light-duty position to any employee who may be determined to be permanently disabled from performing the functions and duties of such position which such employee may occupy at the time of a work-related injury. The city shall in no instance be obligated to provide a permanent light-duty position for an employee.

B. The duties and responsibilities of the permanent light-duty position shall be such that the disabled employee will be capable of performing them, notwithstanding such employee's disability. Such light-duty position may be made available in any department of the city, and need not be in the particular department in which such employee worked at the time of the work-related injury. Such position shall be termed a permanent light-duty position and may be created or modified at any time, including, but not limited to, subsequent to the occurrence of the work-related injury of any particular employee.

C. The permanent light-duty position need not have the same or even substantially similar duties or responsibilities to the position held by a permanently disabled employee at the time of a work-related injury, but shall be a position which provides substantially the same salary and benefits provided by the position held by the permanently disabled employee at the time he or she sustained a work-related injury.

D. Failure of a permanently disabled employee to accept a permanent light-duty position within thirty days of its tender to him/her shall constitute an absolute waiver and forfeiture of any right to disability retirement, including, but not limited to, such right which may be provided by the Government Code, and shall constitute a ground for termination of such employee.

(Ord. 86-04-974 § 1 (part), 1986)

#### **2.82.040 Loyalty oath.**

All employees subject to these rules shall, before they enter upon the duties of their employment, take the oath prescribed in the California Constitution.

(Ord. 86-04-974 § 1 (part), 1986)

#### **2.82.050 Positions changed from elective to appointive.**

In the event that the people of the city shall, at a municipal election or special election at which such question is submitted, elect to change the status of any one or more of the elective officers of the city to that of appointive officers, then at the expiration of the term of office of any such officer, the person holding the office at the time of the expiration of his/her term shall be retained in the office without examination or performance test and thereafter shall be subject in all other respects to the provisions of the personnel system,

as contained in Chapter 2.80.

(Ord. 86-04-974 § 1 (part), 1986)

### **2.82.100 Employment of members of family.**

A. An applicant may not be denied the right to file an application and be considered for employment. However, an applicant may not be employed in a department or office in which a relative (spouse, child, step-child, parent, step-parent, parent-in-law, legal guardian, brother, sister, step-brother, step-sister, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, grandchild, grandparent, or any other individual related by blood or marriage living in the same household as a city employee) is employed if potential conflicts of interest or other hazards are created which are greater for married couples or related individuals than for unrelated persons by virtue of, for example, their:

1. Performing joint duties; or
2. Sharing responsibilities or authority; or
3. Reporting to the same immediate supervisor; or
4. Being supervised by or supervising a relative; or
5. Being related to the relevant department head.

B. When an otherwise eligible applicant is refused appointment to the classified service by virtue of this section, the name of the eligible shall remain on the eligibility list for openings in the same classification except that where similar potential conflicts or extra hazards may arise through appointment of the eligible, appointment to other such openings may still be refused.

C. Where two relatives are working in the same department at the time of the adoption of this section, the employees may continue in their positions so long as their mutual employment causes the city no loss of funds, time, or productivity.

D. When two employees of the city become married so as to create a situation in which potential conflicts or other hazards greater than those associated with unmarried employees may arise through, for example, the performance of joint duties, sharing responsibility or authority, reporting to the same immediate supervisor, or supervising one another, then every attempt will be made to transfer one employee to a position where no such potential conflict exists. In the event such a transfer is not feasible, the employees shall be given the opportunity to make the decision as to which one shall resign. In the event that neither employee resigns, the least senior employee shall be terminated.

(Ord. 86-04-974 § 1 (part), 1986)

### **2.82.110 Employee activities.**

During the employee's work day, he/she is expected to devote his/her full time in the performance of his/her assigned duties as a city employee. An employee shall not engage in any employment, activity, or enterprise which is inconsistent, incompatible, or in conflict with his/her duties, functions, or responsibilities as a city employee, nor shall he/she engage in any outside activity which will directly or indirectly contribute to the lessening of his/her effectiveness as a city employee. No employee shall engage in any type of activity relating to an employee organization during such time an employee is on duty, except as expressly provided in the personnel system.

(Ord. 86-04-974 § 1 (part), 1986)

### **2.82.120 Prohibition of incompatible activities.**

Unless the appointing authority specifically determines otherwise, the following activities shall be deemed to be inconsistent, incompatible and in conflict with an employee's functions or responsibilities as a city employee and shall be prohibited by this chapter:

- A. Involves the use for private gain or advantage of city time, facilities, equipment and supplies, prestige, influence, or confidential information of one's city office or employment; or
- B. Involves receipt or acceptance by the employee of any money or other consideration from anyone other than the city for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course

or hours of his/her city employment or as a part of his/her duties as city employee; or

C. Involves the performance of an act in other than his/her capacity as a city employee which act may later be directly or indirectly related to the control, inspection, review, audit, or enforcement by such employee or the department by which he/she is employed; or

D. Involves conditions or facts such as time demands which would probably directly or indirectly lessen the efficiency of the employee in his/her regular city employment, or conditions in which there is a substantial danger of injury or illness to the employee; or

E. Involves the solicitation or provision of work, service, or employment for compensation with a person or business doing or planning to do business with the city over which the employee has some control or influence in his/her official capacity at the time of the transaction, or where any part of his/her efforts will be subject to approval by any other officer, employee, board, or commission of the city.

(Ord. 86-04-974 § 1 (part), 1986)

### **2.82.130 Improper use of city equipment prohibited.**

A. No city-owned equipment, automobiles, trucks, instruments, tools, supplies, machines, badges, identification cards, or other items which are the property of the city shall be used by an employee except upon prior approval of the appointing authority.

B. No employee shall allow any unauthorized person to rent, borrow, or use any of the items mentioned above except upon prior approval of the appointing authority.

(Ord. 86-04-974 § 1 (part), 1986)

### **2.82.200 Confidentiality of records.**

The personnel files of all employees are considered to be confidential and shall not be available for review by anyone except the employee, the employee's supervisor, the department head, the personnel officer, the city attorney, the city council, and a civil or criminal court pursuant to subpoena, or, at the request of the city council, the civil service commission. Background check files of all employees are considered to be confidential and shall not be available for review by anyone except the employee's department head, the personnel officer, the city attorney, and the city council.

(Ord. 86-04-974 § 1 (part), 1986)

### **2.82.210 Access to personnel file.**

Any employee service shall have the right to review, during regular office hours and with reasonable notice, his/her personnel file and any and all documents contained within, except that, the employee shall not have the right to review any information collected during the course of a preemployment background investigation, including psychological and medical examinations, which information shall not be maintained in the regular personnel file. The employee shall also have the right to add responsive, explanatory, or other supplemental information to his/her personnel file.

(Ord. 86-04-974 § 1 (part), 1986)

### **2.82.300 City officials--Financial interests.**

No city official at any level of city government shall make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest.

(Ord. 86-04-974 § 1 (part), 1986)

### **2.82.310 Conflicts of interest--Contracts, sales and purchases.**

City officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall city officers or employees be purchasers at any sale or vendors at any purchase made

by them in their official capacity.

(Ord. 86-04-974 § 1 (part), 1986)

### **2.82.320 Adoption of a conflict of interest code.**

A. The city council shall have the authority to and shall adopt a conflict of interest code pursuant to the Political Reform Act of 1974 (Government Code Sections 81000, et seq.).

B. The conflict of interest code adopted by the city council shall (1) require employees of the city who participate in the city's decision-making process to disclose financial interests which may foreseeably influence their participation in the decision-making and (2) prohibit employees who have such financial interests from participating in the decision-making process.

C. Said code shall provide that employees violating any provisions of the code will be subject to the administrative, criminal, and civil sanctions provided in the Political Reform Act of 1974 and to the criminal sanctions contained herein for the violation of the Signal Hill Municipal Code.

(Ord. 86-04-974 § 1 (part), 1986)

### **2.82.330 Interpretation.**

The provisions of the foregoing Sections 2.82.300 through 2.82.320 are intended to be interpreted in accordance with state law and the rules and regulations adopted pursuant thereto.

(Ord. 86-04-974 § 1 (part), 1986)

### **2.82.340 Violation.**

Any employee who violates the provisions of this chapter, including but not limited to Section 2.82.110, 2.82.120, 2.82.130, 2.82.300, or 2.82.310, shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars, or imprisonment for up to six months, or both, and shall be subject to any remedies or penalties provided in state law and/or the disciplinary procedures set forth in Chapter 2.80, if applicable. Violation of any of the provisions of this chapter shall constitute cause for dismissal from the service of the city.

(Ord. 86-04-974 § 1 (part), 1986)

### **2.82.400 Hourly, part-time, seasonal, volunteer, emergency and other employees.**

A. Hourly, part-time, seasonal, volunteer, and emergency employees are not a part of the classified service as described in Chapter 2.80 and shall not have the benefits and rights, including disciplinary rights described therein. The benefits and rights of such employees shall be set forth in written rules and regulations adopted by the city manager which shall be consistent with the policies of the city council.

B. Contractual employees shall be retained in accordance with the applicable provisions of Chapter 3.20 and shall be governed by the terms of their contract.

(Ord. 86-04-974 § 1 (part), 1986)

## **Chapter 2.84 MANAGEMENT EMPLOYEES**

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Sections:

2.84.010 Application.

2.84.020 Appointment and status.



#### **2.84.010 Application.**

A. This chapter shall apply to all management employees in the service of the city.

B. The provisions of this chapter are deemed to be included in the personnel system of the city as are all rules and regulations adopted by resolution or otherwise pursuant hereto. In the event of any inconsistency between the provisions of this chapter and those of Chapters 2.80 or 2.82, the provisions of Chapters 2.80 and 2.82 shall govern as to the employees covered thereunder except management employees, and the provisions hereof or the rules and regulations adopted pursuant hereto shall govern as to management employees.

C. Unless otherwise specified, the words and terms used in this section shall have the means set forth in Section 2.80.025.

D. The city manager is authorized to issue written guidelines to implement and enforce the personnel system and this chapter, and to make adjustments to avoid or eliminate inequities resulting from its application.

(Ord. 86-04-974 § 2 (part), 1986)

#### **2.84.020 Appointment and status.**

A. The appointing power for all department heads shall be the city council. The term "department head" includes all those employees as described in Section 2.80.025(17).

B. Department heads are at-will employees, serving at the pleasure of the city council. All such employees are subject to termination by the city council at any time, with or without cause, and enjoy no right to any pretermination hearing whatsoever, including but not limited to any due process hearing such as discussed in *Skelly v. State Personnel Board*. In the event of termination, management employees' sole rights shall be to payment for any vested vacation or similar benefits, if any, conferred under the city's personnel system, and any rights conferred by statute.

(Ord. 89-08-1036 § 1; Ord. 86-04-974 § 2 (part), 1986)

#### **2.84.030 Adoption of rules and regulations governing department heads.**

The city council may, by resolution, adopt any rules and regulations governing management employees which the city council deems appropriate and such employees shall be governed thereby.

(Ord. 86-04-974 § 2 (part), 1986)

### **Chapter 2.88 PUBLIC LIBRARY**

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#### Sections:

2.88.010 Established.

2.88.020 Board of trustees--Appointment and terms.

2.88.030 Board of trustees--Meetings.

2.88.040 Board of trustees--Powers.

2.88.050 Board of trustees--Annual reports.

2.88.060 Funding--Library fund and expenditures.

2.88.070 Funding--Annual budget estimates.

2.88.080 Free use--Rules and regulations.

### **2.88.010 Established.**

The city council establishes and provides for the regulation and maintenance of a public library in the city to be known as the Signal Hill Public Library.

(Prior code §§ 2.20.010, 2.20.100 (Ord. 97 §§ 1, 10, 1928))

### **2.88.020 Board of trustees--Appointment and terms.**

A. The management of the public library shall be vested in a board of library trustees consisting of five members who shall be appointed by the mayor, subject to ratification and approval by the city council.

B. The term of office of members of the board of library trustees shall be three years commencing on the first day of July of each third year.

C. Men and women shall be equally eligible to serve on the board of library trustees and vacancies shall be filled by appointment for any unexpired term in the same manner as provided in this section for appointments for full terms. The members of the board of library trustees shall serve without compensation.

(Prior code § 2.20.020 (Ord. 64-12-570 § 1: Ord. 97 § 2, 1928))

### **2.88.030 Board of trustees--Meetings.**

The board of library trustees shall meet at least once a month at such times and place as the board may fix by resolution. Special meetings may be called at any time by three trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting. A majority of the board shall constitute a quorum for the transaction of business. The board shall appoint one of its number president, who shall serve for one year and until his successor is appointed, and in his absence shall select a president pro tem. The board shall cause a proper record of its proceedings to be kept.

(Prior code § 2.20.030 (Ord. 97 § 3, 1928))

### **2.88.040 Board of trustees--Powers.**

The board of library trustees shall have the following powers:

A. To make and enforce all rules, regulations, and bylaws necessary for the administration, government and protection of the library under its management and all property belonging thereto;

B. To administer any trust declared or created for such library, and receive by gift, devise, or bequest and hold in trust or otherwise property situated in this state or elsewhere, and, where not otherwise provided, dispose of the same, subject to the approval of the city council for the benefit of the library;

C. To prescribe the duties and powers of the librarian, secretary, and other officers and employees of any such library; to determine the number of and appoint all such officers and employees, and to fix their compensation, which said officers and employees shall hold their offices or positions at the pleasure of the board; provided, that no increase in compensation of any employee, or in the number of employees, shall be effective until approved by the city council;

D. To purchase necessary books, journals, publications, and other personal property;

E. To purchase such real property, and erect or rent and equip such building or buildings, room or rooms, as may be necessary for the library; provided, however, that the powers enumerated in this subsection shall not be exercised by the board of library trustees until specifically authorized so to do by resolution of the city council;

F. To require the Secretary of State and other state officials to furnish such library with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law;

G. To borrow books from, lend books to, and exchange the same with other libraries, and to allow nonresidents to borrow books upon such conditions as it may prescribe;

H. To do and perform any and all acts and things necessary or proper to carry out the provisions of this chapter.

(Prior code § 2.20.040 (Ord. 97 § 4, 1928))

#### **2.88.050 Board of trustees--Annual reports.**

The board of library trustees shall, on or before the last day of July in each year, make a report to the legislative body of the city giving the condition of the library on the thirtieth day of June preceding, together with a statement of its proceedings for the year then ended, and forward a copy thereof to the state library at Sacramento.

(Prior code § 2.20.050 (Ord. 97 § 5, 1928))

#### **2.88.060 Funding--Library fund and expenditures.**

A. The legislative body of the city shall annually allocate from the general funds of the city a sum of money, the amount of which shall be determined by the legislative body, which sum, together with all money acquired by gift, devise, bequest or otherwise for the purposes of the library shall be apportioned to a fund to be designated the library fund and be applied to the purposes authorized under this chapter.

B. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise, or bequest, the board of library trustees shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise, or bequest.

C. Payments from the fund shall be made in the same manner as provided for the payment of other demands against the city; provided, that all demands on such fund shall be first presented to the board of library trustees and approved by it before being ordered paid by the city council.

(Prior code § 2.20.060 (Ord. 97 § 6, 1928))

#### **2.88.070 Funding--Annual budget estimates.**

The board of library trustees shall, on or before the date of the making of the annual tax levy by the legislative body of the city, adopt and file with the legislative body a detailed and itemized estimate of the amount of money necessary for the operation of the library for the period covered by the annual tax levy.

(Prior code § 2.20.070 (Ord. 97 § 7, 1928))

#### **2.88.080 Free use--Rules and regulations.**

The library established under this chapter shall be forever free to the inhabitants and nonresident taxpayers of the city, subject always to such rules, regulations, and bylaws as may be made by the board of library trustees, and provided that, for violations of the same, a person may be fined or excluded from the privileges of the library.

(Prior code § 2.20.080 (Ord. 97 § 8, 1928))

#### **2.88.090 Title to property.**

The title to all property acquired for the purposes of the library established under this chapter, when not inconsistent with the terms of its acquisition, or otherwise designated, shall vest in the city and, in the name of the city, may be sued for and defended by action at law or otherwise.

(Prior code § 2.20.090 (Ord. 97 § 9, 1928))

Sections:

- 2.90.010 Purpose and intent.
- 2.90.020 Definitions.
- 2.90.030 Campaign contribution checking account.
- 2.90.040 Liquidation of accounts.
- 2.90.050 Accountability.
- 2.90.060 Campaign contributions limitation.
- 2.90.070 Assumed name contributions.
- 2.90.080 Expenditures uncontrolled by a candidate or a controlled committee.
- 2.90.085 Independent expenditure reports.
- 2.90.086 Independent expenditures by outside parties.
- 2.90.087 Independent expenditures - advertisements-disclosures.
- 2.90.088 Independent expenditure for paid online communications.
- 2.90.090 Enforcement-Violation-Penalties.
- 2.90.100 Application of limitation upon amendment of chapter or adjustment of limitation.
- 2.90.110 Burden of proof.
- 2.90.120 Rules of construction.
- 2.90.130 Severability.

**2.90.010 Purpose and intent.**

Inherent to the cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. It is the purpose and intent of the city council in enacting the ordinance codified in this chapter to preserve an orderly political forum in which individuals and groups may express themselves effectively; to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in municipal elections for city offices; to limit the use of loans and credit in the financing of municipal election campaigns; and to provide full and fair enforcement of all the provisions of this chapter.

(Ord. 2014-04-1469 § 1 (part); Ord. 93-11-1170 § 2; Ord. 85-10-962 § 1 (part))

**2.90.020 Definitions.**

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

A. "Campaign contribution limitation" means contributions over a given election cycle from the contributing person in support of or in opposition to any candidate, including contributions to all the candidate's controlled committees, of \$440 for the 2006 election cycle, provided, that such dollar limit shall increase by 12% on January 1, 2010, and by the same percentage on January 1st of every fourth year thereafter. This amount shall be rounded up or down to the nearest amount divisible evenly by \$25.

B. "City office" means an elected office of the city, including the city council, the city clerk and city treasurer, or any other office which shall become elective in the future.

C. "Election cycle" means:

1. For an incumbent candidate seeking re-election, a period beginning from the date the office holder assumes his or her city office for his or her present term, and ending on the date the newly elected person assumes the city office following the election in which the candidate seeks re-election;
2. For an incumbent city office holder raising funds for election to any other city office, a period of two years prior to the date of the election for the city office sought;
3. For non-incumbent candidates in any regular election for city office, a period commencing from the date of the last regular election and ending on the date of the election for the city office sought;
4. For non-incumbent candidates in any special elections for city office, a period beginning from the date the special election is set for the ballot and ending on the date of the special election for the city office sought.

D. "Express advocacy" means communications that advocate support or opposition of a clearly identified candidate or ballot measure. A communication expressly advocates support or opposition when it uses words such as "vote for," "elect," "support," "cast your ballot," "vote against," "defeat," "reject," "sign petitions for," or the communication, taken as a whole, unambiguously urges a particular result in an election.

E. "Independent expenditure" means:

1. an expenditure having a value of one-hundred dollars (\$100) or greater, made by any person in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee.
2. An independent expenditure is made on the date the payment is made, services are rendered, or consideration, if any, is received, whichever is earlier.
3. An expenditure made at the behest of the affected candidate or committee is not an independent expenditure.

F. For purposes of this chapter, street address means the street name and building number, and the city, state, and ZIP Code, or the Army and Air Force Post Office (A.P.O.) or Fleet Post Office (F.P.O.) address assigned by the United States government to an individual or a dependent who resides with the individual when the individual is on government duty outside the United States and does not have a conventional street address.

G. For purposes of this chapter, spouse shall include Domestic Partner as defined by Section 297 of the Family Code of California.

(Ord. 2014-04-1469 § 1 (part); Ord. 2010-04-1412 §§ 1, 2; Ord. 2006-08-1362 § 1)

#### **2.90.030 Campaign contribution checking account.**

Each candidate and each controlled committee shall establish a campaign contribution checking account within five business days following receipt of a contribution, but no later than five business days after the candidate files his or her nomination papers, whichever shall first occur. Each committee shall establish a campaign contribution checking account within five business days following receipt of a contribution. The name of the bank and the number of the account shall be filed with the city clerk within five business days after the opening of the account. All contributions of money or checks, or anything of value converted by the candidate or committee to money or a check, made to a candidate, to a person on behalf of a candidate, or to a committee shall be placed in the candidate's or committee's checking account within five business days after receipt thereof. A candidate and his or her controlled committee shall establish and maintain one joint checking account. A candidate's personal campaign funds, and including contributions from the candidate's spouse, shall also be placed in his or her campaign contribution checking account before being disbursed for use in his or her campaign.

(Ord. 2014-04-1469 § 1 (part); Ord. 93-11-1170 § 4; Ord. 85-10-962 § 1 (part))

#### **2.90.040 Liquidation of accounts.**

In the event that payment has been made for all goods and services furnished in connection with the campaign of a candidate or controlled committee, a campaign contribution checking account may be liquidated by paying the remaining balance in the account to the candidate or controlled committee for use in any lawful manner. In the event that payment has been made for all goods and services furnished in connection with the activities of a committee other than a controlled committee, a campaign contribution checking

account may be liquidated by paying the remaining balance to the city treasurer for deposit into the city's general fund.

(Ord. 2014-04-1469 § 1 (part): Ord. 93-11-1170 § 5: Ord. 85-10-962 § 1 (part))

### **2.90.050 Accountability.**

A. Contribution Checks-Auditing. Each candidate or committee establishing a campaign contribution checking account shall designate an individual as treasurer, who shall maintain a record which shall include copies of checks of every contribution received, and be in sufficient detail to permit an auditing of the account.

B. Filing Campaign Statements. The treasurer of a candidate or committee formed, or existing, primarily to support or oppose a candidate or candidates for city office, or active only within the city and involved in any election for city office, shall prepare a campaign statement on a form prescribed by the city clerk and file same with the city clerk at the following times:

1. On the dates required for filing of campaign statements under Article 2 of Chapter 4 of the California Political Reform Act (Government Code § 84200 - 84225).

2. On the fourteenth day after any municipal election at which the candidate is seeking office covering the period ending 16 days prior to the election through the second Thursday following the election.

C. Report Contents. The campaign statements required to be filed with the city clerk shall disclose the total amount of contributions received and expenditures made, the name of each person who contributed one hundred dollars or more, the name of each person to whom an expenditure was made, and all other information required under Government Code § 84211.

D. Public Records. The campaign statements described in this section, and all information filed with the city clerk in connection with campaign statements shall be deemed to be public records and shall be subject to public disclosure upon request.

(Ord. 2014-04-1469 § 1 (part): Ord. 2010-04-1412 § 3: Ord. 2006-08-1362 § 2)

### **2.90.060 Campaign contributions limitation.**

A. No person, other than a candidate or the candidate's spouse, shall make, no candidate or committee shall solicit or accept, and no person working for a candidate or a committee shall solicit or accept, any contribution in excess of the campaign contribution limitation. This section shall not limit contributions to the campaign made personally by the candidate, or the candidate's spouse, from his or her own funds; provided such contributions are placed into the campaign contribution checking account pursuant to Section 2.90.030, and further provided, that the candidate, or spouse, is not acting as an agent or intermediary for any other person.

B. Extensions of credit to a candidate or committee for purposes of aiding the political activity of a candidate or committee in amounts of more than the campaign contribution limitation and for periods of longer than sixty days are prohibited; provided, that a candidate may personally borrow funds where such funds will be the candidate's personal contribution to his or her campaign if the loan is a bona fide loan made on such terms and conditions comparable to those available from commercial lending institutions for loans not made for political purposes, including payment of a reasonable rate of interest and a reasonable, specific repayment schedule. The loan shall be made in the form of a loan agreement, promissory note or other appropriate written document, which document shall be maintained and made available pursuant to Section 2.90.050.

C. The terms of this chapter are applicable to any contribution, whether it is used in a current campaign, or to pay deficits incurred in prior campaigns, or otherwise.

(Ord. 2014-04-1469 § 1 (part): Ord. 93-11-1170 § 7: Ord. 89-05-1032 § 1; Ord. 85-10-962 § 1 (part))

### **2.90.070 Assumed name contributions.**

No contribution shall be made, directly or indirectly, by any person or combination of persons acting jointly in a name other than the name by which he or she or it is identified for legal purposes, nor in the name of any other person or combination of persons, nor anonymously. No person shall make a contribution in the name of any person who is not eligible to vote because of age. No person shall make a contribution in his, her or its name of anything belonging to another person or received from another person on the condition that it be used as a contribution. Whenever it is discovered that a contribution has been received in violation of this section, that contribution shall be returned to whoever made it, and the city clerk shall be notified by the recipient of the contribution of the

amount of the contribution and the person to whom it was returned. If the recipient of the contribution cannot ascertain the person who made the contribution, the contribution shall be forwarded to the city treasurer for deposit in the general fund of the city.

(Ord. 2014-04-1469 § 1 (part): Ord. 93-11-1170 § 8: Ord. 85-10-962 § 1 (part))

### **2.90.080 Expenditures uncontrolled by a candidate or a controlled committee.**

Persons not subject to the control of a candidate or a candidate's controlled committee who make independent expenditures for or against a candidate or identified group of candidates for city office shall indicate clearly on any material published, displayed or broadcast that the expenditure was not authorized by a candidate or a candidate's controlled committee whenever such an expenditure, in whole or in part, would have been covered by the provisions of this chapter were it subject to the control of a candidate or a candidate's controlled committee.

(Ord. 2014-04-1469 § 1 (part): Ord. 93-11-1170 § 9: Ord. 85-10-962 § 1 (part))

### **2.90.085 Independent expenditure reports.**

A. Any person or committee meeting the criteria of subsection D of this section, which makes independent expenditures in excess of one hundred dollars (\$100.00) in any calendar year, shall file an independent expenditure report with the city clerk.

B. Independent expenditure reports required hereunder shall be in a form provided by the city clerk, and shall contain all of the following:

1. The name, street address, and telephone number of the person or committee making the expenditure and of the committee's treasurer;
2. If the report is related to a candidate, the full name of the candidate and the office for which the candidate seeks nomination or election;
3. The total amount of expenditures related to the candidate during the period covered by the report made to persons who have received less than one hundred dollars;
4. The total amount of expenditures related to the candidate during the period covered by the report made to persons who have received one hundred dollars or more;
5. For each person to whom an expenditure of one hundred dollars or more related to the candidate has been made during the period covered by the report, or for each person who has provided consideration to the maker of the independent expenditure for an expenditure of one hundred dollars or more during the period covered by the report:
  - a. His or her full name,
  - b. His or her street address,
  - c. If the person is a committee, the name of the committee, the number assigned to the committee by the Secretary of State, or if no number has been assigned, the full name and street address of the treasurer of the committee,
  - d. The date of the expenditure,
  - e. The amount of the expenditure,
  - f. A brief description of the consideration for which each such expenditure was made and the value of the consideration if less than the total amount of the expenditure,
  - g. The cumulative amount of expenditures to such person over the period covered by the report.
6. A list of all the filing officers with whom the committee filed its most recent campaign statement.

C. The independent expenditure reports required hereunder shall be filed semiannually. On January 31st a report shall be filed for the period covered July 1st through December 31st of the preceding year. On July 31st, a report shall be filed for the period covering January 1st through June 30th of that year. A supplemental independent expenditure report shall also be filed for any independent expenditure which totals in the aggregate one thousand dollars or more and is made for or against any specific candidate for city

office, after the closing date of the prior semiannual report period. Such supplemental independent expenditure report shall be in a form provided by the city clerk, and shall be filed within twenty-four hours of the making of the independent expenditure.

D. The independent expenditure reporting requirements herein shall apply only to candidates for city office, their controlled committees, committees formed or existing primarily to support or oppose the candidacy of a candidate for city office, to committees formed or existing primarily to support or oppose the qualification of, or passage of, a local ballot measure which is being voted on only in the city, and to city general purpose committees, and to other committees active only within the city. (Ord. 2014-04-1469 § 1 (part): Ord. 94-01-1176 § 1)

## **2.90.086 Independent Expenditures By Outside Parties.**

### **A. Disclosure of Expenditures.**

1. Any person, organization, not-for-profit or political action committee that makes an independent expenditure of one hundred dollars (\$100.00) or more in support of or in opposition to any measure or candidate, or group of measures or candidates, in the 40 days preceding an election in which the measure or candidate, or group of measures or candidates, appears on the ballot, shall notify the City Clerk within 24 hours by personal delivery, fax, overnight mail, or other electronic means as authorized by law each time an expenditure which meets this threshold is made.

2. Notification shall consist of submittal of Form 461, 465, 496, or 462, or any other form(s) as published and required by the Fair Political Practices Commission.

3. The City Clerk shall post a copy of the notice to the City's website within two business days after receiving the notice.

4. Late independent expenditures shall be reported on subsequent campaign statements in addition to the reports filed pursuant to this section.

5. The person shall also provide to the City Clerk three copies of the communication funded by the expenditure.

### **B. Contents of Notice. The notice shall specify:**

1. Each candidate or measure supported or opposed by the expenditure;
2. The amount spent to support or oppose each candidate or measure;
3. Whether the candidate or measure was supported or opposed;
4. The date and amount of each expenditure;
5. A description of the type of communication for which the expenditure was made;
6. The name and address of the person making the expenditure; and
7. The name and address of the payee.

C. The notice shall include a statement that the expenditure was not made at the behest of any candidate or ballot measure proponent who benefited from the expenditure; and shall be signed under penalty of perjury by both a responsible officer and the treasurer of the committee making the expenditure.

D. Notification to Candidates of Expenditures. The City Clerk shall notify all candidates and committees in each affected race by electronic mail within one business day of receiving notice of the independent expenditures of one hundred dollars (\$100.00) or more. This notification will indicate who was supported or opposed by the independent expenditure and include a copy of the communication provided by the person/group making the expenditure.

E. Exemption for Regularly Published Newsletters. For purposes of the notification required by subsection (A) of this section, payments by an organization for its regularly published newsletter or periodical, if the circulation is limited to the organization's members, employees, shareholders, other affiliated individuals and those who request or purchase the publication, shall not be required to be reported.

(Ord. 2014-04-1469 § 1 (part))



## **2.90.087 Independent Expenditures - Advertisements-Disclosures.**

A. If the expenditure for a broadcast or mass mailing advertisement that expressly advocates the election or defeat of any candidate is an independent expenditure, the committee shall include on the advertisement "Paid for by" immediately followed by the name, address, and city of that committee including the person controlling the committee, as well as the names of the two persons making the largest cumulative contributions to the committee making the independent expenditure.

B. If an acronym is used to specify any committee names in this section, the names of any sponsoring organization of the committee shall be printed on print advertisements or spoken in broadcast advertisements.

C. For the purposes of determining the two contributors to be disclosed, the contributions of each person to the committee making the independent expenditure during the one-year period before the election shall be aggregated.

D. Any broadcast or mass mailing advertisement by an independent expenditure committee that expressly advocates the election or defeat of any candidate shall clearly state that the advertisement is authorized and paid for by a committee independent of the candidate.

(Ord. 2014-04-1469 § 1 (part))

## **2.90.088 Independent Expenditure for Paid Online Communications.**

A. When reporting an Independent expenditure a person or committee, must specifically describe amounts the committee paid to provide content on a candidate or ballot measure by:

1. Providing content for posting on a web site or a web log ("blog"), whether one's own or another's;
2. Providing content for or posting on a social media platform or service;
3. Providing video content for posting online.

B. When reporting these expenditures, whether the payment is made directly or through a third party, a person or committee must list specific details of the payment, including, but not limited to, the amount of the payment, the payee, the name of the person providing content, and the name of the website or the URL on which the communication is published in the first instance. The person or committee must report the expenditure for online content using the expenditure code "WEB" and the specifics described in this section.

C. Paid advertisements placed on the Internet by a recipient committee that are purchased at regularly published rates are not subject to the additional reporting required by this regulation.

D. The reporting in this regulation does not apply to payments that a recipient committee makes to a person for producing content solely for the committee's own websites or social media accounts.

E. If the fact that a campaign has paid for content as described in this regulation is posted in a clearly conspicuous manner along with the posted content in each instance of the content appearing on the Internet or other digital platform, reporting is not required as described in this regulation. For example, the following type of posting would satisfy this requirement: "The author was paid by the Committee to Re-Elect Mayor Jane Doe in connection with this posting".

F. "Content" means that which is offered on a website or other digital platform in writing, picture, video, photograph or other similar format. Content does not include clicking on images to cast a "vote" or opinion, nor does it include commentary posted in response to another person's content.

(Ord. 2014-04-1469 § 1 (part))

## **2.90.090 Enforcement-Violation-Penalties.**

A. In addition to any other penalty provided by law, any person who knowingly or willfully violates any provision of this chapter, including any willful or knowing failure to keep a record of contributions, to place contributions in a campaign contribution checking account, or to refuse excessive contributions, shall be guilty of a misdemeanor and punishable as provided in Section 1.16.010 of this code.

B. Any contribution received in violation of this chapter shall be returned to the contributor if the funds can be identified; if the

funds cannot be identified, the amount of the contribution made in violation of this chapter shall be paid to the city treasurer for deposit in the general fund of the city.

C. The city attorney may maintain in the name of the city a civil action at any time during an election cycle or thereafter, in a court of competent jurisdiction to enjoin actual or threatened violations of, or to compel compliance with, or to obtain a judicial declaration regarding the applicability of or compliance with, the provisions of this chapter.

D. The city attorney may maintain in the name of the city a civil action to recover from a candidate, or committee, or from any person who intentionally or negligently violates any of the reporting requirements or contribution limitations set forth in this chapter, an amount up to the campaign contribution limitation or three times the amount not reported or the amount received in excess of the amount allowable pursuant to this chapter, whichever is greater. Any money recovered in any such action shall be deposited in the city's general fund.

E. Any limitation of time prescribed by law within which criminal prosecution or a civil action pursuant to this chapter must be commenced shall not begin to run until discovery of the violation.

F. If, after election, any holder of a city office is convicted of a violation of any provision of this chapter, such violation shall constitute an offense involving violation of official duties, and the office shall be deemed vacant pursuant to Government Code Section 1770. Any person convicted of a violation of this chapter shall be ineligible to hold a city office for a period of five years from and after the date of the conviction.

(Ord. 2014-04-1469 § 1 (part): Ord. 93-11-1170 § 10: Ord. 85-10-962 § 1 (part))

#### **2.90.100 Application of limitation upon amendment of chapter or adjustment of limitation.**

A. In determining whether any particular contribution exceeds the campaign contribution limitation, all contributions made during the election cycle including the effective date of any ordinance amending this chapter, shall be counted towards the campaign contribution, provided that no person whose contributions exceed the campaign contribution limitation during such period as a result of any amendment shall be in violation of this chapter so long as that person does not make, solicit or accept further contributions in support of or in opposition to a candidate or group of candidates until that person would otherwise be permitted to make, solicit or accept contributions pursuant to this chapter.

B. Upon adjustment of the amount of the campaign contribution limitation pursuant to subsection A of Section 2.90.020, the given election cycle for determining the appropriateness of the contribution shall remain the election cycle in which the adjustment becomes effective.

(Ord. 2014-04-1469 § 1 (part): Ord. 93-11-1170 § 11: Ord. 85-10-962 § 1 (part))

#### **2.90.110 Burden of proof.**

Wherever this chapter provides that a contribution or expenditure is exempt from the provisions hereof if "it is clear from the surrounding circumstances that it is not made for political purposes," the burden of proof shall be on the candidate or committee to demonstrate by clear and convincing evidence that such contribution or expenditure does not have a political purpose and, unless such burden is met, it shall be presumed that the purpose is political.

(Ord. 2014-04-1469 § 1 (part): Ord. 93-11-1170 § 12: Ord. 85-10-962 § 1 (part))

#### **2.90.120 Rules of construction.**

This chapter shall be construed liberally in order to effectuate its purposes. No error, irregularity, informality, neglect or omission of any officer in any procedure taken under this chapter that does not directly affect the jurisdiction of the city council to control campaign contributions shall avoid the effect of this chapter.

(Ord. 2014-04-1469 § 1 (part): Ord. 93-11-1170 § 13)

#### **2.90.130 Severability.**

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

(Ord. 2014-04-1469 § 1 (part): Ord. 93-11-1170 § 14)

## **Title 3 REVENUE AND FINANCE**

Chapters:

- 3.04 Assessment and Collection of Taxes
- 3.08 Real Property Transfer Tax
- 3.12 Sales and Use Tax
- 3.16 Transient Occupancy Tax
- 3.20 Purchasing
- 3.24 Funds
- 3.28 Claims Against City
- 3.32 Economic Development

### **Chapter 3.04 ASSESSMENT AND COLLECTION OF TAXES**

Sections:

- 3.04.010 Statutory authority.
- 3.04.020 Transfer of tax duties to county.

#### **3.04.010 Statutory authority.**

The city council of the city, a city of the sixth class, deeming it for the best interests of the city, and determining that the public interest and necessity demand the action taken, does declare its election, and it does elect to avail itself of all of the provisions of an act of the legislature of the state of California entitled: "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, and all acts of the legislature of the state of California amending the same, except the provisions of Section 2 of said act, as amended.

(Prior code § 3.08.010 (Ord. 30 § 1, 1924))

#### **3.04.020 Transfer of tax duties to county.**

All assessments for taxes in and for the city shall be made and collected as contemplated in the act pursuant to Section 3.04.010 by the assessor and tax collector, respectively, of the county, and the duties of assessing property and collecting taxes, provided by law to be performed heretofore by the assessor and tax collector of the city, shall hereafter be performed by the assessor and tax collector, respectively, of the county until the city shall, by ordinance hereafter adopted, elect not to avail itself of the provisions of the state act for any longer time.

(Prior code § 3.08.020 (Ord. 30 § 2, 1924))

Sections:

- 3.08.010 Title of provisions--Statutory authority.
- 3.08.020 Imposed--Rate.
- 3.08.030 Payment responsibility.
- 3.08.040 Nonapplicability to debt-securing instruments.
- 3.08.050 Governmental entities exempt.
- 3.08.060 Certain conveyances exempted.
- 3.08.070 SEC orders exempted.
- 3.08.080 Applicability to partnerships.
- 3.08.090 Administration.
- 3.08.100 Claims for refunds.

**3.08.010 Title of provisions--Statutory authority.**

The ordinance codified in this chapter shall be known as the "Real Property Transfer Tax Ordinance of the City of Signal Hill." It is adopted pursuant to the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the State of California.

(Prior code § 3.14.010 (Ord. 67-12-612 § 1))

**3.08.020 Imposed--Rate.**

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

(Prior code § 3.14.020 (Ord. 67-12-612 § 2))

**3.08.030 Payment responsibility.**

Any tax imposed pursuant to Section 3.08.020 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.

(Prior code § 3.14.030 (Ord. 67-12-612 § 3))

**3.08.040 Nonapplicability to debt-securing instruments.**

Any tax imposed pursuant to this chapter shall not apply to any instrument in writing given to secure a debt.

(Prior code § 3.14.040 (Ord. 67-12-612 § 4))

**3.08.050 Governmental entities exempt.**

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. 80-6-848 § 1; prior code § 3.14.050 (Ord. 67-12-612 § 5))

### **3.08.060 Certain conveyances 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 subdivision (m) of Section 205 of Title 11 of the United States Code, as amended;
3. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title 11 of the United States Code, as amended; or
4. Whereby a mere change in identity, form, or place of organization is effected.

B. Subsections A(1) through A(4) of this section, inclusive, shall only apply if the making, delivery, or filing of instruments of transfer or conveyance occurs within five years from the date of such confirmation, approval, or change.

C. 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 said deed, instrument or writing or stated in an affidavit or declaration under penalty of perjury for tax purposes.

(Ord. 80-6-848 § 2; prior code § 3.14.060 (Ord. 67-12-612 § 6))

### **3.08.070 SEC orders 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 effect the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;
- B. Such order specifies the property which is ordered to be conveyed;
- C. Such conveyance is made in obedience to such order.

(Prior code § 3.14.070 (Ord. 67-12-612 § 7))

### **3.08.080 Applicability to partnerships.**

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

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

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

such termination.

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

(Prior code § 3.14.080 (Ord. 67-12-612 § 8))

**3.08.090 Administration.**

The county recorder shall administer this chapter in conformity with the provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any county ordinance adopted pursuant thereto.

(Prior code § 3.14.090 (Ord. 67-12-612 § 9))

**3.08.100 Claims for refunds.**

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

(Prior code § 3.14.100 (Ord. 67-12-612 § 10))

**Chapter 3.12**  
**SALES AND USE TAX**

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Sections:

- 3.12.010 Title of provisions.
- 3.12.020 Rate.
- 3.12.030 Purpose of provisions.
- 3.12.040 Contract with state.
- 3.12.050 Sales tax--Imposed.
- 3.12.060 Place of sale.
- 3.12.070 Use tax--Imposed.
- 3.12.080 State law--Adopted.
- 3.12.090 State law--Interpretation.
- 3.12.100 Additional seller's permit not required.
- 3.12.110 Exclusions and exemptions.
- 3.12.112 Sales and use tax credit to Signal Hill redevelopment project area No. 1.
- 3.12.120 Amendments.
- 3.12.130 Enjoining collection prohibited.
- 3.12.140 Penalty for violation.

**3.12.010 Title of provisions.**

This chapter shall be known as the "Uniform Local Sales and Use Tax Law" of the city.

(Ord. 73-9-709 § 1 (part): prior code § 3.04.010)

### **3.12.020 Rate.**

The rate of sales tax and use tax imposed by this chapter shall be one percent.

(Ord. 73-9-709 § 1 (part): prior code § 3.04.020)

### **3.12.030 Purpose of provisions.**

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 law which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

B. To adopt a sales and use tax law which incorporates provisions identical to those of the Sales and Use Tax Law of the state of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

C. To adopt a sales and use tax law which imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes;

D. To adopt a sales and use tax law which can be administered in a manner that will, to the degree possible be consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of recordkeeping upon persons subject to taxation under the provisions of this chapter.

(Ord. 73-9-709 § 1 (part): prior code § 3.04.040)

### **3.12.040 Contract with state.**

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

(Ord. 73-9-709 § 1 (part): prior code § 3.04.050)

### **3.12.050 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 stated in Section 3.12.020 of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in this city on and after the operative date.

(Ord. 73-9-709 § 1 (part): prior code § 3.04.060)

### **3.12.060 Place of sale.**

A. 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.

B. 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.

C. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

(Ord. 73-9-709 § 1 (part), prior code § 3.04.070)

### **3.12.070 Use tax--Imposed.**

An excise tax is imposed on the storage, use, or other consumption in this city of tangible personal property purchased from any retailer on and after the operative date for storage, use, or other consumption in this city at the rate stated in Section 3.12.020 of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

(Ord. 73-9-709 § 1 (part): prior code § 3.04.080)

### **3.12.080 State law--Adopted.**

Except as otherwise provided in this chapter, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of the Revenue and Taxation Code are adopted and made a part of this ordinance as though fully set forth in this chapter.

(Ord. 73-9-709 § 1 (part): prior code § 3.04.090)

### **3.12.090 State law--Interpretation.**

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

(Ord. 73-9-709 § 1 (part): prior code § 3.04.100)

### **3.12.100 Additional seller's permit not required.**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller's permit shall not be required by this chapter.

(Ord. 73-9-709 § 1 (part): prior code § 3.04.110)

### **3.12.110 Exclusions and exemptions.\***

A. The amount subject to tax under this chapter shall not include any sales or use tax imposed by the state upon a retailer or



consumer.

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

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

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

(Ord. 83-12-915 § 1: Ord. 73-9-709 § 1 (part): prior code § 3.04.130)

\* Editor's Note: Section 3 of Ordinance 83-12-915 states that Section 3.12.110, as set out in Section 1 of Ordinance 83-12-915, shall be operative January 1, 1984.

### **3.12.110 Exclusions and exemptions.\***

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

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

C. There are exempted from the computation of the amount of the sales tax under this chapter the gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

D. The storage, use or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property of such vessels for commercial purposes is exempted from the use tax under this chapter.

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

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

\* Editor's Note: Section 4 of Ordinance 83-12-915 states that Section 3.12.110, as set out in Section 2 of Ordinance 83-12-915, shall be operative on the operative date of any act of the Legislature of the state of California which amends Section 7202 of the Revenue and Taxation Code or which repeals and reenacts Section 7202 of the Revenue and Taxation Code to provide an exemption from city sales and use taxes for operators of waterborne vessels in the same, or substantially the same, language as that existing in subdivisions (i)(7) and (i)(8) of Section 7202, as those subdivisions read on October 1, 1983.

### **3.12.112 Sales and use tax credit to Signal Hill redevelopment project area No. 1.**

Any person or persons subject to the sales and use tax under this section shall be entitled to a credit against the payment of such

taxes due in the amount of any sales and use taxes due from that person or persons to the Signal Hill redevelopment agency pursuant to Ordinance No. 93-12-1173R, adopted by the agency on December 29, 1993, which affects businesses located within the Signal Hill redevelopment project area No. 1.

(Ord. 93-12-1172 § 1)

**3.12.120 Amendments.**

All subsequent amendments of the Revenue and Taxation Code which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this chapter.

(Ord. 73-9-709 § 1 (part): prior code § 3.04.150)

**3.12.130 Enjoining collection prohibited.**

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

(Ord. 73-9-709 § 1 (part): prior code § 3.04.160)

**3.12.140 Penalty for violation.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable as provided in Chapter 1.16.

(Ord. 73-9-709 § 1 (part): prior code § 3.04.170)

**Chapter 3.16**  
**TRANSIENT OCCUPANCY TAX**

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Sections:

- 3.16.010 Title of provisions.
- 3.16.020 Definitions.
- 3.16.030 Imposed--Rate.
- 3.16.040 Exemptions.
- 3.16.050 Operator's duties.
- 3.16.060 Registration of operators.
- 3.16.070 Reports and remittances.
- 3.16.080 Delinquency interest assessments.
- 3.16.090 Assessments determined by tax collector.
- 3.16.100 Appeals.
- 3.16.110 Recordkeeping.
- 3.16.120 Refunds.
- 3.16.130 Tax deemed debt to city.
- 3.16.140 Penalties for violations.

### **3.16.010 Title of provisions.**

The ordinance codified in this chapter shall be known as the "Uniform Transient Occupancy Tax Ordinance of the City of Signal Hill."

(Ord. 68-8-627 § 1 (part): prior code § 3.10.01)

### **3.16.020 Definitions.**

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

A. "Hotel" means any structure or any portion of any structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, apartment house, dormitory, public or private club, other similar structure or portions thereof and any mobile home or house trailer which is located outside a mobile home park for occupancy on a transient basis, unless such occupancy is for any period of more than thirty days or unless such occupancy is by a tenant who is an employee of the owner or operator of the mobile home.

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

C. "Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

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

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

F. "Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

(Ord. 80-6-848 § 3; Ord. 68-8-627 § 1 (part): prior code § 3.10.02)

### **3.16.030 Imposed--Rate.**

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of nine percent of the rent charged by the operator. The tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the same time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the tax administrator may require that such tax shall be paid directly to the tax administrator.

(Ord. 85-11-965 § 1; Ord. 78-6-798 § 1; Ord. 68-8-627 § 1 (part): prior code § 3.10.03)

### **3.16.040 Exemptions.**

A. No tax shall be imposed upon the following:

1. Any person as to whom, or any occupancy as to which, it is beyond the power of the city to impose the tax provided for in this chapter;

2. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

B. No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the tax administrator.

(Ord. 68-8-627 § 1 (part): prior code § 3.10.04)

### **3.16.050 Operator's duties.**

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

(Ord. 68-8-627 § 1 (part): prior code § 3.10.05)

### **3.16.060 Registration of operators.**

A. Within thirty days after the effective date of this ordinance, or within thirty days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register the hotel from the tax administrator and obtain from him a transient occupancy registration certificate to be at all times posted in a conspicuous place on the premises.

B. The certificates shall, among other things, state the following:

1. The name of the operator;

2. The address of the hotel;

3. The date upon which the certificate was issued;

4. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Ordinance by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this city. This certificate does not constitute a permit."

(Ord. 68-8-627 § 1 (part): prior code § 3.10.06)

### **3.16.070 Reports and remittances.**

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

B. The tax administrator may establish shorter reporting periods for any certificate holder if he deems it necessary in order to insure collection of the tax and he may require further information in the return.

C. Returns and payments are due immediately upon cessation of business for any reason.

D. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the tax administrator.

(Ord. 68-8-627 § 1 (part): prior code § 3.10.07)

### **3.16.080 Delinquency interest assessments.**

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

(Ord. 68-8-627 § 1 (part): prior code § 3.10.08)

### **3.16.090 Assessments determined by tax collector.**

- A. If any operator fails or refuses to collect the tax and to make, within the time provided in this chapter any report and remittance of the tax or any portion thereof required by this chapter, the tax administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due.
- B. As soon as the tax administrator procures such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by an operator who has failed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interests, and penalties provided for by this chapter. In case such determination is made, the tax administrator shall give notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address.
- C. Such operator may within ten days after the serving or mailing of such notice make application in writing to the tax administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest, and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable. If such application is made, the tax administrator shall give not less than five days' written notice in the manner prescribed in this section to the operator to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for such tax, interest, and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest, and penalties should not be so fixed.
- D. After such hearing the tax administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed in this section of such determination and the amount of such tax, interest, and penalties.
- E. The amount determined to be due shall be payable after fifteen days unless an appeal is taken as provided in Section 3.16.100.

(Ord. 68-8-627 § 1 (part): prior code § 3.10.09)

### **3.16.100 Appeals.**

Any operator aggrieved by any decision of the tax administrator with respect to the amount of such tax, interest, and penalties, if any, may appeal to the council by filing a notice of appeal with the city clerk within fifteen days of the serving or mailing of the determination of tax due. The council shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at his last known place of address. The findings of the council shall be final and conclusive and shall be served upon the appellant in the manner prescribed in Section 3.16.090 for services of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

(Ord. 68-8-627 § 1 (part): prior code § 3.10.10)

### **3.16.110 Recordkeeping.**

It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city, which records the tax administrator shall have the right to inspect at all reasonable times.

(Ord. 68-8-627 § 1 (part): prior code § 3.10.11)

### **3.16.120 Refunds.**

A. Whenever the amount of any tax, interest, or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter, it may be refunded as provided in subsections B and C of this section, provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the tax administrator within three years of the date of payment. The claim shall be on forms furnished by the tax administrator.

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

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

D. No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto.

(Ord. 68-8-627 § 1 (part): prior code § 3.10.12)

### **3.16.130 Tax deemed debt to city.**

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

(Ord. 68-8-627 § 1 (part): prior code § 3.10.13)

### **3.16.140 Penalties for violations.**

A. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punishable pursuant to Chapter 1.16.

B. Any operator or other person who fails or refuses to register as required in this chapter, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the tax administrator, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor, and is punishable pursuant to Chapter 1.16.

C. Any person required to make, render, sign, or verify any report or claim who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made is guilty of a misdemeanor and is punishable pursuant to Chapter 1.16.

(Ord. 68-8-627 § 1 (part): prior code § 3.10.14)

Sections:

- 3.20.010 System adopted.
- 3.20.020 Purchasing officer.
- 3.20.030 Purchases by department heads.
- 3.20.040 Estimates of requirements.
- 3.20.050 Requisitions.
- 3.20.060 Purchase orders--Required.
- 3.20.070 Purchase orders--Account encumbrance.
- 3.20.080 Purchases through state.
- 3.20.090 Purchases through cooperative agreements.
- 3.20.095 Purchases through open purchase orders.
- 3.20.100 Bidding--Required for certain purchases.
- 3.20.110 Bidding--Formal contract procedure.
- 3.20.120 Bidding--Invitation notices.
- 3.20.130 Bidding--Security posting required.
- 3.20.140 Bidding--Submission, opening, and inspection.
- 3.20.150 Bidding--Rejection and readvertisement.
- 3.20.160 Bidding--Award of contract.
- 3.20.170 Bidding--Tied bids.
- 3.20.180 Bidding--Performance bonds.
- 3.20.190 Open market purchasing.
- 3.20.195 Expenditures for public projects.
- 3.20.200 Inspection and testing of purchases.
- 3.20.210 Surplus supplies and equipment.

**3.20.010 System adopted.**

In order to insure that purchases of supplies, services, and equipment are made by the city at the lowest possible cost commensurate with the quality needed, and to make possible financial control over purchases, the procedures set forth in this chapter shall be followed in all purchases by the city of supplies, services, and equipment.

(Prior code § 2.12.280 (Ord. 506 § 20, 1961))

**3.20.020 Purchasing officer.**

A. There is created the position of purchasing officer. He shall be appointed by the city council and, subject to the direction of the city council, shall be vested with the authority and responsibility to make all purchases of supplies, services, and equipment required by the city. The duties of purchasing officer may be combined with those of any other office or position.

B. The purchasing officer shall have authority to do the following:

1. Purchase or contract for supplies, services, and equipment required by any department of the city in accordance with purchasing procedures prescribed by this chapter, such administrative regulations as the purchasing officer shall adopt, and such other rules and regulations as shall be prescribed by the city council;
2. Negotiate and recommend execution of contracts for the purchase of supplies, services, and equipment;
3. Act to procure for the city the needed quality in supplies, services, and equipment at least expense to the city;
4. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases;
5. Prepare and recommend to the city council rules governing the purchase of supplies, services, and equipment for the city;
6. Prepare and recommend to the city council revisions and amendments to the purchasing rules;
7. Keep informed of current developments in the field of purchasing, prices, market conditions, and new products;
8. Prescribe and maintain such forms as are reasonably necessary to the operation of this chapter and other rules and regulations;
9. Supervise the inspection of all supplies, services, and equipment purchased to insure conformance with specifications;
10. Recommend the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all of the city's surplus personal property;
11. Maintain a bidder's list, vendor's catalog file and records needed for the efficient performance of the purchasing function.

(Prior code § 2.12.290 (Ord. 506 § 21, 1961))

### **3.20.030 Purchases by department heads.**

The purchasing officer, with approval of the city council, may in writing authorize any department head to purchase or contract for specified supplies, services, and equipment independently of the purchasing officer, but he shall require that such purchases or contracts be made in conformity with the procedure established by this chapter, and shall further require periodic reports on the purchases and contracts made under such written authorization.

(Prior code § 2.12.300 (Ord. 506 § 22, 1961))

### **3.20.040 Estimates of requirements.**

All department heads and elected officers shall file detailed estimates of their requirements in supplies, services, and equipment in such manner, at such time, and for such future periods as the purchasing officer shall prescribe.

(Prior code § 2.12.310 (Ord. 506 § 23, 1961))

### **3.20.050 Requisitions.**

All requests to the purchasing officer ordering supplies, services, and equipment shall be submitted upon standard requisition forms.

(Prior code § 2.12.320 (Ord. 506 § 24, 1961))

### **3.20.060 Purchase orders--Required.**

Purchases of supplies, services, and equipment shall be made only by purchase order.

(Prior code § 2.12.340 (Ord. 506 § 26, 1961))

### **3.20.070 Purchase orders--Account encumbrance.**

Except in cases of emergency, the purchasing officer shall not issue any purchase order for supplies, services, or equipment unless



there exists an unencumbered appropriation in the fund account against which the purchase is to be charged.

(Prior code § 2.12.350 (Ord. 506 § 27, 1961))

### **3.20.080 Purchases through state.**

Government Code Section 14814 authorizes the Department of General Services to make purchases of materials, equipment, or supplies on behalf of this city in those instances when the purchase can be made by the Department of General Services upon the same terms, conditions and specifications at a purchase price lower than that which the city can obtain through its normal purchasing procedures. In those instances where the city council determines that purchasing through the Department of General Services will result in savings to this city, then this city is authorized to make such purchases.

(Ord. 76-11-755 § 1: prior code § 2.12.231)

### **3.20.090 Purchases through cooperative agreements.**

Whenever supplies, services, or equipment can be purchased at the least cost to the city by making these purchases through cooperative agreements and/or in concert with other public agencies and the city council approves of such purchases, then the purchasing officer is authorized to make such purchases without complying with the provisions of this chapter.

(Ord. 76-11-755 § 2: prior code § 2.12.232)

### **3.20.095 Purchases through open purchase orders.**

Supplies, equipment, and services may be purchased by an open purchase order from a vendor who agrees to supply the city's requirements for the particular item(s) at a fixed price, or at a fixed discount from the list market price for the item(s), or under such other terms as the purchasing officer determines are most advantageous to the city. An open purchase order may be effective for such period of time as the purchasing officer determines is in the best interest of the city, and as is agreed to by the vendor, provided, however, that no open purchase order shall be effective for a period of time in excess of three years. Issuance of an open purchase order shall be made pursuant to the provisions of this chapter. No single purchase made under an open purchase order shall exceed two thousand five hundred dollars.

(Ord. 82-8-896 § 1)

### **3.20.100 Bidding--Required for certain purchases.**

Purchases of supplies, services other than professional services, equipment, and the sale of personal property shall be by bid procedures pursuant to Sections 3.20.110 and 3.20.190. Such procedures shall be dispensed with only when an emergency requires that an order be placed with the nearest available source of supply, when the amount involved is less than two hundred and fifty dollars, when the commodity can be obtained from only one vendor, or when the order is made under an open purchase order issued pursuant to the provisions of this chapter.

(Ord. 82-8-896 § 2: Ord. 69-7-643 § 1: prior code § 2.12.330 (Ord. 506 § 25, 1961))

### **3.20.110 Bidding--Formal contract procedure.**

Except as otherwise provided in this chapter, purchases, contracts, and open purchase orders for supplies, services, equipment, and the sale of personal property of an estimated value greater than fifteen thousand dollars shall be by written contract with the lowest or highest responsible bidder, as the case may be, pursuant to the procedure prescribed in this chapter. No purchase shall be made under an open purchase order which will make the total expended under such open purchase order be in excess of fifteen thousand dollars unless such open purchase order was issued pursuant to the provisions of this section, or unless such purchase is specifically authorized by the council.

(Ord. 82-8-896 § 3: Ord. 77-9-773 § 3: Ord. 73-6-704 § 1: Ord. 67-8-608 § 1: prior code § 2.12.360 (Ord. 506 § 28 (part), 1961))

### **3.20.120 Bidding--Invitation notices.**

- A. Notices inviting bids shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.
- B. Notice inviting bids shall be published at least ten days before the date of opening of the bids. Notice shall be published at least once in a newspaper of general circulation printed and published in the city or, if there is none, it shall be posted in at least three public places in the city that have been designated by ordinance as the places for posting public notices.
- C. The purchasing officer shall also solicit sealed bids from all responsible prospective suppliers whose names are on the bidder's list or who have requested their names to be added thereto.
- D. The purchasing officer shall also advertise pending purchases or sales by a notice posted on a public bulletin board in the city hall.

(Prior code § 2.12.370 (Ord. 506 § 28(a), 1961))

### **3.20.130 Bidding--Security posting required.**

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

(Prior code § 2.12.380 (Ord. 506 § 28(b), 1961))

### **3.20.140 Bidding--Submission, opening, and inspection.**

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 not less than thirty calendar days after the bid opening.

(Prior code § 2.12.390 (Ord. 506 § 28(c), 1961))

### **3.20.150 Bidding--Rejection and readvertisement.**

In its discretion the city council may reject any and all bids presented and readvertise for bids.

(Prior code § 2.12.400 (Ord. 506 § 28(d), 1961))

### **3.20.160 Bidding--Award of contract.**

Contracts shall be awarded by the city council to the lowest responsible bidder except as otherwise provided in this chapter.

(Prior code § 2.12.410 (Ord. 506 § 28(e), 1961))

### **3.20.170 Bidding--Tied bids.**

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

(Prior code § 2.12.420 (Ord. 506 § 28(f), 1961))

### **3.20.180 Bidding--Performance bonds.**

The city council shall have authority to require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interests of the city. If the city council requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.

(Prior code § 2.12.430 (Ord. 506 § 28(g), 1961))

### **3.20.190 Open market purchasing.**

Purchases of supplies, equipment, and contractual services, sales of personal property, and issuance of open purchase orders of an estimated value in the amount of fifteen thousand dollars or less may be made by the purchasing officer in the open market without observing the procedure prescribed by Sections 3.20.100 through 3.20.180; however, the following regulations shall apply:

A. Each open market purchase and issuance of any open purchase order which is an amount in excess of two hundred and fifty dollars shall be based on at least three bids, and shall be awarded to the lowest responsible bidder. This requirement shall not apply when, in the opinion of the purchasing officer, it is impracticable.

B. The purchasing officer shall by letter or telephone solicit bids by prospective vendors for each purchase or open purchase order in an amount exceeding two hundred and fifty dollars.

C. The purchasing officer 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.

D. If the purchasing officer determines that a series of purchases shall be made from one vendor under an open purchase order, the purchasing officer shall periodically monitor such purchases in order to determine if the prices charged by such vendor to the city are competitive with other vendors of similar items. The purchasing officer shall also, whenever practicable, take advantage of any discount offers made by such vendor.

(Ord. 82-8-896 § 4: Ord. 77-9-773 § 4: Ord. 73-6-704 § 2: prior code § 2.12.440 (Ord. 506 § 29, 1961))

### **3.20.195 Expenditures for public projects.**

Notwithstanding any other provision of this code, purchases and contracts for supplies, services, and equipment required for a public project shall be contracted for and let to the lowest responsible bidder after notice pursuant to the procedures prescribed in this chapter if such expenditure is estimated to be greater than five thousand dollars. For purposes of this section, "public project" shall mean:

A. A project for the erection, improvement, painting or repair of public buildings and works.

B. Work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow.

C. Street or sewer work except maintenance or repair.

D. Furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers.

(Ord. 82-8-896 § 5)

### **3.20.200 Inspection and testing of purchases.**

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

(Prior code § 2.12.450 (Ord. 506 § 30, 1961))

### **3.20.210 Surplus supplies and equipment.**

- A. All city department heads and officers shall submit to the purchasing officer, at such time and in such force as he shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out.
- B. The purchasing officer shall have authority to sell all supplies and equipment which cannot be used or which have become unsuitable for city use, or to exchange the same for, or trade in the same on, newer supplies and equipment.
- C. Such sales shall be made pursuant to the bidding procedure set forth in Sections 3.20.100 through 3.20.180 or the open market procedure as set forth in Section 3.20.190, whichever procedure is applicable.
- D. Nothing herein shall be read to abridge the city council's authority to acquire or dispose of city-owned property, whether or not surplus. Specifically, the city council may, upon a proper finding of common benefit and public purpose, make any donation of property or funds to any person or organization acting in the public interest.

(Ord. 89-12-1049 § 1; prior code § 2.12.460 (Ord. 506 § 31, 1961))

## **Chapter 3.24 FUNDS**

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### Sections:

- 3.24.010 Accounting funds generally.
- 3.24.020 General fund.
- 3.24.030 Capital outlay fund.
- 3.24.040 Library fund.
- 3.24.050 Traffic safety fund.
- 3.24.060 Motor vehicle license fee fund.
- 3.24.070 Special gas tax street improvement fund.
- 3.24.080 Trust and agency fund.
- 3.24.090 Water fund.
- 3.24.100 Transfers.
- 3.24.110 Receipt, deposit, and handling of moneys.
- 3.24.120 Disbursement of funds--Generally.
- 3.24.130 Disbursements of funds--Prenumbered warrants--Signatures.
- 3.24.140 Warrants--Types--Issuance.
- 3.24.150 Warrants--Register keeping.
- 3.24.160 Issuance of general warrants.
- 3.24.170 Issuance of payroll warrants.
- 3.24.180 Issuance of warrants prior to audit.
- 3.24.190 Payroll preparation.
- 3.24.200 Petty cash.
- 3.24.210 Accounting system.
- 3.24.220 Annual audit.

### **3.24.010 Accounting funds generally.**

For accounting purposes the funds set forth in this chapter are created.

(Prior code § 2.12.050 (Ord. 506 § 5 (part), 1961))

### **3.24.020 General fund.**

The purpose of the general fund shall be to provide for and reflect the general operations of the city. It shall be the repository of all moneys which are not required by other provisions of this chapter or any law of the state to be placed in any other fund, and the moneys therein shall be used for payment of all expenditures which are not, by other provisions of this chapter or state law, made payable out of any other fund.

(Prior code § 2.12.060 (Ord. 506 § 5(a), 1961))

### **3.24.030 Capital outlay fund.**

The purpose of the capital outlay fund shall be to provide for the accumulation of funds for capital outlays. It shall be the repository of all moneys raised by tax levy for the designated purpose of financing capital outlays, and also moneys transferred thereto from other funds by order of the city council. Such fund shall be restricted in use to payment of capital outlays but, except for the city's waterworks and system, shall not be used for public utility acquisition or improvement.

(Prior code § 2.12.070 (Ord. 506 § 5(b), 1961))

### **3.24.040 Library fund.**

The purpose of the library fund shall be to provide for and reflect the operations of the city library. It shall be the repository of all money raised by tax levy for the designated purpose of maintaining and operating the city library, the proceeds of any gift, devise, or bequest which is not restricted by the donor to some other use, and any amounts transferred thereto from the city's general fund. It shall be restricted in use to the maintenance and operation of the city's public library.

(Prior code § 2.12.080 (Ord. 506 § 5(c), 1961))

### **3.24.050 Traffic safety fund.**

The purpose of the traffic safety fund shall be to provide for proper accountability of traffic fines. It shall be the repository of all amounts remitted to the city on account of fines and forfeitures imposed upon persons charged with the violation of provisions of the State Vehicle Code. It shall be restricted in use to the purposes for which such funds are authorized to be used under the provisions of Section 42200 of the Vehicle Code of the State of California or any other law of the state governing their use.

(Prior code § 2.12.090 (Ord. 506 § 5(d), 1961))

### **3.24.060 Motor vehicle license fee fund.**

The purpose of the motor vehicle license fee fund shall be to provide for proper accountability of motor vehicle license fees. It shall be the repository of all moneys remitted to the city by the state on account of motor vehicle license fees and ad valorem taxes levied by the state in lieu of local property taxes on motor vehicles. The fund shall be restricted in use to law enforcement, regulation and control of highway traffic, fire protection of highway traffic, and for general purposes of interest to the state at large.

(Prior code § 2.12.100 (Ord. 506 § 5(e), 1961))

### **3.24.070 Special gas tax street improvement fund.**

The purpose of the special gas tax street improvement fund shall be to provide for proper accountability of state gasoline taxes

apportioned to the city. It shall be the repository of all moneys remitted to the city by the state or county on account of gasoline taxes levied by the state, and shall be restricted in use as provided by any law of the state.

(Prior code § 2.12.110 (Ord. 506 § 5(f), 1961))

### **3.24.080 Trust and agency fund.**

The purpose of the trust and agency fund shall be to provide proper accountability for trust and agency deposits. There shall be deposited in the fund all deposits of a trust or agency character. The moneys in the fund shall be restricted in use to the purpose for which the same were received by the city; provided, however, that after the purpose has been fulfilled and the period within which any claim may be asserted for repayment or disbursement of the fund has expired, the same shall be transferred upon order of the city council to the general fund.

(Prior code § 2.12.120 (Ord. 506 § 5(g), 1961))

### **3.24.090 Water fund.**

The purpose of the water fund shall be to provide for and reflect the operations of the city's water utilities system. It shall be the repository of moneys derived from the sale of water through the system and for water services, and shall be restricted in use to the maintenance and operation of the city's water utility system; provided, however, that as of the end of each year, the city council may order transferred to the capital outlay fund such amount as it deems necessary to provide an adequate reserve for replacements and any surplus therein may be transferred to the general fund.

(Prior code § 2.12.130 (Ord. 506 § 5(h), 1961))

### **3.24.100 Transfers.**

The city council by order entered upon its minutes may transfer unencumbered and uncommitted moneys from any of the funds designated in this chapter to any other of the funds, except that it may not transfer moneys which have been received into any fund subject to a use restriction imposed by any law or the terms of any gift, bequest, devise, or contract to any other fund out of which expenditures may be made for a purpose which is inconsistent with such use restriction.

(Prior code § 2.12.140 (Ord. 506 § 6, 1961))

### **3.24.110 Receipt, deposit, and handling of moneys.**

A. The form of receipt to be issued to each payor of moneys to the city shall show the date of payment, the name of the payor, the amount received, and what the payment is for. The form of receipt shall be as prescribed by the director of finance and shall be appropriate for the nature of the collection.

B. All moneys received by any individual for the account of the city shall be promptly delivered by him to the city treasurer, who shall issue to the payor therefor a receipt as provided in subsection A of this section.

C. The city treasurer shall cause to be established and maintained in the name of the city accounts in such banks in the vicinity of the city as the city council shall designate. He shall deposit in the appropriate bank account all moneys of the city received by him and such deposits shall be made not less often than once each week.

D. The city treasurer and his deputies shall be responsible for carefully safekeeping all moneys of the city. They shall cause all such moneys coming into their possession to be kept in locked cash drawers and to be placed in the city hall safe at all times when the city treasurer's office is not open for business.

(Prior code § 2.12.150 (Ord. 506 § 7, 1961))

### **3.24.120 Disbursement of funds--Generally.**

Funds of the city shall be disbursed only in the manner provided in this chapter.

(Prior code § 2.12.170 (Ord. 506 § 9 (part), 1961))

### **3.24.130 Disbursements of funds--Prenumbered warrants--Signatures.**

A. All disbursements of city funds, except payments which are authorized to be made from petty cash, shall be made by means of prenumbered warrants drawn upon the city treasury for payment out of a bank account maintained in the name of the city as provided in subsection C of Section 3.24.110.

B. All warrants must be manually signed by the city treasurer or his duly authorized alternate and also either manually or automatically signed by the director of finance or, in his absence, by the city administrative officer or by such other persons as the city council shall authorize to execute said warrants.

(Ord. 77-9-773 § 1: Ord. 68-12-632 § 1: Ord. 68-5-624 § 1: prior code § 2.12.180 (Ord. 506 § 9(a), 1961))

### **3.24.140 Warrants--Types--Issuance.**

A. Warrants shall be of two types, as follows:

1. Payroll, which shall be used for payment of compensation and salaries of officers and employees and also payroll taxes and other payments computed in connection with preparation of the payroll; and
2. General, which shall be used for payment of other demands against the city.

B. Warrants shall only be issued upon proper supporting documents and when authorized in the manner provided in this chapter, and shall not be made payable to "bearer" or for "cash." Each warrant shall designate the fund out of which the payment is made.

(Prior code § 2.12.190 (Ord. 506 § 9(b), 1961))

### **3.24.150 Warrants--Register keeping.**

All warrants shall be entered in a register in numerical sequence. If a warrant is voided or cancelled, a notation of that fact shall be made in the register and the warrant shall be properly defaced.

(Prior code § 2.12.200 (Ord. 506 § 9(c), 1961))

### **3.24.160 Issuance of general warrants.**

General warrants shall not be signed or delivered by the director of finance unless the demands in payments of which they are drawn have been approved for payment by the city council. Such approval may be given by the city council by any of the following methods:

- A. By designating in its budget, or by minute order subsequent to the adoption of the budget, specific budgeted items which may be paid without prior audit of the city council; provided, that the director of finance must in each instance attach to the demand his certificate that the demand conforms to the budget;
- B. By auditing and approving an individual demand for payment, in which case the approval shall be noted on the demand over the signature of the presiding officer of the meeting at which the approval is given;
- C. By auditing and approving for issuance the warrants listed upon a warrant register presented to the city council, in which case the approval shall be noted on the register over the signature of the presiding officer of the meeting at which the approval is given.

(Prior code § 2.12.210 (Ord. 506 § 9(d), 1961))

### **3.24.170 Issuance of payroll warrants.**

Payroll warrants may be issued without the prior audit or approval of the city council.

(Prior code § 2.12.220 (Ord. 506 § 9(e), 1961))

### **3.24.180 Issuance of warrants prior to audit.**

In any instance where a warrant, either general or payroll, is issued prior to audit by the city council, the demand and supporting documents shall be presented to the city council for audit and approval at the next meeting following the issuance of the warrant. The council's action thereon shall be noted on the demand in the manner provided in Section 3.24.160 with respect to warrants issued after audit.

(Prior code § 2.12.230 (Ord. 506 § 9(f), 1961))

### **3.24.190 Payroll preparation.**

The director of finance shall be responsible for the preparation of the city's payroll. Time reports of all city employees shall be submitted to the administrative officer by, and over the signature of, the department heads, and the administrative officer shall in turn audit and transmit the reports to the director of finance.

(Prior code § 2.12.240 (Ord. 506 § 10, 1961))

### **3.24.200 Petty cash.**

The city treasurer shall maintain a petty cash fund in such amount as may be determined from time to time by the director of finance but the maximum amount therein shall not exceed two hundred dollars. Such fund shall be operated on the imprest system and shall be reimbursed monthly from the appropriate fund or funds by a warrant payable to the city treasury. Such fund shall be used only for those disbursements which, because of smallness of amount or other reason, cannot conveniently be made by warrant. Disbursements will be made by the city treasurer from the petty cash fund only upon the receipt of a voucher signed by a department head or the director of finance. All such vouchers shall be prenumbered and issued by the director of finance.

(Ord. 77-9-773 § 2: prior code § 2.12.250 (Ord. 506 § 11, 1961))

### **3.24.210 Accounting system.**

The director of finance shall adopt and maintain a system of records and accounts consistent with the provisions of this chapter and of any manual or chart of accounts which the city council shall approve and order adopted as the accounting manual of the city.

(Prior code § 2.12.260 (Ord. 506 § 12, 1961))

### **3.24.220 Annual audit.**

The city council shall arrange for the making of an audit of the accounts and records of the city at the end of each fiscal year of the city. Such audit shall be made by a qualified accountant or accounting firm to be designated by the city council.

(Prior code § 2.12.270 (Ord. 506 § 13, 1961))

## **Chapter 3.28 CLAIMS AGAINST CITY**

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Sections:

3.28.010 Authority.

3.28.020 Claims required.



- 3.28.030 Form of claim.
- 3.28.040 Delivery of claims to finance director and administration.
- 3.28.050 Claim prerequisite to suit.
- 3.28.060 Actions for payment of taxes, fees or fines; payment required prior to commencement of legal action.
- 3.28.070 Settlement of claims.
- 3.28.080 Suit.
- 3.28.090 Warrant for payment.
- 3.28.100 Special claims procedures.

### **3.28.010 Authority.**

This chapter is enacted pursuant to Cal. Gov't Code § 935.

(Ord. 2013-11-1463 § 1)

### **3.28.020 Claims required.**

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

(Ord. 2013-11-1463 § 1)

### **3.28.030 Form of claim.**

All claims shall be made in writing and verified by the claimant or by the guardian, conservator, executor or administrator of claimant. In addition, all claims shall contain the information required by Cal. Gov't Code §§ 910 through 915.4. The foregoing reference to Cal. Gov't Code §§ 910 through 915.4 shall not be construed to authorize a class claim, and no claim may be filed on behalf of a class of persons unless verified by every member of that class.

(Ord. 2013-11-1463 § 1)

### **3.28.040 Delivery of claims to finance director and administration.**

All documents setting forth claims or demands against the City which may come into the hands of the City Clerk or any other officer of the City shall be forthwith delivered to the director of finance. The director shall audit each demand and investigate each claim for damages and shall cause the same to be promptly presented to the City Council with a recommendation as to the action which should be taken. Notwithstanding the foregoing, the director may delegate to a third-party administrator the general administration of claims under the continued supervision of the director of finance.

(Ord. 2013-11-1463 § 1)

### **3.28.050 Claim prerequisite to suit.**

In accordance with Cal. Gov't Code §§ 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the city prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements contained in the sections of Chapter 3.28.

(Ord. 2013-11-1463 § 1)

### **3.28.060 Actions for payment of taxes, fees or fines; payment required prior to commencement of legal action.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the city or an officer thereof to prevent or enjoin the collection of taxes, fees or fines sought to be collected pursuant to any provision or resolution ordinance of the city for the payment of all taxes, fees or fines. Payment of all taxes, fees or fines, interest and penalties shall be required as a condition precedent to seeking judicial review of the validity or application of any such tax, fees or fines.

(Ord. 2013-11-1463 § 1)

### **3.28.070 Settlement of claims.**

The city manager or his/her designee is hereby authorized to allow, reject, compromise, or settle any tort claim for a sum not to exceed five thousand dollars (\$5,000.00). Upon approval by the city manager or his/her designee, the director of finance shall cause a warrant to be issued upon the treasury of the city in the amount for which a claim has been allowed, compromised or settled.

(Ord. 2013-11-1463 § 1)

### **3.28.080 Suit.**

Any action brought against the city upon any claim or demand shall conform to the requirements of Cal. Gov't Code §§ 940 through 949. Any action brought against any employee of the city shall conform with the requirements of Cal. Gov't Code §§ 950-951.

(Ord. 2013-11-1463 § 1)

### **3.28.090 Warrant for payment.**

A. If a claim or demand against the city is presented to the city council and allowed and ordered paid by it, the mayor shall draw a warrant upon the treasurer for the amount allowed, which warrant shall be countersigned by the city clerk and shall have the seal of the city attached thereto. The warrant shall also specify for what purpose it is drawn and out of what fund it is to be paid.

B. If the warrant statement referred to shows sufficient available funds in the treasury legally applicable to the payment of the same, and in case of a written contract that the condition under which the money would become due has been performed, the mayor shall cause a warrant to be drawn thereon, in the same manner as provided for the payment of other claims and demands.

(Ord. 2013-11-1463 § 1)

### **3.28.100 Special claims procedures.**

Notwithstanding the general provisions of Section 3.28.020 with respect to claims, pursuant to the authority contained in Cal. Gov't Code § 935, the following claims procedures are established for those claims against the city for money or damages not now governed by state or local laws:

A. Employee claims. Notwithstanding the exceptions contained in Cal. Gov't Code § 905, all claims by public officers or employees for fees, salaries, wages, overtime pay, holiday pay, compensating time off, or vacation pay, sick leave pay, and any other expenses or allowances claimed due from the city, when a procedure for processing such claims is not otherwise provided by state or local laws shall be presented within the time limitations and in the manner prescribed by Cal. Gov't Code §§ 910 through 915.4 relating to the prohibition of suit in the absence of presentation of claims and action thereon by the city council.

B. Contract and other claims. In addition to the requirements of this chapter, and notwithstanding the exemptions set forth in Cal. Gov't Code § 905, all claims against the city for damages or money, when procedure for processing such claims is not otherwise provided by state or local laws, shall be presented within the time limitations and in the manner prescribed by Cal. Gov't Code §§ 910 through 915.4 relating to the prohibition of suit in the absence of presentation of claims and action thereon by the City Council.

## **Chapter 3.32**

### **ECONOMIC DEVELOPMENT**

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Sections:

- 3.32.010 Authority.
- 3.32.020 Purpose.
- 3.32.030 Assistance available.
- 3.32.040 Economic development assistance programs.
- 3.32.050 Powers exercised.
- 3.32.060 Conditions to qualify for assistance.
- 3.32.070 Information to be provided by applicants.
- 3.32.080 Review.
- 3.32.090 Public hearing.
- 3.32.100 Required findings.
- 3.32.110 Contents of assistance agreement.

#### **3.32.010 Authority.**

This chapter is enacted pursuant to the provisions of the Signal Hill Charter including but not limited to the following authorities:

- A. Article II, Section 200 stating that the city shall have the power to exercise all rights powers, privileges or procedures established, granted or prescribed by any law of the state, by the charter, or by other lawful authority, or which a municipal corporation might exercise under the Constitution of the State of California; and that the charter shall be liberally construed to vest the city with all legal authority and powers necessary to protect the health, safety, and general welfare of the citizens of the city;
- B. Article II, Sections 203 and 204 permitting the joint or cooperative exercise of powers with other governmental agencies and permitting the establishment of an economic development authority or other agency or authority of specialized expertise and application to the authority thereof to the full extent as may be permitted by state or federal law to carry out the business of the city or otherwise advance the health, safety, or general welfare of its citizens;
- C. Article IX, Section 906 which gives the city full power to enact any taxes, assessments, fees or other measures for the purpose of raising revenue which charter cities in the State of California may enact, including, but not limited to business and license taxes, franchise taxes, sales and use taxes, property taxes, oil barrel taxes, hazardous waste facility taxes, transient occupancy taxes, and other taxes, and to levy assessments on property for special benefits, capital construction and maintenance, or impose fees and charges for services and benefits received, or to mitigate impacts caused by any activity, business enterprise or development, all in accordance with law; and
- D. Article VI, Section 608 concerning the use of land which states that the city has full power to enact regulatory land use measures including enacting specific plans, redevelopment agreements and other similar matters for the regulation and development of land; to abate nuisances; to regulate oil uses and the operation and abandonment of oil wells, pipelines and appurtenant facilities; and to establish measures to mitigate the impacts of development on adjacent property and the city generally, through land use regulations, requirements that the developer provide appropriate infrastructure improvements, impact mitigation fees, assessments for construction of infrastructure improvements and measures similar to the foregoing.

(Ord. 2012-04-1446 § 2, 2012)

#### **3.32.020 Purpose.**

A. Unique Constraints to Development. The City of Signal Hill has found that it's redevelopment program has been essential to transforming Signal Hill from one dominated by vacant, blighted land scarred by 80 years of oilfield production and which is still the second most productive in the state, to a vibrant community with all ingredients necessary to provide a high quality living environment. Signal Hill has had to overcome many obstacles including: (i) being a low property tax city with it's property taxes reallocated to other agencies; (ii) undeveloped infrastructure due to the majority of the city being devoted to oilfield rather than urban uses; (iii) the existence of 2,200 wells, the majority of which were abandoned under historic practices no longer permitted, which can require excessive costs to be reabandoned to current standards, and the presence of other oilfield pipelines, tanks and facilities which must be removed for development, or are active facilities and must be incorporated into any development plan; (iv) the existence of oilfield-related contamination requiring significant remediation costs under current environmental standards; (v) complex issues of site assemblage due to small town lots created in the early development of the city and the sale of fractional interests in the lots to allow sales of oilfield interests throughout the United States in the 1920s now requiring the exercise of condemnation to reconsolidate the fractioned property interests; (vi) the existence of a large number of faults and geological conditions related to the hill which further constrain development and limit the developable acreage.

B. Accomplishments of Redevelopment Program. Since the formation of the Redevelopment Agency, the city has spent over fifteen million dollars in environmental remediation and cleanup costs; has spent over thirty million dollars in building various public buildings and improvements; has created some two thousand, five hundred jobs in businesses developed on SHRA projects; and has brought half of the twenty-five biggest sales tax generators to the community, who collectively pay over five million dollars in sales taxes, or sixty percent of the city's sales taxes, where sales taxes are approximately sixty percent of the city's general fund budget.

C. Remaining Property Needs Continued Redevelopment. If most of the property in Signal Hill which needed redevelopment had been redeveloped, or if the remaining blighted property did not face the same constraints as the property the SHRA has redeveloped over the last thirty-five years, then the elimination of the redevelopment agency by the State of California by AB1x26 would not be contrary to the general welfare of the citizens of Signal Hill. But in many cases, some of the most constrained parcels in the city are still the ones most in need of redevelopment assistance. The Legislature in acting quickly in a statewide manner could not appreciate the impact of AB1x26 in a small community specially impacted by oilfield blight such as Signal Hill.

D. Need for Local Economic Development Program. In the face of the state's decision to eliminate redevelopment, the City of Signal Hill must design and implement a local program within the authority of its powers under the charter to accomplish the purposes previously served by the city's redevelopment program. It is therefore the purpose of this chapter to implement a program within the authority of the city under its charter and the powers granted to the city by law.

(Ord. 2012-04-1446 § 2, 2012)

### **3.32.030 Assistance available.**

To accomplish the purposes provided herein, the City of Signal Hill and its associated and subordinated entities shall have the power to carry out policies, plans and programs, to enact measures, to enter into agreements, and to loan, grant, fund, or finance projects which will provide public benefit and protect the public health, safety and welfare of the community. These programs may be carried out singly or in combination in a manner to promote the objectives of this chapter, and may include the following general types of measures:

A. Public-Private Partnerships. Agreements with private persons or entities where by the sharing of public resources by the public agency, the reduction of regulatory burdens, asset monetization, fee producing infrastructure, alternative procurement, concession agreements, leasing arrangements, securitization of obligations, or other measures, the risks to the private person or entity can be reduced to a level whereby the development entity and investors can earn a commercially reasonable return on investment and will accordingly proceed with the project;

B. Emerging Statutory Opportunities. Special legislative programs exist, and are likely to be enhanced as a result of the elimination of redevelopment, the state's most important and best funded economic development strategy. Under this chapter, such programs should be exploited to the fullest extent of the law. Such programs may include design build contracts; tax credits; infrastructure finance districts; environmental sustainability programs; development zones; and similar legislation. Any legal structure existing currently, or enacted hereafter which permits the city legally to carry out these purposes is permitted hereunder:

C. Public Financing. All public financing mechanisms which offer the opportunity of lower financing costs, if permitted by law, may be utilized including lease-revenue bonds, industrial development bonds, private activity bonds, certificates of participation, letter of credit enhancement and similar measures;

D. Special Districts. The financing of both the development of infrastructure and services through community service districts,

landscape and lighting districts, assessment districts, school facility improvement bonds, and similar special district financing mechanisms permitted by law;

E. Public Property. The use of ground leases or sale of publicly owned land, including at less than fair market value as provided herein, contractual development agreements in accordance with law, lease-lease back financing, design-build contracts, and the use of eminent domain to acquire property for the foregoing purposes;

F. Tax Rebate Agreements. The use of tax rebate or similar agreements permitted by law including for sales taxes, transient occupancy taxes, utility taxes or other taxes shared with the generator, and rebates or waivers of franchise fees, business license fees, development impact fees, or other revenue sources but any such tax may only be imposed in accordance with law;

G. Regulatory Relief. The modification or suspension of zoning and other land use restrictions affecting the feasibility of development, density bonuses, expedited processing of entitlements, the establishment of clear and consistent regulatory regimes, creating procedures to quickly resolve disputes, clear definition of scope of environmental review and use of scoping processes;

H. Other Agencies. Use of financial assistance provided by other local public agencies and by state and federal programs to assist projects, consistent with the requirements of such programs; and

I. Other Programs. In addition to the foregoing, the city may utilize any other program and provide any other form of direct or indirect assistance as the same may currently or in the future exist which would further permit the accomplishment of the purposes provided herein, to the full extent permitted by the law. The enumeration of certain programs herein does not preclude the use of any other program which might accomplish the purposes of this chapter.

(Ord. 2012-04-1446 § 2, 2012)

### **3.32.040 Economic development assistance programs.**

The city may plan and carry out an economic development assistance program for the improvement, rehabilitation, and economic development of property through public-private partnerships, or utilizing any other method provided in Section 3.32.030. Any economic development assistance program must identify, explain and analyze (i) the project to be assisted, (ii) the location of the project, (iii) impacts on surrounding property; (iv) the cost of the project, (v) the project financing, (vi) the assistance requested, (vii) how the assistance will be used, (viii) the benefits to the community or city from the project, including jobs, financial return to the city, community improvements or amenities or other benefits, (ix) the development schedule, (x) performance criteria and assurances, and (xi) the public purpose to be accomplished by the project.

(Ord. 2012-04-1446 § 2, 2012)

### **3.32.050 Powers exercised.**

To carry out the economic development assistance program and promote the projects developed under this chapter, the city may exercise any power or authority permitted by its charter or under state law, for the public purposes provided hereunder, and may do the following:

A. Receipt of Financial Assistance. The city may seek or accept financial or any other assistance from public or private sources, including from the state or federal government, for the city's activities, powers, and duties hereunder.

B. Acquisition of Property. The city may purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property, any interest in property, and any improvements on it, including repurchase of developed property previously owned by the city.

C. Eminent Domain. The city may acquire real property by eminent domain, and may acquire every estate, interest, privilege, easement, franchise and rights in land, including encumbrances by way of mortgage or indebtedness, or any interest arising from covenants and conditions. Any such proceeding shall be undertaken only in accordance with the eminent domain law (Code of Civil Procedure § 1230.010 et seq.). No property currently zoned and used for residential purposes may be acquired by eminent domain for the purposes provided in this chapter.

D. Management of Property. The city may rent, maintain, manage, operate, repair and clear real property and may insure or provide for the insurance of any operations of the city against risks or hazards.

E. CC&Rs. The city may provide for the retention of controls and the establishment of any restrictions or covenants running with

the land for such periods of time and under such conditions as shall be necessary to effectuate the purposes hereof.

F. Non-Discrimination. The city shall include in all deeds, leases or contracts for sale, lease, sublease or transfer of land, non-discrimination clauses.

G. Issuance of Bonds. The city may issue its bonds or other financial instruments permitted by law and expend the proceeds from their sale to carry out the purposes hereof. The bonds and obligations issued by the city also may be purchased, invested in, or used for security.

H. Site development. The city may clear or move buildings, structures or improvements from real property; may grade any site; and may develop as a building site any property owned by it. It may cause or make provisions with other agencies for the installation of streets, utilities, parks and other public improvements.

I. Property Disposition. The city may sell, lease, exchange, subdivide, transfer, assign, pledge, encumber or otherwise dispose of any real or personal property or any interest in property acquired by it.

J. Remediation. The city may investigate and evaluate the condition of the property, prepare remediation plans and obtain approval thereof from regulatory agencies, and undertake remediation in accordance with such plans.

K. Relocation. The city may provide (i) relocation assistance to persons displaced by governmental action, and (ii) aid and assistance to property owners in connection with rehabilitation loans and grants.

L. Cooperation. The city shall cooperate with other public agencies in the formulating and administration of its economic development assistance programs. The planning commissions and the legislative bodies of the city and the cooperating public agencies may hold joint hearings and meetings regarding the projects assisted hereunder.

M. Any powers exercised hereunder to carry out the purposes of this chapter must be carried out in accordance with state and federal law. Nothing herein shall permit the waiver of any applicable legal procedure or process.

(Ord. 2012-04-1446 § 2, 2012)

### **3.32.060 Conditions to qualify for assistance.**

A. An economic development assistance program may only be approved for projects which, due to the nature of the project or scale of the project, the project will provide significant long-term benefits to the public generally. Accordingly, any person seeking approval of an economic development assistance program must meet one or more of the following conditions:

1. Alleviation of Blighting Conditions. The development of the project will alleviate a persistent condition of blight which has previously discouraged the development of the property, such as removal of active or inactive oil field facilities, reabandonment of wells, removal of underground tanks or facilities, or the removal or remediation of hazardous substances or environmental contamination of soils, where the cost of such blighting conditions will exceed five hundred thousand dollars per acre.

2. Production of Jobs. The development of the project will result in the establishment of a business or businesses on the property producing in excess of three hundred long-term jobs or preserve an existing business which will also bring one hundred fifty new long-term jobs (excluding multipliers).

3. Fiscal Impact on City. The development of the project will create new on-going revenues to the city, considering all revenue sources, of at least three hundred thousand dollars annually.

4. Special Amenities. The development of the project will produce unique community amenities either due to the construction of needed public facilities, or due to the fact that the project itself provides special private facilities available to the public which do not otherwise exist in the community and which would be significant to the community character and quality of life of those who work or live in the community. A special amenity may be a joint project undertaken with Long Beach.

B. In addition to the above conditions, the development of the project must not have a substantially adverse impact on traffic, or on surrounding properties or on the community generally. The project must meet one or more of the above conditions and the City Council must find that the project taken as a whole is uniquely beneficial to the community.

(Ord. 2012-04-1446 § 2, 2012)

### **3.32.070 Information to be provided by applicants.**

Applicant will prepare such initial studies, reports, and analysis as shall be necessary to permit the city to determine the feasibility of the development. During the application period, the applicant shall submit to the city the following:

A. Principals. Full disclosure of the applicant's principals, partners, joint venturers, negotiators, consultants, professional employees, or other associates of the applicant who are participants or principals of the development, and all other relevant information concerning the above.

B. Financial Capability. Statement of financial condition in sufficient detail to demonstrate the applicant's financial capabilities, those of its principals, partners, joint ventures, and those of its prospective developers to satisfy the commitments necessitated by the development, including all information necessary to demonstrate the availability of construction and permanent financing. To the extent the applicant wants such financial statements to remain confidential, they shall be supplied to and maintained by the city in confidence to the extent permitted by law.

C. Title and Property Information. All title information concerning the property, all environmental information, including phase I investigations, a description of existing structures and site conditions, anticipated demolition, grading and remediation costs.

D. Project Design and Costs. All preliminary information related to the design of the development to meet the city's reasonable requirements. This information shall be sufficient to allow the city to evaluate grading, site configuration, development constraints, traffic patterns, site circulation and parking, landscaping, architectural design and similar issues. All projected costs for design and construction of the project shall be included.

E. Proforma. The project proforma shall be included identifying the estimated amount of public money to fund the development and how it will be used and the anticipated economic return of development. The applicant/developer shall provide a detailed analysis of how the development of the project shall satisfy the requirements of this chapter and why any public subsidy to the Project provided hereunder is warranted and provides a public benefit. Any potential alternative methods of financing will be identified with the reasons why the city's assistance necessary.

F. Tenants. All information necessary to show tenant availability and interest, the nature of the proposed tenants, and the financial strength and resources of the tenants. To the extent the tenant wants such information to remain confidential, they shall be supplied to the city only if it is reasonably likely that confidentiality can be maintained under the Public Records Act.

(Ord. 2012-04-1446 § 2, 2012)

### **3.32.080 Review.**

A. Investigation. During the economic development assistance program application period, the city shall investigate the applicant and request reasonable additional information and data from the applicant necessary for review and evaluation of the proposed development. Applicants are required to provide such additional information or data as reasonably requested in a timely manner. If confidential information is provided regarding the applicant's business practices, it shall remain confidential to the extent permissible by law.

B. Discretionary Awards. The granting of economic development assistance is purely discretionary with city and no applicant shall have any entitlement or vested right thereto. Accordingly, it is the responsibility of the applicant to provide a high quality project meeting, to the highest degree possible, the objectives of this chapter. Only information available to the public may be used to justify any decision hereunder.

(Ord. 2012-04-1446 § 2, 2012)

### **3.32.090 Public hearing.**

A. Notice of Hearing. Before the city approves, by resolution, each economic development assistance program and the project to be assisted, the city shall hold a public hearing. Notice of the time and place of the hearing shall be published in Signal Hill Tribune, or a comparable newspaper of general circulation, at least once per week for at least two successive weeks, as specified in Section 6066 of the California Government Code, prior to the hearing. Mailed notice shall also be sent to all property owners as shown on the last equalized assessment roll within three hundred feet of the subject property.

B. Report. The city shall make available, for public inspection and copying at a cost not to exceed the cost of duplication, a report no later than the time of publication of the first notice of the hearing mandated by this section. This report shall contain a summary of the following:



1. The economic development assistance program.
2. Description of the project including a site plan and of how the business operations on the property will be conducted.
3. The cost of the development to the applicant and the city, including but not limited to any land acquisition costs, clearance costs, relocation costs, the costs of any improvements, plus the expected interest on any loans or bonds to finance the project.
4. An explanation of why the economic development assistance program is needed by the applicant, with reference to all supporting facts and materials relied upon in making this explanation.
5. How the project will meet the conditions described in Section 3.32.060 and how the project will provide public benefit and promote the health, safety and general welfare of the community.

(Ord. 2012-04-1446 § 2, 2012)

### **3.32.100 Required findings.**

The City Council may approve the economic development assistance program if it finds as follows:

- A. The project will meet the conditions of Section 3.32.060 by (i) alleviating persist conditions of blight including removing oil field equipment or facilities, re-abandon of abandoned wells and remediating contaminated soils; or (ii) meet the minimum thresholds for job creation; or (iii) meet the minimum thresholds for positive fiscal impact on city; or (iv) if no one of these conditions is fully met, but in combination, the overall objectives are met.
- B. The project will produce unique public or private facilities not otherwise existing in the community and which would be significant to the community character and quality of life.
- C. The project has received all other discretionary entitlements required under the zoning ordinance, including any environmental review required by the California Environmental Quality Act.
- D. The project will not have an adverse effect on surrounding properties or the permitted uses thereof.
- E. The economic development agreement contains provisions to assure the continued operation of the project consistent with this chapter and providing for the enforcement of the covenants contained therein by city.

(Ord. 2012-04-1446 § 2, 2012)

### **3.32.110 Contents of assistance agreement.**

If the economic development assistance program is approved, an economic development assistance agreement shall be entered into which includes the elements contained in Section 3.32.040. The agreement must describe specifically the project and the exact assistance provided. It must indentify how the project is anticipated to meet the criteria in Section 3.32.070. It must contain performance criteria and require that the project will remain in operation for at least 15 years. It must also provide for periodic review of performance and provide remedies for violations of the covenants and conditions. The agreement shall permit transfer subject to the city's reasonable approval and provide for city approval of any tenants necessary to achieve the purpose of the project. The agreement shall how the public purposes of the project will be achieved. All obligations undertaken by the applicant shall be guaranteed with sufficient securities.

(Ord. 2012-04-1446 § 2, 2012)

**Title 4  
(Reserved)**

**Title 5  
BUSINESS TAXES, LICENSES AND REGULATIONS**



Chapters:

- 5.04 General Licensing Provisions and Taxes
- 5.08 Special Business Permits (Repealed)
- 5.12 Crude Oil Producers
- 5.14 Filming Activities
- 5.16 Massage Establishments and Permits
- 5.17 Massage Technicians
- 5.18 Hotel and Motel Regulations
- 5.20 Private Patrol Systems
- 5.24 Publication Vending Machines
- 5.28 Social Clubs
- 5.32 Vehicles for Hire

**Chapter 5.04**  
**GENERAL LICENSING PROVISIONS AND TAXES**

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Sections:

- 5.04.010 Definitions.
- 5.04.020 Revenue purpose.
- 5.04.030 Compliance with additional regulations.
- 5.04.040 Effect on other provisions.
- 5.04.050 Tax and license required.
- 5.04.060 Applicability to individuals.
- 5.04.070 Separate licenses required for branch establishments.
- 5.04.080 Separate businesses--License and tax computation.
- 5.04.090 Establishments extending across city boundaries--Tax computation.
- 5.04.100 Computation of number of employees.
- 5.04.110 Exemptions--Constitutional and statutory.
- 5.04.120 Exemptions--Interstate commerce.
- 5.04.130 Exemptions--Nonprofit enterprises.
- 5.04.140 Exemptions--Disabled veterans.
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- 5.04.160 Application and license contents.
- 5.04.170 Initial application.
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5.04.440 Hospitals.

5.04.450 Junk dealers.

5.04.460 Lectures, theatrical performances, and concerts.

5.04.470 Liquidation and kindred sales.

5.04.480 Manufacturers and processors.

5.04.490 Motels, hotels, and auto courts.

5.04.500 Motion picture theaters.

5.04.510 Motor vehicle rentals.

5.04.520 Peddlers and solicitors.

5.04.530 Professional and semiprofessional businesses.

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5.04.550 Retail and wholesale sales and services--Businesses not otherwise designated.

5.04.560 Stables and riding academies.

5.04.570 Taxi drivers.

5.04.580 Taxi services.

5.04.590 Trailer parks.

5.04.600 Trained animal shows.

5.04.610 Transporters of personal property.

5.04.620 Wholesale agents.

#### **5.04.010 Definitions.**

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

A. "Business" includes professions, trades, and occupations and all and every kind of calling whether or not carried on for profit.

B. "Tax collector" means the officer or person appointed by the city council by resolution or ordinance to perform the duties of tax collector as set forth in this chapter.

(Prior code § 5.04.010 (Ord. 494 § 1, 1960))

#### **5.04.020 Revenue purpose.**

This chapter is enacted solely to raise revenue for municipal purposes, and is not intended for regulation.

(Prior code § 5.04.020 (Ord. 494 § 2, 1960))

#### **5.04.030 Compliance with additional regulations.**

Persons who are required to pay a license tax for transacting and carrying on any business under this chapter shall not be relieved from the payment of any license tax for the privilege of doing such business required under any other ordinance of the city and shall remain subject to the regulatory provisions of other ordinances. No license shall be issued under this chapter for the conduct of any trade, business, or calling for which a permit or other approval of the city council is required pursuant to the provisions of any other ordinance, unless and until the required permit for approval has been obtained.

(Prior code § 5.04.030 (Ord. 494 § 3, 1960))

#### **5.04.040 Effect on other provisions.**

A. Neither the adoption of the ordinance codified in this chapter nor the repeal by it of any portion of any existing ordinance of the city shall be construed to in any manner excuse or relieve from prosecution the violation of any ordinance committed prior to the effective date hereof.

B. Nothing contained in this chapter shall be construed as releasing any person from payment of any tax due under the provisions of any other ordinance of the city, nor to affect the validity of any bond or cash deposit required by any ordinance to be posted, filed, or deposited with any officer of the city; and all rights and obligations thereunto appertaining shall continue in full force and effect.

(Prior code § 5.04.040 (Ord. 494 § 4, 1960))

#### **5.04.050 Tax and license required.**

A. There are imposed upon the businesses, trades, professions, callings and occupations specified in this chapter license taxes in the amounts prescribed in this chapter.

B. It is unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the city without first having procured a license from the city to do so or without first complying with any and all applicable provisions of this chapter.

C. This section shall not be construed as requiring any person to obtain a license prior to doing business within the city if such requirement conflicts with applicable statutes of the United States or of the state of California. However, persons not required to obtain a license prior to doing business within the city because of conflict with applicable statutes of the United States or of the state of California shall be liable for payment of the tax imposed by this chapter.

(Prior code § 5.04.050 (Ord. 494 § 5, 1960))

#### **5.04.060 Applicability to individuals.**

Every person engaging in or carrying on any business, profession, occupation, trade or calling in this city in any capacity other than as the employee of another with wages as his sole compensation must obtain the license and pay the license tax provided therefor under the provisions of this chapter.

(Prior code § 5.08.010 (Ord. 494 § 40, 1960))

#### **5.04.070 Separate licenses required for branch establishments.**

A separate license must be obtained for each branch establishment or location of the business transacted and carried on which is located in the city, and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license; provided, that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments.

(Prior code § 5.04.060 (Ord. 494 § 6, 1960))

#### **5.04.080 Separate businesses--License and tax computation.**

If two or more businesses or professions are conducted on the same premises by the same person, the license to be obtained by such person and the tax to be paid on account thereof shall be as follows:

A. If all of such businesses are subject to a license tax computed on the basis of the number of employees, only one license shall be required which shall be the license applicable to the business which constitutes more than fifty percent of the dollar volume of the total business conducted at the location.

B. If all of such businesses are subject to license taxes for which a flat amount is specified in this chapter, separate licenses shall be issued for each business but the amount of the license tax for all thereof shall be the highest tax applicable to any one of such businesses plus fifty percent of the license tax applicable to each of the other businesses.

C. If one or more of such businesses is subject to a license tax based upon the number of employees and one or more of the other businesses is not, a separate license must be obtained for the business or businesses as to which the license tax based upon the number of employees is applicable and, if there is more than one such business, the tax shall be determined as provided in subsection A of this section. A separate license shall be obtained for each of the other businesses, and, if there is more than one such business, the tax shall be determined as provided in subsection B of this section.

(Prior code § 5.04.070 (Ord. 494 § 7, 1960))

#### **5.04.090 Establishments extending across city boundaries--Tax computation.**

If a business is conducted upon or from an establishment which is located upon property which lies partly within the city and extends across the city boundary line, the license tax with respect to the business shall be reduced by an amount which the tax collector determines is equal to the same proportion of the total tax, computed as if the whole establishment were within the city, that the value

of the portion of the establishment located outside the city bears to the value of the entire establishment; provided, however, that this provision shall not be applicable unless the tax collector determines that at least ten percent of the establishment, on the basis of value, is located outside of the city.

(Prior code § 5.04.080 (Ord. 551, 1963: Ord. 494 § 7.5, 1960))

#### **5.04.100 Computation of number of employees.**

In those instances in which the license tax provided in this chapter is based upon the number of employees of the licensee or the applicant for the license, the number of employees upon which the tax is to be based shall be the average number of employees who during the preceding calendar year worked in an establishment of the licensee within the city, or who used to a substantial extent an office, plant or other establishment within the city as his headquarters. The average number shall be determined by adding together the totals of the names listed upon each of the employer's reports to the State Department of Employment filed during the preceding calendar year and dividing said sum by the number of such reports from which the names were taken.

(Prior code § 5.04.090 (Ord. 494 § 8, 1960))

#### **5.04.110 Exemptions--Constitutional and statutory.**

Nothing in this chapter shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the state of California from the payment of such taxes as are prescribed in this chapter.

(Prior code § 5.04.100(A) (Ord. 494 § 9(a), 1960))

#### **5.04.120 Exemptions--Interstate commerce.**

A. None of the license taxes provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license tax is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the tax collector for an adjustment of the tax so that it shall not be discriminatory or unreasonable as to such commerce.

B. Such application may be made before, at, or within six months after payment of the prescribed license tax. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the tax collector may deem necessary in order to determine the extent, if any, of such undue burden on such commerce.

C. The tax collector shall then conduct an investigation, and after first having obtained the written approval of the city attorney shall fix as the license tax for the applicant an amount that is reasonable and nondiscriminatory or, if the license tax has already been paid, shall order a refund of the amount over and above the license tax so fixed.

D. In fixing the license tax to be charged, the tax collector shall have the power to base the license tax upon a percentage of gross receipts or any other measure which will assure that the license tax assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the license tax as prescribed by this chapter.

E. Should the tax collector determine the gross receipts measure of license tax to be the proper basis, he may require the applicant to submit, either at the time of termination of applicant's business in the city or at the end of each three-month period, a sworn statement of the gross receipts and pay the amount of license tax therefor; provided that no additional license tax during any one calendar year shall be required after the licensee has paid an amount equal to the annual license tax as prescribed in this chapter.

(Prior code § 5.04.100(B) (Ord. 494 § 9(b), 1960))

#### **5.04.130 Exemptions--Nonprofit enterprises.**

The provisions of this ordinance shall not be deemed or construed to require the payment of a license tax to conduct, manage, or carry on any business, occupation, or activity from any institution or organization which is conducted, managed, or carried on wholly for

the benefit of charitable purposes or from which profit is not derived, either directly or indirectly, by any individual; nor shall any license tax be required for the conducting of any entertainment, concert, exhibition, or lecture on scientific, historical, literary, religious, or moral subjects within the city whenever the receipts of any such entertainment, concert, exhibition, or lecture are to be appropriated to any church or school or to any religious or benevolent purpose; nor shall any license tax be required for the conducting of any entertainment, dance, concert, exhibition, or lecture by any religious, charitable, fraternal, educational, military, state, county, or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition, or lecture are to be appropriated for the purpose and objects for which such organization or association was formed and from which profit is not derived, either directly or indirectly, by any individual; provided, however, that nothing in this section shall be deemed to exempt any such organization or association from complying with any of the provisions of this chapter requiring a permit from the city council or any commission or officer to conduct, manage, or carry on any profession, trade, calling, or occupation.

(Prior code § 5.04.100(F) (Ord. 494 § 9(f), 1960))

#### **5.04.140 Exemptions--Disabled veterans.**

No license tax payable under this chapter shall be payable by any person who has received an honorable discharge or release from active duty in one of the United States armed services, who is physically unable to obtain a livelihood by manual labor, and who is a voter of this state.

(Prior code § 5.04.100(G) (Ord. 494 § 9(g), 1960))

#### **5.04.150 Exemptions--Statement filing.**

A. Any person claiming an exemption pursuant to Sections 5.04.110 through 5.04.140 shall file a verified statement with the tax collector stating the facts upon which the exemption is claimed.

B. The tax collector shall, upon a proper showing contained in the verified statement, issue a license to such person claiming exemption under Sections 5.04.110 through 5.04.140 without payment to the city of the license tax required by this chapter.

C. The tax collector, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of Sections 5.04.110 through 5.04.140 upon information that the license is not entitled to the exemption as provided in this chapter.

(Prior code § 5.04.100(C--E) (Ord. 494 § 9(c)--(e), 1960))

#### **5.04.160 Application and license contents.**

A. Every person required to have a license under the provisions of this chapter shall make application for the same to the tax collector of the city.

B. If the application is sufficient in form and content, the tax collector shall issue to such person a license which shall contain the following:

1. The name of the person to whom the license is issued;
2. A description of the business licensed;
3. The place where such business is to be transacted and carried on;
4. The date of the expiration of such license;
5. Such other information as may be necessary to the enforcement of the provisions of this chapter.

C. In all cases in which the license tax is payable in advance, the tax collector shall not issue the license until the tax is paid.

(Prior code § 5.04.110 (Ord. 533 § 1 (part), 1962: Ord. 494 § 10(a), 1960))

#### **5.04.170 Initial application.**

No license provided for in this chapter shall be initially issued to any person unless such person has filed with the tax collector a written application upon a form to be provided by the tax collector, signed under penalty of perjury or verified under oath before a person authorized to administer oaths by the applicant or a managing agent or officer of the applicant, wherein is set forth all information required by the tax collector in order to enable him to determine the proper license to be issued and the correct amount of the license tax payable therefor.

(Prior code § 5.04.120 (Ord. 494 § 10(b), 1960))

#### **5.04.180 Renewal application.**

No license provided for in this chapter shall be renewed or reissued to any person unless such person has filed with the tax collector a written application upon a form to be provided by the tax collector, signed under penalty of perjury or verification under oath before a person authorized to administer oaths by the applicant or a managing agent or officer of the applicant, wherein is set forth all information required by the tax collector in order to enable him to determine the proper license to be issued and the correct amount of the license tax payable therefor.

(Prior code § 5.04.130 (Ord. 494 § 10(c), 1960))

#### **5.04.190 Application verification and investigation.**

No statement contained in an application for a license or for a renewal of a license shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the city from collecting by appropriate action such sum as is actually due and payable under this chapter. Such applications and each of the several items therein contained shall be subject to audit and verification by the tax collector, his deputies, or authorized employees of the city, who are authorized to examine, audit, and inspect such books and records of any licensee or applicant for a license, as may be necessary in their judgment to verify or ascertain the amount of license fee due. All licensees, applicants for licenses, and persons engaged in business in the city are required to permit an examination of such books and records for the purposes set forth in this section.

(Prior code § 5.04.140(A) (Ord. 494 § 11(a), 1960))

#### **5.04.200 Application information confidential.**

The information furnished to or secured by the tax collector, his deputies, or other employees of the city pursuant to Sections 5.04.160 through 5.04.190 shall be confidential. Any disclosure or use of such information by any officer or employee of the city which is not reasonably and directly related to the enforcement or administration of this chapter is unauthorized and shall constitute a misdemeanor for which such officer or employee shall be subject to the penalty provisions of this chapter in addition to any other penalties provided by law.

(Prior code § 5.04.140(B) (Ord. 494 § 11(b), 1960))

#### **5.04.210 Assessment determined by tax collector.**

A. If any person who is required by this chapter to obtain a license fails to file a complete and sufficient application therefor within the time prescribed, or if, after demand therefor made by the tax collector, he fails to file a corrected statement, the tax collector may determine the amount of license tax due from such person by means of such information as he may be able to obtain.

B. If such a determination is made, the tax collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the person so assessed at his last known address. Such person may, within fifteen days after the mailing or serving of such notice, make application in writing to the tax collector for a hearing on the amount of the license tax. If such application is made, the tax collector shall cause the matter to be set for hearing before the city council within thirty days. The tax collector shall give at least ten days' notice to such person of the time and place of hearing in the manner prescribed in this section for serving notices of assessment. The council shall consider all evidence produced, and shall make findings thereon, which shall be final. Notice of such findings shall be served upon the applicant in the manner prescribed in this section for serving notices of assessment.

(Prior code § 5.04.150 (Ord. 494 § 12, 1960))

#### **5.04.220 Appeals.**

Any person aggrieved by any decision of the tax collector with respect to the issuance or refusal to issue such license may appeal to the council by filing a notice of appeal with the clerk of the council. The council shall thereupon fix a time and place for hearing such appeal. The clerk of the council shall give notice to such person of the time and place of hearing by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to such person at his last known address. The council shall have authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provisions of this chapter.

(Prior code § 5.04.160 (Ord. 494 § 13, 1960))

#### **5.04.230 Additional powers of tax collector.**

In addition to all other powers conferred upon him, the tax collector shall have the power, for good cause shown, to extend the time for filing any required sworn statement for a period not to exceed thirty days, and in such case to waive any penalty that would otherwise have accrued; and shall have the further power, with the consent of the council, to compromise any claim as to amount of license tax due.

(Prior code § 5.04.170 (Ord. 494 § 14, 1960))

#### **5.04.240 License--Nontransferable--Exceptions.**

No license issued pursuant to this chapter shall be transferable, except, however, that upon application therefor and payment of a fee of five dollars, such a license may be transferred as follows:

- A. To another entity which in respect to control and ultimate ownership is substantially the alter ego of the licensee; and
- B. To another location to which the business has been or is to be moved.

(Prior code § 5.04.180 (Ord. 513, 1961: Ord. 494 § 15, 1960))

#### **5.04.250 License--Duplicates.**

A duplicate license may be issued by the tax collector to replace any license previously issued under this chapter which has been lost or destroyed upon the licensee filing a statement of such fact, and at the time of filing such statement paying to the tax collector a duplicate license fee of five dollars.

(Prior code § 5.04.200 (Ord. 494 § 17, 1960))

#### **5.04.260 License--Display.**

All licenses must be kept and posted in the following manners:

- A. Any licensee transacting and carrying on 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 transacting and carrying on business but not operating at a fixed place of business in the city shall keep the license upon his person at all times while transacting and carrying on such business.

(Prior code § 5.04.210(a), (b) (Ord. 494 § 18(a), (b), 1960))

#### **5.04.270 License--Identification tags for devices and machines.**

The tax collector shall issue license identification tags with each license covering one or more coin-operated vending machines, amusement devices, music boxes, and weighing scales. Each tag shall show the number of the license with which it is issued, the date thereof, and the address where such machine is located and the fee paid, and one tag shall be securely affixed to each machine so as



to be prominently displayed. Each tag shall apply only to the location for which it is issued.

(Prior code § 5.04.210(c) (Ord. 494 § 18(c), 1960))

#### **5.04.280 Taxes--Payment due dates.**

Unless otherwise specifically provided in this chapter, all license taxes imposed by this chapter shall be due and payable as follows:

A. Annual license taxes shall be due and payable in advance on the first day of January of each year; provided, however, that the annual license tax due for any business started subsequent to said date in any year shall be due and payable on the date such business is started; and provided, further, that if the date such business is started is on or after the first day of July, the taxes for the remainder of the year shall be one-half of the annual tax prescribed for the business.

B. Semiannual license taxes shall be due and payable in advance on the first day of January and the first day of July of each year; provided, however, that the tax due for any business started after the commencement of the semiannual periods shall be payable without proration on the date such business is started and shall cover the remainder of the semiannual period.

C. Daily flat-rate license taxes shall be paid in advance and shall be delinquent if not paid before the close of business of the day prior to the date for which the license is required.

(Prior code § 5.04.220 (Ord. 494 § 19, 1960))

#### **5.04.290 Taxes--Penalties for delinquencies.**

A. Annual and semiannual taxes shall become delinquent if not paid on the last day of the calendar month during which they become due and payable.

B. If any license tax provided in this chapter is not paid before it becomes delinquent, a penalty equal to ten percent of the tax shall be added to the tax and become payable therewith on the first day of each calendar month during which the delinquency exists; provided, however, that the amount of such penalty to be added shall in no event exceed fifty percent of the license tax due.

(Prior code § 5.04.230 (Ord. 494 § 20, 1960))

#### **5.04.300 Taxes--Deemed debt to city.**

The amount of any license tax and penalty imposed by the provisions of this ordinance shall be deemed a debt due the city. An action may be commenced in the name of the city in any court of competent jurisdiction, for the amount of any delinquent license tax and penalties.

(Prior code § 5.04.260 (Ord. 494 § 23, 1960))

#### **5.04.310 Remedies cumulative.**

All remedies prescribed in this chapter are cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

(Prior code § 5.04.270 (Ord. 494 § 24, 1960))

#### **5.04.320 Promulgation of administrative rules.**

The city council shall have the right from time to time by resolution to adopt such administrative rules and regulations as may be necessary to carry out the purposes and policies of the city as are set forth in this chapter.

(Prior code § 5.04.240 (Ord. 494 § 21, 1960))

#### **5.04.330 Enforcement authority.**

A. It shall be the duty of the tax collector and he is directed to enforce each and all of the provisions of this chapter; and the chief of police shall render such assistance in the enforcement of this chapter as may from time to time be required by the tax collector or the city council.

B. The tax collector, in person or by his deputies or duly authorized assistants, shall examine or cause to be examined all places of business in the city to ascertain whether the provisions of this chapter have been complied with.

C. The tax collector and each and all of his assistants and any police officer shall have the power and authority to enter, free of charge, and at any reasonable time, any place of business required to be licensed under this chapter and demand an exhibition of its license certificate. Any person having such license certificate theretofore issued, in his possession or under his control, who wilfully fails to exhibit the same on demand, shall be guilty of a misdemeanor and, subject to the penalties provided for by this chapter.

D. It shall be the duty of the tax collector and each of his assistants to cause a complaint to be filed against any and all persons found to be violating any provisions of this chapter.

(Prior code § 5.04.250 (Ord. 494 § 22, 1960))

#### **5.04.340 Penalty for violation.**

Any person violating any of the provisions of this chapter or knowingly or intentionally misrepresenting to any officer or employee of the city any material fact in procuring a license provided for in this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as set forth in Chapter 1.16.

(Ord. 586 § E (part), 1966: prior code § 5.04.280 (Ord. 494 § 25, 1960))

#### **5.04.350 Advertising businesses.**

Every person who in this city engages in the business of installing, maintaining, and operating outdoor advertising displays, advertising structures, billboards, advertising signs, painted signs or structures, or signboards shall pay an annual license tax determined as follows:

A. If none of the facilities has a display area in excess of one hundred and twenty square feet, the license tax is seventy dollars, plus four dollars for each facility in excess of twenty;

B. If any of the facilities has a display area in excess of one hundred and twenty square feet, the license tax is two hundred dollars, plus four dollars for each facility in excess of twenty; provided, that if the licensee maintains more than twenty facilities which have in excess of one hundred and twenty square feet of display area, the additional tax for each such structure in excess of twenty shall be ten dollars.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.060 (Ord. 504, 1961: Ord. 494 § 44, 1960))

#### **5.04.360 Amusements--Vending machines--Kindred operations.**

Every person conducting, managing or carrying on in this city any of the businesses enumerated in this section shall pay an annual license tax in the amount specified therefor.

A. Bowling Alleys. Any public bowling alley or building, thirty dollars per year for each alley;

B. Mechanical Devices and Ball Courts. Skee ball, bat ball, handball or shuffleboard court or any mechanical amusement device or any device, implement, or unit of equipment maintained for the recreational use of patrons and not operated by coins, sixty dollars per year for each court, device, implement or unit of equipment;

C. Vending Machines. Vending machines delivering merchandise only, and having no amusement feature, ten dollars per year for each machine operated by coins of one-cent denomination and twenty dollars per year for each machine operated by coins of greater denomination;

D. Weighing Devices. Weighing devices operated by insertion of one-cent coins, ten dollars per year;

E. Coin-operated Amusements. Music boxes, pinball machines, marble boards or other similar devices which are of an amusement nature and which are operated by coins, sixty dollars per year for each such device or machine;

F. Billiards and Pool. Billiard rooms and pool halls, seventy dollars per year for the first pool or billiard table, plus forty dollars per year for each additional pool or billiard table, and such license shall include the right to sell tobacco, confections, soft drinks and prepared foods;

G. Skating Rinks. Ice or roller skating rinks, enclosures, or parks, two hundred eighty dollars per year;

H. Other Coin-operated Devices. Any mechanical device or machine which operates upon the insertion of a coin and for which a license tax is not specifically provided elsewhere in this chapter, one hundred dollars per year for the first machine, plus fifty dollars per year for each additional machine.

I. Shooting Galleries. Shooting galleries, two hundred eighty dollars per year;

J. Dancehalls. Dancehalls or establishments of any kind which are open to the public and in which dancing by patrons is permitted, two hundred twenty dollars per year; provided, that if alcoholic beverages as defined by the Alcoholic Beverage Control Act of California are dispensed at such place, the license tax shall be determined by the number of days dancing by patrons is permitted each week, as follows:

1. One day or less per week, one hundred eighty dollars per year,
2. Two days of any calendar week, three hundred sixty dollars per year,
3. Three days of any calendar week, five hundred forty dollars per year,
4. Four days of any calendar week, seven hundred twenty dollars per year,
5. Five days of any calendar week, nine hundred dollars per year,
6. Six or seven days of any calendar week, one thousand dollars per year;

K. Arcades. Any arcade, four hundred dollars per year.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.090 (Ord. 65-2-574 § 1; Ord. 494 § 47, 1960))

#### **5.04.370 Auctions, auctioneers, and pawnbrokers.**

A. Auctioneers. Every person engaged in the business of auctioneer in this city shall pay a license tax of sixty dollars per day.

B. Auction Houses. Every person engaged in the business of maintaining, conducting, or carrying on an auction house in this city shall pay a license tax of three hundred dollars semiannually.

C. Auction Yards and Pawnbrokers. Every person engaged in the business of conducting, maintaining, or carrying on an auction yard or pawnbroker business in the city shall pay an annual license tax of six hundred dollars.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.110 (Ord. 494 § 49, 1960))

#### **5.04.380 Automobile wreckers.**

Every person who in this city engages in the business of an automobile wrecker shall pay an annual license tax of three hundred dollars. An automobile wrecker is any person who has an established place of business in which he engages in the business of buying, selling, or dealing in automotive vehicles for the purpose of dismantling or wrecking the same and who buys or sells the integral parts and component materials thereof in whole or in part and deals in used motor vehicle parts. The activity included in an automotive wrecker's license shall include the repair of automobiles and the parts thereof and the buying and selling of used automobiles.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.120 (Ord. 494 § 50, 1960))

#### **5.04.390 Circuses and carnival parades.**

A. Every person conducting, managing or staging in this city a circus, carnival, or other similar exhibition shall pay a license tax of six hundred dollars for each day of public attendance plus two hundred dollars for each day of public attendance in each sideshow conducted in conjunction therewith. No additional tax shall be due if a parade is staged.

B. Any person who stages in this city a circus or carnival parade where such circus or carnival or similar exhibition is conducted outside the city shall pay a license tax of two hundred dollars per day.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.100 (A, B) (Ord. 494 § 48(a), (b), 1960))

#### **5.04.400 Coin-operated vending machine rentals or leasing businesses.**

A. Any persons whose business is limited exclusively to renting, leasing or operating coin-operated vending machines, shall pay an annual license tax based upon the entire gross receipts which are directly attributable to the business activities of such person conducted within the city as follows:

<b>Gross Annual Receipts</b>	<b>Annual License Tax</b>
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Less than \$2,499	\$ 20.00
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\$ 2,500 -- \$4,999	40.00
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5,000 -- 7,499	60.00
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7,500 -- 9,999	80.00
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10,000 -- 14,999	120.00
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15,000 -- 19,999	160.00
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20,000 -- Up	200.00
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B. Prior to the issuance of a business license or renewal therefor, the operator, owner, or manager of such vending machines shall furnish in duplicate a statement of gross receipts for each machine and the location of each such machine to the director of finance. The statement of gross receipts shall be subject to audit by the director of finance. Stamp-vending machines selling or dispensing U.S. stamps for mailing purposes are exempt from the terms and provisions of this section.

(Ord. 78-6-798 § 2 (part); Ord. 73-5-701 § 1: prior code § 5.08.091)

#### **5.04.410 Contractors and subcontractors.**

A. Every person who in this city engages in the business of a contractor shall pay an annual license tax of one hundred dollars; provided, however, that in lieu thereof a contractor may be issued a license for six months' duration for which he shall pay a license tax in the amount of fifty dollars.

B. The business of a contractor shall consist of any or all of the classifications of contracting business for which a license issued by the Contractor's State License Board is required under the provisions of Chapter 9 of Division 3 of the Business and Professions Code.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.190 (Ord. 494 § 57, 1960))

#### **5.04.420 Drive-in theaters.**

Every person operating in this city a drive-in theater shall pay an annual license tax of one hundred dollars if the theater has less than one hundred salable spaces, one hundred fifty dollars if it has more than one hundred but less than two hundred salable spaces, and two hundred dollars if it has more than two hundred salable spaces.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.100(H) (Ord. 494 § 48(h), 1960))

#### **5.04.430 Golf courses, archery ranges, and kindred enterprises.**

Every person who in this city operates a miniature golf course, bicycle course, golf driving range or archery range shall pay an annual license tax which shall be in the same amount and shall be computed in the same manner as the license tax specified in Section 5.04.550.

(Prior code § 5.08.100(E) (Ord. 494 § 48(e), 1960))

#### **5.04.435 Off-site hazardous waste management facility and latex splash water treatment facility.**

Every person who in this city operates an off-site hazardous waste management facility or a latex splash water treatment facility and who discharges any effluent from such operations into the city's sewer system, shall pay a business license tax which shall be in the amount of \$0.01.5 per gallon for every gallon of effluent discharged from the off-site hazardous waste management facility or latex splash water treatment facility into the city's sewer system. The amount of water discharged by the off-site hazardous waste management facility or the latex splash water treatment facility shall be reported by the operator in writing to the city engineer within five business days of the first day of each month. The report shall be accompanied by payment of the business license tax indicated by the per gallon rate multiplied by the amount of effluent for the thirty-day period. The city engineer or his/her designated representative shall, at any time, have full access to all portions of the off-site hazardous waste management facility or latex splash water treatment facility, for the purposes of confirming the accuracy of any reported amount of discharge.

(Ord. 94-10-1188 § 1; Ord. 92-05-1117 § 2)

#### **5.04.440 Hospitals.**

Every person who in this city engages in the business of operating a hospital for the care and treatment of human beings shall pay an annual license tax of two hundred fifty dollars.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.210 (Ord. 494 § 59, 1960))

#### **5.04.450 Junk dealers.**

Every person not having a fixed place of business within this city who engages in the business of collecting, buying, or selling at either retail or wholesale or otherwise dealing in junk and/or rubbish, waste material, refuse and/or any old rags, sacks, bottles, cans, papers, metals, jewelry, precious metals, rubber, bric-a-brac, cordage, truck or automobile tires, truck or automobile parts, truck or automobile accessories, and other like articles, whether the same can be sold or otherwise disposed of in the condition or state of repair as collected, or whether the same are collected, bought or sold or otherwise disposed of for the purpose of being treated, repaired or prepared so as to be used again in the same or in some other form, shall pay an annual license tax of one hundred twenty dollars for the first vehicle, plus sixty dollars for each additional vehicle used in the business of the city.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.130 (Ord. 494 § 51, 1960))

#### **5.04.460 Lectures, theatrical performances, and concerts.**

Every person who in this city conducts or stages any lecture, or any traveling theatrical performance or concert in a place other than a licensed theater shall pay twenty dollars for the first day of such staging and ten dollars for each additional day.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.100(C) (Ord. 494 § 48(c), 1960))

#### **5.04.470 Liquidation and kindred sales.**

Every person engaging in the business of selling goods, wares, or merchandise in liquidation of the assets of insolvent or bankrupt persons or in the business of liquidating goods, wares, or merchandise which have been damaged by fire, flooding, or other calamity shall pay a license tax of three hundred dollars for each day that such a sale is conducted within the city; provided, however, that this section shall not apply to persons selling their own property in the regular course of business from a permanent business establishment.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.200 (Ord. 494 § 58, 1960))

#### **5.04.480 Manufacturers and processors.\***

Every person who in this city engages in a business consisting mainly of manufacturing, packing, processing, canning, or fabricating any goods, wares, merchandise, or produce, or in processing or refining oil, natural gas or products derived therefrom, shall pay an annual license tax which shall be in the same amount and computed in the same manner as the annual license tax specified in Section 5.04.550. The cleaning and dehydration of crude oil at the well where it is produced does not constitute the processing thereof within the meaning of this section.

(Prior code § 5.08.030 (Ord. 533 § 1 (part), 1962: Ord. 494 § 42, 1960))

\* For provisions regarding taxation of crude oil producer, see Ch. 5.12 of this code.

#### **5.04.490 Motels, hotels, and auto courts.**

Every person carrying on the business of operating a motel, hotel, or auto court within the city shall pay an annual license tax as follows: one to nine rooms or units, sixty dollars; ten to fourteen rooms or units, seventy dollars; fifteen to nineteen rooms or units, eighty dollars; twenty to thirty rooms or units, ninety dollars; thirty rooms or units or over, one hundred dollars.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.160 (Ord. 494 § 54, 1960))

#### **5.04.500 Motion picture theaters.**

Every person who in this city operates a motion picture theater or any other type of theater other than a drive-in theater, shall pay an annual license tax of one hundred dollars if the theater has a seating capacity of five hundred seats or less, one hundred fifty dollars if it has a seating capacity of five hundred one to one thousand seats, and two hundred dollars if the theater has a seating capacity of over one thousand seats.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.100(F) (Ord. 494 § 48(f), 1960))

#### **5.04.510 Motor vehicle rentals.**

Every person who in this city engages in the business of renting out motor vehicles for the transportation of persons or property on a U-drive basis shall pay an annual license tax of fifteen dollars for each vehicle used in the conduct of such business.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.180(D) (Ord. 494 § 56 (d), 1960))

#### **5.04.520 Peddlers and solicitors.**

Every person not having a fixed place of business in the city who engages in the business of peddler, photographer, book agent or solicitor making house-to-house sales within the city shall pay an annual license of fifty dollars for each individual salesman.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.140 (Ord. 494 § 52, 1960))

#### **5.04.530 Professional and semiprofessional businesses.**

Every person who in the city engages in any professional or semiprofessional business or occupation for which no license tax is specifically provided in this chapter shall pay an annual license tax computed as follows: forty dollars plus twenty dollars for each partner or associate in excess of one, plus two dollars for each employee in excess of two employed by the licensee during the previous calendar year as determined in accordance with Section 5.04.100.

(Ord. 78-6-798 § 2 (part); prior code § 5.08.050 (Ord. 494 § 43, 1960))

#### **5.04.540 Retail agents and delivery vehicles.**

Every person not having a regularly established place of business in this city who in this city engages in the business of selling at retail or solicits orders for the retail sale of any goods, wares, or merchandise of whatever nature, kind, or description for which no license tax is specifically provided in this chapter, and every person engaging in this city in the business of a bakery route, vegetable route, ice route, water route (distilled, spring, mineral, aerated), dairy route, fuel-oil route, laundry route, drycleaning route or other routes of a like or similar nature shall pay an annual license tax of forty dollars for the first vehicle used in this city in such business plus twenty dollars for each additional vehicle used in this city for such business.

(Ord. 78-6-798 § 2 (part): prior code § 5.08.080 (Ord. 494 § 46, 1960))

#### **5.04.550 Retail and wholesale sales and services - Businesses not otherwise designated.**

Every person who in this city engages in the business of selling at retail or wholesale any goods, wares, merchandise, commodities or services or who conducts or carries on any trade, occupation, business, or calling, for which no license or license tax is specifically provided in this chapter shall pay an annual license tax computed as follows: forty dollars plus two dollars for each employee in excess of two but not over two hundred ninety-eight; and one dollar for each employee in excess of three hundred who was employed by such person during the previous calendar year as determined in accordance with Section 5.04.100.

(Ord. 78-6-798 § 2 (part): prior code § 5.08.020 (Ord. 494 § 41, 1960))

#### **5.04.560 Stables and riding academies.**

Every person who operates a riding academy or a stable for the boarding and keeping of horses or others shall pay an annual license tax of fifty dollars.

(Ord. 78-6-798 § 2 (part): prior code § 5.08.100(G) (Ord. 494 § 48(g), 1960))

#### **5.04.570 Taxi drivers.\***

Every person who engages in the occupation of driving a taxicab in the city shall pay a license tax in the amount of six dollars for the first year and four dollars per year thereafter.

(Ord. 78-6-798 § 2 (part): prior code § 5.08.180(C) (Ord. 494 § 56(c), 1960))

\* For provisions regarding licensing and regulation of taxi services and taxi drivers, see Ch. 5.32 of this code.

#### **5.04.580 Taxi services.\***

Every person who in this city engages in the business of operating a taxi service, whether he has an established place of business in the city or not, shall pay an annual license tax of one hundred dollars plus twenty dollars for each of the first five taxicabs used in the city and two dollars per taxicab for each additional taxicab used.

(Ord. 78-6-798 § 2 (part): prior code § 5.08.180(B) (Ord. 494 § 56 (b), 1960))

\* For provisions regarding licensing and regulation of taxi services and taxi drivers, see Ch. 5.32 of this code.

#### **5.04.590 Trailer parks.**

Every person engaged in the business of managing or operating an automobile trailer park or court within the city shall pay an annual license tax based on the number of parking spaces or units available for parking of trailers, as follows: one to fifty units, five hundred dollars plus ten dollars per unit in excess of fifty units.

(Ord. 78-6-798 § 2 (part): prior code § 5.08.170 (Ord. 494 § 55, 1960))

#### **5.04.600 Trained animal shows.**

Every person who in this city conducts or stages a trained animal show to which an admission fee is charged or in connection with which a collection is taken shall pay one hundred dollars for each day such show is staged.

(Ord. 78-6-798 § 2 (part): prior code § 5.08.100(D) (Ord. 494 § 48(d), 1960))

#### **5.04.610 Transporters of personal property.**

A. Every person who in this city engages in the business of transporting personal property for hire shall pay an annual license tax based upon the number of vehicles used in the conduct of such business in this city computed as follows: forty dollars for the first such vehicle plus ten dollars for each such vehicle in excess of one.

B. A license shall not be required of any person who makes occasional deliveries of goods or merchandise within the city; provided such deliveries are only occasional and incidental to a business conducted elsewhere. For the purpose of computing the tax, a tractor-semitrailer combination or a trucktrailer combination shall be deemed to be one vehicle.

(Ord. 78-6-798 § 2 (part): prior code § 5.08.180(A) (Ord. 494 § 56 (a), 1960))

#### **5.04.620 Wholesale agents.**

Every person not having a regularly established place of business in this city who sells at wholesale or solicits orders for the sale at wholesale of any goods, wares, or merchandise of any kind or nature in connection with which deliveries are made in this city or delivery service is furnished to business or professional firms in this city shall pay an annual license tax as follows: twenty dollars for the first vehicle used in the city plus ten dollars for each additional vehicle used in the city.

(Ord. 78-6-798 § 2 (part): prior code § 5.08.070 (Ord. 494 § 45, 1960))

### **Chapter 5.08 SPECIAL BUSINESS PERMITS (REPEALED)\***

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\* Editor's Note: Former Chapter 5.08 (Sections 5.08.030 - 5.08.170) was repealed and deleted in its entirety by Ordinance 2002-10-1313 § 1. Section 2 of that ordinance provides the following:

"Within one year following the effective date of this ordinance, all owners of businesses subject to existing special business permits shall, notwithstanding the zoning district in which the business subject to the special business permit is located, apply for and obtain a valid conditional use permit as provided in Chapter 20.64. No application fee shall be required for the processing of said Conditional Use Permits. This ordinance shall not affect previously issued special business permits and all conditions imposed upon the holder of a special business permit shall remain in full force and effect until a conditional use permit is issued by the City. Failure to apply for a conditional use permit within one year, or the failure to comply with conditions of an existing special business permit, shall result in the revocation of the special business permit."

Section 3 of Ordinance 2002-10-1313 states:

"Effective Date. This Ordinance shall take effect thirty (30) days after the date of its adoption."

Ordinance 2002-10-13 was adopted on November 19, 2002.

### **Chapter 5.12 CRUDE OIL PRODUCERS**

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Sections:

5.12.010 Amount of annual license tax.

5.12.020 Tax due dates.

5.12.030 Determining per-barrel tax.



5.12.040 Quarterly reports.

5.12.050 Recordkeeping required.

5.12.060 Tax estimates rendered by tax collector.

#### **5.12.010 Amount of annual license tax.**

Every person who engages in the business of producing oil from any well or wells located within this city shall pay an annual license tax for each well operated by such person for the purpose of producing crude oil, gas, or other petroleum substances, computed as follows:

A. One hundred fifty dollars, which amount is referred to in this chapter as "the base tax"; plus

B. Fifteen cents times the number of barrels of oil produced and shipped from the well during each calendar quarter of the calendar year, except as adjusted herein, which amount is referred to in this chapter as the "per-barrel tax." The per-barrel tax shall be adjusted on July 1, 1984, and on each July 1st thereafter. The adjustment shall be to increase or decrease the per-barrel tax by an amount equal to the percentage increase or decrease during the previous fiscal year (July 1st through June 30th) in the Producers Price Index for Crude Petroleum (OS-61) as printed in the Monthly Labor Review, published by the United States Department of Labor, Bureau of Labor Statistics. In no case, however, shall the "per barrel tax" be decreased to a rate below 12.5 cents per barrel of oil produced. Such adjustment shall be determined by the tax collector.

(Ord. 83-06-908 § 1; Ord. 78-6-798 § 3; Ord. 76-12-757 § 1; Ord. 70-11-667 § 1 (part); prior code § 5.08.040(A) (Ord. 64-10-569 § 1; Ord. 533 § 2 (part), 1962; Ord. 494 § 42.5(a), 1960))

#### **5.12.020 Tax due dates.**

The annual license tax shall be due and payable and, if not paid shall become delinquent, as follows:

A. The base tax shall be due and payable and, if not paid shall become delinquent, in accordance with the times prescribed in Sections 5.04.280 and 5.04.290 for payment of and delinquencies of annual license taxes generally.

B. The amount of the per-barrel tax shall be due and payable on the first day of the month next succeeding each calendar quarter, and shall become delinquent if not paid on or before the last day of said month.

(Ord. 70-11-667 § 1 (part); prior code § 5.08.040(B) (Ord. 533 § 2 (part), 1962; Ord. 494 § 42.5(b), 1960))

#### **5.12.030 Determining per-barrel tax.**

For the purpose of determining the per-barrel tax, the following provisions shall apply:

A. A well is located within this city if any portion of the wellhead is located within the city, irrespective of the subsurface location of the well or the producing interval thereof.

B. The calendar quarters of each year shall consist of the following: first quarter, January, February, and March; second quarter, April, May, and June; third quarter, July, August, and September; and fourth quarter, October, November, and December.

C. A barrel of oil shall consist of forty-two U.S. gallons of crude petroleum substances corrected for temperature variations in accordance with methods generally approved in the petroleum industry. "Petroleum substances" means crude oil remaining after the removal therefrom of water and other impurities by preliminary processing in the vicinity of the well site preparatory to the shipment thereof.

D. If oil produced from two or more wells is commingled without the production of the respective wells being separately measured, each well whose production has been so commingled shall be considered as having produced an equal part of the total.

E. Oil produced and shipped during a calendar quarter shall mean oil produced from a well either before or during said calendar quarter which either has been sold to another or shipped from the well site during said calendar quarter.

(Prior code § 5.08.040(C) (Ord. 533 § 2 (part), 1962; Ord. 494 § 42.5(c), 1960))

#### **5.12.040 Quarterly reports.**

A. Every person required to have a license under this chapter shall on or before the last days of April, July, October and January file with the tax collector a report, upon a form provided by the tax collector, setting forth such information as the tax collector shall require, including the following:

1. The name or other identification of all oil wells located in the city operated by him during the calendar quarter involved;
2. The number of barrels of oil produced and shipped from each of the wells during the quarter; and
3. The computation of the amount of the per-barrel tax with respect to such production due the city.

B. At the time of filing the report he shall also pay to the tax collector any additional license tax which may be shown to be due. The report must be signed by the person required to have the license or by a managing officer or agent thereof and shall include a declaration substantially as follows:

"I declare under penalty of perjury that I am authorized to make and file the foregoing statement, and that to the best of my knowledge and belief it is a true, correct, and complete statement made in good faith for the period stated."

C. The statement shall not be conclusive against the city as to the information set forth therein, nor shall the filing of a statement preclude the city from collecting by appropriate action any additional tax that is later determined to be due and payable.

(Prior code § 5.08.040(D) (Ord. 533 § 2 (part), 1962: Ord. 494 § 42.5(e))

#### **5.12.050 Recordkeeping required.**

Every person required to have a license under this chapter shall keep full, true, and accurate records as to the amount of oil produced and shipped or sold by him from wells located within the city and shall, upon the demand of the tax collector, make the records, together with any shipping documents or sales invoices pertaining to such oil, available for the inspection of the tax collector at all reasonable times.

(Prior code § 5.08.040(F) (Ord. 533 § 2 (part), 1962: Ord. 494 § 42.5(f))

#### **5.12.060 Tax estimates rendered by tax collector.**

In the event any person required to have a license under this chapter fails to file a report of the quarterly production and shipment of oil from his wells as provided in Section 5.12.040, or that the information filed in such report is insufficient to enable the tax collector to compute the license tax liability of such person, the tax collector shall, by such method as he may deem appropriate, estimate the amount of the tax due from the person. Notice thereof may be sent by the tax collector to such person by registered mail at his latest address as shown on the city's records, and, unless within thirty days thereafter a proper statement is filed by such person with the tax collector, the estimate shall become a final and binding determination of the amount of the tax.

(Prior code § 5.08.040(G) (Ord. 533 § 2 (part), 1962: Ord. 494 § 42.5 (g), 1960))

### **Chapter 5.14 FILMING ACTIVITIES**

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Sections:

- 5.14.010 Definitions.
- 5.14.020 Permit--Required.
- 5.14.030 Permit application--Contents.
- 5.14.040 Permit application--Fees and deposits.
- 5.14.050 Permit application--Approval and revocation.
- 5.14.060 Permit--Term and extension.

5.14.070 Permit conditions--General.

5.14.080 Rules and regulations--Authority to promulgate.

5.14.090 Reimbursement for costs.

5.14.100 Insurance.

#### **5.14.010 Definitions.**

"Charitable purposes" as used in this chapter means filming activities conducted by a nonprofit organization which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization, or by a student pursuant to an assigned school project. No person, directly or indirectly, shall receive a profit from the making, producing or showing of any films, tapes, or photos made for charitable purposes.

"Equipment" as used in this chapter means any item related to the filming activities, including but not limited to mobile offices, generators, vehicles, dollies, storage facilities, and other items used in production.

"Filming activities" as used in this chapter means and includes all activities associated with making or producing for commercial purposes motion pictures, television shows, programs, or commercials, or still photographs, by videotape, film, electronic transmission, or other similar medium.

"News purposes" as used in this chapter means filming activities conducted by reporters, photographers, or cameramen in the employ of a newspaper, news service, television station or similar entity, for the purposes of preserving news events concerning those persons, scenes or occurrences which are in the news and are of general public interest.

"Private purposes" as used in this chapter means filming activities conducted by individuals with personally owned equipment for their own private noncommercial use, including but not limited to student filming activities.

(Ord. 98-09-1241 § 1 (part))

#### **5.14.020 Permit--Required.**

A. No person shall use any city street, alley, sidewalk, park, parkway or other public property, nor any privately owned residence, commercial or retail building or lot for the purposes of filming activities without first applying for and receiving a permit from the city.

B. This section of this chapter shall not apply to or be construed to affect filming activities conducted for charitable, news, or private purposes as defined in Section 5.14.010, filming activities conducted at or in an established motion picture, television or photography studio, or filming activities conducted for use in a criminal investigation or civil proceeding.

(Ord. 98-09-1241 § 1 (part))

#### **5.14.030 Permit application--Contents.**

A. A written application for filming activities under this chapter must be completed and filed, on a form provided by the city, at least five days prior to the first day of the proposed filming activities.

B. Each such application must include the following:

1. Full legal name of the applicant.
2. Full business name of the applicant, if different.
3. Complete business address and phone number of the applicant.
4. Locations of proposed filming activities.
5. List of all public facilities which applicant desires to use in conjunction with the proposed filming activities.
6. Description of any services of city employees desired or requested at the location during the proposed filming activities, and an

agreement that the city shall be reimbursed for such services.

7. Names, addresses and phone numbers of those with controlling interest in the locations of the proposed filming activities.
8. Dates and times of the proposed filming activities.
9. General description of the nature of the filming activities.
10. Numbers and types of vehicles and equipment to be used, and a parking plan for such vehicles and equipment, including off-location employee and equipment staging areas.
11. Number of personnel, cast, crew and support people involved.
12. Name and phone number of the person(s) who will be in charge of the location(s).
13. Declaration of intent to use any animals or pyrotechnics, and a general description of the intended use.
14. Agreement that the location(s) shall be cleaned and restored to original condition.
15. Other information that the city may require to process the application.
16. Property ownership list, with names, addresses and phone numbers, of private property to be used for filming activities, staging, storage and parking areas.

(Ord. 98-09-1241 § 1 (part))

#### **5.14.040 Permit application--Fees and deposits.**

A. All applications for a city film permit shall be submitted with a nonrefundable deposit fee to cover the actual cost of processing the permit application. The application fee shall be set from time to time by a resolution of the city council.

B. An additional deposit shall be required to pay the estimated costs incurred by the city for the use, if any, of its personnel, equipment and facilities. The amount of this deposit shall be determined by the city manager or his designee, with overpayment to be reimbursed and underpayment to be billed for payment to the applicant thirty days after the final day of the filming activities.

(Ord. 98-09-1241 § 1 (part))

#### **5.14.050 Permit application--Approval and revocation.**

A. The application for filming activities shall be approved after the city manager or his designee determines that all of the following provisions of this section have been complied with:

1. That the proposed filming activities described in the application do not pose a threat to the public health and safety, and provide for the protection of property. In addition to the general permit conditions imposed by Section 5.14.070, the city manager or his designee may impose such specific conditions to approval as are necessary to eliminate or lessen the negative safety, traffic, noise, or other elements that impact the community.
2. That the proposed location has not been used for filming activities during the previous six months.
3. That the applicant has procured public liability and property damage insurance as required by Section 5.14.100 of this chapter.
4. That the applicant has executed an agreement in a form approved by the city attorney, to indemnify, defend and hold harmless the city and its officers, employees, appointees, boards and committees from any and all claims and liability of any kind whatsoever resulting from or arising out of the proposed filming activities or issuance of the permit.
5. That the applicant has paid the appropriate fee and made all necessary deposits as required by Section 5.14.040 of this chapter.

B. Once issued, the city manager or his designee may suspend or revoke a permit without notice for failure to comply with fire or safety regulations, or for a violation of any of the conditions of approval, or for engaging in filming activities outside the scope of the permit. The city manager or his designee may suspend or revoke a permit without further notice based on complaints from city residents, if applicant fails to cure the basis of the complaint within twenty-four hours after being notified by the city.

(Ord. 98-09-1241 § 1 (part))

#### **5.14.060 Permit--Term and extension.**

A. The term of the permit shall be for such period of time as is set forth in the application for the permit, subject to any conditions imposed for approval.

B. If the filming activities described in the application are not completed upon the expiration of the permit, the city manager may, upon good cause shown, extend the term of the permit for a period of time necessary to complete the filming activities.

(Ord. 98-09-1241 § 1 (part))

#### **5.14.070 Permit conditions--General.**

Any applicant granted a permit pursuant to this chapter shall comply with all of the following conditions:

A. The permittee shall conduct filming activities in an orderly fashion with continuous attention to the storage of equipment not in use and the cleanup of trash and debris. All filming activity locations shall be maintained in a safe and clean condition while in use and shall be returned to their original condition before leaving the location upon completion of the filming activities.

B. The permittee shall obtain the property owners' written consent for filming activities conducted on property not owned by the city.

C. Vehicles and equipment involved in filming activities, including the personal vehicles of cast and crew, may be parked on private property or on the property of a retail or business establishment, only with the written consent of the property or business owner.

D. Applicants shall obtain prior police department approval and comply with the twenty-four-hour special events posting requirements for vehicles and equipment which must be parked on city streets in violation of local regulations. Application filing should be adjusted to accommodate the above.

E. Filming activities that will impact traffic flow shall require police review and assistance. City rules and regulations concerning street closure, rerouting, and temporary halting of traffic, as established in Title 10, shall be followed.

F. All rules and regulations established by the city's fire protection service, currently the Long Beach fire department, shall be followed. Any use of pyrotechnics, explosives, lasers or helicopters will require additional insurance and a separate permit. To obtain these additional permits, contact the Long Beach fire department, fire prevention bureau, special events section.

(Ord. 98-09-1241 § 1 (part))

#### **5.14.080 Rules and regulations--Authority to promulgate.**

A. The city is authorized to and shall promulgate certain rules and regulations governing the form, time and location of any filming activities governed by this chapter as are necessary to protect the community and to facilitate legitimate filming needs.

B. Copies of the current rules and regulations shall be furnished to the applicant along with filming activity application forms.

(Ord. 98-09-1241 § 1 (part))

#### **5.14.090 Reimbursement for costs.**

Notwithstanding any other provisions of this chapter, the permittee shall reimburse the city for any and all costs incurred by the city which result from the issuance of the permit or the activities authorized therein. This shall include but is not limited to costs for personnel and/or equipment from the city police, contracted fire service, or public works department, provided to comply with the city's rules and regulations, as well as for any damage to or modification of city property.

(Ord. 98-09-1241 § 1 (part))

#### **5.14.100 Insurance.**

The applicant, at the applicant's own expense, shall procure and maintain for the entire term of the permit a policy of general liability insurance approved as to form by the city attorney. The insurance policy shall name the city as additional insured for third party liabilities for any action arising out of the filming activities. The policy amount shall be no less than one million dollars combined single limit. A copy of the policy shall accompany the application for a city filming permit.

(Ord. 98-09-1241 § 1 (part))

### **Chapter 5.16 MESSAGE ESTABLISHMENTS AND PERMITS\***

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Sections:

- 5.16.010 Definitions.
- 5.16.020 Massage establishment--Permit required--Application fees and contents.
- 5.16.030 Facilities and operating requirements.
- 5.16.040 Hours of operation.
- 5.16.050 Display of permit.
- 5.16.060 Change of location.
- 5.16.070 Employees.
- 5.16.080 Inspection of facilities and financial records.
- 5.16.090 Records of treatment.
- 5.16.100 Name of business.
- 5.16.110 Permit procedures.
- 5.16.120 Issuance of permit.
- 5.16.130 Appeal.
- 5.16.140 Grounds for revocation or suspension.
- 5.16.150 New application after denial or revocation of permit.
- 5.16.160 Surrender of permits.
- 5.16.170 Sale or transfer.
- 5.16.180 Applicability of regulations to existing licensed massage establishments.
- 5.16.190 Violation and penalty.
- 5.16.200 No effect on zoning law.
- 5.16.210 Severability.

\* Prior ordinance history: prior code §§ 9.78.010 through 9.78.190, § 9.78.210 and Ordinance 74-2-720.

#### **5.16.010 Definitions.**

For the purpose of the provisions regulating baths, sauna baths, massage establishments and similar businesses set forth in this chapter, the following words and phrases shall be construed to have the meanings set forth in this section, unless it is apparent from the context that a different meaning is intended:

A. "Applicant" means any person or entity desiring to obtain a permit to operate a massage establishment, and includes each and every owner of the proposed establishment. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation, together with the names and residence addresses of each of the officers, directors, and each and every stockholder. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply. If a corporation or a partnership is an applicant, then the identifying information required in this section as to the "applicant" shall be provided also as to such stockholders, directors and/or partners as the case may be and a permit may be issued or denied if such stockholders, directors and/or partners do or do not satisfy the requirements and standards imposed by this chapter as to the background and character of the "applicant."

If the applicant is a corporation, a certified copy of its articles of incorporation, together with any authorizations to issue stock shall be attached to the application. If the applicant is a partnership, a certified copy of the partnership agreement, if there be one, shall be attached to the application and if the applicant be a limited partnership, a certified copy of its certificate of limited partnership shall be attached to the application.

B. "Massage" means any method of treating any of the external parts of a person including but not limited to rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands, feet, elbows or any other part of the body, with or without the aid of any instrument or device and with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

C. "Massage establishment" means any place, including a private club or organization, where any massage, as defined in this section, is given or offered. It includes any place, including a private club or organization, wherein any person, firm, association, corporation or partnership engages in, conducts or carries on, or permits to be engaged in, conducted or carried on the business of giving or furnishing baths of any kind or type including Russian, Turkish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, salt, Japanese, sauna, fomentation or electric baths.

D. "Massage technician" is any person who administers to another person, for any form of consideration, a massage, alcohol rub, fomentation, bath, electric or magnetic massage procedure, or other similar procedure.

E. "Operator" is any person who manages or who is otherwise primarily responsible for the operation of the massage establishment, and shall include each and every person responsible for establishing personnel policy, hiring personnel, ensuring that the establishment complies with the requirements of this code and of other laws, and of establishing and administering any and all policies established by the owner for the operation of the establishment.

(Ord. 81-6-872 § 1 (part))

#### **5.16.020 Massage establishment--Permit required--Application fees and contents.**

A. Permit Required. It is unlawful for any person, association, firm, partnership, or corporation to operate or conduct a massage establishment or to permit a massage establishment to be operated or conducted, in or upon any premises within the city, or to render a massage or permit a massage to be rendered within the city at any location not licensed as a massage establishment, in accordance with the provisions set forth in this chapter.

B. Application--Fees.

1. Any applicant for a permit to operate a massage establishment shall make application to the chief of police upon a form provided by him. Such application shall be accepted only upon a showing that four hundred dollars, or such other sum as has been established by the city to cover its expenses under this chapter has been paid to the city director of finance as a fee to investigate such applicant and the proposed establishment. Where there is more than one applicant or owner of such applicant as defined in Section 5.16.010A an additional seventy-five dollars shall be paid for each additional applicant and/or owner.

2. Permits and fees required by this section shall be in addition to any license, permit or fee required under any other section or chapter of this code, including but not limited to the annual license tax and business license pursuant to Chapters 5.08 and 5.12; and a conditional use permit as required by Title 20.

C. Application--Contents. Any applicant for a permit pursuant to this chapter shall submit the following information:

1. The type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise;
2. The name, style and designation, which shall not reasonably suggest that any services are available except those specified in



Section 5.16.010B, under which the business is to be conducted, together with its address or proposed address;

3. A complete list of the names and residence addresses of all massage technicians, employees and attendants in the business; the name and residence address of the operator, manager or other person principally in charge of the operation of the business; and the names and residence addresses of all principals of the business;
  4. The full name of the applicant, including aliases, nicknames, and any other names used. In the case of a female applicant, her full name, including her maiden name and each of her married names;
  5. The present address of the applicant;
  6. The two previous addresses immediately prior to the present address of applicant;
  7. The names and present residence address of at least five bona fide residents of the state who will attest that the applicant is of good moral character;
  8. Written proof that the applicant is over the age of eighteen years;
  9. The applicant's height, weight, color of eyes and hair, driver's license number, and Social Security number;
  10. Two portrait photographs at least two inches by two inches;
  11. The business, occupation, or employment of the applicant for the three years immediately preceding the date of the application;
  12. The massage or similar business license history of the applicant, whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended and the reason therefor; and the business activity or occupation subsequent to such action of suspension or revocation;
  13. Whether the applicant has ever been convicted of any crime specified in Section 51032 of the Government Code and, if so, the circumstances thereof and the sentence therefor; and
  14. Such other identification and information necessary to discover the truth of the matters specified in this section as required to be set forth in application.
- D. Nothing contained in this section shall be construed to deny to the police department of the city the right to take the fingerprints and additional photographs of the applicant, nor shall anything contained in this section be construed to deny the right of said department to confirm the height and weight of the applicant.

E. Falsification of any of the above information shall be deemed sufficient reason for denial of the application.

(Ord. 81-6-872 § 1 (part))

### **5.16.030 Facilities and operating requirements.**

No permit to conduct a massage establishment shall be issued unless an inspection is made under the provisions of Section 5.16.120C and it is determined that the establishment complies with each of the following minimum requirements; and a permit previously issued shall be revoked if the following facilities and operating requirements are not met:

- A. All employees, massage technicians, and attendants shall wear clean outer garments whose use is restricted to the massage establishment. The garments shall provide a complete covering by fully opaque material of the genitals, genital area, buttocks and female breasts of such employees, massage technicians, and attendants.
- B. No massage establishment licensed under the provisions of this chapter shall place, publish, distribute, disseminate or broadcast, or cause to be placed, published, distributed, disseminated or broadcasted, any advertising matter that would reasonably suggest to prospective patrons that any service is available other than those services described in subsection B of Section 5.16.010, nor shall any massage establishment indicate in the text of any advertising that any service is available other than those services described in subsection B. All advertisements placed, published, distributed, disseminated or broadcasted shall contain the establishment's business permit number.
- C. A massage business permittee shall have the premises supervised at all times when open for business by the operator or manager. The violation upon the premises of any massage establishment of any provision of this chapter by any agent, employee or independent contractor of the holder of a massage business permit shall constitute a violation by the license holder.



D. Each massage establishment shall have at least one person who has a valid massage technician's permit on the premises at all times while the establishment is open for business.

E. The operator of a massage establishment shall maintain a register of all persons employed as massage technicians and their permit numbers. Such register shall be made available for inspection by representatives of the city at any time during the establishment's business hours.

F. A recognizable and readable sign shall be posted at the main entrance identifying the establishment as a massage establishment; provided, that all such signs shall comply with the sign requirements of the city, and such sign shall not reasonably suggest that services other than those identified in Section 5.16.010B are available.

G. Minimum lighting shall be provided in accordance with the Uniform Building Code, and at least one artificial light of not less than forty watts shall be provided in each enclosed room or booth where massage services are being performed on a patron.

H. Minimum ventilation shall be provided in accordance with the Uniform Building Code.

I. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided.

J. Hot and cold running water shall be provided at all times.

K. Closed cabinets shall be provided, which cabinets shall be utilized for the storage of clean linen.

L. In any establishment in which massage services are rendered only to members of the same sex at any one time, such persons of the same sex may be placed in a single, separate room, or the operators of the massage establishment may elect to place such persons of the same sex in separate enclosed rooms or booths having adequate ventilation to an area outside said room or booth, while massage services are being performed.

M. Adequate bathing, dressing, locker, and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one toilet and one washbasin, shall be provided by every massage establishment; provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate bathing, a separate massage room or rooms, separate dressing and separate toilet facilities shall be provided for male and female patrons.

N. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

O. Clean and sanitary towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted.

P. A minimum of one separate washbasin shall be provided in each massage establishment for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each washbasin sanitary towels placed in permanently installed dispensers.

Q. Proof of compliance with all applicable provisions of the Signal Hill Municipal Code shall be provided.

(Ord. 81-6-872 § 1 (part))

#### **5.16.040 Hours of operation.**

The administration massages and operation of a massage establishment shall be permitted only between the hours of nine a.m. and eleven p.m.

(Ord. 81-6-872 § 1 (part))

#### **5.16.050 Display of permit.**

The permit issued under this chapter and massage technician permits for all such employees shall be displayed in a conspicuous place so that the same be readily seen by persons entering the premises.

(Ord. 81-6-872 § 1 (part))

#### **5.16.060 Change of location.**

A change of location of any of the aforementioned and described premises shall be subject to the provisions of Title 20 and, if such provisions are complied with, may be approved by the chief of police, provided all other ordinances and regulations of the city are complied with and a change of location fee of one hundred dollars is deposited with the city.

(Ord. 81-6-872 § 1 (part))

#### **5.16.070 Employees.**

It is the responsibility of the permittee to ensure that each and every person who performs massages on the premises holds a valid permit pursuant to

Chapter 5.17.

(Ord. 81-6-872 § 1 (part))

#### **5.16.080 Inspection of facilities and financial records.**

A. The chief of police or his agent may, and the building inspector, fire chief, county health officer shall, prior to the issuance of a permit under this chapter, and from time to time thereafter, and at least once each year, make an inspection of each massage establishment in the city for the purpose of determining that the provisions of this chapter are met.

B. The permittee under this chapter shall maintain and make available to the chief of police ledger books, daily journals, and other accounting records which truly and correctly show the income, the expenses and the distribution of all profits, if any, pertaining to the massage establishment licensed under this chapter. The purpose of the foregoing is to provide the city with a means to determine whether or not there has been a transfer of any interest in the establishment and to determine the identity of any and all persons and entities who or which own an interest therein. The chief of police may require such other financial information and records to effectuate the foregoing purpose. If application or renewal application is made to continue or to recommence the operation of a previously licensed establishment, in addition to the information required of the applicant by this chapter, the chief of police shall be provided with the foregoing financial records relating to the prior operation of the applicant.

(Ord. 81-6-872 § 1 (part))

#### **5.16.090 Records of treatment.**

Every person, association, firm, or corporation operating a massage establishment under a permit. as provided in this chapter shall keep a record of the date and hour of each treatment, the name and address of the patron, and the name of the technician administering such treatment. Each and every patron shall be required to supply reliable verification of his or her identity. Said record shall be open to inspection by officials charged with the enforcement of these provisions. Identical records shall be kept of treatments rendered off the business site and shall describe the address where the treatment was rendered. The information furnished or secured as a result of any such record shall be used only to ensure and enforce compliance with this municipal code and other applicable laws and shall otherwise be confidential. Any unauthorized disclosure or use of such information by an employee of the establishment or the city shall constitute a misdemeanor, and such employee shall be subject to the penalty provisions of this code in addition to any other penalties provided by law. Such records shall be maintained for a period of two years.

(Ord. 81-6-872 § 1 (part))

#### **5.16.100 Name of business.**

No permittee licensed under this chapter shall operate under any name or conduct the business under any designation not specified in the permit.

(Ord. 81-6-872 § 1 (part))

#### **5.16.110 Permit procedures.**

A. Any applicant, as defined in this chapter, for a permit shall personally appear at the police department of the city and produce proof to the police department that the four hundred dollar application, inspection and enforcement fee has theretofore been paid to the city finance director together with any additional fees required by this chapter for additional applicants, and thereupon said applicant or applicants shall complete an application containing the aforementioned and described information. The chief of police shall have a reasonable time in which to investigate the application, the background of the applicant, and the premises, for the protection of the public interests. Upon the completion thereof, the chief of police shall notify the applicant by registered or certified mail, at the address shown on the application, whether or not such permit will be issued. The chief of police shall deliver the notification to the applicant by registered or certified mail at his or her address shown on the application within forty-five days after the chief of police receives the completed application. The foregoing forty-five-day deadline is directory only; failure to meet such deadline shall not affect the power of the chief of police to deny, or otherwise act on such application.

B. In the event that the chief of police denies a permit, the chief of police shall include a statement of the grounds for the decision in the notice to the applicant, and such applicant shall have the rights of appeal within the time limits prescribed as set forth in this chapter.

C. To aid in the determination of whether to issue a permit for a massage establishment pursuant to Section 5.16.020, the department of building and safety, the fire department, and the county department of health services may inspect the premises proposed to be devoted to the massage establishment and may make recommendations to the chief of police concerning compliance with the foregoing provisions. If the establishment is not in compliance with the provisions of this chapter, the department of health services shall issue a letter to such effect to the applicant with a copy to the city setting forth the deficiencies and if a letter of full compliance is not issued within ninety days of the application, it shall be deemed withdrawn and a new application must be filed.

(Ord. 81-6-872 § 1 (part))

#### **5.16.120 Issuance of permit.**

The chief of police shall issue a massage establishment permit to the applicant if all requirements of this chapter for a massage establishment are met. Moreover, and in addition to the provisions of Section 5.16.120, such a permit shall not issue if the chief of police reasonably determines that the applicant made misrepresentations on the application or any of the applicants have been convicted of one of the crimes specified in Section 51032 of the Government Code as amended from time to time. Any permits issued under this chapter are nontransferable.

(Ord. 81-6-872 § 1 (part))

#### **5.16.130 Appeal.**

Upon any permit required by this chapter being refused, or suspended or revoked, as specified in this chapter, the applicant or permittee may, within fifteen days after notice thereof has been sent by registered or certified mail, file a written request with the city clerk for a hearing by the council to review such refusal, suspension or revocation. Upon the filing of such a request, the city clerk shall set such hearing within forty-five days and, unless waived in writing by such person, shall serve a notice of the time and place thereof by registered or certified mail to the person making such request at the address shown therein at least fifteen days in advance of such hearing. The council may affirm the denial, revocation, or suspension, or order the issuance, or reinstatement of any permit. The applicant shall have the right to: present witnesses on his behalf; cross-examine witnesses; and present evidence and shall have the right to a full and fair determination according to the evidence.

(Ord. 81-6-872 § 1 (part))

#### **5.16.140 Grounds for revocation or suspension.**

A. The chief of police may revoke or suspend any permit issued under this chapter at any time upon a determination that there has been a material false statement made in the application; that there has been a transfer of an ownership interest in the establishment or

any entity which may own it; that there has been false, misleading or deceptive advertising as specified in this chapter; that there has been a failure to correctly keep and make the records specified in Section 5.16.080 available for inspection; that there has been a failure to comply with the provisions of this chapter or of any law of the state regulating massage establishments or massage technicians; that the permittee, any other applicant under the application, or any operator or massage technician of such massage establishment has been convicted of a crime specified in Section 51032 of the Government Code as amended from time to time; or that such massage establishment has been operated in a manner which endangers the patrons thereof or the public welfare. Any suspended permit must either be reinstated or revoked by the chief of police within ninety days after the date of suspension thereof.

B. Notice of any such decision to suspend or revoke shall be given in writing served by registered or certified mail to the permittee and shall only be final and effective at the end of the fifteenth day after such service unless the permittee has theretofore filed an appeal therefrom with the council, which shall then hold a de novo hearing in accordance with the provisions of Section 5.16.140 at which the chief of police shall have the burden of proof.

(Ord. 81-6-872 § 1 (part))

#### **5.16.150 New application after denial or revocation of permit.**

No person may apply for a permit under this chapter within one year from denial of a permit to such applicant or within one year from the revocation of a permit issued to such permittee, unless the cause of the denial or revocation has been, to the satisfaction of the chief of police or council, removed within such time.

(Ord. 81-6-872 § 1 (part))

#### **5.16.160 Surrender of permits.**

Each person to whom a permit has been issued under this chapter shall immediately surrender his permit to the chief of police upon its revocation or suspension.

(Ord. 81-6-872 § 1 (part))

#### **5.16.170 Sale or transfer.**

Upon the sale or transfer of any interest in a massage establishment or any entity owning such massage establishment, the permit issued pursuant to this chapter shall be null and void unless the sale or transaction is to an applicant shown on the application for the permit pursuant to which the establishment was operated. A new application under this chapter shall be made by any person, firm, or entity desiring to own or operate such massage establishment.

(Ord. 81-6-872 § 1 (part))

#### **5.16.180 Applicability of regulations to existing licensed massage establishments.**

A. All persons who possess an outstanding permit heretofore issued by the city to operate a massage establishment must apply for a permit and shall be issued a license or permit within ninety days of the effective date of the ordinance codified in this chapter if they qualify under the provisions of this chapter, and in any event any permits issued under this chapter prior to the effective date of the ordinance codified in this chapter shall be null and void upon the passage of ninety days from the effective date hereof.

B. As to any existing and properly licensed massage establishments as of the effective date of the ordinance codified in this chapter, and pending the application and the issuance of or denial of a permit under this chapter as above specified, the provisions of Sections 5.16.010, 5.16.020, 5.16.030, 5.16.040, 5.16.050, 5.16.060, 5.16.070, 5.16.080, 5.16.090, 5.16.100, 5.16.130, 5.16.140, 5.16.150, 5.16.160, 5.16.170, 5.16.190, 5.16.200 and 5.16.210 shall apply to such existing establishments licensed under the terms of this chapter prior to the amendments effected by this chapter.

(Ord. 81-6-872 § 1 (part))

#### **5.16.190 Violation and penalty.**

A. Every person, except those persons who are specifically exempted by particular provisions in this chapter, whether acting as an individual, owner, employee of the owner, operator, or employee of the operator, or whether acting as an attendant for the owner, employee, or operator, or whether acting as a participant or worker in any way, who does or practices any of the other things or acts mentioned in this chapter for which a permit is required without first obtaining a valid permit from the city is guilty of a misdemeanor and shall be punished in accordance with Section 1.16.010.

B. Any owner, operator, manager, or permittee in charge of or in control of a massage establishment who knowingly employs a person who performs or offers to perform a massage as defined in this chapter who is not in possession of a permit under Chapter 5.17 is guilty of a misdemeanor and shall be punished in accordance with Section 1.16.010; and the massage establishment permit issued under this chapter shall be revoked.

C. Any massage establishment operated, conducted, or maintained contrary to the provisions of this chapter shall be and the same is declared to be unlawful and a public nuisance, and the city attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinder thereof, in the manner provided by law; and he shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate or remove such massage establishment and restrain and enjoin any person from operating, conducting, or maintaining a massage establishment contrary to the provisions of this chapter.

D. Any failure or refusal of the owner, operator, manager, or permittee under this chapter to allow premises inspections or to make immediately available for inspection the records and documents specified by this chapter upon demand by the chief of police or his designated representative during the operating hours of an establishment shall be a violation of the provisions of this chapter and shall be grounds for revocation or suspension of the massage establishment permit pursuant to which the establishment is operated.

(Ord. 81-6-872 § 1 (part))

#### **5.16.200 No effect on zoning law.**

Nothing in this chapter shall be construed to modify, repeal or affect the zoning laws of the city.

(Ord. 81-6-872 § 1 (part))

#### **5.16.210 Severability.**

If any word, phrase, clause, sentence, or section of this chapter is for any reason invalid, such invalidity shall not impair the validity of any other part of this chapter, and the council declares that it would have enacted all of this chapter without any such invalid part thereof.

(Ord. 81-6-872 § 1 (part))

### **Chapter 5.17 MESSAGE TECHNICIANS**

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Sections:

- 5.17.010 Definitions.
- 5.17.020 Massage technician permit required--Exemptions.
- 5.17.030 Application--Fees--Contents.
- 5.17.040 Examination required.
- 5.17.050 Issuance--Denial--Nontransferability.
- 5.17.060 Annual renewal application.
- 5.17.070 Denial--Revocation--Suspension of permits.
- 5.17.080 New application after denial or revocation of permit.

5.17.090 Surrender of permits.

5.17.100 Operative date--Massage technicians licensed under prior law.

5.17.110 Other unlawful acts--Violation and penalty.

5.17.120 Severability.

### **5.17.010 Definitions.**

The words and phrases defined in Section 5.16.010 and in this section shall apply and control the meaning of such words and phrases as used in this chapter:

A. "Massage technician" means a person who, for any compensation of any kind, gives a massage to a person at a location that is operated pursuant to a valid massage establishment permit.

B. "Applicant," as used in this chapter, means any person desiring to obtain a permit to perform massage services.

(Ord. 81-6-871 § 1 (part))

### **5.17.020 Massage technician permit required--Exemptions.**

A. Permit Required. No person shall engage in the business of acting nor act as a massage technician unless such person holds a valid massage technician permit issued by the city pursuant to the provisions of this section.

B. Exemptions. The requirements of Section 5.17.020A shall have no application and no effect upon and shall not be construed as applying to any person designated as follows: physician, surgeon, chiropractor, osteopath, or any registered or licensed vocational nurse working under the supervision of a physician, surgeon, chiropractor, or osteopath duly licensed to practice their respective professions in the state nor shall the requirements of Section 5.17.020A apply to any treatment administered by any person licensed to practice any such art or profession under the Business and Professions Code of the state or of any other law of this state. Practical nurses or other persons not otherwise licensed by the state to practice pursuant to the Medical Practice Act, whether or not employed by physicians, surgeons, chiropractors, or osteopaths, may not give massages or massage procedures.

(Ord. 81-6-871 § 1 (part))

### **5.17.030 Application--Fees--Contents.**

A. Permit--Fees.

1. Any person desiring to make application for a massage technician permit must truly and correctly complete a form provided by the city. Such completed application form shall be accepted only upon a showing that the fee in the amount established by the most current fee resolution as adopted by the City Council has been paid to the city director of finance as a fee to investigate and perform an examination relative to such applicant.

2. Permits and fees required by this section shall be in addition to any license, permit or fee required under any other section of this chapter or other chapter of this code. A permit to operate a massage establishment does not authorize the performing of massages.

B. Application--Contents. Any applicant for a permit pursuant to this chapter shall submit the following information:

1. The full name of the applicant, including aliases, nicknames, and any other names used. In the case of a female applicant, her full name, including her maiden name and each of her married names;

2. The present address of the applicant;

3. The two previous addresses immediately prior to the present address of applicant;

4. Written statements signed under declaration of perjury by at least five bona fide residents of the state that the applicant is of good moral character; or the identification of such individuals together with their current residence addresses;

5. Written proof that the applicant is over the age of eighteen years of age;

6. The applicant's height, weight, color of eyes and hair, driver's license number, and Social Security number;
  7. Two portrait photographs at least two inches by two inches;
  8. The business, occupation, and employment of the applicant for the three years immediately preceding the date of the application and the address of each and every location where such business, occupation, and employment was engaged in or performed;
  9. The massage or similar business license history of the applicant; whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended and the reason therefor; and the business activity or occupation subsequent to such action of suspension or revocation;
  10. Whether the applicant has ever been convicted of any of the crimes set forth in Section 51032 of the Government Code and if so, the circumstances thereof and the sentence therefor;
  11. A certificate under penalty of perjury from a medical doctor stating that the applicant has within thirty days immediately prior to the date of the application been examined and found to be free of any contagious or communicable disease; and
  12. Such other identification and information necessary to discover the truth of the matters specified in this section as required to be set forth in the application.
- C. The city may require the fingerprints and additional photographs of the applicant, and confirmation of the height and weight of the applicant.
- D. Applicant must furnish a diploma or certificate of graduation from an approved school wherein the method, profession and work of massage technicians is taught. The term "approved school" means and includes any school or institution of learning duly licensed by the state which has for its purpose the teaching of the theory, the method, profession, or work of massage technicians and which school requires a resident course of study of not less than two hundred hours to be given in not less than three calendar months before the student is furnished with a diploma or certificate of graduation from such school or institution of learning showing the successful completion of such course of study or learning. Schools offering a correspondence course not requiring actual attendance in a class shall not be deemed a "recognized school." Massages for consideration of any kind whatsoever shall not be provided or performed at massage schools.
- E. Falsification of any of the above information shall be deemed sufficient reason for denial of the application.

(Ord. 2009-01-1396 § 1, 2009; Ord. 81-6-871 § 1 (part))

#### **5.17.040 Examination required.**

- A. Within ninety days of the filing of an application for a massage technician permit, and after the applicant has paid the required fee and furnished the required information, each applicant shall, prior to and as a condition to the issuance of such a permit, take and pass an examination of qualifications.
- B. The examination of qualifications shall determine the knowledge requisite to and the ability of the applicant to properly perform a massage and shall cover the following subjects: anatomy, physiology, hygiene, and the practice and theory of manual and mechanical massage.
- C. The examination may include, among other things, a practical demonstration and a written test. It may, also among other things, consist of both practical and technical proficiency examinations.
- D. In the grading of the examination, practical demonstration shall prevail over the written test; that is, a greater number of credits shall be allowed on practical demonstration than on the written test.
- E. The written test shall test the competency and ability of the applicant to engage in the practice of massage. The practical portion of the examination shall require the applicant to engage in and demonstrate the techniques and the practice of massage. The examination shall require the applicant to demonstrate a basic knowledge of anatomy, physiology, hygiene and the practice and theory of manual and mechanical massage.
- F. The examination may be conducted by the county health department if designated as the examiner of qualifications by the city. Qualified persons shall prepare, administer and judge the examination. The city clerk shall cause notice to be given of the first such examination no later than thirty days after the effective date of the ordinance codified in this chapter, and from time to time thereafter as such examinations are scheduled.



G. The city council may establish further standards and procedures governing the administration and grading of all examinations in addition to those established by the department of public health, and shall exercise such supervision as may be necessary to assure compliance therewith.

H. Any applicant who fails to pass an examination shall not be eligible for another examination until four weeks after taking the previous examination. Any applicant who fails to pass upon the third trial shall not be again eligible until six months thereafter.

(Ord. 81-6-871 § 1 (part))

#### **5.17.050 Issuance--Denial--Nontransferability.**

The city shall grant a massage technician permit if the applicant has complied with the provisions of this chapter, if the applicant has not been convicted of any of the crimes specified in Section 51032 of the Government Code, and if the applicant passes the examination of qualification specified in Section 5.17.040. Any permits issued under this chapter are personal to the applicant and are not transferable.

(Ord. 81-6-871 § 1 (part))

#### **5.17.060 Annual renewal application.**

Every massage technician permittee shall annually make application for renewal of his or her permit to the city and at such time shall submit a certificate under penalty of perjury from a medical doctor stating that the permit holder has within thirty days immediately prior thereto been examined and found to be free of any contagious or communicable disease. Such annual renewal application shall require an update on any and all information set forth on the application for the massage technician permit filed by the applicant, except that application for a renewal of a technician permit shall not require the passage of an examination. Such renewal application shall be accepted only upon showing that fifty dollars has been paid to the city director of finance as a fee for such renewal. If the permittee fails to deliver such a doctor's certificate, fails to provide such updated information, or fails to pay the above referenced fee within thirty days following the annual anniversary date of the massage technician permit then, the underlying permit shall be null and void and shall be revoked by operation of the terms of this section.

(Ord. 81-6-871 § 1 (part))

#### **5.17.070 Denial--Revocation--Suspension of permits.**

A. The chief of police may give notice of intention to deny, revoke or suspend any massage technician permit applied for, granted or issued under the provisions of this chapter at any time for any material false statement contained in the application or for failure to comply with the provisions of this chapter or of any law of the state regulating massage technicians, or whenever he determines that the permittee has been convicted of a felony or of a crime of moral turpitude or violence or for otherwise conducting himself or herself in a massage establishment in any manner which endangers the patrons thereof or the public welfare. Any suspended permit must either be reinstated or revoked by the chief of police within a period of ninety days after the date of suspension thereof.

B. Notice of any such intention to deny, suspend or revoke a permit shall be given in writing served by registered or certified mail to the permittee and shall take effect at the expiration of the fifteenth day after such mailing unless the permittee has theretofore filed an appeal therefrom to the council.

C. Any person aggrieved by the decision of the chief of police may appeal therefrom to the council in the manner provided in Section 5.16.120.

D. In the event no appeal is taken by the permittee, the decision of the chief of police denying, revoking or suspending such permit shall become final and conclusive on expiration of the time fixed in this section for appeal.

(Ord. 81-6-871 § 1(part))

#### **5.17.080 New application after denial or revocation of permit.**

No person may apply for any permit authorized by this chapter within one year from any denial of any such permit to such person or



from the revocation of any such permit issued to such person, unless the cause of the denial or revocation has, to the satisfaction of the chief of police or council, been removed within such time.

(Ord. 81-6-871 § 1 (part))

#### **5.17.090 Surrender of permits.**

Each person to whom a permit has been issued under this chapter shall immediately surrender his permit to the chief of police upon its revocation or suspension.

(Ord. 81-6-871 § 1 (part))

#### **5.17.100 Operative date--Massage technicians licensed under prior law.**

All previously licensed masseurs, masseuses or massage technicians by the city and whose licenses are in effect as of the effective date of the ordinance codified in this chapter shall apply for and obtain a massage technician permit under this chapter within ninety days of the effective date of the ordinance codified in this chapter, and in any event permits issued prior to the effective date of the ordinance codified in this chapter shall be null and void after the passage of ninety days from the effective date hereof.

(Ord. 81-6-871 § 1 (part))

#### **5.17.110 Other unlawful acts--Violation and penalty.**

A. It is unlawful for any massage technician, attendant, employee, patron or other person to massage or touch in any manner the genitals or the genital area or massage or touch in any manner the female breast(s) or areola(e) of any other person upon the premises of a massage establishment.

B. Every person, except those persons who are specifically exempted by this chapter, who does or practices any of the acts set forth in this chapter for which a permit is required without first obtaining a permit from the city is guilty of a misdemeanor and shall be punished in accordance with Section 1.16.010 of the Signal Hill Municipal Code.

(Ord. 81-6-871 § 1 (part))

#### **5.17.120 Severability.**

If any word, phrase, clause, sentence, or section of this chapter is for any reason invalid, such invalidity shall not impair the validity of any other part of this chapter, and the council declares that it would have enacted all of this chapter without any such invalid part thereof.

(Ord. 81-6-871 § 1 (part))

### **Chapter 5.18 HOTEL AND MOTEL REGULATIONS**

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Sections:

- 5.18.010 Definitions.
- 5.18.020 Official guest registration cards.
- 5.18.030 Registration required.
- 5.18.040 Retention of guest registration cards.
- 5.18.050 Registration by fictitious name.
- 5.18.060 Inspection of guest registration cards.

- 5.18.070 Notification of registration request.
- 5.18.080 Posting of room rates.
- 5.18.090 Room rental limitations.
- 5.18.100 Prohibited occupancy by unsupervised minor.
- 5.18.110 Hotel/motel agent permit required.
- 5.18.120 Hotel/motel agent permit application--Contents.
- 5.18.130 Investigation.
- 5.18.140 Issuance of hotel/motel agent permit.
- 5.18.150 Display of permit.
- 5.18.160 Nontransferability.
- 5.18.170 Revocation--Hearing.
- 5.18.180 Persons acting as agents on effective date.
- 5.18.190 Special business permit required.
- 5.18.200 Additional grounds for revocation of hotel or motel special business permit.

#### **5.18.010 Definitions.**

- A. "Adult" means any competent person eighteen years of age or older.
- B. "Hotel/motel agent" means any person, including the owner, who is authorized to let, lease or rent a hotel or motel room.
- C. "Hotel/motel agent permit" means that permit issued by the city and required for all hotel/motel agents.
- D. "Hotel" shall have the meaning ascribed thereto in Section 20.04.393 of this code.
- E. "Let, lease or rent" means any method of providing any person with occupancy or use of a hotel or motel room for any period of time whether or not such occupancy is provided in exchange for compensation.
- F. "Minor" means any person under the age of eighteen.
- G. "Motel" shall have the meaning ascribed thereto in Section 20.04.525 of this code.
- H. "Posted rate" means that rate charged for a room in a hotel or motel as posted on the sign required by Section 5.18.080 herein.
- I. "Guest registration cards" means the sequentially numbered hotel/motel registration cards printed by the city or any alternate cards or system approved by the city for storing guest information as outlined in Section 5.18.020 below.
- J. "Room" shall have the meaning ascribed thereto in Section 20.04.627 of this code.
- K. "Official identification card" means drivers license or other official picture identification card issued by a government entity.

(Ord. 2011-08-1431 § 1 (part), 2011; Ord. 93-07-1160 § 1 (part))

#### **5.18.020 Official guest registration cards.**

Each hotel/motel in the city shall obtain official guest registration cards from the city or obtain city approval of any alternate card or system to be used by the hotel/motel to store guest information. Guest registration cards shall be used to make a permanent record of the name, address, official identification card number and automobile license plate number of all persons letting, leasing or renting any hotel/motel room within the city. The guest registration cards shall also be used to record the date and time such person registers at the hotel or motel and the room number or other designations of the room which such person lets, leases, or rents. Any alternate guest registration card or system proposed by a hotel/motel will be approved by the city so long as it calls for/stores all of the above

delineated information and the data is readily available for inspection as provided for in Section 5.18.060 below.

(Ord. 2011-08-1431 § 1 (part), 2011; Ord. 93-07-1160 § 1 (part))

#### **5.18.030 Registration required.**

No hotel or motel owner or operator shall let, lease, or rent a hotel or motel room to any person without verifying that the guest registration card has been accurately completed, that the name, address, and official identification card number is legibly printed on the guest registration card and that the information corresponds to the information on the person's official identification card. Nor shall any hotel or motel agent or operator permit any use or occupancy of any hotel or motel room for any period of time without first verifying that the user of the room has completed a guest registration card. An individual occupying a room need not present an official identification card if the person has been referred to the hotel by a certified nonprofit organization and the written referral letter has been permanently attached to the guest registration card.

(Ord. 93-07-1160 § 1 (part))

#### **5.18.040 Retention of guest registration cards.**

The guest registration cards shall be retained on site for a five-year period from the date the card was wholly or partially completed. The card may only be removed from the site by a duly sworn police officer who is authorized to inspect the cards pursuant to Section 5.18.060 below. No person shall destroy or dispose of or permit the destruction or disposal of any guest registration card for a period of five years from the date the card was wholly or partially completed as required by Section 5.18.030 herein. Furthermore, no improperly completed or incomplete guest registration card shall be disposed of without city authorization during the five-year retention period. It shall be deemed a violation of this section if there exists missing guest registration cards as evidenced by nonsequentially numbered guest registration cards.

(Ord. 2011-08-1431 § 1 (part), 2011; Ord. 93-07-1160 § 1 (part))

#### **5.18.050 Registration by fictitious name.**

No person shall provide any false information, register under a fictitious name, or show or use a forged, altered, or counterfeit official identification card when procuring a hotel or motel room within the city. The hotel/motel agent or operator shall be responsible to verify the authenticity of the official identification card used by the person letting, leasing or renting the hotel or motel room by comparing the card to a photographic facsimile contained in the book entitled Driver's License Guide or a similar book.

(Ord. 93-07-1160 § 1 (part))

#### **5.18.060 Inspection of guest registration cards.**

Guest registration cards may be available for inspection by the city finance director or any duly sworn peace officer of the city, state or federal government provided that (i) a legally signed administrative subpoena is obtained, or (ii) the hotel/motel agent voluntarily consents, or (iii) other legal means is authorized by law.

(Ord. 2015-09- 1477 § 1; Ord. 93-07-1160 § 1 (part))

#### **5.18.070 Notification of registration request.**

Each hotel or motel within the city shall have posted a sign of dimensions not smaller than eight and one-half inches by eleven inches with letters not smaller than one-half inch in height on the inside of the entry door to each room which substantially provides as follows: NO PERSON SHALL OCCUPY OR USE A ROOM IN THIS FACILITY WITHOUT FIRST REGISTERING WITH THE FRONT DESK. FAILURE TO REGISTER CONSTITUTES A MISDEMEANOR.

(Ord. 93-07-1160 § 1 (part))

#### **5.18.080 Posting of room rates.**

Every hotel and motel shall post a sign within each room and in a conspicuous place which is legible from the location at which persons let, lease or rent rooms which indicates the rental rate for each room in the hotel or motel.

(Ord. 93-07-1160 § 1 (part))

#### **5.18.090 Room rental limitations.**

No single hotel or motel room shall be let, leased or rented more than once in a twenty-four-hour period, nor shall any person not acting in the capacity of a hotel or motel employee occupy any hotel or motel room unless such person has first registered with the hotel/motel agent by completing a guest registration card. No hotel/motel agent shall let, lease or rent any room at any rate other than the posted rate.

(Ord. 93-07-1160 § 1 (part))

#### **5.18.100 Prohibited occupancy by unsupervised minor.**

No hotel or motel owner or operator shall permit any minor to use or occupy any hotel or motel room unless such minor is accompanied by his or her parent, legal guardian, or a responsible adult who is authorized in writing by the minor's parent or legal guardian to occupy the hotel or motel room with the minor.

(Ord. 93-07-1160 § 1 (part))

#### **5.18.110 Hotel/motel agent permit required.**

No hotel or motel room shall be let, leased or rented to any person by anyone other than a person with a valid hotel/motel agent permit. An applicant shall be permitted to serve as a hotel/motel agent upon submission of a hotel/motel permit application until the city approves or denies the permit, but thereafter only if the permit has been approved.

(Ord. 93-07-1160 § 1 (part))

#### **5.18.120 Hotel/motel agent permit application--Contents.**

Any person wishing to obtain a hotel/motel agent permit shall submit a completed application on the form provided by the city, together with the applicable hotel/motel agent application fee as determined by resolution of the city council, to the Signal Hill police department. The information required to be included in the application shall include, but not be limited to, the following:

- A. The full name of the applicant including all aliases, nicknames, maiden names, married names, and any other names used;
- B. The present address and two most recent previous addresses of the applicant;
- C. The applicant's date of birth, height, weight, official identification card number, and social security number;
- D. Two portrait photographs at least two inches by two inches;
- E. The employment history of the applicant for the three years immediately preceding the date of the application and the addresses of each and every location where such employment was engaged in or performed;
- F. A statement indicating whether the applicant has ever been convicted of a violation of Sections 261, 264.1, 266h, 266i, 267, 285, 286, 288, 288a, 289, 314.1, 314.2, 315, 316, 318, 459, 484, 487, 646.9, 647(a), 647(b), 647(d), 647(g), or 647.6, of the California Penal Code; any violation of the State of California Narcotics Act or any other similar violation from another state; and
- G. Fingerprints of the applicant.

(Ord. 93-07-1160 § 1 (part))

#### **5.18.130 Investigation.**

Upon receipt of a completed hotel/motel agent permit application, the police chief shall cause the applicant and the information set forth in the application to be investigated.

(Ord. 93-07-1160 § 1 (part))

#### **5.18.140 Issuance of hotel/motel agent permit.**

The city shall issue a hotel/motel agent permit to an applicant unless any of the following are found to exist:

- A. The application is found to contain any false or misleading information;
- B. The applicant was convicted of violating any of the offenses listed in subsection F of Section 5.18.120;
- C. The application previously had a hotel/motel agent permit which was subsequently revoked.

(Ord. 93-07-1160 § 1 (part))

#### **5.18.150 Display of permit.**

Each hotel/motel agent permit issued pursuant to this chapter shall be prominently displayed in the hotel or motel office in a place visibly accessible to the public when letting, leasing or renting a room.

(Ord. 93-07-1160 § 1 (part))

#### **5.18.160 Nontransferability.**

Hotel/motel agent permits are personal to the applicant and are not transferrable. Any hotel/motel agent permit transferred to or used by any person other than the permittee shall be null and void.

(Ord. 93-07-1160 § 1 (part))

#### **5.18.170 Revocation--Hearing.**

A. Grounds for Revocation. The city shall revoke a hotel/motel agent permit upon determining that any of the following has occurred:

- 1. The hotel/motel agent has let, leased or rented a hotel or motel room to any person in violation of any of the provisions of this chapter;
- 2. The hotel/motel agent has let, leased or rented a room to any person under such circumstances that a reasonable person would have known that the room was being procured for the purposes of engaging in acts of prostitution; or
- 3. The hotel/motel agent has let, leased or rented a room to any person for an amount other than the room rate posted for the particular room pursuant to Section 5.18.080 herein.

B. Revocation Procedure. Upon determining that any of the grounds for revocation of a hotel/motel agent permit as contained in subsection A of this section exists, the city shall provide written notice to the hotel/motel agent at both the address listed in the hotel/motel agent's application and the hotel or motel address at which he or she is a hotel/motel agent informing the hotel/motel agent that the city will hold a hearing to determine whether to revoke the hotel/motel agent's permit. The notice shall set forth the date, time and location of the revocation hearing; a general description of the grounds upon which the revocation is being based; and a statement explaining that the applicant is entitled to present evidence on his or her behalf, call witnesses pursuant thereto, cross-examine the city's witnesses, and be represented by an attorney at the hearing. (The hearing shall be presided over by the chief of police or his or her designee.) At the conclusion of the hearing, or as soon thereafter as is practical, the chief of police or his or her designee shall determine, in writing, whether any of the grounds for revocation listed in subsection A of this section exists. The written determination shall be provided to the hotel/motel agent at the address contained in the hotel/motel agent's application and at the hotel or motel at

which he or she is the hotel/motel agent. The revocation shall be effective immediately upon issuance of the written findings of the chief of police or his or her designee. The hotel/motel agent may appeal the decision of the chief of police to the city council in the manner provided in Section 5.16.120 of this code.

(Ord. 93-07-1160 § 1 (part))

#### **5.18.180 Persons acting as agents on effective date.**

All persons acting in the capacity of a hotel/motel agent on the effective date of the ordinance codified in this chapter may obtain a hotel/motel agent permit by appearing at the offices of the city police department and presenting an official identification card together with a written statement from the owner of the hotel or motel at which the person serves as a hotel/motel agent stating that, prior to the effective date of the ordinance codified in this chapter, the person did in fact serve as a hotel/motel agent for the hotel or motel. All such persons shall have a period of ninety days from the effective date of the ordinance codified in this chapter to obtain their hotel/motel agent permit according to the procedure provided in this section. Thereafter, all such persons desiring to obtain a hotel/motel agent permit shall be required to follow the procedures provided in Sections 5.18.120 through 5.18.140 herein.

(Ord. 93-07-1160 § 1 (part))

#### **5.18.190 Special business permit required.**

No hotel or motel shall let, lease or rent any room in a hotel or motel without obtaining and holding a special business permit in the manner required by Chapter 5.08 of the code of the city of Signal Hill.

(Ord. 93-07-1160 § 1 (part))

#### **5.18.200 Additional grounds for revocation of hotel or motel special business permit.**

In addition to the grounds provided for in Section 5.08.120 of this code for the revocation of special business permits, the following acts shall be additional grounds for revocation of a hotel or motel special business permit:

- A. The letting, leasing or renting of a hotel or motel room by a hotel/motel agent who does not possess a valid hotel/motel agent permit;
- B. Three occurrences within any two-year period of any act committed by the hotel/motel/s agent which shall constitute grounds for revocation of a hotel/motel agent permit under Section 5.18.170;
- C. A violation of any other provision of this chapter;
- D. A violation of any provision of Chapter 3.16, Transient Occupancy Tax.

(Ord. 93-07-1160 § 1 (part))

### **Chapter 5.20 PRIVATE PATROL SYSTEMS**

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Sections:

- 5.20.010 Definitions.
- 5.20.020 Licenses--Required.
- 5.20.030 Patrol system license--Application contents and fee.
- 5.20.040 Patrol system license--Application investigation and disposition--Hearing.
- 5.20.050 Patrolman's license--Application contents and fee.
- 5.20.060 Patrolman's license--Application investigation and disposition.

- 5.20.070 Patrolman's license--Identification card issuance--Restrictions.
- 5.20.080 Patrolman's license--Carrying on duty required.
- 5.20.090 Licenses--Revocation for cause.
- 5.20.100 Licenses--Nontransferable.
- 5.20.110 Licenses--Modifications.
- 5.20.120 Licenses and fees--Additional to others.
- 5.20.130 Employment of unlicensed patrolman prohibited.
- 5.20.140 Performance of official police duties prohibited.
- 5.20.150 Investigation of complaints.
- 5.20.160 Imitation of official uniforms or ranks or titles prohibited.
- 5.20.170 Equipment and weapons.
- 5.20.180 Rules and regulations promulgation.
- 5.20.190 False statements deemed misdemeanor.
- 5.20.200 Violations prohibited.

#### **5.20.010 Definitions.**

The following words and phrases as used in this chapter shall have the significations attached to them in this section, unless otherwise clearly apparent from the context:

A. "Patrolman" means a person engaged in one or more of the activities referred to in subsection B of this section, as the owner, member, or employee of a patrol system.

B. "Patrol system" means that activity or business carried on by a person who purports to furnish, or who does furnish, or who otherwise makes available to another, any watchman, guard or other individual, either uniformed or otherwise, to patrol any portion of the city, or to guard or watch any property, including guarding against theft, fire, or both, or to perform any service usually and customarily performed by a peace officer.

For the purposes of this chapter, "patrol system" shall also include the exclusive and regular employment of a person by one employer in connection with the affairs of such employer only, where there exists an employer-employee relationship and such employee devotes the major portion of his hours of employment to one or more of the activities referred to in this subsection. "Patrol system" does not include the guarding of property of a single owner while such property is not open to the public when such guarding is done by one or more individuals whose entire salary or wage is paid by such owner; nor does it include service of any nature performed by an employee whose main or principal duty is not that of guarding or protecting property.

(Ord. 600 § 1 (part), 1966: Ord. 597 § 1 (part), 1966: prior code § 5.32.010)

#### **5.20.020 Licenses--Required.**

It is unlawful for any person to carry on the business of a patrol system or perform the services of a private patrolman without first having obtained a license so to do as provided in this chapter.

(Ord. 600 § 1 (part), 1966: Ord. 597 § 1 (part), 1966: prior code § 5.32.020)

#### **5.20.030 Patrol system license--Application contents and fee.**

A. Any person desiring a license to conduct a patrol system shall obtain an application from city which application shall furnish the following information:

1. The name and address of the applicant;
2. If the applicant is a partnership, the name and address of all partners;
3. If the applicant is a corporation, the names and addresses of the corporate officers and manager;
4. A map of the district, territory, or area proposed to be served by the patrol system, if other than city-wide;
5. A description of the methods of operation;
6. The names and addresses of all patrolmen who are or will be employed by the patrol system;
7. A statement as to what offenses, if any, any persons mentioned in this chapter have been convicted; and
8. Such other information as may be required.

B. At the time of filing the application the applicant shall pay to the city a filing fee of seventy-five dollars.

(Ord. 600 § 1 (part), 1966: Ord. 597 § 1 (part), 1966: prior code § 5.32.030)

#### **5.20.040 Patrol system license--Application investigation and disposition--Hearing.**

A. Upon receipt of an application for a license to conduct a patrol system, the chief of police shall investigate the character, fitness, and qualifications of every person whose name appears on such application as an owner, member, or patrolman. Upon completion of the investigation by the chief of police, he shall return such application to the administrative officer together with his recommendation that the license be granted or denied, together with his reasons therefor. The administrative officer shall thereupon transmit such application to the council together with his pertinent recommendations in connection therewith.

B. Upon receipt of an application for a license to conduct a patrol system, the council shall either grant the same to the full extent requested, or it shall notify the applicant that it intends to deny the application or to grant the application but permit operations in only a portion of the territory, or by only a part of the patrolmen, or both, covered by the application. Within five days after such notification, the applicant may file with the administrative officer a written demand for a public hearing. If he does not do so, he shall be deemed to have consented to such denial or to the granting of a license with the limitations stated in the notice.

C. Within twenty days after the filing of such demand, the council shall hold such public hearing. Notice of the time and place thereof shall be given by the administrative officer to the applicant and to every person named as a patrolman in the application whom the council intends not to allow to act as such. The mailing of such notice at least five days prior to the date of the hearing with postage prepaid, addressed to the applicant and to those persons named as patrolmen, at the respective addresses specified in the application, shall constitute sufficient notice of such hearing.

D. Nothing in this section shall be construed as limiting the power of the council to grant a license to more than one patrol system to operate in the same area.

(Ord. 600 § 1 (part), 1966: Ord. 597 § 1 (part), 1966: prior code § 5.32.040)

#### **5.20.050 Patrolman's license--Application contents and fee.**

A. Any person desiring a license to act as a patrolman shall file an application together with any fee required by any ordinance of the city. Such application for a patrolman's license shall contain the following:

1. The name and address of the applicant;
2. A statement of all businesses and occupations engaged in for the last five years and the names and addresses of not less than three persons able to verify such statement;
3. A statement of what offenses, if any, the applicant has been convicted;
4. A complete set of fingerprints of the applicant taken by the police department;
5. A letter from the holder of a patrol system license granted by the council certifying that such licensee desires to employ such applicant as a patrolman, or that the applicant will be an owner or member of such patrol system; and



6. Such other information as may be required.

B. The applicant, at the time of making application, shall pay the sum of five dollars in addition to any other fees prescribed by law.

(Ord. 600 § 1 (part), 1966: Ord. 597 § 1 (part), 1966: prior code § 5.32.050(a))

#### **5.20.060 Patrolman's license--Application investigation and disposition.**

The city shall grant or deny an application for a patrolman's license by the same procedure, so far as applicable, as is provided in Section 5.20.040 for the granting or denial of a license to conduct a patrol system.

(Ord. 600 § 1 (part), 1966: Ord. 597 § 1 (part), 1966: prior code § 5.32.060)

#### **5.20.070 Patrolman's license--Identification card issuance--Restrictions.**

A. In the event the application for a patrolman's license is granted, he shall be issued an identification card which shall contain the following:

1. The name, photograph, and right index fingerprint of such patrolman; and
2. The name and number of the license of the patrol system by which the patrolman will be employed or of which the patrolman will be an owner or member.

B. In the event a patrolman is licensed pursuant to the provisions of this chapter, he shall act as patrolman only for the patrol system designated in his application.

(Ord. 600 § 1 (part), 1966: Ord. 597 § 1 (part), 1966: prior code § 5.32.050(b))

#### **5.20.080 Patrolman's license--Carrying on duty required.**

While engaged in his duties as such, a patrolman shall keep upon his person at all times the license issued by the city.

(Ord. 600 § 1 (part), 1966: Ord. 597 § 1 (part), 1966: prior code § 5.32.090)

#### **5.20.090 Licenses--Revocation for cause.**

If as a result of a complaint regarding the activities of a patrol system or a patrolman, the chief of police is satisfied that a violation of this chapter has been committed or such licensee has engaged in any serious misconduct, prejudicial to the faithful discharge of the duties required of such licensee, he may recommend to the administrative officer and the council that the license of such patrol system or patrolman be revoked.

(Ord. 600 § 2 (part), 1966: Ord. 597 § 2 (part), 1966: prior code § 5.32.130)

#### **5.20.100 Licenses--Nontransferable.**

Permits issued under this chapter are not transferable. This section shall not be construed to prohibit the owner of a private patrol service from selling, assigning, or transferring such services; but any new owner, transferee, or assignee shall be required, before commencing operations or carrying on business as a private patrol service, to qualify under this chapter.

(Ord. 600 § 2 (part), 1966: Ord. 597 § 2 (part), 1966: prior code § 5.32.170)

#### **5.20.110 Licenses--Modifications.**

A. The licensee of a patrol system shall, within five days after any patrolman named on his license no longer is an owner, member, or employee of such licensed patrol system, notify the city of that fact and shall thereupon return any license which may have been

issued to such patrolman by the city.

B. The council, with or without a recommendation therefor from the administrative officer and the chief of police, may revoke the license of a patrol system or a patrolman, for any violation of the provisions of law applicable thereto.

C. The council shall grant or deny applications to modify existing patrol system licenses in the same manner as in the case of original applications.

(Ord. 600 § 1 (part), 1966: Ord. 597 § 1 (part), 1966: prior code § 5.32.070)

#### **5.20.120 Licenses and fees--Additional to others.**

Fees and permits required by this chapter shall be in addition to any license, permit, or fee required under any other chapter of this code.

(Ord. 600 § 2 (part), 1966: Ord. 597 § 2 (part), 1966: prior code § 5.32.180)

#### **5.20.130 Employment of unlicensed patrolmen prohibited.**

No operator of a patrol system shall employ or utilize the services in any way of a patrolman whose name is not on the license of such operator, or who does not possess a valid and subsisting license.

(Ord. 600 § 1 (part), 1966: Ord. 597 § 1 (part), 1966: prior code § 5.32.080(a))

#### **5.20.140 Performance of official police duties prohibited.**

No licensee under this chapter shall perform official police duties. He shall immediately report every violation of law and every unusual occurrence coming to his attention in the performance of his duties to the nearest police officer or police station. A licensee shall make a full report of such violation or other occurrence without unnecessary delay to the police department.

(Ord. 600 § 1 (part), 1966: Ord. 597 § 1 (part), 1966: prior code § 5.32.110)

#### **5.20.150 Investigation of complaints.**

All complaints regarding the activities of a patrol system or of a patrolman employed by such system shall be investigated by the administrative officer and the chief of police. Reports of such complaints shall be held in the files of the police department and shall be subject to inspection by the administrative officer or council at all times.

(Ord. 600 § 1 (part), 1966: Ord. 597 § 1 (part), 1966: prior code § 5.32.120)

#### **5.20.160 Imitation of official uniforms or ranks or titles prohibited.**

A. No patrolman shall wear any uniform which is an imitation of or can be readily mistaken for an official sheriff's uniform or an official uniform of the police department of any city within the county, or an official uniform of any state officer. Patrolmen licensed under this chapter shall wear, while on duty as such patrolmen, a uniform of slate-gray colored material; provided, however, that the chief of police may authorize a patrolman to perform his duty in clothing other than a uniform.

B. No patrolman shall assume or use a rank or title the same as or similar to any rank or title used by the sheriff or by any police department within the county.

C. No patrol system shall use, grant, bestow, or permit any patrolman to assume or use any rank or title the same as or similar to any rank or title used by the sheriff or by any police department within the county.

(Ord. 600 § 1 (part), 1966: Ord. 597 § 1 (part), 1966: prior code § 5.32.080(b) -- (d))

**5.20.170 Equipment and weapons.**

The chief of police shall specify the police equipment, including weapons, which a licensee may wear while on duty. A licensee shall not wear any equipment or weapon, or carry any weapon, not so specified.

(Ord. 600 § 1 (part), 1966: Ord. 597 § 1 (part), 1966: prior code § 5.32.100)

**5.20.180 Rules and regulations promulgation.**

Subject to the approval of the administrative officer, the chief of police may make rules and regulations, not inconsistent with the requirements of this chapter, governing patrol systems and patrolmen.

(Ord. 600 § 2 (part), 1966: Ord. 597 § 2 (part), 1966: prior code § 5.32.140)

**5.20.190 False statements deemed misdemeanor.**

Every person who makes any false statement in any application for a permit or license under this chapter or any report required by this chapter is guilty of a misdemeanor.

(Ord. 600 § 2 (part), 1966: Ord. 597 § 2 (part), 1966: prior code § 5.32.150)

**5.20.200 Violations prohibited.**

It is unlawful for any person to perform any act forbidden by this chapter or to omit to perform any act required by the provisions of this chapter.

(Ord. 600 § 2 (part), 1966: Ord. 597 § 2 (part), 1966: prior code § 5.32.160)

**Chapter 5.24**  
**PUBLICATION VENDING MACHINES**

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Sections:

- 5.24.010 Definitions.
- 5.24.020 Generally.
- 5.24.030 License--Required.
- 5.24.040 License--Insurance required.
- 5.24.050 Prohibited in roadways.
- 5.24.060 Obstructing or endangering vehicular or pedestrian traffic prohibited.
- 5.24.070 Maintenance and installation.
- 5.24.080 Prohibited locations.
- 5.24.090 Authority to alter restrictions.
- 5.24.100 Restrictions on sale of materials.
- 5.24.110 Information required on machines.
- 5.24.120 Violations--Impoundment and disposal.
- 5.24.130 Appeals.
- 5.24.140 Violations--Alternative to removal.

#### **5.24.010 Definitions.**

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

- A. "Custodian" means a person who has the responsibility of placing, servicing, or maintaining a publication vending machine by depositing and/or removing material from the machine and/or by collecting moneys from the machine.
- B. "Parkway" means that area between the sidewalks and the curb of any street and, where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. "Parkway" also includes any area within a roadway which is not a sidewalk and is not open to vehicular traffic.
- C. "Publication vending machine" means any self-service or coin-operated box, container, storage unit, or other dispenser installed, used, or maintained for the display or sale of any written or printed material including but not limited to newspapers, news periodicals, magazines, books, pictures, photographs, and records.
- D. "Street" means all that area dedicated to public use for public street purposes and includes but is not limited to roadways, parkways, alleys, and sidewalks.

(Ord. 75-8-739 § 1 (part): prior code § 5.36.010)

#### **5.24.020 Generally.**

The regulations, restrictions, and procedures set forth in this chapter relate to the installation and maintenance of publication vending machines within the city.

(Ord. 75-8-739 § 1 (part): prior code § 5.36.020)

#### **5.24.030 License--Required.**

No person or custodian, whether as a principal or agent, clerk or employee, either for himself or any other person, or as an officer of any corporation, or otherwise, shall place or permit the placement of any publication in a vending machine within the city, or place any such public vending machine on any street within the city, unless either the publisher or distributor of the material placed within the publication vending machine has a valid business license within the city and the one placing the publication vending machine upon the street has a valid business license within the city.

(Ord. 75-8-739 § 1 (part): prior code § 5.36.030)

#### **5.24.040 License--Insurance required.**

All persons shall obtain a business license in accordance with the procedures of Chapter 5.04 and the business license shall be maintained in full force and effect at all times that vending machines are maintained on public rights-of-way. Before issuing a business license, the director of finance shall insure that there is on file the following:

- A. A written statement satisfactory to the city attorney whereby the person who will place or maintain such machine on a public street agrees to indemnify and hold harmless the city and its officers, agents, or employees from any loss or liability or damages including expenses and costs for bodily or personal injury and for property damage sustained by any person as a result of the installation, use, or maintenance of such a machine within the city;
- B. A certificate of insurance establishing that there is in force and effect an insurance policy which will remain in force during the time that such machine is allowed to remain on public property, which such policy shall be of public liability insurance against liability for death or for injuries to persons or damage to property arising out of accidents attributable to the newspaper or magazine racks or stands or publication vending machines on city property in the amounts determined by the city with limits of at least one hundred thousand dollars for injury or death to any person, and three hundred thousand dollars for injury or death arising from any one accident or occurrence, and twenty-five thousand dollars for property damage. The policy of insurance so provided shall contain a contractual liability endorsement covering the liability assumed by the permittee by the terms of his permit and shall contain a provision that such policy may not be cancelled except after thirty days' notice in writing given to the director of finance. Copies of these policies or certificates evidencing the same shall be filed with the city.

(Ord. 75-8-739 § 1 (part): prior code § 5.36.040)

#### **5.24.050 Prohibited in roadways.**

No person shall install, use, or maintain any publication vending machine which projects onto, into, or over any part of the roadway of any public street or which rests, wholly or in part, upon, along, or over any portion of the roadway of any public street.

(Ord. 75-8-739 § 1 (part): prior code § 5.36.050)

#### **5.24.060 Obstructing or endangering vehicular or pedestrian traffic prohibited.**

No person shall install, use, or maintain any publication vending machine which in whole or in part rests upon, in, or over any public sidewalk or parkway when such installation, use, or maintenance endangers the safety of persons or property or when such area or location is used for public utility purposes, public transportation purposes, or governmental use, or when such publication vending machines unreasonably interfere with or impede the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location.

(Ord. 75-8-739 § 1 (part): prior code § 5.36.060)

#### **5.24.070 Maintenance and installation.**

Any publication vending machine which rests in whole or in part upon, in, or over any public sidewalk or parkway shall comply with the following standards:

- A. No publication vending machine shall exceed five feet in height, thirty inches in width, or two feet in thickness.
- B. Publication vending machines shall only be placed near a curb or adjacent to a wall or a building. Such machines placed near the curb shall be parallel thereto and shall be no less than twenty-four inches from the face of the curb. Machines placed adjacent to the wall of a building shall be placed parallel to such wall and shall not be more than six inches from the wall. No such machine shall be placed or maintained on the sidewalk or parkway opposite another publication vending machine or group of such machines nor in such a manner that prevents pedestrians from passing freely and without obstruction along any sidewalk or through any marked or unmarked crosswalk.
- C. No publication vending machine shall be chained, bolted, or otherwise attached to property not owned by the owner of the machine or to any permanently fixed object, unless the custodian of the machine has first obtained the written permission of the owner of the object to which the machine is affixed.
- D. Publication vending machines may be placed next to each other, provided that no group of machines extends more than eight lineal feet along a curb or wall and a space of no less than three feet shall separate each such group of machines.
- E. Such machines may be chained or otherwise attached to one another, provided no more than three such machines may be joined together in this manner and a space of not less than three feet of clear space shall separate each group of three or less such machines so attached.
- F. No such machine or group of such machines permitted under subsection E of this section shall weigh in the aggregate in excess of one hundred twenty-five pounds when empty.
- G. No such machine shall be used for advertising signs or publicity purposes other than dealing with the display, sale, or purchase of the publications sold therein.
- H. Each such machine shall be maintained in a clean, neat, and attractive condition and in good repair at all times, and no issue or edition of any publication shall be allowed to remain in any such machine for a period in excess of seven days from the date of initial issuance or publication, whichever is sooner.

(Ord. 75-8-739 § 1 (part): prior code § 5.36.070(a--f, h, i))

#### **5.24.080 Prohibited locations.**

Notwithstanding any other provision of this chapter, no publication vending machine shall be placed, installed, used, or maintained in the following places:

- A. Within five feet of any marked crosswalk;
- B. Within fifteen feet of the curb return of any unmarked crosswalk;
- C. Within five feet of any fire hydrant, fire callbox, police callbox, or any other emergency facility;
- D. Within five feet of any driveway;
- E. Within five feet ahead of or twenty-five feet to the rear of any sign marking a designated bus stop;
- F. Within six feet of any bus bench;
- G. In any location whereby the cross space or the passageway of pedestrians is reduced to less than six feet;
- H. Within three feet of any area improved with lawn, flowers, shrubs or trees, or within three feet of any display window or any building abutting the sidewalk or parkway or in such manner as to impede or interfere with the reasonable use of such window for display purposes;
- I. Within one hundred feet of any other such machine on the same side of the street within the same block containing the same edition of the same publication.

(Ord. 75-8-739 § 1 (part): prior code § 5.36.070(g))

#### **5.24.090 Authority to alter restrictions.**

- A. Notwithstanding the provisions of this chapter, if the director of public works finds that the location of a publication vending machine, in accordance with the standards set forth in this chapter, will create or allow a condition prohibited by Section 5.24.060 or will otherwise endanger the public peace, health, safety or welfare or be contrary to the purposes and intent of this chapter, he may prohibit the location of such machine in accordance with such standards and/or may allow the location of such a machine in a manner deviating from, or at variance with the standards provided in this chapter, subject to such terms, conditions and regulations as he may deem necessary to protect the public peace, health, safety or welfare and to carry out the purposes and intent of this chapter.
- B. Such finding may be made by the director of public works at any time.
- C. If such finding is made prior to the issuance of a permit, the finding of the director of public works shall be made a part of the permit at the time of issuance.
- D. If the finding is made subsequent to the issuance of a permit, written notice of the finding of the director of public works shall be given to the owner or custodian of the machine with the direction that there shall be compliance with the finding of the director of public works within ten days from the date of mailing notice.

(Ord. 75-8-739 § 1 (part): prior code § 5.36.070(j))

#### **5.24.100 Restrictions on sale of materials.**

A. No publication which is prohibited by the laws of the state from sale or distribution to minors may be offered for sale to the public unless such offer of sale is made or maintained in the presence of an attendant with the ability to prevent the purchase of such publication by a minor.

B. No publication may be offered for sale to the public on any public right-of-way by means of a publication vending machine in such manner as to expose to the public view any photograph or drawing contained within such publication displaying any of the following:

- 1. The genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region of any person other than a child under the age of puberty;

2. Any portion of the breast, at or below the areola, of any female person, other than a child under the age of puberty.

C. No person shall cause, permit, procure, counsel, or assist in an offer of sale of any such publication in violation of this section.

D. Any publication offered for sale in violation of this section constitutes a public nuisance.

(Ord. 75-8-739 § 1 (part): prior code § 5.36.080)

#### **5.24.110 Information required on machines.**

Every person or custodian who places or maintains a publication vending machine on a public sidewalk or parkway within the city shall have his or its name, address, and telephone number affixed thereto in a place where such information may be easily seen, and shall comply fully with the provisions of Section 17570 of the Business and Professions Code of the State of California as it exists on the date of the ordinance codified in this chapter or as may be hereafter amended.

(Ord. 75-8-739 § 1 (part): prior code § 5.36.090)

#### **5.24.120 Violations--Impoundment and disposal.**

Any publication vending machine installed, used, or maintained in violation of the provisions of this chapter may be summarily removed and stored in any convenient place by the director of public works or any public officer or body of this city. The public works director, public body, or public officer shall take reasonable steps to notify the owner thereof. Upon failure of the owner to claim the publication vending machine and pay the expenses of removal and storage within thirty days after such removal, the publication vending machine shall be deemed to be unclaimed property in possession of the city and may be disposed of in the manner provided by law.

(Ord. 75-8-739 § 1 (part): prior code § 5.36.100)

#### **5.24.130 Appeals.**

A. Any person or entity aggrieved by finding, notice, or action taken under the provisions of this chapter may appeal, and shall be apprised of his right to appeal to such body as is designated by the city council to hear such appeals.

B. An appeal must be perfected within three days after receipt of notice of any protested decision or action by filing with the office of the director of public works a letter of appeal briefly stating therein the basis for such appeal.

C. The hearing shall be held on a date no more than ten days after the receipt of the letter of appeal. The appellant shall be given at least five days' notice of the time and place of the hearing. The appellate body shall give the appellant and any other interested party a reasonable opportunity to be heard in order to show cause why the determination of the director of public works should not be upheld. In all such cases, the burden of proof shall be upon the appellant to show that there was no substantial evidence to support the action taken by the director of public works. At the conclusion of the hearing, the appellate board shall make a final and conclusive determination.

(Ord. 75-8-739 § 1 (part): prior code § 5.36.110)

#### **5.24.140 Violations--Alternative to removal.**

In the case of violations of this chapter relative to restrictions upon attachments of machines to property other than that owned by the owner of the machine, to fixed objects, or to each other, and upon locations of machines, any city employee authorized by the director of public works may, as an alternative to removal under the provisions of this chapter, remove such attachment and/or move such machine in order to restore them to a legal condition.

(Ord. 75-8-739 § 1 (part): prior code § 5.36.120)

Sections:

- 5.28.010 Defined.
- 5.28.020 Permit--Required.
- 5.28.030 Permit--Application contents and fee.
- 5.28.040 Permit--Application investigation.
- 5.28.050 Permit--Hearing on application--Issuance or denial.
- 5.28.060 Permit--Revocation or suspension--Grounds.
- 5.28.070 Permit--Temporary suspension pending hearing.
- 5.28.080 Permit--Revocation or suspension--Hearing notice.
- 5.28.090 Permit--Revocation or suspension--Hearing.
- 5.28.100 Permit--Effect of revocation or suspension.
- 5.28.110 Permit--Application for new permit following revocation.
- 5.28.120 Additional license fees--Licenses and permits nontransferable.
- 5.28.130 Hours of operation.
- 5.28.140 Police inspections.
- 5.28.150 Registration of members and guests.
- 5.28.160 Appeals from council decision.
- 5.28.170 Penalty for violations.

**5.28.010 Defined.**

"Social club," within the meaning and application of this chapter, means and includes every philanthropic, eleemosynary, or fraternal corporation, association, or organization, voluntary, cooperative or otherwise, organized and maintained for the promotion of literature, science, politics, good fellowship, philanthropy, or for the social or physical welfare, benefit or amusement of the membership, which operates and functions upon a nonprofit basis, or in which the profits inure to the benefit of all the members of such corporation, association, or organization, and which maintains a clubroom or clubhouse to which the membership may resort for recreation, amusement or social intercourse and wherein intoxicating liquor is sold, purveyed, or consumed or wherein dancing is carried on, maintained, or allowed, or wherein card games and card playing are conducted or played or allowed.

(Prior code § 5.20.010 (Ord. 368 § 1, 1953)))

**5.28.020 Permit--Required.**

It is unlawful for any person, association, or corporation or his, their, or its employees to maintain, conduct, or operate a social club in the city without a permit first being obtained from the director of finance of the city on application presented to and approved by the city council. Each day shall be and constitute a separate offense.

(Prior code § 5.20.020 (Ord. 543 § 10 (part), 1963; Ord. 368 § 2, 1953))

**5.28.030 Permit--Application contents and fee.**

A. Any person, association, or corporation desiring a permit to conduct a social club in the city shall make application therefor to the city council on forms to be provided by the director of finance, which application shall state the following:



1. The name of the club;
2. The date of its organization;
3. Its address or the proposed location of its clubrooms;
4. The names and addresses of all persons interested in the ownership thereof if privately owned, or the names and addresses of all officers and trustees if the property is held for the entire membership;
5. The purpose for which the club is organized;
6. The name and address of a designated person upon whom notices may be served;
7. A copy of the club's articles of incorporation, if any;
8. A copy of its bylaws and charter; and
9. Such other and further pertinent information as the city council may require.

B. The application shall be duly verified under oath.

C. An investigation fee of fifty dollars shall be paid to the director of finance at the time such application is filed and such fee shall not be returnable to the applicant.

(Prior code § 5.20.030 (Ord. 543 § 10 (part), 1963; Ord. 368 § 3(a), 1953))

#### **5.28.040 Permit--Application investigation.**

On receipt of such application, the director of finance shall at once refer the same to the chief of police for investigation. The chief of police shall investigate the facts stated in the application and within sixty days after the same has been filed with the director of finance shall return the application to the director of finance with his report showing the police record, if any, of the proposed location of clubrooms and of the individuals, officers, or trustees named in the application, together with his recommendation regarding the granting of or refusal of a permit.

(Prior code § 5.20.040 (Ord. 543 § 10 (part), 1963; Ord. 368 § 3(b), 1953))

#### **5.28.050 Permit--Hearing on application--Issuance or denial.**

The director of finance shall thereupon transmit such application, together with the report and recommendation of the chief of police to the city council for hearing, and shall forthwith notify the applicant of the time and place of such hearing, which shall be held before the city council within ninety days from the date of filing of the application for permit with the director of finance. At such hearing, if the city council shall determine from the application and the report and recommendation of the chief of police, or from other information and evidence furnished to it, that such club is a bona fide social club, organized and conducted for a lawful purpose, and that the persons interested in the ownership and operation thereof, and the officers and trustees of such club are law-abiding persons and persons who will operate and conduct such club in a lawful manner, and that the public peace, welfare, and safety of the people of the city will not be impaired, such application shall be approved and such permit shall be granted. Otherwise, it shall be denied. No permit shall be assigned or transferred.

(Prior code § 5.20.050 (Ord. 543 § 10 (part), 1963; Ord. 368 § 3(c), 1953))

#### **5.28.060 Permit--Revocation or suspension--Grounds.**

All permits issued under this chapter shall be subject to all regulations and ordinances adopted by the city, and nothing contained in this chapter shall be construed to create any vested right in any person, association, or incorporation to the assignment, renewal, reissuance, or continuance of any permit, and such rights shall be and remain at all times vested in the city council, and the city council may, as provided in this chapter, suspend or revoke and cancel any permit for fraud or misrepresentation in its procurement, or for a violation of any of the provisions of this chapter or of any other ordinance of this city or any state or federal statute relating to gambling or the sale of intoxicating liquors, committed or permitted on the premises of the permittee by his, their, or its officers or employees or by any member of the club, or any other conduct or act of the permittee or his, their or its officers or members, or permitted by them,

tending to render such premises a common nuisance or a menace to the health, peace, morals, or general welfare of the city, or whenever in the judgment of the city council the public interest demands such revocation or suspension.

(Prior code § 5.20.080 (Ord. 368 § 6 (a), 1953))

#### **5.28.070 Permit--Temporary suspension pending hearing.**

Whenever the city council receives evidence which it deems to be satisfactory that any permittee or his, their or its officers, employees, or members have caused, committed, or allowed any act provided by Section 5.28.060 to be grounds for the suspension or revocation of any permit issued under this chapter, the city council may, by written notice served upon the permittee, by serving the person designated in the application for permit for service of notices, temporarily suspend such permit, pending a hearing on the permanent suspension or revocation of such permit, which hearing is to be held not more than ten days after notice of such temporary suspension.

(Prior code § 5.20.090 (Ord. 368 § 6(b), 1953))

#### **5.28.080 Permit--Revocation or suspension--Hearing notice.**

Notice of hearing on any suspension or revocation shall be given in writing, and served at least five days prior to the date of hearing thereon. Such service shall be upon the person designated in the application for permit for service of notices, and such notice shall state the grounds of complaint against the permittee, and the time when, and the place where such hearing will be had. Deposit of such notice in a United States mail box in a correctly addressed stamped envelope shall constitute service.

(Prior code § 5.20.100 (Ord. 368 § 6(c), 1953))

#### **5.28.090 Permit--Revocation or suspension--Hearing.**

The hearing or investigation by the city council shall be informal, and the formal rules of evidence shall not apply. Nothing shall operate to prevent the city council from considering any evidence developed during the hearing or investigation touching or concerning the fitness of the permittee to retain the permit. If on such hearing or investigation the city council finds that sufficient cause exists for the suspension or revocation of the permit, the same may be suspended for any period the city council deems proper under the circumstances or it may be revoked. Such action shall be by majority vote of the city council on motion entered in its minutes. A copy of the determination of the city council shall be served upon the permittee by serving the person designated in the application for permit for service of notices in the same manner as that provided in Section 5.28.080 for service of notice of hearing.

(Prior code § 5.20.110 (Ord. 368 § 6(d), 1953))

#### **5.28.100 Permit--Effect of revocation or suspension.**

No person whose permit has been revoked or suspended pursuant to this chapter shall engage in or carry on any business or do any act permitted to be done pursuant to such permit during the period of suspension, or after revocation thereof until a new permit has been granted.

(Prior code § 5.20.120 (Ord. 368 § 6(e), 1953))

#### **5.28.110 Permit--Application for new permit following revocation.**

Whenever a permit shall have been revoked under the terms of this chapter, no other application for a permit to maintain, operate, or conduct a social club in the city by such permittee shall be considered for a period of one year from the date of such revocation.

(Prior code § 5.20.130 (Ord. 368 § 6(f), 1953))

#### **5.28.120 Additional license fees--Licenses and permits nontransferable.**

Every social club operating in the city shall pay to the city the license fee as provided by Chapter 5.04. Permits and licenses granted under this chapter shall be nontransferable as to holders or locations of clubrooms. In case any other business is carried on in connection with such club, which business is regularly licensed under the ordinances of the city, such business shall be also subject to the regulations and fees provided by ordinance.

(Prior code § 5.20.160 (Ord. 368 § 9, 1953))

#### **5.28.130 Hours of operation.**

A. No person, as principal, agent, employee, member, or otherwise, shall carry on, maintain, conduct, or engage in any dance or dancing in any social club in this city between the hours of two a.m. and six a.m., except on New Year's Eve; provided, however, any social club desiring to hold, conduct, or maintain any dance between the hours of two a.m. and six a.m. may file a written request with the chief of police for permission to conduct a dance between such hours at least forty-eight hours previous to the holding of such dance. If the chief of police determines from such request that the public welfare, peace, and order will not be disturbed, he may give his written permit for such special dance to be held between such hours.

B. No person, as principal, agent, employee, member, or otherwise, shall carry on, maintain, conduct or engage in any card game or cardplaying in any social club in the city between the hours of two a.m. and six a.m.

(Prior code § 5.20.070 (Ord. 368 § 5, 1953))

#### **5.28.140 Police inspections.**

The clubrooms of all social clubs operated and conducted in accordance with the provisions of this chapter shall be at all times, when open to its membership, subject to police inspection by members of the police department of the city in the pursuit of their official duties; and it is unlawful for any person to hinder or obstruct any such authorized police officer in making such inspection.

(Prior code § 5.20.060 (Ord. 368 § 4, 1953))

#### **5.28.150 Registration of members and guests.**

A. Every permittee under the provisions of this chapter shall keep at its clubroom in the city a register of its members and guests, which register shall be a substantially bound book not less than nine inches in length and not less than seven inches in width, with the pages thereof lined for the registration of members and guests.

B. No member or guest shall be admitted to any use of the clubrooms or participation in the club facilities until he has registered in such book, and such registration shall show the name, address, and occupation of such member or guest. A member need not register more than once during the period of his membership; provided, however, he shall reregister in the event of any change of address or occupation. It is unlawful for any person to register any false or fictitious name or any name or address other than the true name of such person.

C. It shall be the duty of every permittee, and of every employee, manager, agent, or officer of such permittee to display and exhibit such register to any police officer of the city in the pursuit of his official duties on the demand, oral or written, of such police officer.

(Prior code § 5.20.140 (Ord. 368 § 7, 1953))

#### **5.28.160 Appeals from council decision.**

Any person aggrieved by the findings and determination of the city council after any hearing or investigation as provided in this chapter shall, within ten days from the date of service of notice thereof, take whatever legal steps he may deem necessary to appeal from or set aside such determination and order of the city council which shall otherwise become final within ten days after rendition thereof. Such suspension or revocation shall be effective unless and until the same shall be set aside.

(Prior code § 5.20.150 (Ord. 368 § 8, 1953))

## **5.28.170 Penalty for violations.**

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

(Ord. 586 § D (part), 1966; prior code § 5.20.170 (Ord. 368 § 10, 1953))

## **Chapter 5.32 VEHICLES FOR HIRE**

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Sections:

- 5.32.010 Definitions.
- 5.32.020 Permits--Required--Exceptions.
- 5.32.030 Carrier permit--Petition contents.
- 5.32.040 Carrier permit--Petition investigation--Terms of issuance.
- 5.32.050 Carrier permit--Hearing to determine need.
- 5.32.060 Carrier permit--Compliance with terms required.
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## **5.32.010 Definitions.**

For the purpose of this chapter, the following terms shall be deemed and construed to have the meanings respectively ascribed to them in this section unless, from the particular context it clearly appears that some other meaning is intended:

A. "Bus fare" means a fixed route bus transportation service for residents of the city, age sixty-two or older, funded by Proposition "A" funds, administered by the city, and performed by a transportation company.

B. "Carrier" means and includes every person, corporation, partnership, joint venture, or other form of business organization, their lessees, receivers, or trustees engaged in operating or causing to be operated taxicabs, as defined in subsection N of this section.

C. "Charter vehicle" means and includes every vehicle other than taxicabs, chauffeured limousines and sightseeing vehicles used

for the transportation of passengers for compensation over the streets of the city, not over defined routes, to a destination or over a route or routes designated by the hirer thereof when the point of origin is within this city.

D. "Chauffeured limousine" means and includes every vehicle the seating capacity of which has been specified by the manufacturer thereof to be seven persons or less, not equipped with a taximeter, and used for the transportation of passengers for compensation over defined or undefined routes, when the point of origin is within this city.

E. "Compensation" means and includes any money, thing of value, payment, consideration, reward, tip, donation, gratuity, or profit paid to or accepted or received by the driver of any vehicle in exchange for transportation of a person, whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

F. "Dial-a-lift" means a demand-responsive transportation service for disabled residents of the city, age eighteen or older, funded by Proposition "A" funds, administered by the city, and performed by a transportation company under contract or franchise with the city.

G. "Dial-a-taxi" means a demand-responsive transportation service for residents of the city, age sixty-two or older, funded by Proposition "A" funds, administered by the city, and performed by a transportation company under contract or franchise with the city.

H. "Driver" means and includes every person driving, operating, or in charge of any vehicle as defined by this chapter.

I. "Driver's permit" means and includes the permit issued by the chief of police to any person operating or driving any vehicle as defined by this chapter.

J. "Driver's permit, temporary" means and includes a permit issued by the chief of police to any person to temporarily operate or drive any vehicle as defined by this chapter.

K. "Motor vehicle" or "vehicle" means every motor-propelled vehicle used for the transportation of persons over the public streets.

L. "Private ambulance" means and includes a vehicle designed and used for the purpose of transporting sick, disabled or injured persons for compensation over the streets of the city, other than vehicles operated by the city or any public agency.

M. "Sightseeing vehicle" means and includes every vehicle other than taxicabs, chauffeured limousines and charter vehicles used for the transportation of passengers for compensation over the streets of the city whether or not over defined routes for sightseeing purposes or showing points of interest when the route is designated by the carrier and when the point of origin is within this city.

N. "Taxicab" means and includes every vehicle used for the transportation of passengers over the streets of the city, but not over defined routes, for compensation.

O. "Taximeter" means and includes a mechanical instrument or device by which the charge for hire of a taxicab is mechanically calculated, whether for distance traveled or for waiting time, or both, and upon which such charge is plainly registered by means of figures indicating dollars and cents.

P. "Taxistand" means a place on a public street designated by the city council for the use, while awaiting employment, of any vehicle covered by this chapter.

(Ord. 96-10-1213 § 1; Ord. 84-06-924 § 1: prior code §§ 5.28.010, 5.28.020--5.28.110 (Ord. 309 § 1, 1948))

### **5.32.020 Permits--Required--Exceptions.**

No person shall drive, operate, or cause to be operated, nor shall any person employ, permit, or allow another to drive, operate, or cause to be operated, any vehicle over any street of this city for the purpose of transporting a passenger for compensation, regardless of whether such operation extends beyond the boundary limits of the city; nor shall any person solicit, induce, persuade, invite, or procure such transportation of passengers for compensation or accept compensation therefor without a permit first having been obtained from the city council authorizing such operations and acts except as follows:

A. A vehicle which is lawfully transporting a passenger from a point outside to a destination within this city, or which is enroute to a destination outside this city; provided, that no such vehicle shall, without such permit, solicit or accept a passenger from within this city for transportation to any destination whatsoever;

B. A vehicle being operated pursuant to a franchise, contract, or permit issued by the city, and vehicles operated by city or state public agencies, including dial-a-taxi, dial-a-lift, and fixed-route buses, provided that the city council may, by resolution, establish fares for such services and shall establish appropriate regulations and standards within the franchise, contract, or permit;

C. A vehicle being operated for the purpose of transporting bona fide pupils attending an institution of learning between their homes and such institutions;

D. A vehicle being operated under what is commonly referred to as a "share the ride" plan or arrangement, where a person enroute from his place of residence to his place of business, or vice versa, transports another person living and working in the same general vicinity upon payment of a sum estimated to cover the actual or approximate cost of operation of the vehicle;

E. Vehicles being used as ambulances and being operated by any public agency;

F. Vehicles rented or leased for self-operation by a person using such vehicle under a plan commonly known as a U-drive, but not when transporting other persons for compensation.

(Ord. 96-10-1213 § 2; Ord. 84-06-924 § 2; prior code § 5.28.140 (Ord. 309 § 2, 1948))

### **5.32.030 Carrier permit--Petition contents.**

A. Any person desiring a permit to operate vehicles covered by this chapter shall file a petition therefor with the city council. Such petition shall be verified by oath of the applicant, if a natural person, or by oath of an officer or partner of the applicant if the applicant is a corporation, partnership, association or unincorporated company.

B. The petition shall set forth the following:

1. The name, age, and address of the petitioner, if a natural person; or, if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers together with their respective addresses; or, if a partnership, association, or unincorporated company, then the names of the partners comprising the partnership, association, or company, together with their respective ages and addresses;

2. The trade name or style, if any, under which the applicant proposes to operate;

3. Full information pertaining to the extent, character, and quality of the proposed operations and the manner in which such proposed operations are to be conducted;

4. The type, model, capacity, and condition of the vehicles proposed to be operated;

5. A full statement of petitioner's assets and liabilities; and

6. Such other or additional information as the city council may require.

(Prior code § 5.28.150 (part) (Ord. 309 § 3 (part), 1948))

### **5.32.040 Carrier permit--Petition investigation--Terms of issuance.**

A. The city council, upon receipt of such petition, may make full and complete inquiry into the facts set forth therein and shall either grant or deny a permit upon the proposed terms, or upon terms other than those proposed.

B. Such permit shall be for a specified number of vehicles which shall only be increased by authority of the city council pursuant to the procedure provided in Section 5.32.050.

C. Such permit may, at the pleasure of the city council, be for a prescribed period or for an indefinite period; provided, that in either event the permit shall contain a clause authorizing its revocation or suspension in accordance with the ordinances of the city either in effect at the date of granting the permit or thereafter adopted.

D. When issued, the permit shall constitute evidence of compliance with the terms of this chapter and shall authorize the permittee to operate vehicles under the conditions therein specified; subject, however, to the requirements, obligations, and limitations imposed by other applicable laws, ordinances, and orders of the city council.

E. The permit shall become effective only upon payment of the fees required by the provisions of the license ordinances of the city.

(Prior code § 5.28.150 (part) (Ord. 309 § 3 (part), 1948))

### **5.32.050 Carrier permit--Hearing to determine need.**

A. No permit shall be granted to any carrier for the operation of taxicabs except after a hearing thereon by the city council and a finding that the public necessity and convenience require such service and such permit may be granted for the number of taxicabs that the city council finds is required.

B. The city council in determining the matter shall take into consideration the need for such transportation, the convenience of the public, adequacy of the service then being provided, the financial responsibility of the applicant and any and all facts and conditions deemed relevant by the city council. The burden of establishing the existence of public convenience and necessity shall always be borne by the applicant for a permit, and no such permit shall be issued unless there has been an affirmative showing of the existence of such public convenience and necessity by such applicant.

(Prior code § 5.28.160 (Ord. 309 § 4, 1948))

### **5.32.060 Carrier permit--Compliance with terms required.**

It is unlawful for any carrier granted a permit under this chapter to conduct any operation or give any service other than the service authorized by its permit granted by the city council in accordance with the provisions of this chapter.

(Prior code § 5.28.170 (Ord. 309 § 5, 1948))

### **5.32.070 Carrier permit--Suspension or revocation.**

A. The city council shall have the power to suspend or revoke any or all of the carrier permits granted under the provisions of this chapter when it shall have determined that any of the provisions of this chapter have been violated, or that any holder of such a permit shall have failed to comply with the terms of such permit or the rules and regulations of the city council pertaining to the operation, and to the extent, character, and quality of the service of any such vehicles.

B. Before revocation of such permit, the carrier shall be entitled to a hearing thereon before the city council and shall be notified thereof. Notice of hearing on such suspension or revocation shall be in writing, and shall be served at least ten days prior to the date of the hearing thereon, such service to be upon the holder of such permit, or its manager or agent, and which notice shall state the grounds of complaint against the holder of such permit and shall also state the time when and the place where such hearing will be held.

C. In the event the holder of such permit cannot be found, or service of such notice cannot be made upon it, or him, in the manner provided in subsection B of this section, then a copy of such notice shall be mailed, postage fully prepaid, address to such carrier at its last known address, at least ten days prior to the date of such hearing.

(Prior code § 5.28.180 (Ord. 309 § 6, 1948))

### **5.32.080 Permits--Entitlement to obtain licenses.**

The permits mentioned in this chapter shall entitle the holder thereof to obtain licenses to engage in the business described in the permits upon payment of the required license fees, providing the holder of such permits complies with all other terms and conditions applying thereto contained in other laws and ordinances.

(Prior code § 5.28.190 (Ord. 309 § 7, 1948))

### **5.32.090 License plate or sticker required.**

There shall be displayed upon each taxicab operated pursuant to the terms of this chapter a numbered license plate or sticker for the current year, to be issued by the city upon payment of the required license fee. Such plate or sticker shall be of a material and of a form and design prescribed by the city council from time to time. Each such plate or sticker shall be securely attached to the taxicab in a position at the rear thereof and shall be plainly visible.

(Prior code § 5.28.200 (Ord. 309 § 8, 1948))



### **5.32.100 Vehicle numbering required.**

Each taxicab operated pursuant to the terms of this chapter shall be numbered to correspond with the number appearing on the city license plate attached to each taxicab. Such number shall be painted upon the body of the taxicab in numerals not less than four inches nor more than six inches in height in a position approved from time to time by the city council.

(Prior code § 5.28.210 (Ord. 309 § 9, 1948))

### **5.32.110 Advertisements on or in vehicles.**

No advertising device shall be placed on or in any taxicab operated pursuant to the terms of this chapter without the approval of the city council.

(Prior code § 5.28.220 (Ord. 309 § 10, 1948))

### **5.32.120 Availability of service.**

A. Taxicab service shall be available at all times by telephone call, by engagement of the taxicab when standing at a regularly assigned stand, or when properly hailed from the street or curb.

B. It is unlawful for any carrier or driver of a taxicab to refuse or neglect to transport any orderly person or persons upon request anywhere in the city when a taxicab of such carrier is standing in a regularly assigned taxistand and such service shall be rendered immediately upon request.

(Prior code § 5.28.230 (Ord. 309 § 11, 1948))

### **5.32.130 Permitted and prohibited methods of engagement.**

A. It is unlawful for any driver of a taxicab, while driving such vehicle, to cruise, loiter, or stop on a public street for the purpose of soliciting passengers or seeking a place in a taxistand which is already occupied.

B. It is unlawful, however, for such vehicle, while proceeding to a regularly assigned taxistand, regularly established call station or to the carrier's principal place of business, to accept employment when hailed from the street or curb.

C. It is unlawful for such driver to accept passengers at any of the following places:

1. In any marked or unmarked crosswalk;
2. At any regularly established bus stop;
3. At any place in a street except alongside a curb;
4. Alongside any curb opposite a regularly established and marked traffic safety zone;
5. Within twenty-five feet of a taxicab stand assigned to another carrier.

(Prior code § 5.28.240 (Ord. 309 § 12, 1948))

### **5.32.140 Rates--Establishment authority.**

The rates or fares to be charged the public by taxicabs shall be such as are approved by resolution of the city council.

(Ord. 74-4-724 § 1: Ord. 73-4-698 § 1: Ord. 71-12-685 § 1: Ord. 69-12-650 § 1: prior code § 5.28.250 (Ord. 309 § 13, 1948))

### **5.32.150 Rates--Council review and approval required--Criteria.**

A. No rate or fare shall be placed in effect, charged, demanded, or collected by any carrier for the transportation of passengers by

vehicles as covered by this chapter until the city council, after a hearing upon its own motion or upon application, or upon complaint, shall have found and determined the rate to be just, reasonable, and nondiscriminatory, nor in anywise in violation of any provision contained in this chapter or any provision of law; nor until the rate or fare to be placed in effect, charged, demanded, or collected shall have been established and authorized by the city council.

B. In establishing and authorizing such rates or fares, the city council shall take into account and give due and reasonable consideration to the cost of all comparable transportation services performed by all persons, firms, or corporations engaged in the transportation of persons for compensation in the city, whether by virtue of any franchise granted by the city council or otherwise, including length of haul, any additional transportation service performed or to be performed, or of any accessorial service, and the value of the facilities reasonably necessary to perform such transportation service.

(Prior code § 5.28.260 (Ord. 309 § 14, 1948))

#### **5.32.160 Rates--Alterations.**

A. The city council shall have power, upon a hearing upon its own motion, or upon application or upon complaint, to investigate a single rate or fare, or the entire schedule of fares in effect, charged, demanded, or collected for the transportation of passengers by vehicles covered by this chapter, and to establish a new rate, fare, or schedule of fares in lieu thereof.

B. Nothing contained in this chapter shall be construed to empower the city council to establish or authorize any rate or fare, or any schedule of fares that will, by means of rebate, discount, allowance, premium, or penalty, violate the rates or fares specified in the carrier's permit, or the provisions contained in this chapter or any applicable provision of law.

(Prior code § 5.28.270 (Ord. 309 § 15, 1948))

#### **5.32.170 Rates--Compliance with provisions required.**

It is unlawful for any carrier, or any agent or employee thereof, or any driver or operator of any vehicle covered by this chapter to charge, collect, demand, receive, arrange, solicit, or bargain for any amount of compensation other than the rates or fares established and authorized by the city council.

(Prior code § 5.28.280 (Ord. 309 § 16, 1948))

#### **5.32.180 Rates--Display in vehicles required.**

A. Every taxicab used or operated under this chapter shall at all times have displayed therein, in a location and manner which shall have been approved by the city council, the rates to be charged for such taxicab service, and which rates shall always be visible to all passengers.

B. The driver of every other vehicle for hire shall have in his possession at all times rate cards upon which shall be printed the name and address of the owner of the vehicle and the rates authorized to be charged for the service. Every person making inquiry regarding the rates charged by the operator of the service shall be furnished with a copy of the printed rates.

(Ord. 84-06-924 § 3: prior code § 5.28.290 (Ord. 309 § 17, 1948))

#### **5.32.190 Refusal to pay fare prohibited.**

It is unlawful for any person to refuse to pay the authorized fare of any of the vehicles mentioned in this chapter after having employed the same, and it is unlawful for any person to hire any vehicle defined in this chapter with intent to defraud the person from whom it is hired or engaged of the value of such service.

(Prior code § 5.28.300 (Ord. 309 § 18, 1948))

#### **5.32.200 Restrictions on employment of drivers.**

Vehicles covered by this chapter shall be operated only by the carrier or by a person employed by the carrier. Neither the carrier nor any person operating such vehicle shall enter into any contract, agreement, or understanding between themselves by the terms of which any such person pays to or for the account of the carrier a fixed or determinable sum for the use or operation of such vehicle.

(Prior code § 5.28.310 (Ord. 309 § 19, 1948))

#### **5.32.210 Driver's permit--Required.**

It is unlawful for any person to drive, operate, or be in charge of any vehicle operated by any carrier which is required by Section 5.32.020 without first having obtained a driver's permit or a temporary driver's permit issued pursuant to this chapter.

(Prior code § 5.28.320 (Ord. 390 § 20(a), 1948))

#### **5.32.220 Driver's permit--Fee deposit--Application.**

An applicant for a driver's permit or temporary driver's permit shall do the following:

A. Deposit the fee required for such permit and secure a receipt therefor; fees so deposited are to cover the expense incurred and no refund shall be made for any reason;

B. Appear personally and file with the chief of police an application in writing upon blanks to be furnished by the chief of police, containing such information as said officer may require, and the applicant shall satisfy the chief of police that the deposit required has been made.

(Prior code § 5.28.330 (Ord. 309 § 20(b), 1948))

#### **5.32.230 Driver's permit--Issuance of temporary permit.**

A. When an applicant has applied for a driver's permit and has paid the fee for such permit as required by Chapter 5.04, the chief of police shall, subject to the conditions contained in Section 5.32.250, issue a temporary driver's permit.

B. Such temporary driver's permit shall have written or printed thereon the expiration date, which shall be thirty days from the date of issuance, and also the fact that such permit shall automatically become null and void upon the expiration date.

C. After the expiration of the time so allotted, the temporary permit shall be of no further force or effect and shall not be renewed or extended. It shall also be subject to suspension and revocation as provided in this chapter and notice of this fact shall likewise be noted upon the face of such permit.

(Prior code § 5.28.340 (Ord. 309 § 20(c), 1948))

#### **5.32.240 Driver's permit--Applicant investigation.**

As soon as possible after application as provided in Section 5.32.230, the chief of police shall make an investigation regarding the character and moral fitness of the applicant. If satisfied that the operation by applicant of a vehicle authorized to be operated under the terms of this chapter will not be detrimental to the public health, peace, safety, or welfare, he shall, on or before the expiration of the applicant's temporary driver's permit, issue to the applicant a driver's permit in the manner provided in this chapter. Otherwise he shall deny the application.

(Prior code § 5.28.350. (Ord. 309 § 20(d), 1948))

#### **5.32.250 Driver's permit--Issuance--Restrictions.**

No driver's permit or temporary driver's permit shall be issued to any applicant who is under the age of twenty-one years or who has failed to obtain a chauffeur's permit from the state or who has to the knowledge of the chief of police, been convicted of a felony, or who shall be deemed by him to be morally unfit.

(Prior code § 5.28.360 (Ord. 309 § 20(e), 1948))

#### **5.32.260 Driver's permit--Issuance--Terms.**

If the chief of police determines that he will approve an application for a driver's permit, he shall issue to the applicant such permit bearing an identification number identical with that appearing upon the badge issued by the director of finance as provided in Section 5.32.280 authorizing the applicant to drive, operate, or be in charge of any vehicle in the city operated pursuant to the terms of this chapter. There shall be noted on the face of such permit that it shall be ineffective for any purpose if it has expired or has been suspended or revoked as provided in this chapter.

(Prior code § 5.28.370 (Ord. 543 § 8 (part), 1963; Ord. 309 § 20(f), 1948))

#### **5.32.270 Driver's permit--Issuance deemed evidence of compliance with chapter.**

The chief of police shall keep a copy of the driver's permit on file in his office. The driver's permit shall constitute evidence of compliance with the terms of this chapter but shall be subject to all other applicable laws, ordinances, or order of the city council. The driver's permit shall be effective until the expiration date printed thereon, or until suspended pursuant to Section 5.32.390, unless suspended or revoked as provided elsewhere in this chapter.

(Prior code § 5.28.380 (Ord. 309 § 20(g), 1948))

#### **5.32.280 Driver's permits--Badge issuance.**

Upon presentation to the director of finance of the driver's permit properly executed, the director of finance shall issue to the applicant a numbered badge of distinctive design, bearing the expiration date thereof, and with the words "Taxi Driver" thereon.

(Prior code § 5.28.390 (Ord. 543 § 8 (part), 1963; Ord. 309 § 20(h), 1948))

#### **5.32.290 Driver's permit and badge--Expiration and suspension.**

All driver's permits and badges issued as provided in this chapter shall expire on the thirty-first day of December next following the date of issuance unless previously suspended or revoked. All driver's permits and temporary driver's permits authorized to be issued under this chapter shall be effective only while the driver to whom such permit is issued is employed by a carrier holding a valid permit issued pursuant to Section 5.32.020. Upon termination of his employment with such carrier, the driver's permit or temporary driver's permit shall be automatically suspended and shall become effective again only when and if such driver shall again be reemployed by such a carrier during the term for which the driver's permit or temporary driver's permit was issued.

(Prior code § 5.28.400 (Ord. 309 § 20(i), 1948))

#### **5.32.300 Driver's permit--Renewal.**

A renewal driver's permit shall be issued by the chief of police to any permittee who has paid the fee for such renewal, as provided by Chapter 5.04 and who, on the thirty-first day of December last preceding had a valid driver's permit.

(Prior code § 5.28.410 (Ord. 309 § 20(j), 1948))

#### **5.32.310 Driver's permit--Revocation--Grounds--Method.**

A. The chief of police shall summarily revoke any driver's permit or temporary driver's permit issued under the provisions of this chapter, provided he shall have knowledge that the holder thereof has been convicted of violating any of the provisions of this chapter or has been convicted of a felony, or the violation of any of the provisions of the State Alcoholic Beverage Control Act, the State Narcotic Law, or of assault, battery, pandering, driving a vehicle while under the influence of intoxicants or narcotics, or reckless driving.

B. Whenever charges involving any of the above offenses are formally made by the filing of a complaint, indictment, or information against the holder of a driver's permit or temporary driver's permit, and the chief of police has knowledge thereof, he shall temporarily suspend the driver's permit pending determination of such charges, but such suspension shall not remain in force after an acquittal or dismissal of charges.

C. Notice of such suspension or revocation shall be given to the person involved.

(Prior code § 5.28.420 (Ord. 309 § 21(a), 1948))

#### **5.32.320 Driver's permit--Appeals from actions of chief of police.**

A. Any driver who may be aggrieved by the action of the chief of police in suspending or revoking his driver's permit or temporary driver's permit, or any applicant who may be aggrieved by the denial by the chief of police of his application, within ten days from such denial, suspension, or revocation, may apply to the city council for a hearing as to the matters in question, whereupon a time for the hearing shall be set, which shall be not later than thirty days thereafter, at which time a full and complete hearing shall be held before the city council.

B. At the conclusion of the hearing the city council may affirm, modify, or overrule the action of the chief of police, in which latter event the driver's permit shall be granted or reinstated, as the case may be, and the decision of the city council shall be final.

C. Such hearing, or application therefor, shall not, however, affect the order of suspension or revocation of the chief of police unless and until acted upon and reversed or modified by the city council.

(Prior code § 5.28.430 (Ord. 309 § 21 (b) 1948))

#### **5.32.330 Driver's permit--Suspension or revocation by council.**

The city council shall likewise have power to suspend or revoke a driver's permit or temporary driver's permit either for any of the reasons set forth in Section 5.32.310 or others from which the city council shall conclude that a continuation of a driver's activities as such driver are, or may be, detrimental to the public health, peace, safety, or welfare; provided, however, the city council may take such action only after a hearing for such purpose, which shall be held after five days' notice, and an opportunity to be heard shall have been given to such driver.

(Prior code § 5.28.440 (Ord. 309 § 21(c),1948))

#### **5.32.340 Driver's permit and badge--Display and possession.**

A. It is unlawful for any driver to operate or to be in charge of any vehicle required by Section 5.32.020 to obtain a permit without displaying in a conspicuous place upon his person the license badge provided to be issued under this chapter; and it shall also be unlawful for such driver to fail at any time while operating or in charge of such vehicle to have in his immediate possession the driver's permit, or temporary driver's permit required by this chapter to be secured from the chief of police.

B. It is also unlawful for any driver operating or in charge of any vehicle covered by this chapter to display upon his person a driver's badge issued to another, or to use for the purpose of operating such vehicle a driver's permit or temporary driver's permit issued to another.

(Prior code § 5.28.450 (Ord. 309 § 22, 1948))

#### **5.32.350 Carrier's responsibility regarding driver's permits.**

It is unlawful for any carrier, as defined in Section 5.32.010, to permit the operation of any vehicle covered by this chapter by any person other than a holder of a driver's permit or temporary driver's permit, as required by Section 5.32.020.

(Prior code § 5.28.460 (Ord. 309 § 23, 1948))

#### **5.32.360 Vehicle identification--Restrictions.**

No permit shall be granted to any carrier to operate any vehicle covered by this chapter whose color scheme, name, trade name, monogram, or insignia is in conflict with or in imitation of any color scheme, name, trade name, monogram, or insignia used by any other carrier as defined in Section 5.32.010 and which is of such character and nature as to be misleading or deceptive to the public.

(Prior code § 5.28.470 (Ord. 309 § 24, 1948))

#### **5.32.370 Identity lights.**

- A. Every taxicab shall be equipped with an identity light attached to the top of such taxicab.
- B. The identity light shall be constructed in one unit consisting of an illuminated plate or cylinder upon which is printed the words "For Hire."
- C. The overall dimensions of the identity lights shall not exceed six inches in height by twenty inches in length.
- D. The lights of the identity light unit shall be connected to a contact switch attached to the taximeter, and such contact switch shall operate automatically to illuminate the identity light when the taximeter is not in operation indicating the cab is vacant and for hire, and to extinguish the identity light when the taximeter is in operation.
- E. It is unlawful to drive or operate any taxicab with the identity light illuminated while carrying passengers for compensation, and it is unlawful to drive, operate, or be in charge of any taxicab unless the identity light is illuminated when the taxicab is for hire.

(Prior code § 5.28.480 (Ord. 309 § 25, 1948))

#### **5.32.380 Direct travel route required.**

Every driver of a taxicab who is engaged to carry passengers shall take the most direct route possible to carry the passengers safely and expeditiously to their destinations, unless otherwise directed by a passenger.

(Prior code § 5.28.490(A) (Ord. 309 § 26(a), 1948))

#### **5.32.390 Grouping of passengers.**

A. When a taxicab is engaged the person engaging such taxicab shall have the exclusive right to the full and complete use of the passenger compartment, and it is unlawful for the carrier or driver of the taxicab to solicit or carry additional passengers therein; provided, however, that where the city council finds that public necessity requires the grouping of passengers in such taxicabs, the city council may issue a special written permit which shall specifically set forth the rules and regulations under which such passenger grouping is permitted.

B. It is unlawful for any driver or carrier to operate or permit to be operated any taxicab in violation of any of the rules and regulations set forth in such special permits.

(Prior code § 5.28.490(B) (Ord. 309 § 26(b), 1948))

#### **5.32.400 Number of passengers restricted.**

The number of passengers which may be carried in any vehicle covered by this chapter shall be limited to the seating capacity of such vehicle as specified by the manufacturer. No person shall be carried in such vehicle who is required to share in any way the seating space occupied by another, nor shall any person be carried who is required to occupy any space in or on such vehicle which does not provide a seat.

(Prior code § 5.28.490 (C) (Ord. 309 § 26(c), 1948))

#### **5.32.410 Inspection of equipment--Unsafe vehicles.**

- A. All vehicles operated by any carrier as defined in Section 5.32.010 shall, before being placed in service, be approved by the

chief of police.

B. All such vehicles shall be of a design and type of construction as shall comply with orders and regulations pertaining to such equipment adopted from time to time by the city council.

C. Such vehicles shall at all times be kept in a clean and sanitary condition and in good state of repair, and shall be subject to constant inspection by the chief of police or a duly authorized representative.

D. Any vehicle which becomes unsafe or unserviceable, either from the standpoint of its state of repair or its condition or obsolescence, may be retired from service upon order of the chief of police and no vehicle which has been so retired shall again be operated in such service except with approval of the chief of police.

E. In the event the condition of any vehicle shall in the opinion of the chief of police be so unclean, unsightly, or mechanically defective as to be undesirable for use, the police chief may require such vehicle to be immediately withdrawn from service and it shall not be again placed in service until approved by the chief of police.

(Prior code § 5.28.500 (Ord. 309 § 27, 1948))

#### **5.32.420 Taximeters--Required--Operation.**

A. It is unlawful for any carrier to operate any taxicab in the city unless such taxicab is equipped with a taximeter of a type and design which has been approved by the city council.

B. The taximeter shall be of a type which will print and issue a receipt, and it shall be the duty of the carrier operating such taxicab, and the driver thereof, to keep such meter operating at all times within such standard of accuracy as may be prescribed from time to time by the city council.

C. No passenger shall be carried in any cab unless the taximeter is in operation. This provision shall apply regardless of whether the taxicab is engaged for a trip entirely within the boundaries of the city or partially outside thereof, and such meter shall be kept operating continuously during the entire time it is engaged in the transportation of passengers for compensation regardless of the point of destination.

(Prior code § 5.28.510 (Ord. 309 § 28(a), 1948))

#### **5.32.430 Taximeters--Location and readability.**

The taximeter shall be placed in the taxicab so that the reading dial showing the amount to be charged is well-lighted and readily discernible to a passenger riding in the cab.

(Prior code § 5.28.520 (Ord. 309 § 28(b), 1948))

#### **5.32.440 Taximeters--Inspections--Labeling.**

A. Every taximeter used in the operation of taxicabs shall be subject to inspection at any time by the chief of police or any of his agents or employees. Upon discovery of any inaccuracy of such taximeter the operator thereof shall remove or cause to be removed from service any vehicle equipped with said taximeter until such taximeter has been repaired and accurately adjusted.

B. Every taximeter shall be inspected and tested for accuracy by the carrier at least once every six months. Upon the completion of such inspection and of any adjustment necessary to cause such taximeter to operate within the standards of accuracy approved by the chief of police, the carrier shall cause to be placed upon such meter a gummed label having printed thereon the following:

"This taximeter was inspected and tested on                      (date) and found to comply with standard of accuracy prescribed by the Chief of Police of the City of Signal Hill."

The date on which such inspection was made shall be stamped in the blank space provided for that purpose. No such label shall be removed except at the time a subsequent inspection is made.

(Prior code 5.28.530 (Ord. 309 § 28(c), (d), 1948))

#### **5.32.450 Taximeters--Use of flag.**

It is unlawful for any driver of any taxicab, while carrying passengers, to display the flag attached to the taximeter in such a position as to denote that such vehicle is not employed, or to fail to throw the flag of the taximeter to a position indicating the vehicle is unemployed at the termination of each and every service.

(Prior code § 5.28.540 (Ord. 309 § 28(e), 1948))

#### **5.32.460 Taximeters--Computation of charges.**

All charges for taxicab service shall be calculated and indicated by a taximeter, and at all times while the taxicab is engaged the flag of the taximeter shall be thrown into a position to register charges for mileage, or into a position to register charges for waiting time. No taximeter shall be used whose mechanism will register a combined charge for mileage and waiting time in any single position, and no taximeter shall be so operated as to cause any charge to be registered thereon except during the time while the taxicab is engaged by a passenger.

(Prior code § 5.28.550 (Ord. 309 § 28(f), 1948))

#### **5.32.470 Waiting time--Defined--Allowances.**

For the purpose of this chapter, "waiting time" means the time consumed while the taxicab is not in motion at the direction of a passenger and also the time consumed while waiting for a passenger after having responded to a call, but no charge shall be made for the time consumed by the premature response to a call or for the first three minutes following timely arrival at any location in response to a call or for time lost through traffic interruptions or for delays caused by the inefficiency of the taxicab or its driver.

(Prior code § 5.28.560 (Ord. 309 § 29, 1948))

#### **5.32.480 Receipts for fares.**

It is unlawful for the driver of any taxicab, upon receiving full payment for a fare as indicated by the taximeter, to refuse to give a receipt upon request of any passenger making such payment. It is unlawful to fail to offer a receipt to the passenger.

(Prior code § 5.28.570 (Ord. 309 § 30, 1948))

#### **5.32.490 Trip sheets and driver's reports.**

The driver of every vehicle covered by this chapter shall keep a complete and accurate record of each trip upon a daily trip sheet, the form of which shall be approved by the chief of police, showing the time and place of origin, destination of the trip, number of passengers carried, and the amount of fare collected. This record shall be filed daily by the driver with the company by whom he is employed, and such record shall be kept on file available for inspection by the chief of police or any of his agents or employees, for a period of not less than six months.

(Prior code § 5.28.580 (Ord. 309 § 31, 1948))

#### **5.32.500 Taxistands--Required.**

It is unlawful for any carrier or driver of any vehicle operated pursuant to the terms of this chapter to stand or permit to stand any such vehicle while awaiting employment at any place upon any portion of the streets of the city other than at a certain place designated by the chief of police and assigned to the carrier operating such vehicle.

(Prior code § 5.28.590 (Ord. 309 § 32(a), 1948))

#### **5.32.510 Taxistands--Permits.**



A. Permits may be issued by the chief of police to carriers operating pursuant to the terms of this chapter allowing the vehicles of such carriers while awaiting employment to stand at certain designated places upon the streets of the city; provided, however, that no such permit shall be granted except upon written application of the carrier desiring such stand, filed with the city council, stating the proposed location of such stand.

B. Any application for a taxistand may be acted upon by the city council at any of its regular meetings without notice, providing such application is accompanied by the written consent of the occupant of the first floor of any building of that property in front of which it is desired to establish such vehicle stand or, if any such building is a hotel, the written consent of the manager of the hotel, or if there is no building on the premises in front of which it is desired that such vehicle shall stand, or if there is a building and the first floor is not occupied, then the written consent of the owner, agent, or lessee of such building or premises.

C. In the event that the occupant, manager, owner, agent or lessee mentioned above refuses, fails, or neglects to grant consent to the establishing of a taxistand at the location proposed, the city council shall set a time of hearing on such application which shall not be less than ten days nor more than thirty days from the time of filing such application and each and every person qualified under these provisions to make or offer a formal objection to establishing such taxistand at the location proposed shall be notified in writing not less than five days prior to the hearing, at which time he shall be given an opportunity to be heard.

D. Notwithstanding the failure or refusal of the occupant, manager, owner, agent or lessee as mentioned above to grant consent to the establishing of a taxistand in front of the building or premises as proposed, or any formal objection offered thereto, the city council shall have the right to grant or deny any application for a taxistand, and may issue or refuse to issue such permit.

E. All permits for taxistands so issued shall contain a provision to the effect that they are subject to revocation by the city council at any time.

(Prior code § 5.28.600 (Ord. 309 § 32 (b), (c), 1948))

#### **5.32.520 Taxistands--Use restricted to assignee.**

It is unlawful for any vehicle as defined in this chapter, or otherwise, to occupy any regularly established taxistand unless such vehicle is one being operated by the carrier to which such taxistand has been assigned as provided in this chapter.

(Prior code § 5.28.610 (Ord. 309 § 32(d), 1948))

#### **5.32.530 Notices.**

Whenever a notice is required to be given, unless different provisions are otherwise specifically made in this chapter, such notice may be given either by personal delivery thereof to the person to be notified, or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his last known business or residence address as the same appears in the public records, or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office. Proof of giving such notice may be made by an affidavit of any person over the age of eighteen years, which affidavit shows service in conformity with this chapter or other provisions of law applicable to the subject matter concerned.

(Prior code § 5.28.620 (Ord. 309 § 33, 1948))

#### **5.32.540 Rules--Enforcement.**

Upon the granting of any permit to any carrier as provided by this chapter a copy of such permit defining the rates shall be transmitted by the city council to the chief of police who shall thereupon be charged with the duty of enforcement of such rates and the provisions of this chapter and other ordinances pertaining to the operation of vehicles for hire.

(Prior code § 5.28.630 (Ord. 309 § 34, 1948))

#### **5.32.550 Penalty for violations.**

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

## **Title 6 ANIMALS**

### Chapters:

6.04 Animal Control

### **Chapter 6.04 ANIMAL CONTROL**

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### Sections:

- 6.04.010 Incorporation by reference.
- 6.04.020 Definitions.
- 6.04.030 Tag required.
- 6.04.040 Conditional use permit for kennels.
- 6.04.050 Business license required.
- 6.04.060 Number of animals (household pets).
- 6.04.070 Penalty.

#### **6.04.010 Incorporation by reference.**

A. Except as otherwise provided in this chapter, the following chapters of that certain document entitled, "Title 6. Animals, Long Beach Municipal Code," and all appendices, tables, and indices thereto, as the same existed on September 7, 2009 (hereafter "Animal Code"), are hereby adopted by reference and incorporated as if fully set out herein, and the provisions thereof shall be controlling within the limits of the city, pursuant to the provisions of Sections 50022.1 *et seq.* of the California Government Code:

1. Chapter 6.04, Animal Shelter;
2. Chapter 6.08, Dog Licensing;
3. Chapter 6.12, Rabies Control;
4. Chapter 6.16, Animal Regulation;
5. Chapter 6.20, Fowl, Rabbits and Goats;
6. Chapter 6.28, Protection of Animals Utilized By Police Department.

B. One copy of the Animal Code, described in this section, 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. 2009-10-1407, § 1: Ord. 2006-09-1365, § 1)

#### **6.04.020 Definitions.**

Whenever any of the following titles or terms are used in the Animal Code, each such title or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

- A. "City council" means the city council of the City of Signal Hill.

B. "Director" means the director of the Animal Care Services Bureau of the Department of Health and Human Services of the City of Long Beach.

C. "Health officer" means the health officer for the County of Los Angeles.

D. "Officer," except for police officer, means any animal control officer authorized by the director to enforce the provisions of this code.

E. "Police officer" means a police officer of the City of Signal Hill.

(Ord. 2009-10-1407, § 2: Ord. 2006-09-1365, § 1)

#### **6.04.030 Tag required.**

Section 6.08.010 of the Animal Code is amended to read as follows: "No person responsible for any dog shall have any such dog, male or female, over the age of four months, within the city without at all times having upon such dog a collar or harness to which shall be securely fastened a tag as provided in this chapter. Said tag may be issued at any time during the calendar year and may be issued for a period of twelve months. The tag shall be obtained from the director, or his or her assignee, inscribed with the letters and words 'Signal Hill,' or comparable language identifying the city, and with the serial number of the tag. The tag shall be sufficient only during the period for which the tag is issued."

(Ord. 2009-10-1407, § 3: Ord. 2006-09-1365, § 1)

#### **6.04.040 Conditional use permit for kennels.**

No person may keep, maintain, establish, or permit on property owned, leased, or controlled by him or her, a kennel, as defined in Section 20.04.420 of this code, unless same is located in the "CI-Commercial Industrial, LI-Light Industrial, and GI-General Industrial" Zones and authorized by a duly issued conditional use permit. (Reference SHMC 20.20.20)

(Ord. 2006-09-1365, § 1; Ord. 2012-02-1444, § 1)

#### **6.04.050 Business license required.**

No person may keep, maintain, or establish, or permit on property owned, leased, or controlled by him or her, a kennel or breeding business without first having procured a license from the city to do so or without first complying with the provisions of Chapter 5.04 of this code, related to business licenses.

(Ord. 2006-09-1365, § 1)

#### **6.04.060 Number of animals (household pets).**

A. A total of not more than four weaned household pets may be kept at one site. "Household pet" means an animal customarily kept in a house, such as dogs, cats, rabbits and the like. No wild, exotic, or livestock animals shall be considered household pets. This limitation on keeping pets shall not apply to fish, rodents (other than rabbits), or caged birds, provided the birds are not allowed to fly free and are maintained in accordance with all applicable health regulations.

B. All household pets shall be kept at all times in a manner which does not damage or pose hazards to people or property and which does not generate offensive dust, odors or noise.

(Ord. 2006-09-1365, § 1)

#### **6.04.070 Penalty.**

A. Violation of or failure to comply with any of the provisions of this Chapter 6.04, including any provisions of any code adopted by this chapter, shall constitute a misdemeanor, punishable by a fine of not more than one thousand dollars or by imprisonment not to exceed six months, or both. Alternatively, at the sole discretion of the charging officer or the city attorney, a violation may be charged

as an infraction, punishable in accordance with the penalties stated in paragraph (c) of Section 1.16.010 of this code.

B. In addition to criminal penalties, any person who violates any provision of this chapter may also be issued an administrative citation by the director or Animal Care Services Bureau enforcement officers or inspectors.

C. Each and every day a violation exists constitutes a separate and distinct offense.

D. Civil fines shall be assessed by means of administrative citations and shall be payable directly to the City of Signal Hill.

E. Administrative fines for violations of this chapter shall be assessed as follows:

1. A fine for each initial violation, in an amount established by the city council by resolution;

2. A fine for each instance of a second violation of the same code section within one year from the date of the first violation, in an amount established by the city council by resolution; and

3. A fine for each additional violation of the same code section within one year from the date of the first violation, in an amount established by the city council by resolution.

(Ord. 2009-10-1407, § 4: Ord. 2006-09-1365, § 2)

## **Title 8 HEALTH AND SAFETY**

### **Chapters:**

8.04 Public Health Code

8.08 Refuse Regulations

8.10 Solid Waste

8.12 Nuisances

8.13 Administrative Citation

8.16 Institutions

8.20 Weed Abatement

8.24 Rat and Vermin Control

8.25 Vector Control and Management

8.28 Air Pollution

8.29 Mobile Source Air Pollution Reduction

8.32 Excavations and Abandoned Boxes

8.40 Residence Inspection Program

8.42 Underground and Aboveground Storage Tanks

8.44 Hazardous Materials Response Plans

8.46 Hazardous Waste Control

8.48 Security Alarm Systems

8.52 Enforcement of Prohibition of Smoking Within Places of Employment

8.54 Abandoned Shopping Carts

8.56 Los Angeles County Body Art Regulations

Sections:

- 8.04.010 Adopted--Modifications generally.
- 8.04.020 Copies on file.
- 8.04.030 Title amended.
- 8.04.040 Section 113 added--County health officer as officer of city.
- 8.04.050 Section 114 added--Territory to which applicable.
- 8.04.060 Section 110 deleted.
- 8.04.070 Section 504.1 amended--Water well defined.
- 8.04.080 Section 504.2 amended--Electrode well defined.
- 8.04.090 Section 504.3 amended--Abandoned water well defined.
- 8.04.100 Section 504.5 added--Nonconforming electrode well defined.
- 8.04.110 Section 509 amended--Pipeline treatment.
- 8.04.120 Section 519 amended--Well sealing.
- 8.04.130 Section 520.1 added--Construction of electrode wells.
- 8.04.140 Section 523 amended--Wells--Drilling and destroying.
- 8.04.150 Section 523.1 amended--Reconstruction or conversion of existing well for domestic use.
- 8.04.160 Section 523.2 amended--Processing of application for well drilling.
- 8.04.170 Section 523.3 amended--Validity of permit for well drilling.
- 8.04.180 Section 523.4 added--Hearings.
- 8.04.190 Section 524 amended--Destruction of water wells.
- 8.04.200 Section 524.1 added--Destruction of electrode wells.
- 8.04.210 Section 525.1 amended--Disinfection and bacteriological quality of domestic water wells.
- 8.04.220 Section 525.2 and 525 and 525.3 repealed.
- 8.04.230 Penalty for violation.

**8.04.010 Adopted--Modifications generally.**

For the purpose of prescribing regulations for the control of communicable diseases and of prescribing minimum standards of environmental sanitation, the city adopts by reference as an ordinance that certain code entitled and known as "The Public Health Code of the County of Los Angeles" as the same was enacted in Ordinance No. 7583 of the County of Los Angeles, on August 25, 1959, and as has been amended from time to time to its present form; provided, however, that as so adopted by the city of Signal Hill, the code is modified and amended as set forth in this chapter.

(Ord. 68-11-631 § 3 (part): prior code § 6.24.010)

**8.04.020 Copies on file.**

The city clerk shall cause to be filed in his office three copies of the public health code of the county and of each handbook, manual,

pamphlet, circular, and other document which is referred to in the public health code and incorporated therein by reference, and he shall certify that each copy of the document so filed is a true copy of the document of which it purports to be a copy.

(Ord. 68-11-631 § 3 (part): prior code § 6.24.070)

#### **8.04.030 Title amended.**

The title of the public health code of the county, as adopted by Section 8.04.010, amended as follows:

The title to said code is amended to read:

"PUBLIC HEALTH CODE OF THE CITY OF SIGNAL HILL."

(Ord. 68-11-631 § 3 (part): prior code § 6.24.020)

#### **8.04.040 Section 113 added--County health officer as officer of city.**

A new section is added to the public health code, numbered Section 113, which reads as follows:

"Section 113. COUNTY HEALTH OFFICER AS OFFICER OF THE CITY. For all purposes of this code and of the applicable laws of the State of California, the county health officer is the health officer of the City of Signal Hill."

(Ord. 68-11-631 § 3 (part): prior code § 6.24.030)

#### **8.04.050 Section 114 added--Territory to which applicable.**

A new section is added to the public health code, numbered Section 114, which reads as follows:

"Section 114. TERRITORY TO WHICH APPLICABLE. Notwithstanding any other provisions of this code, the territory in which the regulations and standards prescribed by this code shall be applicable is the territory lying within the boundaries of the City of Signal Hill. Whenever the words 'County of Los Angeles' are used in this code to denote the territory in which the regulations and standards provided by this code are applicable, said words shall be understood to mean that portion of the County of Los Angeles which lies within the boundaries of the City of Signal Hill."

(Ord. 68-11-631 § 3 (part): prior code § 6.24.040)

#### **8.04.060 Section 110 deleted.**

Section 110, which is entitled "Violation," is deleted in its entirety from the public health code adopted in Section 8.04.010.

(Ord. 68-11-631 § 3 (part): prior code § 6.24.050)

#### **8.04.070 Section 504.1 amended--Water well defined.**

Section 504.1 of the public health code is amended to read as follows:

"Section 504.1. WATER WELL DEFINED. 'Water well' means any drilled, excavated, jetted, or otherwise constructed excavation which is used or intended to be used to extract water from or inject water into the underground for any purpose, or to observe or test underground waters. This definition shall not include (a) salt water well, (b) wells under the jurisdiction of the State of California, Division of Oil and Gas, except those wells converted to use as water wells, or (c) wells used for the purpose of (1) dewatering excavation during construction, or (2) stabilizing hillsides or earth embankments."

(Prior code § 6.24.080 (part) (Ord. 70-9-664 § 1 (part)))

#### **8.04.080 Section 504.2 amended--Electrode well defined.**

Section 504.2 of the public health code is amended to read as follows:

"Section 504.2. ELECTRODE WELL DEFINED. 'Electrode well' means any artificial excavation in excess of 50 feet deep constructed by any method for the purpose of installing electrodes or electrical conductors including, but not limited to, cathodic protection wells and grounding rod wells."

(Prior code § 6.24.080 (part) (Ord. 70-9-664 § 1 (part)))

#### **8.04.090 Section 504.3 amended--Abandoned water well defined.**

Section 504.3 of the public health code is amended to read as follows:

"Section 504.3. ABANDONED WATER WELL DEFINED. 'Abandoned water well' is a nonoperating well which is not maintained in conformity with Section 519 of this Chapter."

(Prior code § 6.24.080 (part) (Ord. 70-9-664 § 1 (part)))

#### **8.04.100 Section 504.5 added--Nonconforming electrode well defined.**

Section 504.5 is added to the public health code to read as follows:

"Section 504.5. NONCONFORMING ELECTRODE WELL DEFINED. 'Noncon-forming electrode well' is one which, at the effective date of this Ordinance, has not been constructed in conformance with Section 520.1, or is not maintained in conformance with Section 519 of this Chapter."

(Prior code § 6.24.090 (part) (Ord. 70-9-664 § 2 (part)))

#### **8.04.110 Section 509 amended--Pipeline treatment.**

Section 509 of the public health code is amended to read as follows:

"Section 509. PIPELINE TREATMENT. Every new water main and every repaired section of an existing water main must be cleared of coliform bacteria by the proper application of chlorine in sufficient quantities to give a minimum of fifty (50) parts per million of available chlorine. The new or repaired pipe shall be thoroughly flushed before and after chlorination. If the first application of chlorine is not sufficient, the procedure shall be repeated until the water will meet the standards set forth in the United States Public Health Service Drinking Water Standards. Means or methods providing equivalent treatment may be used if approved by the Health Officer."

(Prior code § 6.24.080 (part) (Ord. 70-9-664 § 1 (part)))

#### **8.04.120 Section 519 amended--Well sealing.**

Section 519 of the public health code is amended to read as follows:

"Section 519. WELL SEALING. All water wells and electrode wells shall be kept sealed and maintained in a manner that will prevent the entrance of pump leakage, surface drainage, or any other contamination or pollution into the well or the aquifer, except that nonconforming electrode wells need not comply with this section until such time as the electrode is expended, or the well is reconstructed, or the well is no longer being used for its intended purpose, unless, in the judgment of the Health Officer, such exception constitutes a threat to the quality of an aquifer."

(Prior code § 6.24.080 (part) (Ord. 70-9-664 § 1 (part)))

#### **8.04.130 Section 520.1 added--Construction of electrode wells.**

Section 520.1 is added to the public health code to read as follows:

"Section 520.1. CONSTRUCTION OF ELECTRODE WELLS. All electrode wells hereafter constructed shall be constructed to the satisfaction of the Health Officer in such a manner as to exclude contamination or pollution of any usable underground water."

(Prior code § 6.24.090 (part) (Ord. 70-9-664 § 2 (part)))

#### **8.04.140 Section 523 amended--Wells--Drilling and destroying.**

Section 523 of the public health code is amended to read as follows:

"Section 523. WELLS--DRILLING AND DESTROYING. No person shall drill, dig, bore, deepen, or excavate any well, or destroy an existing well, without first making application and securing a permit from the Health Officer."

"The application shall be made on a form prepared by the Health Officer which shall include the location of the proposed or existing well, the type of casing, the manner of sealing and any other data required by the Health Officer."

(Prior code § 6.24.080 (Ord. 70-9-664 § 1 (part)))

#### **8.04.150 Section 523.1 amended--Reconstruction or conversion of existing well for domestic use.**

Section 523.1 of the public health code is amended to read as follows:

"Section 523.1. RECONSTRUCTION OR CONVERSION OF EXISTING WELL FOR DOMESTIC USE. Any person intending to convert any industrial, oil or irrigation well for use as a domestic water well shall first apply and secure a permit from the health officer."

"The application shall be made on a form prepared by the Health Officer which shall include the location of the well, the type of casing, the manner of sealing and any other data required by the Health Officer."

(Prior code § 6.24.080 (part) (Ord. 70-9-664 § 1 (part)))

#### **8.04.160 Section 523.2 amended--Processing of application for well drilling.**

Section 523.2 of the public health code is amended to read as follows:

"Section 523.2. PROCESSING OF APPLICATION FOR WELL DRILLING. Upon receipt of an application the Health Officer shall make an investigation. If the applicant has complied with all applicable laws and regulations and the proposed well location will comply with this Chapter, and the drilling, digging, boring, deepening, excavating, converting, destruction or design of the well will not create a condition which in the opinion of the Health Officer can pollute or contaminate the underground water or the water produced

by the well, the Health Officer shall issue the permit."

(Prior code § 6.24.080 (part) (Ord. 70-9-664 § 1 (part)))

#### **8.04.170 Section 523.3 amended--Validity of permit for well drilling.**

Section 523.3 of the public health code is amended to read as follows:

"Section 523.3. VALIDITY OF PERMIT FOR WELL DRILLING. A permit shall be valid only for the location described on the permit. Construction, reconstruction or destruction of a well shall be carried out in compliance with all applicable regulations and requirements of the Health Officer and with all ordinances and laws of the County of Los Angeles and of the State of California and shall comply with the terms and conditions specified in this permit. If any of such conditions, regulations, ordinances or laws are not complied with, the Health Officer may suspend or revoke the permit by mailing or personally serving written notice of suspension or revocation upon the applicant."

(Prior code § 6.24.080 (part) (Ord. 70-9-664 § 1 (part)))

#### **8.04.180 Section 523.4 added--Hearings.**



Section 523.4 is added to the public health code to read as follows:

"Section 523.4. HEARINGS. Any person whose application for a permit has been denied, or whose permit has been suspended or revoked, may petition the health officer for a hearing. Such petition shall be in writing, signed by the applicant, and shall set forth in detail the facts and reasons upon which his petition is based. The time limit within which the petition must be filed is twenty (20) business days following the date on which the notice of denial, suspension or revocation was mailed to the applicant. Notice of the time and place of the hearing shall be given to the applicant not less than five (5) business days prior to such hearing, either by registered mail or in the manner required for the service of summons in civil actions. At the time and place set for the hearing, the Health Officer will give the applicant and other interested persons an adequate opportunity to present any relevant facts. The Health Officer may place any person involved in the matter, including the applicant, under oath. The Health Officer may, when he deems it necessary, continue any hearing by setting a new time and place and by giving notice to the applicant of such action. At the close of the hearing, or at any time within ten (10) days thereafter, the Health Officer will order such disposition of the application or permit as he has determined to be proper and will make such disposition known to the applicant."

(Prior code § 6.24.090 (part) (Ord. 70-9-664 § 2 (part))

#### **8.04.190 Section 524 amended-Destruction of water wells.**

Section 524 of the public health code is amended to read as follows:

"Section 524. DESTRUCTION OF WATER WELLS. All water wells, unless made to comply with Section 513 and 519 hereof, shall be destroyed to the satisfaction of the Health Officer by filling with cement grout, puddled clay or similar impervious material, as approved by the Health Officer, to thoroughly seal the well including all voids, annual spaces, gravel envelopes or other spaces, as necessary to protect the aquifer."

(Prior code § 6.24.080 (part) (Ord. 70-9-664 § 1 (part))

#### **8.04.200 Section 524.1 added-Destruction of electrode wells.**

Section 524.1 is added to the public health code to read as follows:

"Section 524.1. DESTRUCTION OF ELECTRODE WELLS. All electrode wells, unless in compliance with Section 519 of this Chapter, shall be destroyed to the satisfaction of the Health Officer in such a manner as to exclude contamination or pollution of any usable underground water."

(Prior code § 6.24.090 (part) (Ord. 70-9-664 § 2 (part))

#### **8.04.210 Section 525.1 amended- Disinfection and bacteriological quality of domestic water wells.**

Section 525.1 of the public health code is amended to read as follows:

"Section 525.1. DISINFECTION AND BACTERIOLOGICAL QUALITY OF DOMESTIC WATER WELLS. Every new, repaired or reconstructed domestic water well, after completion of construction, repair or reconstruction, and before being placed in service, shall be thoroughly cleaned of all foreign substances. The well, including the gravel used in gravel-packed wells, the pump, and all portions of equipment coming in contact with well water shall be disinfected with a solution containing at least fifty (50) parts per million available chlorine, which shall remain in the well for a period of at least twenty-four (24) hours, or by an equivalent method of disinfection satisfactory to the Health Officer, and such procedure shall be repeated, as necessary, to produce water meeting bacteriological standards as set forth in the United States Public Health Service Drinking Water Standards. No well water from a new or reconstructed well shall be used for domestic purposes until the water meets such bacteriological requirements."

(Prior code § 6.24.080 (part) (Ord. 70-9-664 § 1 (part))

#### **8.04.220 Sections 525.2 and 525.3 repealed.**

Sections 525.2 and 525.3 of the public health code are repealed.

(Prior code § 6.24.100 (Ord. 70-9-664 § 3))

#### **8.04.230 Penalty for violation.**

The violation within the city of any provisions of the public health code of the county is defined as a misdemeanor and shall be punishable as set forth in Chapter 1.16. Each day during any portion of which any violation of any provisions of said public health code is committed, continued or permitted, makes such violation a separate offense.

(Ord. 68-11-631 § 3 (part): prior code § 6.24.060)

### **Chapter 8.08 REFUSE REGULATIONS\***

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Sections:

- 8.08.010 Definitions.
- 8.08.020 Responsibility of the city to collect refuse.
- 8.08.022 Authority to grant franchise; penalty for violations.
- 8.08.025 Franchise required; exception.
- 8.08.028 Terms of franchise agreement.
- 8.08.030 City or its contractor has exclusive right to collect refuse.
- 8.08.035 Nature of refuse collection services to be performed by contractor.
- 8.08.040 Refuse contractor requirements.
- 8.08.050 Obligations of residential occupants and property owners.
- 8.08.055 Recycling of construction and demolition debris.
- 8.08.060 Prohibited acts.
- 8.08.070 Unauthorized collection prohibited.
- 8.08.080 Refuse collection charges.
- 8.08.090 Permit to remove and convey hazardous and infectious wastes.
- 8.08.100 Domestic low income discount.
- 80.08.110 NPDES Trash Fee.

\* Prior history: Prior code Sections 6.20.010 through 6.20.270, Ords. 383, 534, 586, 587, 67-4-605, 72-10-691 and 72-11-694.

#### **8.08.010 Definitions.**

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

"City" means the city of Signal Hill, a municipal corporation organized under the laws of the State of California, and all of the territory lying within the municipal boundaries of the city as presently existing and all geographic areas which may be added or annexed thereto.

"City facility" means any building, park or other site owned, leased or used by the city.

"Collection" means the operation of gathering together and transporting refuse to the point of disposal.

"Commercial and industrial units" means the premises of a business that is not a city facility, single-family dwelling unit or multifamily dwelling unit.

"Commercial service" means any refuse service for which a person separately contracts with the contractor for commercial or

industrial refuse collection and disposal services.

"Commingled recyclables" means the mixing of all recyclable materials accepted by the contractor in the recycling program in a single container for collection.

"Construction and demolition debris" means any combination of building materials and refuse resulting from construction, remodeling, repair, cleanup, or demolition operations as defined in California Code of Regulations, Title 22 Section 66261.3 et seq. This term includes, but is not limited to, asphalt, concrete, portland cement concrete, brick, lumber, gypsum wallboard, cardboard, and other associated packaging, roofing material, ceramic tile, carpeting, plastic pipe, and steel. The material may be commingled with rock, soil, tree stumps, and other vegetative matter resulting from land clearing and landscaping for construction or land development projects.

"Contract" means a contract for refuse collection and disposal entered into between the city and another person or entity.

"Contractor" means the person or entity entering into a contract with the city for the collection and disposal of refuse and commingled recyclables.

"County" means the county of Los Angeles.

"Disposal site" means a permitted solid waste facility, transfer station, material recovery facility or pre-processing facility, inclusive of any such facility owned or operated by contractor.

"Dumpsters" means metal contractor-provided containers used for the collection of refuse of a capacity exceeding ninety gallons and generally immovable by just one individual. The term includes bins and roll-off debris boxes.

"Hazardous waste" means any hazardous or toxic substance, infectious waste, or other material or waste which is or becomes regulated by any local governmental authority, the state of California, or the United States Government. The term "Hazardous Material" includes, without limitation, any material or substance which is:

1. Petroleum or oil or gas or any direct or derivate product or byproduct thereof;
2. Defined as a "hazardous waste," "extremely hazardous waste" or "restricted hazardous waste" under Sections 25115, 25117 or 25122.7, or listed pursuant to Section 25140, of the California Health and Safety Code, Division 20, Chapter 6.5 (Hazardous Waste Control Law);
3. Defined as a "hazardous substance" under Section 25316 of the California Health and Safety Code, Division 20, Chapter 6.8 (Carpenter-Presley-Tanner Hazardous Substance Account Act);
4. Defined as a "hazardous material," "hazardous substance," or "hazardous waste" under Sections 25501(j) and (k) and 25501.1 of the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Materials Release Response Plans and Inventory);
5. Defined as a "hazardous substance" under Section 25281 of the California Health and Safety Code, Division 20, Chapter 6.7 (Underground Storage of Hazardous Substances);
6. "Used oil" as defined under Section 25250.1 of the California Health and Safety Code;
7. Asbestos;
8. Listed under Chapter 11 of Division 4.5 of Title 22 of the California Code of Regulations, or defined as hazardous or extremely hazardous pursuant to Chapter 10 of Division 4.5 of Title 22 of the California Code of Regulations;
9. Defined as waste or a hazardous substance pursuant to the Porter-Cologne Act, Section 13050 of the California Water Code;
10. Designated as a "toxic pollutant" pursuant to the Federal Water Pollution Control Act, 33 U.S.C. Section 1317;
11. Defined as a "hazardous waste" pursuant to the Federal Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq. (42 U.S.C. § 6903);
12. Defined as a "hazardous substance" pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601, et seq. (42 U.S.C. § 9601);
13. Defined as "hazardous material" pursuant to the Hazardous Materials Transportation Act, 49 U.S.C. Section 5101, et seq.; or
14. Defined as such or regulated by any "Superfund" or "Superlien" law, or any other federal, state or local law, statute, ordinance, code, rule, regulation, order or decree regulating, relating to, or imposing liability or standards of conduct concerning Hazardous Materials and/or oil wells and/or underground storage tanks and/or pipelines, as now, or at any time hereafter, in effect.

"Household refuse container" means any automated, molded contractor-provided container of a size not to exceed 95 gallons (typically 65 gallons) with two or more wheels for easy carting by an individual.

"Infectious waste" means waste capable of producing an infection or pertaining to or characterized by the presence of pathogens. It includes but is not limited to certain wastes generated by medical practitioners, hospitals, nursing homes, medical testing labs, mortuaries, taxidermists, veterinarians, veterinary hospitals, medical testing labs, and any waste which includes animal wastes or parts from slaughterhouses or rendering plants.

"Materials recovery facility" means a transfer station which is designed to, and as a condition of its permit, shall, recover for reuse and recycling, at least fifteen percent of the total volume of material recovered by the facility as set forth in Public Resources Code Section 50000(a)(4).

"Multi-family" means a development of five or more residential units, including a condominium project, duplex, townhouse project, apartment house, or mobile home park, irrespective of whether residence therein is transient, temporary or permanent, such that all residential units dispose of municipal solid waste and/or recyclable materials in a communal dumpster(s) at centralized locations.

"Municipal solid waste" or "refuse" means all trash, garbage, rubbish, junk, debris, leavings and solid wastes which originates from normal household, business, commercial and industrial activity, and all solid waste generated at construction and demolition sites, and at treatment works for water and wastewater, which are collected and transported under the authorization of the city or are self-hauled by residents or contractors. Municipal solid waste or refuse does not include agricultural crop residues, sewage, infectious and hazardous wastes, mining waste, forestry wastes, ash from industrial boilers, furnaces and incinerators or any waste which is not permitted to be disposed of at a Class III landfill and which fall within the definition of "nonhazardous solid waste" set forth in Title 23, Chapter 15, Section 2523(a) of the California Code of Regulations as amended or designated Class II wastes.

"Recyclable materials containers" means automated recyclable materials carts suitable for home use which do not have a storage capacity in excess of sixty-five gallons.

"Recyclable materials" and "recycling" means, respectively:

1. Any product salvaged or collected for the purpose of reprocessing or remanufacturing including, but not limited to, glass, bottles, newsprint, cardboard, aluminum, cans, plastics or metal and
2. The process of collecting used products in the form of recyclable materials for the purpose of turning them into new products by reprocessing or remanufacturing them.

"Residential units" means any individual dwelling unit used for or designated as a single-family residential as either:

1. A stand-alone single family unit; or
2. A single unit in a multi-family unit complex.

"Scavenge" means to remove any refuse, including, but not limited to, recyclable materials, newsprint, corrugated cardboard, bottles or metal which are placed for collection purposes.

"Single-family" means premises used or designated for residential use and consisting of four or fewer residential units, such that each residential unit receives its own set of household refuse containers and individual curbside collection services therefor.

"Self-haul" means the act of hauling refuse, construction and demolition debris and/or recyclables to an approved disposal facility by the person or persons that produced such refuse, construction and demolition debris and/or recyclables.

(Ord. 2010-05-1415 § 2: Ord. 98-01-1229 § 1: Ord. 90-11-1082 § 1 (part))

#### **8.08.020 Responsibility of the city to collect refuse.**

It is the duty of the city to either collect the refuse or cause it to be collected by another. The city's collection and disposal of refuse is a proper exercise of a governmental function pursuant to the city's power to make and enforce within its limits all such local, police, sanitary, and other regulations as is necessary for the public health and welfare.

In populated communities, such as Signal Hill, it has become impractical for each individual to provide for the disposal of his or her own refuse. Therefore, the city assumes the exclusive responsibility for the collection of refuse, since if the city were to leave such an important function to each individual property owner, unsanitary and unhealthful results might follow from an individual landowner's indifference or neglect.

(Ord. 90-11-1082 § 1 (part))

#### **8.08.022 Authority to grant franchise; penalty for violations.**

A. In order to protect public health, safety, and welfare, to control pest and nuisance vectors and to carry out the mandatory duties imposed on the city by the State of California, the city council may authorize one or more contractors to make arrangements with generators of solid waste for the collection, transportation, recycling and disposal of solid wastes within and throughout the city. The city council may, by duly executed written franchise agreement, approved by the city council by ordinance naming the contractor, grant to a qualified person the exclusive right to make arrangements for the collection, transportation, recycling and disposal of solid waste from residential premises, commercial premises, or both, within the entire city, or any designated portion of the city. A franchise agreement entered pursuant to this section shall be made in accordance with Chapter 13.01 of this Municipal Code.

B. Any violation of this chapter may be subject to the general penalties provided within this municipal code, including without limitation Municipal Code Section 1.16, and any other penalties or provisions that might be specified in a duly adopted franchise agreement.

(Ord. 2010-05-1415 § 3: Ord. 2009-08-1401 § 3 (part), 2009)

#### **8.08.025 Franchise required; exception.**

No solid waste enterprise or other person shall collect, transport or dispose of solid waste by use of any public right-of-way within the city without first obtaining a franchise granted by the city council, in writing, by ordinance naming the contractor. Notwithstanding the foregoing, any person transporting solid waste generated by that person, such as persons transporting solid waste generated at the person's own residence, gardeners transporting green waste from their work sites, or building contractors (including roofers) transporting solid waste generated at their work-sites, shall not be required to obtain a franchise. Other exceptions to the foregoing franchise requirement may be designated in the city's duly-adopted franchise contract.

(Ord. 2010-05-1415 § 4: Ord. 2009-08-1401 § 2 (part), 2009)

#### **8.08.028 Terms of franchise agreement.**

The term of each franchise shall be set forth in the franchise agreement. A reasonable franchise fee shall be included within every franchise granted pursuant to this chapter. The amount and payment thereof shall be determined by the city council, and shall be set forth in the franchise agreement. A penalty for late payments may be imposed.

(Ord. 2009-08-1401 § 2 (part), 2009)

#### **8.08.030 City or its contractor has exclusive right to collect refuse.**

A. The city shall provide for the collection and disposal of refuse from all premises. Such provision may be made either by the city letting a contract for such collection and removal or performing such service itself. The city and its duly authorized agents, servants and employees, or any contractor with whom the city may contract therefor and the agents, servants and employees of such contractor, while any such contract shall be in force, shall have the exclusive right to gather, collect and remove refuse material from all premises in the city, including construction and demolition debris, unless such debris is self-hauled by the contractor performing such construction and demolition operations. No person, other than those above specified herein or as specified in the city's franchise contract, shall gather, collect or remove refuse from any premises or take any such material from any refuse receptacle placed for collection or removal, or interfere with or disturb any refuse receptacle, or remove any refuse receptacle from any location where the same is placed by the owner or occupant thereof, or remove the contents of any refuse receptacle.

B. The terms, as set forth in this chapter, shall be the minimum terms of any refuse contract approved by the city council.

(Ord. 2010-05-1415 § 5: Ord. 98-01-1229 § 2 (part): Ord. 90-11-1082 § 1 (part))

#### **8.08.035 Nature of refuse collection services to be performed by contractor.**

By entering the exclusive contract authorized by Section 8.08.030, the contractor shall be assuming the city's entire responsibility for refuse collection and disposal within the city, including the responsibility for rate setting, billing and payment collection. The city has determined that such an exclusive contract will provide the most efficient and economical refuse collection service for a small community. Notwithstanding the above, the city may by contract agree to perform certain services for the contractor to further improve the efficiency and lower the cost for refuse collection services. Such services the city may provide include, but are not limited to, billing and lien services.

(Ord. 98-01-1229 § 3)

#### **8.08.040 Refuse contractor requirements.**

A. **Transfer of Contract.** Any refuse contract let by the city council shall not be transferred, subcontracted or assigned unless approved by the city council in writing.

B. **Customer Inquiries or Complaints.** The contractor shall respond to all customer inquiries or complaints within twenty-four hours and shall exercise due diligence to resolve all complaints. Franchisee shall maintain a record of all complaints received by mail, by telephone or in person (including date, name, address of complainant and nature of complaint) for a period of three years. The contractor will maintain records listing the date of consumer complaints, the customer, describing the nature of the complaint or request, and when and what action was taken by the contractor to resolve the complaint. The contractor shall maintain a local office for the purpose of receiving customer payments and handling customer inquiries, orders and complaints. The "local" office must remain in a location within fifteen miles of the city boundary and having the same telephone area code as that existing in the city and listed in the telephone directory under the firm name. The local office shall be open to the public between the hours of eight a.m. to five p.m., five days per week, Monday through Friday, holidays excepted. A representative of contractor shall be available during office hours for communication with the public at such local office. Additionally, the contractor shall continue to employ the services of a telephone answering exchange for calls during non-business hours and provide a telephone system sufficient and adequate to handle calls during peak periods. The contractor shall provide the city manager and the city's police and fire departments with updated twenty-four hour emergency contact telephone numbers. The contractor shall have a representative or answering service available at said telephone number during all hours other than normal office hours.

C. **Contractor Refuses Pick-up of Refuse.** If for some reason refuse is not collected, the contractor will leave a written tag or other conspicuous written notice which state's the contractor's telephone number and address and explains why any item left for disposal was not collected. The contractor shall be required to maintain a log of all such notices issued which also states the location and the reason for refusing collection. Reasons for non-collection may include, but are not limited to the following: containers inaccessible to contractor (after contractor has made a reasonable effort to secure access), use of an improper container, container overfilled, heavy container, or, if the container contains hazardous waste.

D. **Consultation with the Public Works Director or Designee.** The contractor shall, in person or by his or her agent, visit the office of the director of public works or other designated enforcement officer at such times as the public works director shall designate for the purpose of discussing any matters or subjects relating to, and any complaints which may concern the contractor's performance under the contract. The contractor shall report back to the public works director or designee and/or cooperate with the public works director regarding any action or procedures taken with reference to complaints or other matters discussed, all as such procedures and actions may be further specified in the franchise contract.

E. **Emergency Operation.** In the event of a natural disaster, earthquake, storm, fire or other extraordinary occurrence that may tend to generate abnormal amounts of refuse, the city may require additional collection with payment to be determined by an agreement between the city manager and the contractor. Contractor shall maintain on-call equipment and personnel to be available to assist the city with debris collection and removal within a reasonable time resulting from emergencies and natural disasters, excepting that nothing in this section shall require contractor to collect, haul or dispose of waste that contractor is not permitted to handle.

In the event that service is interrupted due to labor disputes or other events impacting the health, safety and welfare of the citizens of the city, the city shall have the right to take over and have its municipal employees operate any and all equipment of the contractor in order to continue service pursuant to the terms of the contract.

F. **Schedules to be filed with the City Manager.** The contractor shall prepare and file with the manager schedules setting forth the specific days on which industrial, commercial, multifamily and residential collections shall be made.

G. **Frequency of Pickup and the Hours of Operation.** Collection service for single-family residential units and multi-family residential units shall occur at least once per week on a schedule approved by the city manager. Commercial and industrial units shall be provided with a minimum one-time weekly collection.

The contractor shall so conduct its operations as to offer the least possible obstruction and inconvenience to public traffic or disruption to the peace or quiet of the area wherein refuse collections are made. Collection services shall be conducted between such hours as specified in the city's duly-adopted franchise contract. The city may, from time to time, revise the collection hours by duly-adopted resolution.

H. Location and Handling of Containers. Unless otherwise directed by the city manager or his/her designee, all collections of refuse from single-family residences shall be made from the curb along the street in front of each property except that where paved alleys exist in the rear of such properties, collection shall be made from such paved alleys; provided, that this requirement shall not apply to a blind alley or an alley the width of which will not accommodate the vehicle used for collection.

Multi-family complexes shall utilize one or more dumpsters located at one or more central on-site location(s) and shared by multiple units. The location of multi-family containers and the location for automated collection therefrom shall be mutually-agreed as between the multi-family site management and the contractor, excepting that any storage or placement of dumpsters in public streets or rights-of-way shall be prohibited unless an encroachment permit has been obtained from the city.

Commercial and industrial customers shall utilize one or more dumpsters located at one or more central on-site location(s) and shared by multiple commercial/ industrial units. Commercial and industrial units may share containers with neighboring business establishments provided that all sharing units share the same commercial or industrial premises. The location of commercial/industrial containers and the location for automated collection therefrom shall be mutually-agreed as between the commercial/ industrial site management and the contractor, excepting that any storage or placement of dumpsters in public streets or rights-of-way shall be prohibited unless an encroachment permit has been obtained from the city. The contractor shall be allowed, unless specifically forbidden to do so by the owners or occupant, to enter private courts or places or other private property to make collections under a refuse collection contract with the city. The contractor, his or her agents, and his or her employees, shall not throw refuse containers from the truck to the pavement, or in any other way damage or roughly handle the same. All containers shall be placed in an upright position.

I. Maximum Rate. The rate for each residential unit or commercial/industrial establishment shall not exceed the rate established by the city council by resolution.

J. City Manager to Supervise Contract. Performance of each of the provisions of the refuse collection contract shall be under the supervision of the city manager or his/her designee (which designee may include the public works director or planning director, as appropriate pursuant to the terms of an effective franchise agreement). The supervising city representative shall see that the collection and disposal of refuse is carried out by the contractor as contemplated in this municipal code and particularly in this chapter. The contractor shall faithfully and regularly pickup, collect and remove refuse in accordance with this chapter and the refuse contract. The work shall be done in a prompt, thorough, lawful and workmanlike manner according to the contract and other specifications as may be approved by the city council.

K. Compliance with Laws, Ordinances. The contractor shall comply with all laws, ordinances, rules and regulations of the state, county, the city and all governing bodies having jurisdiction applying to work done or to be done under the contract. The contractor shall conform to and abide by all ordinances of the city and of the county and of cities where collections may be made hereunder or through which refuse collected may be hauled or where the refuse may be disposed of.

The contract, all terms, provisions and specifications thereof and all duties and obligations imposed thereunder upon the contractor, his agents, employees or assigns, shall be subject to and conditioned on the provisions of this chapter and such other ordinances as the city council may, from time to time, adopt with respect to the collection, removal or disposal of refuse.

L. Worker's Compensation Insurance. The contractor shall, at all times, keep fully insured as required by the Worker's Compensation Insurance and Safety Act at the contractor's own expense, all persons employed by the contractor in connection with the contract, and shall hold the city free and harmless from all liabilities that may arise by reason of the injuries to any employees of the contractor who are injured while performing any work or labor necessary to carry out the provisions of this contract. The contractor, during the term of the contract shall keep on file with the city clerk evidence that the contractor is fully and properly insured as required by the Worker's Compensation Insurance and Safety Act.

M. Performance Bond or Cash Deposit Required. Unless otherwise waived by the terms of a franchise agreement, the contractor shall deposit with the city a cash deposit or a performance bond or open an escrow account for security deposits that complies with Public Contract Code Section 22300, to guarantee the performance of any contract which the contractor may have with the city. The cash deposit or bond shall be in the amount specified by the city council.

N. Liability Insurance and Indemnification of City. The contractor shall be responsible for the cost of repairing any property damaged by the negligent or intentional conduct of its employees or agents. The contractor shall indemnify the city against, and hold the city harmless from, any claims asserted against the contractor on account of the negligence of the contractor or its employees, by



employees of the contractor or by third parties, arising out of personal injuries or property damage suffered by any such persons on account of the operations of the contractor required by the contract. The contractor shall provide and maintain in effect, bodily injury liability insurance and property damage liability insurance with limits as provided for in the contract. The contractor shall have the city named as an additional insured under each of the aforementioned policies, and such policies shall be endorsed to require thirty days written notice to the city prior to any cancellation thereof. The contractor shall furnish the city clerk evidence that the insurance required hereunder is in effect.

O. Right of Contractor to Limit Service. This section shall apply to all such contracts under this chapter approved by the city council and shall be an additional term thereof, whether or not written into such contracts.

Whenever a contractor believes, upon reasonable grounds, that any householder or other customer is permitting the refuse of a separate household or occupants of other premises, which household or occupants are not customers of such contractor, to be deposited in the refuse containers of such customer, for the purpose of permitting such noncustomers to avoid the usual payment required for the pickup of such refuse, such contractor may, upon ten days written notice to such customers, limit the service provided to such customer to pickup of the contents of two refuse containers each week, for a period not exceeding one month. If such customer shall object, in writing, to the director of public works within such ten-day period, the director of public works shall require the contractor to show good cause why normal service should not be continued and shall afford the contractor an opportunity to do so in the presence of the customer. If, in the opinion of the director of public works, good cause is not shown, the contractor shall continue normal service; otherwise, such limited service may be instituted as herein provided.

P. Proper Disposal. To the extent refuse or recyclable materials cannot be reasonably diverted or recycled, the contractor shall dispose of the refuse at a place legally empowered to accept refuse for disposal.

Q. Refuse and Recyclables Materials Containers. Contractors shall provide each residential curbside customer with a minimum of one automated household refuse container for the accumulation and collection of household refuse, such household refuse container being gray in color, and one household refuse container for the accumulation and collection of commingled recyclable materials, such household refuse container being blue in color. Each household refuse container shall be made of durable plastic containing a minimum of twenty percent post-consumer recycled material content. Such containers must be fitted with handles and lids. Total capacity of such containers shall be at least sixty-five gallons. Although multi-family complexes are not required to utilize recyclable material containers, the contractor shall provide any multi-family complex with at least one on-site container (either a household refuse container for recyclables or a dumpster, as appropriate to the amount of recyclable materials generated) designated solely for recyclable materials free-of-charge upon request of the complex management.

(Ord. 2010-05-1415 § 6; Ord. 98-01-1229 § 4; Ord. 90-11-1082 § 1 (part))

#### **8.08.050 Obligations of residential occupants and property owners.**

A. Mandatory Service. Subject to any exceptions that may be stated in a duly-adopted franchise contract, the owner of each single-family dwelling unit, multi-family dwelling unit, commercial unit and industrial unit where municipal solid waste is produced shall subscribe to refuse collection service with the city or its contractor. The owner of such property is responsible for assuring that refuse containers are provided with adequate capacity for the amount of municipal solid waste being produced on such premises between service days. Premises which have been unoccupied by any human habitation and upon which no refuse has been produced or accumulated for three consecutive months may be exempted from mandatory service until such premises become occupied, provided the owner obtains an approved application for such exemption from the city.

B. Customers Shall Use Proper Containers. Each customer shall deposit all recyclable materials in their designated recyclable container, if applicable, and all household refuse in the household refuse container or dumpster. No other containers, including cardboard barrels or cardboard boxes, shall be used. The combined weight of each container and its contents shall not exceed one hundred fifty pounds.

C. Time for Setting Containers at Curb for Collection. When household refuse containers are placed for collection, they shall be placed immediately adjacent to the curb within the street or alley. Such containers shall be placed for collection so that the lids of the household refuse containers open towards the street, and shall not be placed within two feet of any obstruction. Household refuse containers shall not be set out for collection any earlier than seven p.m. on the day before the scheduled collection pickup and must be returned to an out-of-view location by eight p.m. the day the collection is made. When household refuse containers are not placed for collection, they shall be stored so as to not be visible from any public street or right-of-way.

Commercial/industrial and multi-family dumpsters shall be located in such a manner as to reasonably shield public visibility of the dumpster and reasonably minimize public exposure to odors that may emanate from the dumpster.



D. Manner of Placing Green Waste for Collection. Unless diverted from disposal through a duly-adopted composting program, branches of trees, hedges, grass and hedge clippings and other green waste shall be cut in lengths small enough for ease of disposal in the customer's regular household refuse container or dumpster. Tree stumps and limbs greater than three inches in diameter, unless they are reduced to a chipped form, shall be considered bulky waste rather than green waste.

E. Disposal of Accumulated Debris. Every person occupying or having charge or control of any premises in the city, at least once in each calendar month, shall collect and dispose of all refuse, such as discarded automobile bodies and similar heavy or bulky objects, and all other waste which may have accumulated on the premises.

F. Occupant's Duty to Keep Streets and Alleys Clear. The occupant, tenant, owner, lessee or proprietor of any real property in this city abutting on a public alley, street or right-of-way, shall keep all shrubbery on the property trimmed or wired so as to

1. Keep the space along the alley, street or right-of-way clear of branches and foliage and
2. Keep the space along the alley, street or right-of-way clear of refuse, recyclable materials, waste containers or any other accumulation of items so as not to interfere with public access and travel on, over or across the alley, street or right-of-way.

G. Storage of Recyclable Materials. The owners and occupants of premises may store certain recyclable materials (limited to cans, bottles and cardboard) for purposes of holding the materials for recycling at a later date subject to the following restrictions:

1. Such recyclable materials must be held in a leak-proof rubbish can or container stored out-of-view from any public street or right-of-way, and
2. Such recyclable materials must be stored indoors or otherwise held in a manner that does not expose neighboring properties and citizens to unsightly or odiferous conditions, pest infestation or conditions that otherwise constitute a nuisance.

H. Special Pickups. Subject to the terms of a duly adopted franchise agreement, both residential and commercial/industrial customers may request the contractor to provide special pickups of oversized or bulky waste items which are not appropriate for standard waste collection containers. The contractor shall be under no obligation to provide a special pickup for items too large, bulky or heavy for the contractor's waste removal equipment to effectively transport and dispose of.

I. Damage to Waste Containers or Receptacles. In the event unusual damage occurs to a dumpster, household refuse container or other waste receptacle due to the negligence of a waste disposal customer, the contractor may negotiate with the individual customer with respect to compensation for unusual damage to containers, dumpsters or other waste receptacles. No such fee shall be final until approved by the director of public works.

(Ord. 2010-05-1415 § 7: Ord. 98-01-1229 § 1 (part): Ord. 90-11-1082 § 5)

#### **8.08.055 Recycling of construction and demolition debris.**

A. Construction and demolition debris generated within the city shall be recycled to the greatest extent feasible to comply with state-mandated waste diversion requirements.

B. A contractor producing construction and demolition debris shall either contract with the city's refuse contractor for the removal of the debris, or self-haul the debris to an approved disposal site.

C. Prior to receiving a permit from the city for construction or demolition, the contractor shall develop and submit a plan to recycle and salvage the projected construction and demolition debris to the greatest extent feasible. The recycling plan may include source-separated recycling, mixed debris recycling, salvaging and disposal of non-recyclables and nonsalvageable debris.

(Ord. 98-01-1229 § 6)

#### **8.08.060 Prohibited acts.**

A. Burning of Trash. No person shall burn any refuse within the city.

B. Burying of Trash. No person shall bury any refuse within the city.

C. Unlawful Dumping. It is unlawful for any person to place, deposit or dump solid waste of any kind whatsoever upon any public property or any private property that is not a site designated for solid waste disposal or recycling, or to cause, suffer or permit such solid waste to be placed, deposited or dumped upon such public or private property, without properly disposing such waste in a

household refuse container, dumpster, or recycling container as permitted by the owner or occupant of the property.

D. Prohibited Wastes. No person shall place the following in any household refuse container or dumpster: ammunition, explosives, industrial waste, chemicals, infectious waste, hazardous waste, radioactive waste, acids, drugs, medicines, animal carcasses, human feces.

E. Evading Charges. No person shall use the refuse container of another or one that is publicly owned in order to evade refuse collection charges. No person shall place refuse in containers belonging to premises other than where the refuse was generated without the consent of the owner or occupant of the premises.

F. Tampering with Refuse Containers. No person shall tamper, paint, alter or meddle with refuse containers.

G. Not Controlling Refuse. No person shall throw or scatter refuse, or permit refuse to blow-off or wash away from premises controlled by them.

H. Accumulating Waste. Excepting recyclable materials being held for recycling, no person shall accumulate refuse for more than one week.

I. Scavenging. No person shall scavenge. Scavenging is prohibited. Scavenging is the act of sorting through a refuse container belonging to another or removing any item from another's refuse which has been placed for collection.

(Ord. 2010-05-1415 § 8: Ord. 90-11-1082 § 1 (part))

#### **8.08.070 Unauthorized collection prohibited.**

No person shall collect and dispose of refuse except for city employees or contractor, unless:

A. The person is licensed and holds a permit to collect hazardous wastes or prohibited wastes as defined by this chapter; or

B. The person is licensed and holds a permit to collect dead animals, biological waste, refuse from locations where highly infectious diseases are present, including, but not limited to, medical wastes; or

C. The refuse items are of such size, weight or bulk that they exceed the capacity of the contractor's regular equipment and/or manpower normally used in refuse collection; or

D. Limbs, branches, clippings, soil or other plant materials generated by professional gardeners, landscape contractors or persons removing such materials from the property they occupy; or

E. The person is duly authorized by the city manager in writing, in the event of an emergency, to provide for refuse collection;

F. The debris is from construction or demolition and is being self-hauled by the contractor performing the construction or demolition operations.

G. The person or debris is specifically authorized for collection and disposal of refuse or recyclable materials pursuant to the terms of the city's franchise contract.

(Ord. 2010-05-1415 § 9: Ord. 98-01-1229 § 7: Ord. 90-11-1082 § 1 (part))

#### **8.08.080 Refuse collection charges.**

A. Collection Charges. The city has determined that the regular collection of refuse from all property in the city is of benefit to all of the city's inhabitants and that all city customers, whether residential or commercial, will be benefitted by the provision of franchised public waste hauling services, and that the administration of refuse charges, accounts and billing services is most efficient when handled by a single service provider. To this end, the city's refuse contractor shall be responsible for all billing and account collection with the exception of certain duties concerning placement of delinquent accounts onto the tax rolls. With respect to temporary and special services, and any person who is served by a commercial service contract, or who arranges to have a special pickup, a dumpster or a debris box, shall make payment for any such services directly to the city's refuse contractor.

B. Form of Bills. The most feasible and efficient way to provide for the expense of refuse collection and disposal in the city is for the city's refuse contractor to bill customer accounts directly. The city's refuse contractor shall provide itemized bills, clearly showing charges for all classification of services, including any charges for late payment. Contractor shall have procedures for on-line

payment, payment by credit card, and similar customer services.

C. **Single-Family Residential Account Billing.** Single-family residential unit accounts receiving collection services from the city's refuse contractor shall be billed by the city refuse contractor as follows: For the quarter in which services are rendered, the contractor shall bill thirty days into the quarter, and the bill shall be due sixty days thereafter at the end of that quarter.

D. **Multi-Family and Commercial/Industrial Account Billing.** Multi-family residential units, commercial, and industrial unit accounts receiving collection services from the city's refuse contractor shall be billed by the contractor at the end of the month in which service is provided.

E. **Delinquent Accounts.**

1. **Delinquent Residential Accounts.** The city's refuse contractor shall provide at least three monthly written notices of delinquency/past-due account status to the occupants of any residential unit with a delinquent account. City refuse contractor shall be entitled to collect late charges at the rate of one and one-half percent per month from the delinquent residential unit account and, in addition, to charge a reasonable rate for the redelivery of waste containers provided by the contractor. If, after city's refuse contractor's exercise of diligent efforts to collect a delinquent account, a residential unit account remains delinquent, the contractor shall have the right to request placement of the delinquent account onto city tax rolls. Said right to place delinquent accounts onto city tax rolls shall occur no more than once-per-year at a time, and in a manner, coordinated with the city's regular processing of tax liens.

2. **Multi-Family Residential, Commercial and Industrial Account Delinquencies.** The city council may permit refuse contractor to discontinue service to commercial, Industrial and/or multi-family residential units whose accounts are more than ninety days past due. The contractor shall be entitled to collect late charges at the rate of one and one-half percent per month and in addition to charge a reasonable rate for the redelivery of containers provided by the contractor. These delinquent accounts may also be placed on tax rolls. Said right to place delinquent accounts onto city tax rolls shall occur no more than once-per-year at a time, and in a manner, coordinated with the city's regular processing of tax liens.

(Ord. 2010-05-1415 § 10: Ord. 98-01-1229 § 8: Ord. 91-05-1094 §§ 1-3; Ord. 90-11-1082 § 1 (part))

#### **8.08.090 Permit to remove and convey hazardous and infectious wastes.**

Any person desiring to remove or transport any hazardous waste or infectious waste upon or along any public street, alley, highway or other public place within the city from any commercial, industrial or multifamily unit(s), or residential unit(s) shall sign and file an application with the city which shall set forth the name and address of the applicant and such other and further information as may be required by the city, and pay any fee established by resolution of the city council.

(Ord. 90-11-1082 § 1 (part))

#### **8.08.100 Domestic low income discount.**

A discount shall be applied to those residents whose monthly income meets the current standards used for Southern California Edison's California Alternate Rates for Energy (C.A.R.E.) program. An approved application must be on file with the finance department prior to the billing for the program to apply. Individuals shall be required to make an annual application and provide proof of income and residence.

(Ord. 2010-05-1415 § 12: Ord. 98-01-1229 § 9: Ord. 95-06-1193 § 1: Ord. 93-11-1171 § 1: Ord. 92-06-1123 § 1: Ord. 91-05-1094 § 4)

#### **8.08.110 NPDES trash fee.**

A. In recognition of the federal and state laws which have been implemented requiring an NPDES (National Pollution Discharge Elimination System) permit to be obtained by the city to operate the local stormwater system and the significant costs in removing trash to the city resulting from complying with the permit, an NPDES trash fee shall be established pursuant to the requirements of a procedure meeting the standards of Article XIIC and Article XIID of the California Constitution.

B. The required procedure, including determination of the amount of the fee and conduct of public hearing with opportunity for protests, shall be adopted by resolution.

(Ord. 2010-05-1415 § 13: Ord. 2004-11-1339 § 1)

Sections:

- 8.10.010 Adoption of county solid waste ordinance--Copies on file.
- 8.10.020 Definitions.
- 8.10.030 Amendments to county solid waste ordinance.
- 8.10.040 Applicability.
- 8.10.050 Penalties.

**8.10.010 Adoption of county solid waste ordinance--Copies on file.**

Except as provided in this chapter, that certain solid waste ordinance known and designated as Ordinance No. 11,886 of the county of Los Angeles, entitled "Solid Waste Ordinance of the County of Los Angeles," as adopted and in effect on April 13, 1979, is adopted by reference and incorporated as fully as if set out at length in this chapter and shall, in conjunction with other applicable ordinances of the city, be the solid waste ordinance of the city establishing minimum standards for solid waste handling and disposal. Three copies of said ordinance have been deposited in the office of the city clerk and shall be maintained at all times by the clerk for use and examination by the public.

(Ord. 79-11-837 § 1 (part))

**8.10.020 Definitions.**

Whenever any of the following names or terms are used in the solid waste ordinance of the county of Los Angeles, each name or term shall be deemed and construed to have the meaning described to it in this section:

- A. "Board of supervisors" means the city council of the city of Signal Hill.
- B. "County of Los Angeles or unincorporated territory of the county of Los Angeles" means the city of Signal Hill.
- C. "Health officer" means the health officer of the city of Signal Hill.

(Ord. 79-11-837 § 1 (part))

**8.10.030 Amendments to county solid waste ordinance.**

The following sections of the Los Angeles County Solid Waste Ordinance, adopted in this chapter as the solid waste ordinance of the city, are amended to read as follows:

- A. Subsection (a) of Section 401 is amended to read as follows:

(a) Enforce all provisions of Title 8 of the Signal Hill Municipal Code, of any franchise agreement or contract entered into pursuant thereto, of the County of Los Angeles Waste Ordinance, the Z'berg-Kapiloff Solid Waste Control Act of 1976, and the regulations adopted thereunder, and under Government Code Section 66770 pertaining to the minimum standards for solid waste handling and disposal for the protection of air, water, and land from pollution and nuisance, and for the protection of public health.

- B. Section 704 is amended to read as follows:

Section 704. Enforcement. With respect to the activities of waste collectors, the enforcement agency shall enforce the requirements of Title 8 of the Signal Hill Municipal Code, of any franchise agreement or contract entered into pursuant thereto, of the Los Angeles County Solid Waste Ordinance, the Z'berg-Kapiloff Solid Waste Control Act of 1976, and the regulations adopted thereunder, and under the Government Code Section 66770 pertaining to the minimum standard for solid waste storage or removal.

(Ord. 79-11-837 § 1 (part))

**8.10.040   Applicability.**

In the event of any inconsistency between the Los Angeles County Solid Waste Ordinance and any other provisions of Title 8 of the Signal Hill Municipal Code, such other provisions of Title 8 not inconsistent with state law shall prevail. The provisions of the Los Angeles County Solid Waste Ordinance shall not be interpreted nor applied in any manner which would contravene, supersede, or render invalid any contractual obligation which the city has to any existing franchisee or contractor by virtue of an exclusive franchise agreement or contract for the collection, disposal, and destruction of solid waste.

(Ord. 79-11-837 § 1 (part))

**8.10.050   Penalties.**

The Los Angeles County Solid Waste Ordinance contains certain penalty clauses which, pursuant to Section 50022.4 of the California Government Code, are set forth in full herein as follows:

Section 205. Failure to Obtain Permit.

Every person who engages in waste collection and solid waste facility activities for which a permit is required by this ordinance is guilty of a misdemeanor if:

- (a) The person does so without having obtained a permit and having paid the required fee, or
- (b) If such person obtained a permit but has failed to pay the annual operating fee, or the permit has subsequently expired or been suspended, or revoked, or denied.

Section 910. Civil Penalty.

- (a) Any person who operates a solid waste facility except as permitted by a solid waste facility permit, or who owns a disposal site and intentionally or negligently causes or permits the operator of such disposal site to violate a solid waste facilities permit or to operate such disposal site without a solid waste facilities permit, or who intentionally or negligently violates any standard adopted by the Board for the storage or removal of solid waste, shall be subject to civil penalty not to exceed One Thousand dollars (\$1,000.00) for each day such violation or operation occurs.
- (b) The attorney authorized to act on behalf of the enforcement agency, at the request of the enforcement agency, shall petition the Superior Court to impose, assess, and recover the sums provided in Subdivision (a).
- (c) Remedies under this section are in addition to and do not supersede or limit, any other remedies, civil or criminal.

(Ord. 19-11-837 § 1 (part))

**Chapter 8.12  
NUISANCES\***

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Sections:

- 8.12.010   Defined.
- 8.12.020   Maintaining nuisance deemed misdemeanor.
- 8.12.030   Abatement - Responsibility.
- 8.12.040   City abatement officer.
- 8.12.050   Abatement - Emergency situations.
- 8.12.060   Abatement in accordance with the Uniform Code for the Abatement of Dangerous Buildings.
- 8.12.070   Abatement of a nuisance created by refuse.
- 8.12.080   Notice and order for abatement of nuisance.
- 8.12.090   Notice of public hearing on appeal of notice and order.

8.12.100 Public hearing.

8.12.110 Initiation of abatement procedures by the city.

8.12.120 Nuisance abatement liens and collection of abatement costs.

8.12.130 Payment of treble damages for costs of abatement.

8.12.140 Other nuisance abatement proceedings.

\* For provisions regarding abandoned, inoperable and unsightly vehicles, see Chapter 10.46.

For adoption of the Uniform Code for the Abatement of Dangerous Buildings, see Chapter 15.32.

### **8.12.010 Defined.**

A "public nuisance" is defined as:

A. Anything which is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by a neighborhood or by any considerable number of persons;

B. All buildings or structures which are deemed by the building inspector to be structurally unsafe, or not provided with adequate egress, or which constitute a fire hazard to the safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment;

C. Any open excavation, sump, pit, oil-well cellar, or tank or hole in the surface of the earth which is found by the building inspector to constitute a dangerous condition because of the following:

1. It is accessible to children or others who may not be aware of its existence, or who may not realize the extent of the danger or take proper precautions to avoid injury to themselves or others, or

2. Its proximity to a public street or way, or to a private street or way used with more than occasional frequency by persons other than the owner or occupant of the land, unreasonably increases the hazard to pedestrian or vehicular traffic;

D. Any building or structure that has been constructed, erected, set up, altered, enlarged, converted, moved or maintained or that is permitted or suffered to remain in existence, in violation of any provision of this code or any provision of any ordinance of the city or of any statute of the state or any lawful order or regulation of competent authority thereunder;

E. All items of machinery, equipment and apparatus of any oil well or of any manufacturing, processing, or refining plant or works of any kind set up, erected, constructed, altered or enlarged, converted, moved, stored or maintained in violation of any provision of this code or any ordinance of the city or of any law of the state or any lawful order or regulation of competent authority thereunder;

F. Any use of land or of any building or structure which is in violation of any provision of this code or of any other ordinance of the city;

G. Any use of land or of any building or structure which is in violation of any term or condition of any permit granted by the council or the planning commission pursuant to the authority of any provision of this code or any other ordinance of the city, which permit authorizes a conditional or nonconforming use of the land, building or structure, or which imposes conditions or restrictions upon the conduct of any business, activity, pursuit or calling upon the land or within the building;

H. Any oil well or water or gas injection well which is an idle well, as defined in this code, and all foundations, structures, pumping units, tanks, pipelines, cellars, sumps, pits, and apparatus constructed, erected, installed, set up or maintained in connection with the drilling or operation of such a well;

I. Any excavation in a public street or way for the making of which a permit from the city engineer is required under the provisions of this code, unless such a permit has been in fact obtained and the excavation has been made and is being maintained in strict compliance with the terms and conditions of the permit;

J. All obstructions and encroachments erected or constructed, or caused, suffered or permitted to be placed or to exist in or upon a public street or way, either below, upon, or above the surface except when and to the extent that such obstruction or encroachment is duly authorized by the laws of the state or a franchise or permit granted by the council or an authorized officer of the city;

K. Refuse deposited upon private property, or upon any public street or alley, or upon any city owned property. For purposes of this

section, "refuse" shall include any discarded or cast-off object or material which may include, by way of example, but shall not be limited to, paper and cardboard, plant materials, scrap metals, obsolete household appliances and furniture, paving and building materials, and human and household wastes;

L. Any condition, activity or thing which is expressly declared to be a nuisance by any provision of this code or any other ordinance of the city or by the laws of the state or of the United States or by any lawful order or regulation of competent authority made or issued pursuant to such laws.

M. Any "release" or threatened "release" of a "hazardous contaminant" which creates a risk of harm or danger to the health or safety of the public and/or the environment. For purposes of this chapter, the term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment. For purposes of this chapter, the term "hazardous contaminant" shall mean any "hazardous material" as that term is defined under California Health and Safety Code Section 25501(1); any "hazardous substance" as that term is defined under California Health and Safety Code Sections 25281(f), 25501(e), 25501.1, and under Title 42, Section 9601(14) of the United States Code; any "hazardous waste" as that term is defined under California Health and Safety Code Section 25117; any chemical which the Governor has identified as a chemical known to the state to cause cancer or reproductive toxicity pursuant to California Health and Safety Code Section 25249.8; and any crude oil or refined or unrefined petroleum product or any fraction or derivative thereof. The definition of the term "hazardous contaminant" shall include any and all amendments to the above referenced statutory and regulatory provisions.

N. Any "release" or threatened "release" of a "hazardous contaminant" into any storm drain, sanitary drain or sewer, drainage channel or canal or ditch, flood control channel, or any waters of the state as defined under Section 13050(e) of the California Water Code.

O. Any "release" or threatened "release" of a "hazardous contaminant" into or on any public property, including, but not limited to, any public curbs, gutters, sidewalks, streets, alleys, or any other public rights-of-way.

P. Any "release" or threatened "release" of any crude oil or refined or unrefined petroleum product, or any derivative or fraction thereof, in, onto, under or from any public or private property, where the levels of any such release or threatened release in any soil in, on, under or beneath the property in issue equal or exceed one hundred parts per million of petroleum hydrocarbons for lighter petroleum hydrocarbons (e.g., gasoline, naphtha and kerosene) as analyzed by EPA Method 8015 Modified, and one thousand parts per million of petroleum hydrocarbons for heavier hydrocarbons (e.g., diesel, motor oil, waste oil and crude oil) as analyzed by EPA Method 418.1.

Q. Any violation(s) of Section 16.20.160, Section 16.24.030, and/or Section 16.24.070 of this code.

R. All landscaped front and street side yards deemed by the city abatement officer to be unattractive and constitute a public nuisance by reason of one or more of the following:

1. Failure to regularly remove trash, debris, accumulated leaves or plant clippings;
2. Failure to regularly mow, weed, fertilize or prune landscaping;
3. Failure to restore or replant missing or dead plant material;
4. Failure to mow grass, weeds, undergrowth in excess of twelve (12) inches in height;
5. Failure to maintain a sufficient combination of landscape plant materials to non-plant materials in front and side yards, pursuant to the "sufficient materials exhibit" on file in the community development department.

The determination of whether the condition of the property is "attractive," or so "unattractive," as to be a nuisance, shall be based on a comparison of the condition of the landscaping on the submit site to an exhibit of photographs entitled, "Attractive and Unattractive Landscaped Yards," dated April 13, 1999, on file in the community development department, which displays typical landscaped yards in various states of repair and maintenance. When, in the determination of the city abatement officer, a property owner's landscaped yard is comparable to the photographs labeled as "unattractive" on such exhibit, the city shall provide notice in accordance with Section 8.12.080, "Notice and order for abatement of a nuisance," and shall include a description of why the yard is deemed unattractive and shall include recommended corrective measures that when implemented would make the yard more comparable to the photographs labeled "attractive" on such exhibit.

S. Any abandoned, wrecked, dismantled, or inoperative vehicle or parts thereof on private or public property, not including highways. Abatement of a nuisance under this subsection shall be consistent with the provisions of this chapter and Chapter 10.46.

T. Canopies which are caused or permitted to remain either entirely or partially in front and side yard areas, or in a rear yard if visible to the public or within two (2) feet of any rear property line, for a period exceeding seventy-two (72) hours. "Canopy" means a



device with more than one support, made of canvas, or a similar pliable material, which may be stretched or placed upon a frame, including any tent device, the purpose of which is to provide a shelter to, or exclude direct rays of the sun from, a vehicle or personal effects. This section shall apply to canopies on lots zoned for residential purposes, but shall not apply to nonconforming commercial or industrial uses in residential zones.

(Ord. 2015-11-1481 § 2; Ord. 2004-11-1338 § 1; Ord. 2002-01-1301 § 1; Ord. 99-05-1256 § 1; Ord. 94-01-1174 § 1; Ord. 88-02-1004 § 1; Ord. 595 § 2 (part), 1966: prior code § 9.33.010)

#### **8.12.020 Maintaining nuisance deemed misdemeanor.**

It is unlawful and a misdemeanor for any person to create or maintain a nuisance, or to suffer or permit any property owned, used, or controlled by him, or over which he has the right of control, or as to which he has the right to obtain control, to be or become a nuisance.

(Ord. 595 § 2 (part), 1966: prior code § 9.33.015)

#### **8.12.030 Abatement - Responsibility.**

The following persons shall be responsible for the abatement of a nuisance:

- A. Every person who, either by his affirmative acts or by his omission to diligently, carefully and prudently conduct his affairs or manage his property, creates or causes the nuisance or suffers or permits the nuisance to exist;
- B. Every person who has the right to possess, use and enjoy, or to receive all or part of the issues, profits and benefits of the property or thing which is the nuisance;
- C. Every person who owns an estate or interest in the real property upon which the nuisance is created or is maintained or upon which it is suffered to exist.
- D. The term "responsible parties" as used in this chapter shall refer to those persons described in subsections A through C of this section.

(Ord. 94-01-1174 § 2; Ord. 595 § 2 (part), 1966: prior code § 9.33.020)

#### **8.12.040 City abatement officer.**

The term "city abatement officer" shall include the city manager, planning director, public works director, city engineer, chief of police, code enforcement officer, building official, health officer, peace officer, any officer or employee of any jurisdiction providing fire prevention or protection services to the city, and any other person or persons designated by the city council as being a city abatement officer.

(Ord. 94-01-1174 § 3)

#### **8.12.050 Abatement - Emergency situations.**

Upon discovering the existence of a nuisance which in his or her opinion is creating an immediate hazard or threat to the health or safety of the public and/or the environment, a city abatement officer may take any emergency action he or she deems necessary to mitigate any such immediate hazard or threat to the health or safety of the public and/or the environment, pending a complete investigation and final disposition of the matter. Notwithstanding Section 8.12.080 of this chapter, only such advance notice, if any, as is practicable under the circumstances need be given to responsible party(ies). Such action may include but is not limited to ordering any person to cease and desist from any activity which is contributing to the hazard or threat, entering upon private property for the purposes of investigating and inspecting the nuisance, and taking such other measures and actions as deemed necessary to relieve the immediate hazard or threat to the health or safety of the public and/or the environment pending the permanent abatement of the nuisance.

(Ord. 94-01-1174 § 4)



#### **8.12.060 Abatement in accordance with the Uniform Code for the Abatement of Dangerous Buildings.**

In addition to any other procedures or penalties or remedies provided by this chapter, if the building official determines that a public nuisance exists as a result of a dangerous building or structure pursuant to Section 8.12.010, the building official may act to abate such nuisance in accordance with the procedure set forth in the Uniform Building Code for the Abatement of Dangerous Buildings as adopted by Chapter 15.32 of this code (hereinafter referred to in this chapter as the "Uniform Code").

(Ord. 94-01-1174 § 5)

#### **8.12.070 Abatement of a nuisance created by refuse.**

In the event a nuisance is determined to exist under subsection K of Section 8.12.010, due to the deposit of refuse on private or public property, any notice and order served either by the building official, pursuant to the Uniform Code, or by any city abatement officer, in accordance with Section 8.12.080, may, in addition to all information otherwise required by the Uniform Code or Section 8.12.080, also contain a statement directing the responsible party to remove the refuse, and to within thirty days install a barricade meeting the standards established by the city engineer to prevent continuing deposits of refuse upon the property.

(Ord. 94-01-1174 § 6 (part))

#### **8.12.080 Notice and order for abatement of nuisance.**

Whenever a city abatement officer has determined a nuisance exists on property within the city in accordance with Section 8.12.010 which has not already been abated through prior notification and abatement efforts, such person may issue a notice and order in accordance with this section to all known responsible parties. The notice and order shall be served on all known responsible parties by mailing a copy by certified mail, postage prepaid, return receipt requested, to the last known address of each such party, or by service in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owners of record of the property, as shown on the last equalized assessment roll or the supplemental roll, whichever is more current, cannot be found after diligent search, the notice and order shall also be served by posting a copy on the property in a conspicuous place for a period of ten days, and publication in a newspaper of general circulation published in Los Angeles County pursuant to Section 6062 of the California Government Code. The notice and order shall contain:

- A. The street address, assessor's parcel number, and a legal description sufficient for identification of the premises;
- B. A brief description of the nature of the existing condition on the property and the condition that constitutes the nuisance which is to be abated;
- C. A statement advising the responsible party that if the nuisance is not completely abated within fifteen days or such longer period as deemed appropriate and specified in the notice, the city may initiate abatement procedures and abate the nuisance by city personnel or private contractors, with responsible parties being liable for all costs incurred to initiate abatement procedures and to abate the nuisance, including but not limited to all costs of inspection, investigation, assessment, repair, mitigation, remediation, removal, rehabilitation, security, storage, traffic control, law enforcement protection and other consequential direct and indirect costs relating to such abatement, including all administrative and legal fees and costs, as well as any and all costs incurred pursuant to Section 8.12.050. These costs and fees shall be recoverable by the city notwithstanding any subsequent corrective action or abatement of the nuisance by any responsible party taken after the city has initiated abatement procedures, commencing with the serving of this notice and order.
- D. If more than fifteen days is provided to abate the nuisance, the notice and order shall contain a statement that the failure of the responsible party to commence, and diligently prosecute abatement of the nuisance within fifteen days in good faith shall be deemed a failure to comply with the notice and order.
- E. A statement advising the responsible party that the party may appeal the determinations set forth in this notice and order to the city council by serving a written request for such an appeal on the city clerk within fifteen days from the date of service of the notice and order. Failure of the responsible party to file an appeal with the city council within this fifteen-day time period shall constitute a waiver of the party's rights to contest the determinations set forth in the notice and order.

(Ord. 94-01-1174 § 6 (part))

#### **8.12.090 Notice of public hearing on appeal of notice and order.**

If an appeal of any portion of the notice and order is timely filed with the city clerk, the city clerk shall set the matter for a public hearing before the city council within forty-five days from receipt of the request for appeal. Notice of the public hearing on the appeal shall be served on the appellant in the same manner as set forth for service of the notice and order under Section 8.12.080 not less than ten days before the date of the hearing.

(Ord. 94-01-1174 § 6 (part))

#### **8.12.100 Public hearing.**

A. At the time stated in the notice provided under Section 8.12.090, the city council shall hear and consider all relevant evidence, objections or protests, and may receive testimony from owners, witnesses, city personnel and interested persons relative to such alleged nuisance and to any proposed rehabilitation, remediation, repair or demolition of such premises and/or property. The hearing may be continued from time to time by the city council.

B. Upon the conclusion of the public hearing, the city council shall, based upon the evidence presented at the hearing, either confirm, modify or reject the determinations made in the notice and order. The city clerk shall provide written notice to the appellant of the city council's decision within ten days of the decision. The notice shall be served on the appellant in accordance with Section 8.12.080. The city council in its decision confirming, modifying or rejecting the notice and order, may authorize the city manager to commence abatement in accordance with Section 8.12.110 if the nuisance is not completely abated within fifteen days of service of notice of the city council's decision or if abatement has not been commenced and diligently prosecuted by responsible party(ies) within fifteen days if the city council's decision allows for more than fifteen days to abate the nuisance.

(Ord. 94-01-1174 § 6 (part))

#### **8.12.110 Initiation of abatement procedures by city.**

A. If no appeal is timely filed and the nuisance is not completely abated in the manner required within the fifteen-day period specified in the notice and order or if abatement has not been commenced and diligently prosecuted within the fifteen-day period where the notice and order provides for more than fifteen days to abate the nuisance, the city manager may cause the nuisance to be abated by city personnel or private contractors, and the city manager is authorized to pursue any and all legal means necessary to enter upon the premises for such purposes.

B. If an appeal of the notice and order has been timely filed and the nuisance has not been completely abated in accordance with the city council's decision on the appeal of the notice and order within fifteen days of service of notice of the city council's decision, or where more than fifteen days is provided for abatement of the nuisance, if abatement has not been commenced and diligently prosecuted within fifteen days of service of the city council's decision, the city manager may cause a nuisance to be abated by city personnel or private contractors and the city manager is authorized to pursue any and all legal means necessary to enter upon the premises for such purposes.

C. If the city council has not previously authorized the city manager to abate the nuisance, the city manager shall obtain authorization from the city council by motion or resolution before seeking to abate the nuisance by city forces or private contractors.

D. The responsible parties shall be liable to the city for all costs the city incurs to initiate the abatement of and to abate the nuisance, including but not limited to all inspection, investigation, assessment, repair, mitigation, remediation, removal, rehabilitation, security, storage, traffic control, law enforcement protection and other consequential direct and indirect costs related to such abatement, including all administrative and legal fees and costs, as well as all costs incurred pursuant to Section 8.12.050. These costs and fees are recoverable by the city notwithstanding any subsequent corrective action or abatement of the nuisance by any responsible party taken after the city has initiated abatement procedures, commencing with the service of any notice and order pursuant to Section 8.12.080.

(Ord. 94-01-1174 § 6 (part))

#### **8.12.120 Nuisance abatement liens and collection of abatement costs.**

A. City personnel and/or any person or persons who abates or initiates the abatement of the nuisance on behalf of the city, under the provisions of this chapter, including any action taken pursuant to Section 8.12.050, shall keep an account of the costs thereof. City personnel and/or such person or persons shall submit to the city council for confirmation an itemized written report showing such costs.

The city council may confirm, modify or reject some or all of the costs to be assessed against the responsible party by motion or resolution.

B. Notice of the total costs confirmed by the city council that have been incurred by the city to abate or initiate the abatement of the nuisance, including all inspection, investigation, assessment, repair, mitigation, remediation, removal, rehabilitation, security, storage, traffic control, law enforcement protection and other consequential direct and indirect costs related to such abatement, including all administrative and legal costs and expenses, as well as all costs incurred under Section 8.12.050, shall be served on the owner(s) of record in accordance with Article 3, commencing with Section 415.10 of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owner(s) of record, as shown on the last equalized assessment roll or the supplemental roll, whichever is most current, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place on the property for a period of ten days and publication thereof in a newspaper of general circulation published in Los Angeles County pursuant to California Government Code Section 6062. Responsible parties, other than owner(s) of record, shall be served with this notice in the manner provided under Section 8.12.080. The notice provided under this section shall include:

1. Notice that a lien may be imposed on the property if full payment is not received by the city within thirty days from the date of service of the notice;
2. The date of the notice and order issued to the responsible party(ies), if such a notice and order was issued;
3. The street address, legal description and assessor's parcel number of the parcel on which the lien may be imposed;
4. A statement advising the responsible party that the party may appeal to the city council the reasonableness of the amount of the total cost incurred by or on behalf of the city by serving a written request for such an appeal on the city clerk. The written request must be received by the city clerk within fifteen days from the date of service of the notice provided in this section. Failure of the responsible party to file an appeal within this fifteen-day period shall constitute a waiver of the party's rights to contest the reasonableness of the costs.

C. If payment of the costs specified in subsection A of this section is not provided within fifteen days of the notice provided under subsection (B) of this section and no appeal of the reasonableness of the total costs is timely made, a nuisance abatement lien may be recorded on the property in the county recorder's office. From the date of recording, the nuisance abatement lien shall have the same force, effect and priority as a judgment lien.

D. If payment of the costs specified in subsection (A) of this section is not provided within fifteen days of the notice provided under subsection (B) of this section and no appeal is timely made, as an alternative to the recording of a nuisance abatement lien, the city may assess the unpaid costs as a special assessment against the property to be collected at the same time and in the same manner as ordinary municipal taxes are collected, subject to the same penalties and the same procedures under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment provided for in this chapter.

E. If the costs specified in subsection (A) of this section are not paid within fifteen days of the notice provided under subsection (B) of this section and no appeal is timely made on the city council, the unpaid costs shall become a personal obligation of the responsible party(ies), and each of them, jointly and severally, and the city attorney is authorized to pursue collection of these costs by all appropriate legal means.

F. Where an appeal has been timely filed with the city clerk contesting the reasonableness of the costs set forth in the notice provided pursuant to subsection (B) of this section, the city clerk shall set the matter for a public hearing before the city council within forty-five days from receipt of the request for appeal. Notice of the public hearing shall be provided to the appellant in accordance with Section 8.12.080. At the conclusion of the public hearing, the city council, by motion or resolution, shall confirm, modify or reject some or all of the costs set forth in the notice given pursuant to subsection (B) of this section. Notice of the decision of the council on the reasonableness of the costs and a demand for payment of the costs determined to be reasonable by the council shall be provided to the responsible party(ies) consistent with subsections (B)(1), (2) and (3) of this section. If any costs are not paid within fifteen days of the date of the notice of the city council's decision and request for payment, the city may enforce its rights to collect these costs in accordance with subsections (C), (D) and (E) of this section and in accordance with all other legal means available to the city.

(Ord. 94-01-1174 § 6 (part))

### **8.12.130 Payment of treble damages for costs of abatement.**

Except for any nuisance abated pursuant to Section 17980 of the California Health and Safety Code, in accordance with Section 38773.7 of the California Health and Safety Code, an owner of property responsible for a nuisance abated in accordance with this

chapter shall be liable for treble the costs of the abatement of such nuisance if a previous civil or criminal judgment for abatement of a nuisance has been entered against such person within the past two years.

(Ord. 94-01-1174 § 6 (part))

#### **8.12.140 Other nuisance abatement proceedings.**

Nothing in this chapter shall be deemed to prevent the city from pursuing any and all other legal means to abate or seek the abatement of a public nuisance, or the recovery of costs and damages incurred therein, including but not limited to requesting the city attorney and/or the district attorney to commence civil and/or criminal proceedings.

(Ord. 94-01-1174 § 6 (part))

### **Chapter 8.13 ADMINISTRATIVE CITATION**

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Sections:

- 8.13.010 Purpose.
- 8.13.020 Definitions.
- 8.13.030 Administrative citations.
- 8.13.040 Failure to pay fine.
- 8.13.050 Appeal hearings.
- 8.13.060 Judicial review.

#### **8.13.010 Purpose.**

Under the provisions of state law and this code, violations of certain sections of the code may be prosecuted criminally, enjoined by civil action, or abated by the city. The purpose of this chapter is to provide for an additional remedy to be referred to as administrative citation. Administrative citations may be issued to persons who violate the provisions of this code as specified in Section 8.13.020(B), in addition to any of the other remedies provided by law.

(Ord. 2001-10-1296 § 2 (part))

#### **8.13.020 Definitions.**

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

- A. "Enforcement officer" means the director of community development, or his or her designee.
- B. "Offender" means any person, as defined in Section 1.04.010, who has committed a violation of this code.

(Ord. 2001-10-1296 § 2 (part))

#### **8.13.030 Administrative citations.**

- A. Citation Power. The director of community development, or his or her designee, may issue an administrative citation as provided by this chapter.
- B. Violations Subject to Citation. Any violation of the Signal Hill Municipal Code may be subject to the administrative citation process.

C. **Correction Notice.** Upon discovery of a violation, the enforcement officer shall issue a written correction notice to the offender by personal service or by registered or certified mail to the offender's last known address. Such notice shall refer to the code section(s) violated and facts supporting the issuance of the citation. The correction notice shall also describe the action(s) necessary to correct the violation and state the final date by which the correction must be completed and inform the offender that he or she is subject to citation if the correction is not made by that date.

D. **Correction Period.** Unless otherwise specified, an offender shall have at least fifteen calendar days to correct or otherwise remedy a violation prior to the issuance of an administrative citation and the imposition of the corresponding fine. A longer correction period may be granted if the enforcement officer determines that additional time is reasonably necessary to remedy the violation.

E. **Expedited Correction Date.** An offender may be given less than fifteen calendar days to correct or otherwise remedy a violation prior to the issuance of an administrative citation should the violation be of a transitory nature, or a condition which poses an immediate risk to the health, safety or welfare of the community. An expedited correction date shall set a correction date as short as "immediate," to as many as fourteen days.

F. **Citation Issuance--Immediate Risk to the Health, Safety or Welfare of Community.** An enforcement officer may, upon discovering that a person has committed a violation of the municipal code that poses an immediate risk to the health, safety or welfare of the community, issue an administrative citation to the offender.

G. **Citation Issuance--All Other Cases.** In a case where a person has committed a violation of the municipal code that does not pose an immediate risk to the health, safety or welfare of the community, no administrative citation shall be issued to an offender unless he or she has been previously issued a correction notice.

H. **Delivery of Citations.** The administrative citation shall be issued by personal service on the offender or by registered or certified mail to the offender's last known address. The offender's failure to receive or refusal to accept the administrative citation shall not affect the validity of the administrative citation or any proceeding undertaken to this chapter.

I. **Offender's Obligations--Pay Fine/Request Hearing.** Within fifteen calendar days from the date the administrative citation is issued, an offender shall either:

1. Pay the administrative fine designated on the administrative citation; or
2. Pay the administrative fine designated on the administrative citation and make a written request to the city clerk for an administrative hearing.

The citation shall be deemed to have been issued on the date noted on the citation, if personally served, or on the date mailed, if served by registered or certified mail. The administrative citation shall include a warning that failure to pay the fine, or failure to pay the fine and request an administrative hearing and appear at the same may result in the city taking all legal steps necessary to obtain payment of the fine, and the offender being charged all costs of such collection.

J. **Obligation to Correct Violation.** Nothing in this chapter shall be interpreted to mean that payment of the administrative fine by an offender discharges or excuses the offender's obligation to correct the municipal code violation. Failure to correct the municipal code violation may result in the issuance of additional administrative fine citations, the commencement of a criminal prosecution, or the imposition of any other legal remedy available to the city.

(Ord. 2001-10-1296 § 2 (part))

#### **8.13.040 Failure to pay fine.**

A. **Delinquency of Administrative Fine.** Payment of an administrative fine is delinquent thirty days after the fine becomes due and payable. A delinquent administrative fine shall be treated as an account receivable by the city and shall be subject to the city's established policy for delinquent accounts payable. Furthermore, the offender shall also be required to pay to the city its actual cost of collection. Any fine imposed pursuant to Section 8.13.030(I) of this code shall be deemed delinquent if it is not paid in accordance with the terms and conditions of Section 8.13.030(I).

B. **Delinquency Penalty.** Any person who fails to pay to the city the amount of any fine imposed pursuant to the provisions of Section 8.13.030(I) of this code, on or before the date that fine amount is due, shall be liable for the payment of an additional delinquency penalty. The delinquency penalty is equal to ten percent of the amount due the city, or ten percent of the amount of the fine remaining unpaid to the city if a portion of the fine amount was timely paid. Interest shall accrue on all delinquent accounts, exclusive of delinquent penalties at the rate of one-half of one percent per month, pro rata, of the total delinquent fine amount, from the date the fine becomes delinquent until the date that all delinquent fine amounts are paid to the city.

(Ord. 2001-10-1296 § 2 (part))

### **8.13.050 Appeal hearings.**

A. Request for Hearing. Any offender desiring to challenge the issuance of an administrative citation shall, within fifteen calendar days from the date the administrative citation is issued, make a written request for a hearing with the city clerk setting forth the basis of the challenge. The offender shall cause to be deposited with the city's finance department the entire administrative fine plus two hundred fifty dollars as an offset to one-half the fee associated with payment of an administrative hearing officer. Subject to subsection (C), both parties shall equally share the cost for the hearing officer.

B. Selection of Hearing Officer. The hearing officer shall be chosen by the offender from a list made available by the city clerk. The list of hearing officers shall contain no fewer than three names and shall not include any person employed by the city.

C. Decision in Favor of Offender. If the administrative hearing officer concludes the offender did not, in fact, violate any provision of the Signal Hill Municipal Code and dismisses the citation, then the city shall reimburse the offender the entire administrative fine amount and two hundred fifty dollar fee paid pursuant to subsection (A). Dismissal of an administrative citation shall not preclude the city from the commencement of a criminal prosecution, or the imposition of any other legal remedy available to the city.

D. Waiver of Right to Hearing. The offender's failure to appear at a scheduled hearing shall constitute a waiver of the right to a hearing as well as a waiver of a right to judicial review of the imposition of the administrative fine. An offender's failure to appear at the hearing shall be presumed to be an admission of guilt to the municipal code violation charges as indicated on the administrative citation.

(Ord. 2001-10-1296 § 2 (part))

### **8.13.060 Judicial review.**

If an administrative citation is rendered in favor of the city, the order shall be final. The offender may seek judicial review of the administrative order by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, § 1094.5, within ninety calendar days after service of the administrative order.

(Ord. 2001-10-1296 § 2 (part))

## **Chapter 8.16 INSTITUTIONS**

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Sections:

- 8.16.010 Definitions.
- 8.16.020 License--Required.
- 8.16.030 Inspection--Authority.
- 8.16.040 Inspection--Opening required.
- 8.16.050 Permit--Required.
- 8.16.060 Permit--Application contents.
- 8.16.070 Permit--Investigation fee.
- 8.16.080 Permit--Application investigation.
- 8.16.090 Permit--Granting.
- 8.16.100 Permit--Term--Renewal.
- 8.16.110 Permit--Suspension and revocation.

- 8.16.120 General sanitary regulations.
- 8.16.130 Toilets for kitchen workers.
- 8.16.140 Diseased kitchen workers prohibited.
- 8.16.150 Drugs and poisons prohibited in kitchens.
- 8.16.160 Garbage disposal.
- 8.16.170 Employees' quarters.
- 8.16.180 Milk supply.
- 8.16.190 Emergency lighting.
- 8.16.200 Classrooms.
- 8.16.210 Toilet facilities--Homes for the aged and mental institutions.
- 8.16.220 Toilet facilities--Private boarding schools and children's boarding homes.
- 8.16.230 Toilet facilities--Private boarding schools and private day schools.
- 8.16.240 Toilet facilities--Day nurseries and day nursery schools.
- 8.16.250 Sleeping quarters--Homes for aged and mental institutions.
- 8.16.260 Sleeping quarters--Private boarding schools and children's boarding homes.
- 8.16.270 Sleeping quarters--Private day schools, day nurseries, day nursery schools, and children's boarding homes.
- 8.16.280 Isolation rooms.
- 8.16.290 Registries.
- 8.16.300 Prevention of communicable diseases.
- 8.16.310 Physician's statement required following certain illnesses.
- 8.16.320 Daily health inspections.
- 8.16.330 Play yards and play equipment.
- 8.16.340 Patients' utensils--Homes for the aged and mental institutions.
- 8.16.350 Variances.
- 8.16.360 Penalty for violations.

## **8.16.010 Definitions.**

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

A. "Children's boarding home" means any institution or establishment providing room and board for the reception and care of one or more children below the age of eighteen years, regardless of sex, unrelated to the caretaker, in the absence of parents or guardian, with or without compensation.

B. "Day nursery" or "day nursery school" means any establishment providing day care for children between the ages of two years and four years six months, inclusive, but shall not include any day nursery or day nursery school maintained by any public school or the federal government. If day care is also provided for children over four years six months of age, as to all children under four years six months of age, the establishment shall be considered as a day nursery or a day nursery school.

C. "Home for the aged" means any institution, boarding home, or other place for the reception or care of one or more aged persons



sixty-five years of age or over, except any hospital as defined in the Health and Safety Code of the State of California.

D. "Mental institution" means any hospital, sanitarium, home, or other place receiving or caring for any insane, allegedly insane, mentally ill, mentally retarded or mentally incompetent person, but shall not include any institution or establishment maintained by any public agency.

E. "Private boarding school" means any institution or establishment providing room and board and giving a course of training similar to that given in any grade of public school from kindergarten to the twelfth grade, inclusive, but shall not include any establishment maintained by a public school.

F. "Private day school" shall mean any establishment providing a course of training similar to that given in any grade of public school from kindergarten to the twelfth grade, inclusive, but shall not include any establishment maintained by any public school.

(Prior code §§ 6.08.010--6.08.070 (Ord. 349 § 1, 1951))

#### **8.16.020 License--Required.**

No person shall operate, maintain, or conduct a home for the aged, mental institution, private day school, day nursery, day nursery school, private boarding school or children's boarding home in the city without first having a license so to do and paying the fee therefor as provided by the ordinances of the city.

(Prior code § 6.08.470 (Ord. 349 § 33, 1951))

#### **8.16.030 Inspection--Authority.**

It shall be the duty of the health officer, or his duly authorized representative, to investigate all homes for the aged, mental institutions, private day schools, day nurseries, day nursery schools, private boarding schools and children's boarding homes in the city and to ascertain whether such institutions are being conducted so as to comply with all the laws relating to sanitation and public health, and to recommend suspension or revocation of permits as provided in this chapter, or criminal prosecution for the violation thereof.

(Prior code § 6.08.080 (Ord. 349 § 2, 1951))

#### **8.16.040 Inspection--Opening required.**

Every home for the aged, mental institution, private day school, day nursery, day nursery school, private boarding school, and children's boarding home shall, at all reasonable times, be open to the inspection of the health officer of the city or of any person duly authorized by him to make such inspection.

(Prior code § 6.08.090 (Ord. 349 § 3, 1951))

#### **8.16.050 Permit--Required.**

No person shall conduct, operate, or maintain any home for the aged, mental institution, private day school, day nursery or day nursery school, private boarding school, or children's boarding home unless he holds a valid, unrevoked and unsuspended permit so to do, issued by the city council.

(Prior code § 6.08.100 (Ord. 349 § 4, 1951))

#### **8.16.060 Permit--Application contents.**

Any person desiring a permit to conduct, operate or maintain a home for the aged, mental institution, private day school, day nursery, day nursery school, private boarding school or children's boarding home in the city shall make application therefor to the city council on triplicate forms to be provided by the building inspector, which application shall state the name of the proposed home for the aged, mental institution, private day school, day nursery, day nursery school, private boarding school or children's boarding home, its address or proposed location, the names and addresses of all persons interested in the ownership thereof, the number of accommodations



provided therein, and such other, further, pertinent information as the city council may require, which application shall be duly verified under oath. Upon receipt of such application, the building inspector shall immediately transmit one copy of the application to the health officer, and one copy to the fire chief.

(Prior code § 6.08.110 (Ord. 543 (part), 1963: Ord. 349 § 5, 1951))

#### **8.16.070 Permit--Investigation fee.**

Every application for a permit, as required by Section 8.16.050, or for any renewal thereof, shall be accompanied by the following application fee, which shall not be returnable to the applicant:

- A. Where there are accommodations for from one to ten children or aged or mentally ill persons, ten dollars;
- B. Where there are accommodations for from eleven to twenty-five children or aged or mentally ill persons, twenty dollars;
- C. Where there are accommodations for from twenty-six to fifty children, aged or mentally ill persons, forty dollars;
- D. Where there are accommodations for from fifty-one to one hundred children or aged or mentally ill persons, seventy-five dollars;
- E. Where there are accommodations for more than one hundred children or aged or mentally ill persons, one hundred dollars.

(Prior code § 6.08.120 (Ord. 349 § 6, 1951))

#### **8.16.080 Permit--Application investigation.**

Upon receipt of such application forms the health officer, the fire chief, and the building inspector shall inspect the premises and investigate the facts stated in the application and, within fifteen days after receipt of application forms, shall return them to the building inspector together with their report and recommendation as to whether the permit should be granted or denied.

(Prior code § 6.08.130 (Ord. 543 (part), 1963: Ord. 349 § 7, 1951))

#### **8.16.090 Permit--Granting.**

A. The building inspector shall thereupon transmit the application forms, together with the reports and recommendations to the city council for hearing and, at least five days before the hearing, shall notify the applicant that the city council will consider the application and the reports and recommendations at a hearing, and of the date of such hearing.

B. If the city council is satisfied that the proposed home for the aged, mental institution, private day school, day nursery, day nursery school, private boarding school, or children's boarding home conforms to all existing laws and welfare, it may grant the permit, subject to such conditions and restrictions, including the number of accumulations permitted, as it shall deem proper. Otherwise, the permit shall be denied.

(Prior code § 6.08.140 (Ord. 543 (part), 1963: Ord. 349 § 8, 1951))

#### **8.16.100 Permit--Term--Renewal.**

A. Every permit issued under this chapter shall expire the following December 31st, and application for renewal thereof shall be filed thirty days prior thereto upon forms to be furnished by the city building inspector, accompanied by the investigation fee provided in Section 8.16.070. If the application for renewal is not so filed, the permit shall terminate.

B. The procedure to be followed in such renewal shall be the same as that provided in Sections 8.16.060 through 8.16.080 for the granting of the original permit.

(Prior code § 6.08.150 (Ord. 543 (part), 1963: Ord. 349 § 9, 1951))

#### **8.16.110 Permit--Suspension and revocation.**

Nothing in this chapter shall be construed to create any vested right in any person to the assignment, renewal, reissuance or continuance of any permit, and such right shall be and remain at all times vested in the city council, and the city council may, as provided in this chapter, suspend or revoke any permit for fraud or misrepresentation in its procurement, or for a violation of any of the provisions of this chapter, or of any other ordinance of this city or any state or federal statute, or any other act committed or permitted on the premises of the permittee by his, their or its officers, agents, or employees or guests or patrons tending to render such premises a common nuisance or a menace to the health, peace, morals or general welfare of the public, or whenever in the judgment of the city council the public interest demands such revocation of suspension.

(Prior code § 6.08.490 (Ord. 349 § 35, 1951))

#### **8.16.120 General sanitary regulations.**

The following general regulations shall apply to the establishments regulated by this chapter, and it is unlawful to conduct, operate, or maintain any establishment which does not comply with this section:

A. Sanitation of Rooms. All walls, floors, ceilings, woodwork, curtains, and furnishings shall be maintained in a good, clean, sanitary condition free from the accumulation of dirt and filth, and every room shall be provided with adequate ventilation, lighting, and heat.

B. Protection from Heaters. A barrier or other protection shall be placed around each space heater, heating stove, and fireplace. All gas-fired heaters must be connected to a supply line with a continuous rigid metal pipe. All gas, oil, or open-flame heaters or appliances shall be constructed so as to vent all fumes to the outside of the building in which they are located.

C. Screens. All windows and doors shall be screened and maintained in good condition so as to exclude flies and other insects.

D. Linen and Bedding. There shall be maintained an adequate amount of bedding, linen, and hand and bath towels in good, clean condition, and each bed shall be supplied with good springs and a clean, comfortable mattress. All beds and mattresses shall be kept in a sanitary condition and shall be thoroughly cleaned before being used by another person.

E. Kitchen and Food. Every kitchen shall be conducted with strict regard to cleanliness affecting the purity and wholesomeness of the food therein prepared, served, kept, handled or stored, and the floor, sidewalls, ceilings, trim, fixtures, receptacles, utensils, sinks, drainboards, implements, dishes, storerooms, and machinery in every kitchen or place where food is prepared, served, kept, handled or stored shall be maintained in good repair and in a sanitary condition. The floors, walls, and ceilings of every kitchen shall be as required by the city building code for new structures for that type of occupancy.

F. Refrigerators. All refrigerators and ice chests shall be kept in a clean and sanitary condition and in good repair at all times. Refrigeration for all perishable food shall be constantly maintained at fifty degrees Fahrenheit or lower, and refrigeration shall be of a capacity sufficient to eliminate congestion of food stored. Each refrigerator shall be supplied with a reliable thermometer.

G. Sinks and Rinse Water. Kitchens shall be provided with not less than one two-compartment sink, one compartment to contain wash water and the other compartment to contain rinse water. The rinse water compartment shall be supplied with a gas burner or other device thereunder so that the rinse water will be maintained at a temperature of not less than one hundred seventy degrees Fahrenheit while in use, so as to properly sanitize dishes and utensils used for the preparation or serving of food. An adequate amount of soap or other detergent shall be used in the wash water to thoroughly clean all utensils.

In lieu of a two-compartment sink, a mechanical dishwasher or its equivalent may be installed, but shall be connected to a hot water supply that will maintain to the fixture a temperature of not less than one hundred seventy degrees Fahrenheit for the rinse water.

The provisions of this section relative to two-compartment sinks or mechanical dishwashers shall not apply to any home for the aged, mental institution, private boarding school or children's boarding home regulated by this chapter with seven or less children or mentally ill or aged persons where disposable service is used. The provisions of this section relative to two-compartment sinks or mechanical dishwashers shall not apply to any private day school or day nursery where one meal is served, where thirty or less children are enrolled, and where disposable service is used.

H. Toilets -- Sanitation and Lighting. All toilet rooms, lavatories, baths, and showers shall be maintained free from all accumulation of dirt, filth or corrosion. All water closet rooms shall be adequately lighted and ventilated to outside air.

(Prior code §§ 6.08.160 -- 6.08.240 (Ord. 349 § 10, 1951))

#### **8.16.130 Toilets for kitchen workers.**

Every kitchen shall have a convenient toilet and lavatory in connection therewith, but separate and apart therefrom, which shall be maintained in a clean and sanitary condition. All operators, employees, and all persons who handle food, before beginning work shall put on clean garments, and immediately after visiting a toilet shall wash their hands and arms thoroughly with soap and water.

(Prior code § 6.08.260 (Ord. 349 § 12, 1951))

#### **8.16.140 Diseased kitchen workers prohibited.**

No owner or employer shall require, permit or suffer any person to work, nor shall any person work in a kitchen where food is prepared, served, kept, handled or stored, who is afflicted with any infectious or contagious disease or local infection.

(Prior code § 6.08.250 (Ord. 349 § 11, 1951))

#### **8.16.150 Drugs and poisons prohibited in kitchens.**

No drugs, medicines, or poisonous substances shall be kept in the kitchen.

(Prior code § 6.08.270 (Ord. 349 § 13, 1951))

#### **8.16.160 Garbage disposal.**

All garbage and kitchen wastes not disposed of by automatic garbage disposal units must be kept in a tight, insect-proof, metal container, and removed from the premises and disposed of in a sanitary manner at reasonably frequent intervals. All containers shall be maintained in a clean, sanitary condition.

(Prior code § 6.08.280 (Ord. 349 § 14, 1951))

#### **8.16.170 Employees' quarters.**

All employees' quarters shall be maintained in a clean, sanitary condition, and every room shall contain no less than five hundred cubic feet of air space for each person, with sufficient window area to afford proper ventilation and light. Employees' quarters shall be supplied with one toilet, one lavatory and one bath or shower for each ten persons, or major fraction thereof, of each sex.

(Prior code § 6.08.290 (Ord. 349 § 15, 1951))

#### **8.16.180 Milk supply.**

There shall be provided an adequate milk supply of pasteurized market milk only, except that certified milk may be used where not prohibited by state law or state regulation. All milk served must comply with state laws and regulations concerning serving of milk as are now, or may hereafter be, in effect.

(Prior code § 6.08.300 (Ord. 349 § 16, 1951))

#### **8.16.190 Emergency lighting.**

Adequate emergency lighting facilities shall be provided so as to be readily available to the personnel on duty. At no time shall any flame-type of lighting be used.

(Prior code § 6.08.310 (Ord. 349 § 17, 1951))

#### **8.16.200 Classrooms.**

The following regulations shall apply to classrooms in establishments regulated under this chapter, and it is unlawful to conduct,

operate, or maintain any classroom which does not comply with this section.

A. Floors. All floors in classrooms shall be kept clean.

B. Walls and Ceilings. The walls of every classroom shall be so treated and maintained that the reflection factor is not more than eighty percent nor less than forty percent. The ceilings of every classroom shall be so treated and maintained that the reflection factor is not more than eighty percent nor less than sixty percent.

C. Heating. Classrooms shall be properly heated when in use. The temperature shall be sufficient for the maintenance of health and comfort of the pupils, and shall in no case be below sixty-five degrees above zero Fahrenheit.

D. Size and Ventilation. Every classroom shall have good ventilation, a ceiling height of not less than eight feet, and two hundred fifty cubic feet of air space per pupil.

E. Illumination. Classrooms shall be so illuminated when in use that:

1. There is not less than fifteen foot-candle illumination in every part of the classroom;
2. There is no direct glare;
3. Indirect glare is reduced to a minimum.

F. Window Area. Each classroom constructed, reconstructed, or altered after the effective date of the ordinance codified in this chapter, and every classroom used as such for the first time after the effective date of the ordinance codified in this chapter, shall have a window area of not less than one-fifth of the floor area.

G. Seats and Desks. All seats and desks shall be maintained in good condition. All seats shall have back rests. Seats shall be of such height that any pupil sitting therein in a normal position can comfortably rest his feet upon the floor. Seats shall be so placed that no pupil, when sitting in a normal position in any one of them, shall face a window.

(Prior code § 6.08.320 (Ord. 349 § 18, 1951))

#### **8.16.210 Toilet facilities--Homes for the aged and mental institutions.**

Utility rooms shall be provided for all bed patients in any home for the aged or any mental institution. Such rooms shall be provided with a bedpan hopper or its equivalent. Bath tubs, lavatories, and laundry trays shall not be used for the cleaning of bedpans. Where one or more ambulatory or semiambulatory patient, inmate, or aged boarder is cared for or housed, there shall be provided at least one water closet for each seven, or fractional part thereof, patients or aged boarders of each sex; and one lavatory for each seven, or fractional part thereof; and one bath or shower for each ten, or fractional part thereof, patients or aged boarders of each sex within the building. All water closets and utility rooms shall be adequately lighted and ventilated to outside air; provided, however, that where there are less than seven ambulatory or semiambulatory patients, only one water closet and lavatory need be provided, regardless of sex.

(Prior code § 6.08.330 (Ord. 349 § 19, 1961))

#### **8.16.220 Toilet facilities--Private boarding schools and children's boarding homes.**

A. On each floor of every private boarding school or children's boarding home building, any part of which floor is used for sleeping purposes for children between six years and eighteen years of age, there shall be provided for each ten children or fractional part thereof, of each sex, conveniently and accessibly located for the use of such children, not less than the following:

1. One water closet;
2. One bathtub or shower;
3. Two lavatories;
4. Where there are twenty or more boys cared for, the health officer may require one or more urinals.

B. For children below six years of age, requirements for sex shall be disregarded.

C. Drinking fountains shall be available on each floor; and where sanitary drinking fountains are not provided, individual disposable

drinking cups shall be available.

(Prior code § 6.08.340 (Ord. 349, § 20, 1951))

#### **8.16.230 Toilet facilities--Private boarding schools and private day schools.**

A. In each building of a private boarding school or private day school containing one or more classrooms on each floor, the toilet facilities shall be as provided on the basis of the following ratio of toilets, urinals, and lavatories to the number of pupils.

1. One water closet for one to fifteen girls;
2. Two water closets for sixteen to thirty girls;
3. For each twenty girls, or fractional part over thirty, one additional water closet;
4. One water closet for one to fifteen boys;
5. One water closet and one urinal for sixteen to thirty boys;
6. For each forty boys, or fractional part over thirty, one additional water closet and one additional urinal;
7. One lavatory for each two, or fractional part thereof, of such water closets and urinals.

B. Where the boy or girl attendance is over one hundred, and different groups are given recess at different times, the health officer may permit fewer toilet facilities for those boys or girls over one hundred in number.

C. One approved drinking fountain for every fifty pupils, or fractional part thereof, but not less than one on each floor.

D. Water faucets spaced at least fourteen inches apart over continuous wash sinks may be counted as lavatories.

E. When approved by the health officer, toilet facilities located within one hundred feet of classrooms, which are provided for resident children, may be used for computing the number of such facilities for resident pupils.

(Prior code § 6.08.350 (Ord. 349 § 21, 1951))

#### **8.16.240 Toilet facilities--Day nurseries and day nursery schools.**

On each floor of every day nursery or day nursery school building, any part of which is used for the care of children between the ages of two years and four years six months, there shall be provided one toilet facility for each ten children or fractional part thereof, and one lavatory for each ten children or fractional part thereof. Toilets and lavatories shall be of suitable height and size to be reached easily by the children. Adjustable steps for young children shall be available.

(Prior code § 6.08.360 (Ord. 349 § 22, 1951))

#### **8.16.250 Sleeping quarters--Homes for aged and mental institutions.**

No person shall be kept, cared for, or maintained as a patient or aged boarder in any sleeping room which is occupied by one person, in any home for the aged or any mental institution, which provides less than eighty square feet of superficial floor area for each such person. Where a ward or semiprivate room is occupied by more than one person, there shall be provided not less than sixty square feet of superficial floor area for each such person. Beds shall be maintained at least three feet apart. Sleeping rooms or wards shall have a ceiling of not less than eight feet, and shall be well-lighted and ventilated to the outside air. Windows shall be one-half openable. The window area in any mental institution or home for the aged shall be not less than one-eighth of the superficial floor area.

(Prior code § 6.08.370 (Ord. 349 § 23, 1951))

#### **8.16.260 Sleeping quarters--Private boarding schools and children's boarding homes.**

No person shall cause, permit, or suffer any child to sleep in any sleeping room, occupied by one child, providing overnight care in any building of a private boarding school or children's boarding home which provides less than eighty square feet of superficial floor

area for each such child. Where a dormitory or semiprivate room is occupied by more than one child, there shall be provided no less than sixty square feet of superficial floor area for each such child. Beds shall be maintained at least three feet apart. Dormitories and semiprivate rooms shall have a ceiling height of not less than eight feet, and shall be well-lighted and ventilated to the outside air. Windows shall be one-half openable. The window area in any private boarding school or children's boarding home shall be not less than one-eighth of the superficial floor area.

(Prior code § 6.08.380 (Ord. 349 § 24, 1951))

#### **8.16.270 Sleeping quarters-Private day schools, day nurseries, day nursery schools, and children's boarding homes.**

Any room or rooms in any building or a private day school, day nursery, day nursery school, or children's boarding home used for daytime rest periods shall provide not less than thirty-five square feet of superficial floor area for each child. Beds or cots shall be kept at least three feet apart. Such rooms or dormitories shall have a ceiling height of not less than eight feet, shall be well-lighted and ventilated to the outside air. Windows shall be one-eighth of the superficial floor area and be one-half openable.

(Prior code § 6.08.390 (Ord. 349 § 25, 1951))

#### **8.16.280 Isolation rooms.**

Every home for the aged, mental institution, private boarding school and children's boarding home must have a separate room or rooms available for isolation purposes.

(Prior code § 6.08.400 (Ord. 349 § 26, 1951))

#### **8.16.290 Registries.**

A. Every owner or operator of a private day school, day nursery, day nursery school, private boarding school, or children's boarding home shall maintain a registry which shall show the name and birthdate and mother's maiden name of each child, and the address of his or her parents, or the names of guardians or other persons having legal custody and the name and address of the nearest kin.

B. Every owner or operator of a home for the aged or mental institution shall maintain a registry which shall show the name, address, and mother's maiden name of each aged or mentally ill person; the name, address, and nearest of kin of each such person; and the name and address of the person responsible for the care and maintenance of such person.

C. Such registry shall be open to the inspection of the health officer or any duly authorized officer or employee of the city.

(Prior code § 6.08.410 (Ord. 349 § 27, 1951))

#### **8.16.300 Prevention of communicable diseases.**

Whenever because of an unusually high incidence of communicable disease in the community the health officer deems it necessary, he may by order require each child, before enrolling in such private school, private boarding school, day nursery, day nursery school, and children's boarding home, to be inspected for signs of communicable disease, and no person shall thereafter permit any child to enroll in such school, nursery or home without complying with the requirements of this section. Such inspection shall be made and certified to in writing within twenty-four hours of enrollment, by a physician in good professional standing, or by the health officer or his agent, and must reveal that such child showed no signs of communicable disease which would cause the child's association with other children to be in any way detrimental to their health.

(Prior code § 6.08.420 (Ord. 349 § 28, 1951))

#### **8.16.310 Physician's statement required following certain illnesses.**

Every child on returning after an illness of more than three days to a private day school, private boarding school, day nursery school, and children's boarding home, must present a certificate signed by a physician in good professional standing, or other practitioner authorized or permitted by law to practice in this state, or by the local health officer or his agent, or such other person designated by

the health officer, stating that personal inspection of the child within twenty-four hours immediately preceding had revealed no signs of communicable disease which would cause the child's association with other children to be in any way detrimental to their health.

(Prior code § 6.08.430 (Ord. 349 § 29, 1951))

#### **8.16.320 Daily health inspections.**

A. Daily, on admission, each child shall be inspected for suspicious signs of communicable disease and, if a child is under six years of age, such inspection shall be made before the child mingles with others.

B. It shall be the duty of the principal or other person in charge of any of the institutions referred to in this chapter immediately to isolate any child or other person affected with an illness presumably communicable and immediately to make arrangements for his care in isolation quarters or exclusion from the institution as required by the health officer.

C. Whenever required by Section 2573 of the Health and Safety Code, or laws or statutes which may supersede said section, the health department shall be notified that such child has been isolated or excluded pending presentation of a readmission certificate obtained according to the following regulations: Any child or other person who has been isolated because of illness from, or contact to, a communicable disease, or suspected communicable disease, shall not be readmitted or permitted to mingle with others without presentation of a certificate issued by the local health officer or his agent, or by the attending physician, and countersigned by the health officer, stating that such child or other person is not liable to transmit a communicable disease.

(Prior code § 6.08.440 (Ord. 349 § 30, 1951))

#### **8.16.330 Play yards and play equipment.**

A. Play yards shall provide at least seventy-five square feet of play area for each child in any private day school, day nursery, day nursery school, private boarding school and children's boarding home, and shall be properly drained, of an even surface, and free of all rubbish and refuse.

B. All play equipment shall be maintained in good condition and be securely set up.

(Prior code § 6.08.450 (Ord. 349 § 31, 1951))

#### **8.16.340 Patients' utensils-Homes for the aged and mental institutions.**

All bedpans, urinals and other bedside utensils used for patients and inmates shall be free from cracks or chips. Bedpans used individually shall be properly stored, marked and thoroughly cleaned after each use. Bedpans not individually used shall be sterilized after each use by boiling in water for fifteen or twenty minutes, or autoclaved. All bedpans shall be sterilized once a week by boiling in water for fifteen minutes, or autoclaved.

(Prior code § 6.08.460 (Ord. 349 § 32, 1951))

#### **8.16.350 Variances.**

Where the strict enforcement of the provisions of this chapter will present great practical difficulties or work unnecessary hardships, or will be materially detrimental to the preservation of a property right, the city council, upon application in writing, may grant a variance of the provisions of this chapter for any establishment regulated under this chapter, existing on the effective date of the ordinance codified in this chapter, upon such conditions and for such length of time, not exceeding one year, as may be required, if the city council is satisfied that the granting of such variance will not endanger the public health, safety or welfare.

(Prior code § 6.08.480 (Ord. 349 § 34, 1951))

#### **8.16.360 Penalty for violations.**

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



## **Chapter 8.20**

### **WEED ABATEMENT**

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#### Sections:

8.20.010 Nuisance declared--Property owner's duty to abate.

8.20.020 Abatement procedure generally.

8.20.030 Abatement by city.

8.20.040 Foreclosure of liens.

8.20.050 Penalty for violation.

#### **8.20.010 Nuisance declared--Property owner's duty to abate.**

All weeds in the city are declared to be a public nuisance. All owners of property in the city are required to keep their respective property and the sidewalk (that portion of the street between the curblane and the property line) in front of their respective property free from all weeds.

(Ord. 73-11-714 § 2 (part): prior code § 9.52.010)

#### **8.20.020 Abatement procedure generally.**

A. Whenever it appears that the provisions of this chapter are being violated, it shall be the duty of the director of public works of the city to so notify the city council. The notice to the council shall contain a description of the property upon which weeds are growing in violation of this chapter or, in case weeds are growing on the sidewalk, then a description of the property in front of which the sidewalk is located.

B. Nothing in this section shall be construed as meaning that the notice shall contain an exact legal description of the aforementioned real property. The description shall be deemed sufficient if it describes the property in such a manner as will enable the members of the city council to locate and identify the property therein described.

C. If, upon the consideration of the notice from the director of public works, the city council determines that this chapter or any section thereof is being violated by the owners of real property described in the notice, the city council may adopt a resolution authorizing the director of public works to notify the owners of the premises upon which the nuisance exists of such violation.

D. Upon the adoption of a resolution, as provided for in subsection C of this section, it shall be the duty of the director of public works to notify the owner of the premises upon which the nuisance exists of such violation by depositing such notice in the United States Post Office, enclosed in an envelope, having the postage thereon prepaid, and addressed to such owner at his last known address, or by posting such notice in a conspicuous place upon the premises. Upon the failure of the owner to thereupon remove such weeds at the expense of the owner, and such expense shall be recoverable by the city by suit or otherwise.

(Ord. 73-11-714 § 2 (part): prior code § 9.52.020)

#### **8.20.030 Abatement by city.**

Whenever such a nuisance exists upon the property of any nonresident or upon the sidewalk in front of such property or any property or the sidewalk in front thereof, the owner or owners of which property cannot be found by the director of public works after diligent search, or on the property of any owner or owners or on the sidewalk in front of said property upon whom due notice may have been served, by mailing or posting as provided in Section 8.20.020, and who for ten days refuse or neglect to abate the same, or on any city property, it shall be the duty of the director of public works to cause the nuisance to be at once removed or abated, and to draw upon the general fund for such sums as may be required for its removal or abatement. The sum or sums so paid shall, at the time of being so paid, become a lien on the property from which or from the sidewalk in front of which the nuisance has been removed or



abated in pursuance of this section, and may be recovered by an action against the property.

(Ord. 73-11-714 § 2 (part): prior code § 9.52.030)

**8.20.040 Foreclosure of liens.**

It shall be the duty of the city attorney to foreclose all such liens in the proper court in the name and for the benefit of the city and, when the property is sold, enough of the proceeds shall be paid into the city treasury to satisfy the lien and costs, and the surplus, if there is any, shall be paid to the owner of the property if he can be found and, if not, then into the court for his use when ascertained.

(Ord. 73-11-714 § 2 (part): prior code § 9.52.040)

**8.20.050 Penalty for violations.**

Any person who maintains, permits, or allows such nuisance to exist upon his or her property or premises, or on the sidewalk in front thereof, after notice to remove the same has been served upon such person or posted upon the property upon which the nuisance exists, is guilty of a misdemeanor and shall be punished pursuant to Chapter 1.16.

(Ord. 73-11-714 § 2 (part): prior code § 9.52.050)

**Chapter 8.24**  
**RAT AND VERMIN CONTROL**

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Sections:

- 8.24.010 Permitting harborages for vermin prohibited.
- 8.24.020 Ratproofing grain storage facilities.
- 8.24.030 Ratproofing food storage facilities.
- 8.24.040 Notices to ratproof buildings.
- 8.24.050 Ratproofing specifications generally.
- 8.24.060 Screening required.
- 8.24.070 Foundations.
- 8.24.080 Walls.
- 8.24.090 Interference with health officer prohibited.
- 8.24.100 Penalty for violations.

**8.24.010 Permitting harborages for vermin prohibited.**

It is unlawful for any person to maintain any building, lot, premises, vehicle, or any place in such an insanitary condition as to permit the breeding or harboring therein or thereon of flies, rats, bedbugs, cockroaches, lice, fleas or any vermin. It is unlawful for any person to permit an accumulation of rubbish or material that may serve as a harorage for rats unless such material is elevated not less than eighteen inches above the ground, with a clear intervening space thereunder.

(Prior code § 6.16.060 (Ord. 270 § 6, 1945))

**8.24.020 Ratproofing grain storage facilities.**

No person shall use any building or structure or portion thereof for the storage, handling, preparation or sale of any grain or grain

products which in the opinion of the health officer is or is likely to become infested with rats, unless such building or structure or portion thereof is ratproofed.

(Prior code § 6.16.020 (Ord. 270 § 2, 1945))

#### **8.24.030 Ratproofing food storage facilities.**

No person shall use any building or structure or portion thereof for a slaughterhouse, packing house or bakery, or for the manufacture, preparation, storage, handling or display of any food or food product for human or animal consumption which, in the opinion of the health officer, is or is likely to become infested with rats, unless such building or structure or portion thereof is ratproofed.

(Prior code § 6.16.040 (Ord. 270 § 4, 1945))

#### **8.24.040 Notices to ratproof buildings.**

A. When determined by the health officer or his duly authorized representative that any building or structure constitutes a rat harborage, he may serve upon the person in charge or control thereof a notice in writing to ratproof such building or structure, as set forth in Sections 8.24.050 through 8.24.080, within a reasonable time, as stated in such notice.

B. When determined by the health officer or his duly authorized representative that it is unnecessary to ratproof such building or structure in its entirety, he may specify in such notice that portion which is to be ratproofed.

(Prior code § 6.16.030 (Ord. 270 § 3, 1945))

#### **8.24.050 Ratproofing specifications generally.**

A. Rat-proofing as required in this chapter, shall be interpreted to mean a continuous masonry foundation of the size and depth required by the building ordinance and the other requirements for a new building of the same occupancy as regards clearance beneath wood joists, wall covering adjacent to the top foundation, and protection of roof and foundation openings.

B. In addition to the other requirements set forth in this chapter, any building or structure or portion thereof used for the storage or handling of any grain or grain product, or of any food or food products for human or animal consumption, except dwellings or apartments, shall be ratproofed as provided in Sections 8.24.060 through 8.24.080.

(Prior code §§ 6.16.050, 6.16.070 (Ord. 270 §§ 5, 7, 1945))

#### **8.24.060 Screening required.**

All underfloor vents, openings in foundations, roof vents, and skylights shall be screened by use of screening of at least one-half inch mesh hardware cloth.

(Prior code § 6.16.080 (Ord. 270 § 7 (part), 1945))

#### **8.24.070 Foundations.**

A. All foundations, except otherwise provided in this chapter, shall be continuous foundations.

B. Buildings erected without a continuous foundation and upon a slab of cement or asphaltic concrete not less than three inches in thickness need not be ratproofed as required, if a concrete curb not less than one foot in depth below finished grade is run continuously around and under the outside edges of such slab.

C. Buildings under four hundred square feet in area having an eighteen-inch clearance under the floor joists and supported on piers need not have the required continuous foundation.

(Prior code § 6.16.090 (Ord. 270 § 7 (part), 1945))

#### **8.24.080 Walls.**

A twelve-inch strip of noncorrosive metal lath weighing not less than three quarters of a pound per square yard shall be placed under wall coverings on both the inside and outside of all exterior stud walls and the floor level except that the strip need not be placed on the outside face where there is maintained a clearance of eighteen inches under the floor joists or when the exterior wall covering is stucco.

(Prior code § 6.16.100 (Ord. 270 § 7 (part), 1945))

#### **8.24.090 Interference with health officer prohibited.**

No person shall refuse, resist, or attempt to resist the entrance of the health officer into any railway car, vehicle, building, room, lot, or other place, or portion of a room thereof in the city in the performance of his duties or refuse to obey any lawful order of the health officer made in the performance of his duties within the power conferred upon him by the law or by this chapter.

(Prior code § 6.16.010 (Ord. 270 § 1, 1945))

#### **8.24.100 Penalty for violations.**

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

(Ord. § D (part), 1966: prior code § 6.16.110 (Ord. 270 § 8, 1945))

### **Chapter 8.25 VECTOR CONTROL AND MANAGEMENT**

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Sections:

- 8.25.010 Purpose and authority.
- 8.25.020 Definitions.
- 8.25.030 Apiaries--Prohibited.
- 8.25.040 Infested building or structure declared a public nuisance.
- 8.25.050 Vector control measures.
- 8.25.060 Abatement of vectors.
- 8.25.070 Repayment by property owner of abatement costs.

#### **8.25.010 Purpose and authority.**

This chapter enables certain authorized city representatives and the Greater Los Angeles County Vector Control District to abate or require abatement of feral bees and other vector infestations from public and private property and structures when necessary for the public health and safety.

(Ord. 2001-09-1294 § 1 (part))

#### **8.25.020 Definitions.**

For purposes of this chapter, the following words and phrases are defined and shall be construed to have the following meaning:

A. "Authorized city representative" means an officer, director, employee, or agent of the city of Signal Hill or an officer, director, employee, or agent of a licensed private pest control company which the city has previously entered into a contractual arrangement with for the control and abatement of vectors.

- B. "Beehive" (managed bees) or "Nest" (feral bees) means a colony of bees.
- C. "District" means the Greater Los Angeles County Vector Control District.
- D. "Feral bee" means any wild honeybee, including but not limited to the Africanized honeybee, also known as the "Killer Bee."
- E. "Infestation" means a colony or an established swarm of bees forming a colony.
- F. "Public nuisance" means any condition that endangers public health, safety and/or welfare.
- G. "Swarm" means a number of bees, including a queen and leaving a hive to start a new colony.
- H. "Vector," means any insect that poses a nuisance or danger to the public health and safety, and that potentially may transmit a disease-producing organism from one host to another, including but not limited to the following: Africanized and European honeybees, mosquitoes, midges (chironomids), and black flies (simuliids).

#### **8.25.030 Apiaries--Prohibited.**

No person shall maintain an apiary nor keep or permit the keeping of bees within the city. (See also Section 9.04.030)

(Ord. 2001-09-1294 § 1 (part))

#### **8.25.040 Infested building or structure declared a public nuisance.**

All buildings, structures, premises or any parts thereof within the city that are found or reported to be infested with feral bees and other vectors are hereby declared to be public nuisances and shall be abated by either:

- A. The property owner; or
- B. The district or authorized city representatives, as set forth in Section 8.25.060, at the expense of the property owner.

The district and/or city are authorized to determine whether to abate the nuisance in the manner provided in this chapter. In emergency situations involving the public health and safety, the district and/or city are authorized to determine how and whether to abate the nuisance immediately.

(Ord. 2001-09-1294 § 1 (part))

#### **8.25.050 Vector control measures.**

A. All premises shall be cleaned, and effective pesticides applied, as often as necessary to prevent the infestation of feral bees or other vectors that may be a danger to public health and safety. The district and/or city may prescribe the type of pesticides, their manner and frequency of application, and the manner and frequency of cleaning for such purposes.

B. It shall be unlawful for any property owner or tenant to maintain or permit an established beehive, nest or swarm to exist. This includes a commercially managed European beehive that has become Africanized.

C. Notwithstanding the prohibitions regarding the maintenance of beehives, nest or swarms contained in this chapter, such prohibitions shall not restrict the activities of a professional beekeeper if otherwise not prohibited under the County's Zoning Code. For purposes of this subsection, the term "professional beekeeper" shall mean a person who holds a current registration as a beekeeper with the County of Los Angeles Department of Agricultural Commissioner.

(Ord. 2001-09-1294 § 1 (part))

#### **8.25.060 Abatement of vectors.**

A. The district is authorized (pursuant to § 2270(f), California State Health and Safety Code) to enter upon any property in the city without hindrance or notice, for any of the following purposes:

1. To inspect to ascertain the presence of vectors or their breeding places;

2. To abate public nuisances located within or attached to a private structure that pose an immediate threat to the public safety and health, either directly or by giving notice to the property owner to abate a nuisance;
3. To ascertain if a notice to abate vectors has been complied with;
4. To treat property with appropriate physical, chemical, or biological control measures.

The District is authorized to abate and remove feral bees and other vectors on private property except in the event vectors are located within or attached to a private structure. Abatement of feral bees and other vectors within or attached to a private structure shall be referred to authorized city representatives.

B. Upon a written declaration by the district of a public nuisance within or attached to a private structure, a copy of which shall be provided to the property owner, authorized city representatives may enter upon said private property in the city without hindrance or notice, for any of the following purposes:

1. To inspect to ascertain the presence of vectors or their breeding places;
2. To abate public nuisances located within or attached to a private structure that pose an immediate threat to the public safety and health, either directly or by giving notice to the property owner to abate a nuisance;
3. To ascertain if a notice to abate vectors has been complied with;
4. To treat property with appropriate physical, chemical, or biological control measures.

C. All or part of the cost of abating a nuisance pursuant to subsection 8.25.060(B) shall be repaid to the city by the owner of the property, except as provided in subsection (B). However, the owner shall not be required to pay the cost unless, either prior or subsequent to the abatement by the city, a hearing is held by the city, the property owner is afforded an opportunity to be heard, and it is determined that a nuisance actually exists, or existed prior to abatement. The city may use a civil penalty assessment in lieu of charging for actual costs to abate the nuisance, or may include reasonable costs for abatement as a part of a civil penalty assessment.

D. Upon the failure of the property owner or person in possession to pay the abatement costs to the city for all sums expended in abating a nuisance or preventing its recurrence and all civil penalties, the costs shall become a lien upon the property on which the nuisance is abated, or its recurrence prevented, when notice of the lien is filed and recorded. Assessment of any abatement liens or costs will be processed in accordance with the procedures in Chapter 8.12 of this code.

(Ord. 2001-09-1294 § 1 (part))

#### **8.25.070 Repayment by property owner of abatement costs.**

Provisions for repayment by property owner of all or part of abatement costs to the district, and collection thereof, are set forth in California Health and Safety code Sections 2283, 2283.5, 2284, 2285, 2285.5, 2286, 2287, 2288, 2289, 2290.

(Ord. 2001-09-1294 § 1 (part))

### **Chapter 8.28 AIR POLLUTION**

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Sections:

- 8.28.010 Definitions.
- 8.28.020 Misdemeanor declared for certain emissions.
- 8.28.030 Misdemeanor declared for public nuisances.
- 8.28.040 Exemptions for orchard heaters.
- 8.28.050 Exemptions for certain official fines.
- 8.28.060 Right of entry for inspections.
- 8.28.070 Authority to vary restrictions.

- 8.28.080 Hearing on variations to determine extent of discharges.
- 8.28.090 Prescription of varying standards.
- 8.28.100 Prescription of variances for rubbish burning.
- 8.28.110 Revocation of variances--Authority.
- 8.28.120 Revocation of variances--Hearing.
- 8.28.130 Specification of variance effectiveness.
- 8.28.140 Penalty for violations.

#### **8.28.010 Definitions.**

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

A. "Board" means the board of supervisors of Los Angeles County.

B. "Director" means the director of air pollution control provided for by Los Angeles County Ordinance No. 4460 New Series, entitled "An Ordinance Creating a Director of Air Pollution Control and Prescribing His Duties thereof," adopted February 20, 1945.

(Prior code §§ 6.04.010, 6.04.020 (Ord. 284 §§ 2, 3, 1947))

#### **8.28.020 Misdemeanor declared for certain emissions.**

Every person is guilty of a misdemeanor who, either by himself, his employee or agent, or as an employee or agent of another, causes, suffers or permits to be discharged from any source whatsoever, any smoke, dust, soot or fumes for a period or periods aggregating more than three minutes in any one hour, which is as follows:

A. Equal to or greater in density than that designated as No. 2 on the Ringleman Chart as published by the United States Bureau of Mines; or

B. So dense as to obscure the passage of light to a degree equal to or greater than does smoke described in subsection A of this section.

(Prior code § 6.04.110 (Ord. 284 § 16, 1947))

#### **8.28.030 Misdemeanor declared for public nuisances.**

Every person is guilty of a misdemeanor who, either by himself, his employee or agent, or as an employee or agent of another, causes, suffers or permits to be discharged from any source whatsoever such quantities of charred paper, smoke, dust, soot, grime, carbon, noxious acids, fumes, gasses, particulate matter, or other material which may cause injury, detriment, nuisance or annoyance to any considerable number of persons, or to the public or which endanger the comfort, repose, health or safety of any such person or the public, or which cause injury or damage to business or property.

(Prior code § 6.04.120 (Ord. 284 § 17, 1947))

#### **8.28.040 Exemptions for orchard heaters.**

The provisions of Section 8.28.030 do not apply to the use of an orchard or citrus grove heater which:

A. Does not produce unconsumed solid carbonaceous matter at a rate in excess of one gram per minute; and

B. If petroleum or any product thereof is used as a fuel does not produce products of combustion arising therefrom containing unconsumed solid carbonaceous matter in excess of twenty grams per pound of fuel consumed.

(Prior code § 6.04.130 (Ord. 284 § 18, 1947))

#### **8.28.050 Exemptions for certain official fires.**

This chapter does not apply to smoke from fires set up or permitted by the superintendent of streets of the city or by the chief of the fire department of the city for the purpose of weed abatement, the prevention of a fire hazard, or the instruction of members of their staffs in the methods of fighting fires.

(Prior code § 6.04.140 (Ord. 284 § 19, 1947))

#### **8.28.060 Right of entry for inspections.**

The director, during reasonable hours, for the purpose of enforcing or administering this chapter, may enter every building, premises, or other place, excepting private residences. Every person is guilty of a misdemeanor who in any way denies, obstructs or hampers such entrance.

(Prior code § 6.04.150 (Ord. 284 § 20, 1947))

#### **8.28.070 Authority to vary restrictions.**

The provisions of this chapter do not prohibit the discharge of matter to a greater extent or for a longer period of time, or both, than permitted by Sections 8.24.020 through 8.24.040 if not of a greater extent or longer time than the director finds necessary pursuant to the provisions of this chapter.

(Prior code § 6.04.160 (Ord. 284 § 21, 1947))

#### **8.28.080 Hearing on variations to determine extent of discharges.**

The director, on his own motion, or at the request of any person, may hold a hearing to determine under what conditions and to what extent the discharge of matter to a greater extent or for a longer time, or both, than that permitted by Sections 8.28.020 through 8.28.040, is necessary.

(Prior code § 6.04.170 (Ord. 284 § 22, 1947))

#### **8.28.090 Prescription of varying standards.**

If the director finds that, because of conditions beyond control, necessary equipment is not obtainable with which to make changes necessary to reduce such discharge in extent or time, or both, than that permitted by Sections 8.28.020 through 8.28.040, he may prescribe other and different standards applicable to plants and equipment operated either by named classes of industries or persons or to the operations of separate persons.

(Prior code § 6.04.180 (Ord. 284 § 23, 1947))

#### **8.28.100 Prescription of variances for rubbish burning.**

If the director finds that the burning of rubbish or refuse is necessary to prevent a fire or health hazard, and also finds that neither adequate equipment nor facilities are available for the disposal of such rubbish in a manner conforming with Sections 8.28.020 through 8.28.040, he may prescribe other and different standards not more onerous, applicable either to named classes of rubbish disposal or persons, or to the operations of separate persons.

(Prior code § 6.04.190 (Ord. 284 § 24, 1947))

#### **8.28.110 Revocation of variances--Authority.**

The director may revoke or modify any order permitting a variation after a public hearing held upon not less than ten days' notice.

(Prior code § 6.04.200 (Ord. 284 § 25, 1947))

#### **8.28.120 Revocation of variances--Hearing.**

The director shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variation not less than ten days prior to such hearing, upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed, and upon all other persons who have filed with the director a written request for such modification, either in the manner required by law for the service of summons, or by first-class mail, postage prepaid.

(Prior code § 6.04.210 (Ord. 284 § 26, 1947))

#### **8.28.130 Specification of variance effectiveness.**

The director in making any order permitting a variation may specify the time during which such order will be effective.

(Prior code § 6.04.220 (Ord. 284 § 27, 1947))

#### **8.28.140 Penalty for violations.**

Any person violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punishable pursuant to Chapter 1.16.

(Prior code § 6.04.230 (Ord. 284 § 15, 1947))

### **Chapter 8.29 MOBILE SOURCE AIR POLLUTION REDUCTION**

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Sections:

8.29.010 Purpose.

8.29.020 Definitions.

8.29.030 Administration of vehicle registration fee.

#### **8.29.010 Purpose.**

This chapter is intended to support the South Coast Air Quality Management District's (SCAQMD) imposition of the vehicle registration fee and to bring the city into compliance with the requirements set forth in Section 44243 of the Health and Safety Code in order to receive fee revenues for the purpose of implementing programs to reduce air pollution from motor vehicles.

(Ord. 91-08-1108 § 1 (part))

#### **8.29.020 Definitions.**

As applied in this chapter, the following words and terms shall be defined as follows:

"City" means the city of Signal Hill.

"Fee administrator" means the finance director of the city or his/her designee.

"Mobile source air pollution reduction programs" means any program or project implemented by the city to reduce air pollution from motor vehicles which it determines will be consistent with the California Clean Air Act of 1988 or the plan proposed pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of the California Health and Safety Code.



### **8.29.030 Administration of vehicle registration fee.**

A. Receipt of Fee. The additional vehicle registration fees disbursed by the SCAQMD and remitted to the city, pursuant to this chapter, shall be accepted by the fee administrator.

B. Establishment of Air Quality Improvement Trust Fund. The fee administrator shall establish a separate interest-bearing trust fund account in a financial institution authorized to receive deposits of city funds.

C. Transfer of Funds. Upon receipt of vehicle registration fees, the fee administrator shall deposit such funds into the separate account established pursuant to subsection B of this section. All interest earned by the trust fund account shall be credited only to that account.

D. Expenditure of Air Quality Trust Fund Revenues. All revenues received from the SCAQMD and deposited in the trust fund account shall be exclusively expended on mobile source emission reduction programs as defined in Section 8.29.020. Such revenues and any interest earned on the revenues shall be expended within one year of the completion of the programs.

E. Audits. The city consents to an audit of all programs and projects funded by vehicle registration fee revenues received from the SCAQMD pursuant to Section 44223 of the Health and Safety Code. The audit shall be conducted by an independent auditor selected by the SCAQMD as provided in Sections 44244 and 44244.1(a) of the Health and Safety Code.

(Ord. 91-08-1108 § 1 (part))

## **Chapter 8.32 EXCAVATIONS AND ABANDONED BOXES**

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Sections:

- 8.32.010 Parcel of land defined.
- 8.32.020 Excavations--Fencing specifications.
- 8.32.030 Abandoned oil well excavations.
- 8.32.040 Abandoned chests and boxes--Misdemeanor.
- 8.32.050 Exemptions from Sections 8.32.020 and 8.32.040.
- 8.32.060 Artificial lakes.
- 8.32.070 Compliance required--Notice of violations.
- 8.32.080 Hearing of protests--Determinations of council.
- 8.32.090 Performance of work by city.
- 8.32.100 Hearing on work reports--Liens.
- 8.32.110 Collection of expenses.
- 8.32.120 Penalty for violations.

### **8.32.010 Parcel of land defined.**

"Parcel of land" means a contiguous quantity of land, in the possession of, owned by, or recorded as the property of the same claimant or person.

(Prior code § 9.36.030 (Ord. 388 Art. 1, § 3, 1954))

### **8.32.020 Excavations--Fencing specifications.**

Every person making, maintaining, or using any oil well sump, and every person making, maintaining or using any other manmade excavation three feet or more in depth, and every person owning or having possession of any premises on which such excavation exists, shall either cover such excavation or erect and maintain around such excavation at all times, if an oil sump, and in other cases at all places where the slope is steeper than one foot vertical to two feet horizontal if not under water, or one foot vertical to four feet horizontal if under water, a fence not less than five feet high mounted on steel posts with not less than three strands of barbed wire mounted at a forty-five degree angle from the top of the fence. Such fence shall be constructed of chain link or other industrial type fencing of not less than nine-gauge wire and of not greater than two-inch mesh. The posts supporting such fence shall be set thirty-six inches in a concrete base and shall be spaced approximately ten feet apart. Tension wires of at least nine-gauge coil-spring wire, or equivalent, shall be stretched at the top and bottom of the fence fabric and fastened to the fabric at twenty-four-inch intervals. Gates shall be of a structure substantially the same as the required fence and shall be kept locked when not attended by an adult. There shall be no apertures below the fence large enough to permit any child to crawl under such fence.

(Prior code § 9.36.040 (Ord. 388 Art. 2, § 1, 1954))

### **8.32.030 Abandoned oil well excavations.**

Every person operating or maintaining an oil well shall cause all sumps, cellars and ditches which were used or installed or maintained for use in connection with any well and which have not been used for ninety days for the operation or drilling of such well or any other well in the vicinity, to be cleaned out and all oil, rotary mud, and rubbish removed therefrom.

(Prior code § 9.36.050 (Ord. 388 Art. 2, § 2, 1954))

### **8.32.040 Abandoned chests and boxes--Misdemeanor.**

Every person who discards or abandons, in any place accessible to children, any chest or box having a capacity of one and one-half cubic feet or more, with an attached lid or door which may be opened and fastened shut by means of an attached latch, except a refrigerator or ice box, or who, being the owner, lessee or manager of such place, knowingly permits such abandoned or discarded chest or box to remain there in such condition, is guilty of a misdemeanor. This section does not prohibit or cover any act prohibited by Section 402b of the Penal Code of the State of California or by any other state statute.

(Prior code § 9.36.060 (Ord. 388 Art. 2, § 3, 1954))

### **8.32.050 Exemptions from Sections 8.32.020 and 8.32.040.**

Neither Section 8.32.020 nor 8.32.040 applies to the following:

- A. An oil sump constantly and immediately attended while drilling operations are continuously proceeding;
- B. An excavation covered by Sections 24400, 24401, or 24402 of the Health and Safety Code;
- C. An excavation more than one-quarter mile from the nearest highway and within one-half mile of which excavation there are less than twenty residences;
- D. An excavation for the installation of a public utility, if not abandoned;
- E. An excavation in connection with the construction of a private residence, if not abandoned;
- F. A swimming pool, fish pond, or wading pond on the same lot or parcel of land as a private residence;
- G. An excavation not more than one-half mile in length which becomes a portion of a natural watercourse.

(Prior code § 9.36.070 (Ord. 388 Art. 2, § 4, 1954))

### **8.32.060 Artificial lakes.**

Where a man-made excavation is filled with water so that the area of the surface of such water exceeds one acre and the nature of the excavation and water is such as to constitute an artificial lake, a fence or barrier is not required by this chapter at any portion of the boundary of such excavation where:

- A. The edge of the excavation is not more than one foot above the surface, or at no place is the slope to the water greater than one foot vertical to four feet horizontal;
- B. The slope in the water is not greater than one foot vertical to four feet horizontal to a depth of five feet.

(Prior code § 9.36.080 (Ord. 388 Art. 2, § 5, 1954))

#### **8.32.070 Compliance required--Notice of violations.**

A. Whenever any person fails or refuses to perform any act required by Sections 8.32.020 or 8.32.040, the chief of police shall serve upon such person in the manner required by law for the service of summons, a notice in writing requiring that such person, within ten days after the service of such notice, shall either comply with this chapter or, if such person is of the opinion that this chapter does not require him to comply with such notice, file a protest in writing with the city council.

B. If any such person cannot be found, the chief of police shall post such notice in a conspicuous place at or near the excavation, sump, cellar or ditch.

C. Compliance with this section is not a condition precedent to a criminal prosecution for a violation of any provision of this chapter.

(Prior code § 9.36.090 (Ord. 388 Art. 2, § 6, 1954))

#### **8.32.080 Hearing of protests--Determinations of council.**

A. Upon filing of any protest, the city council may adopt an order that the person protesting is not required to comply. If the city council does not adopt such an order it shall notify such person in writing not less than five days prior thereto, of the time and place of, and shall hold, a public hearing to determine what acts, if any, Sections 8.32.020 through 8.32.070 require the person filing such protest to perform.

B. Upon the hearing of any such protest the city council shall determine what acts, if any, Sections 8.32.020 through 8.32.070 require the person filing such protest to perform. It shall notify in writing such person of its decision.

(Prior code §§ 9.36.100, 9.36.110 (Ord. 388 Art. 3, 1954))

#### **8.32.090 Performance of work by city.**

A. If a person is notified as provided in Section 8.32.070 to comply with Sections 8.32.020 through 8.32.070, and neither complies nor protests within the ten days provided for, or if a person protests and the city council decides that such person should perform certain work and for ten days after notice of such decision does not do so, the city shall cause the work to be performed at city expense.

B. The street superintendent shall keep an account of the cost of all work performed at city expense pursuant to this chapter and shall render an itemized report to the city council showing the cost of protecting each separate excavation, sump, cellar or ditch, upon each separate parcel of land.

C. Before the report is submitted to the city council, a copy of it shall be posted for at least three days on or near the chamber door of the council with a notice of the time when the report will be submitted to the council for confirmation.

D. A postcard notice of the time and place of the submission of the report for confirmation, stating generally the nature of the report, shall be mailed by the council to the owners of the parcels who have filed with the council a written request for postcard notice within one year prior to the date of mailing the notice, at least seven days prior to the date of submission for confirmation.

(Prior code §§ 9.36.120 -- 9.36.150 (Ord. 388 Art. 4, 1954))

#### **8.32.100 Hearing on work reports--Liens.**

A. At the time fixed for receiving and considering the report, the city council shall hear it and any objections of any property owners liable to be assessed for the work of protection.

B. Thereupon the council may make such modifications in the report as it deems necessary, after which, by order or resolution, the report shall be confirmed.

C. The amounts of the costs for the protection work upon the various parcels of land mentioned in the report as confirmed shall constitute liens on such parcels for the amount expended thereon by the city.

(Prior code § 9.36.160 (Ord. 388 Art. 5, 1954))

### **8.32.110 Collection of expenses.**

A. The city council shall record a certified copy of the report in the office of the county recorder.

B. The city may bring appropriate actions in courts of competent jurisdiction to collect any amounts due for work of protecting excavations performed by the city and to foreclose liens for such amounts.

(Prior code §§ 9.36.170, 9.36.180 (Ord. 388 Art. 6, 1954))

### **8.32.120 Penalty for violations.**

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

(Ord. 586 § D (part), 1966: prior code § 9.36.190 (Ord. 388 Art. 1, § 6, 1954))

## **Chapter 8.40 RESIDENCE INSPECTION PROGRAM**

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Sections:

8.40.010 Purpose.

8.40.020 Residential inspection report required.

8.40.030 Exemptions.

8.40.040 Application for report.

8.40.050 Contents of residential inspection report.

8.40.060 Time required for delivery.

8.40.070 Effective date of residential inspection report.

8.40.080 Corrections.

8.40.090 Penalties.

### **8.40.010 Purpose.**

It is the purpose of this chapter to ensure that multiple family residences within the city are maintained in accordance with the Signal Hill Municipal Code so as to protect against safety hazards associated with blighted conditions, prevent and arrest the deterioration of the city's housing stock, and protect the image of the city and the value of the property therein.

(Ord. 86-08-976 § 1 (part))

### **8.40.020 Residential inspection report required.**

Unless exempted from this chapter by Section 8.40.030, no person or entity shall transfer by sale, installment land contract (as defined in Civil Code 2985), lease with an option to purchase, or groundlease coupled with improvements, any real property within the city which is improved with four or more dwelling units and which is over ten years old from the date of completion of original construction, without:

- A. Obtaining from the city and providing to the prospective transferee of the property a "residential inspection report" containing the information set forth in Section 8.40.050; and
- B. Making any repairs indicated by that report as necessary to correct electrical, plumbing, heating and structural deficiencies of the residence.

(Ord. 86-08-976 § 1 (part))

#### **8.40.030 Exemptions.**

Notwithstanding Section 8.40.020 above, the provisions of this chapter shall not apply to the following:

- A. Transfers pursuant to court order, including, but not limited to, transfers ordered by a Probate Court in the administration of an estate, transfers pursuant to a writ of execution, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance;
- B. Transfers to a mortgagee by a mortgagor in default, transfers to a beneficiary of a deed of trust by a trustor in default, transfers by any foreclosure sale after default on an obligation served by a mortgage, transfers by a sale under a power of sale after default on an obligation secured by a deed of trust or secured by any other instrument containing a power of sale or transfers by a mortgagee or a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a power of sale under a mortgage or deed of trust or has acquired the real property by a deed in lieu of foreclosure;
- C. Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
- D. Transfers from one co-owner to one or more other co-owners;
- E. Transfers made to a spouse or to a person or persons in the lineal line of consanguinity of one or more of the transferrors;
- F. Transfers between spouses resulting from a decree of dissolution of marriage or a decree of legal separation or from a property settlement agreement incidental to such a decree;
- G. Transfers by the State Controller pursuant to the Unclaimed Property Law, Code of Civil Procedure 1500, et seq.;
- H. Transfers pursuant to Revenue and Taxation Code 3691 et seq., or 3771 et seq.;
- I. Transfers to or from any government entity; and
- J. Transfer of a condominium, stock cooperative or community apartment project as defined pursuant to Section 783 of the Civil Code and Sections 11003.2 and 11004 of the Business and Profession Code.

(Ord. 86- 08-976 § 1 (part))

#### **8.40.040 Application for report.**

Upon application to the department of planning and community development by the owner or transferor of a residence, or his or her authorized agent, accompanied by payment of a fee in such amount as may, from time to time, be established by resolution of the city council, the department of planning and community development shall review all applicable city records and cause an inspection to be made of the property on which the residence is found and, thereafter, cause the preparation of a written residential inspection report, as described in Section 8.40.050.

(Ord. 86-08-976 § 1 (part))

#### **8.40.050 Contents of residential inspection report.**

Any residential inspection report prepared by the city pursuant to this chapter shall contain the following information, and may be

made on the disclosure form set forth at Civil Code 1102.6 or other form approved by the director of planning and community development:

- A. The street address and legal description of the subject property;
- B. The zone classification and authorized use of the subject property;
- C. Any variances, conditional use permits, and other administrative and legislative acts of record in effect for the subject property;
- D. The number of legal dwelling units on the property;
- E. The building permit numbers for the residence(s) on the subject property and the date of their issuance; and
- F. All corrections necessary to bring the subject property into compliance with the building and zoning laws of the city, including a distinct list of any electrical, plumbing, heating and structural deficiencies.

(Ord. 86-08- 976 § 1 (part))

#### **8.40.060 Time required for delivery.**

A. The owner or transferor of any property for which a residential inspection report is required pursuant to this chapter shall deliver the report to the prospective transferee thereof as follows:

- 1. In the case of a sale, as soon as practicable before transfer of title;
- 2. In the case of a transfer by a real property sales contract, as defined in Civil Code 2985, or by a lease together with an option to purchase, or a groundlease coupled with improvements, before execution of the contract.

B. After delivery of the residential inspection report, the owner or transferor of the subject property shall file with the department of planning and community development a copy which the prospective transferee has signed as having received.

(Ord. 86-08-976 § 1 (part))

#### **8.40.070 Effective date of residential inspection report.**

Any residential inspection report prepared pursuant to this chapter shall have indicated thereon the date of its issuance and the six-month period immediately thereafter during which it shall remain effective.

(Ord. 86-08- 976 § 1 (part))

#### **8.40.080 Corrections.**

Any corrections needed to bring the subject property into compliance with building and zoning laws of the city must be corrected prior to transfer. Failure of the seller or transferor to complete such corrections shall not relieve the buyer or transferee of initiating or completing the corrections.

(Ord. 86-08-976 § 1 (part))

#### **8.40.090 Penalties.**

A. Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for a period of not more than six months, or both such fine and imprisonment.

B. Any failure to correct deficiencies contained in the residential property report shall be a public nuisance and shall be grounds for the city to initiate abatement procedures pursuant to Uniform Code for the Abatement of Dangerous Buildings.

C. No sale or exchange of residential property shall be invalidated solely because of the failure of any person to comply with any provisions of this chapter.

## **Chapter 8.42**

### **UNDERGROUND AND ABOVEGROUND STORAGE TANKS**

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Sections:

8.42.010 Creation of Long Beach/Signal Hill CUPA.

8.42.020 Definitions.

8.42.030 Designation of Long Beach/Signal Hill CUPA as local agency for underground storage tanks.

8.42.040 Designation of Long Beach/Signal Hill CUPA as unified program agency for aboveground storage tanks.

8.42.050 Fees.

8.42.060 Violations.

#### **8.42.010 Creation of Long Beach/Signal Hill CUPA.**

The purpose of this chapter is to designate the Long Beach/Signal Hill CUPA as the Unified Program Agency for purposes of enforcing and assuming responsibility for the regulation of the underground storage of hazardous substances within Signal Hill, and as the agency enforcing the spill prevention control and countermeasure plan requirements mandated for aboveground storage tanks under state law.

(Ord. 97-07-1218 § 1 (part); Ord. 96-08- 1208 § 1 (part))

#### **8.42.020 Definitions.**

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

(a) "JPA" or "joint powers agreement" means that agreement executed by the Cities of Signal Hill and Long Beach on December 21, 1995 entitled "Joint Powers Agreement Creating a Long Beach/Signal Hill Unified Program Agency," as such agreement may be amended from time to time.

(b) "Long Beach/Signal Hill CUPA" means the Long Beach/Signal Hill Unified Program Agency created by the JPA and certified by the Secretary of the California Environmental Protection Agency.

(Ord. 97-07-1218 § 1 (part); Ord. 96-08-1208 § 1 (part))

#### **8.42.030 Designation of Long Beach/Signal Hill CUPA as local agency for underground storage tanks.**

The city of Signal Hill designates the Long Beach/Signal Hill CUPA as its "local agency" pursuant to Section 25283 and Chapter 6.11 of Division 20 of the California Health and Safety Code, and as the responsible governmental agency for purposes of implementing and enforcing Chapters 6.7 and 6.75 of Division 20 of the California Health and Safety Code, and Chapters 16 and 18 of Division 3 of Title 23 of the California Code of Regulations, and other related statutes and regulations, all as may be amended from time to time. The Long Beach/ Signal Hill CUPA may adopt and enforce requirements which are equal to or more stringent than those set forth under State law, in accordance with California Health and Safety Code Section 25283.5. The City Clerk shall cause to be filed three (3) copies of such equal or more stringent requirements with the Clerk's office, and these copies shall be maintained at all times by the City Clerk for use and examination by the public. The Long Beach/Signal Hill CUPA shall administer its responsibilities under this section pursuant to the JPA. The designation of authority granted hereunder may be modified or rescinded at any time by modification or repeal of this section.

(Ord. 97-07-1218 § 1 (part); Ord. 96-08-1208 § 1 (part))

#### **8.42.040 Designation of Long Beach/Signal Hill CUPA as unified program agency for aboveground storage tanks.**

The city of Signal Hill designates the Long Beach/Signal Hill CUPA as the Unified Program Agency to enforce the spill prevention control and countermeasure plan requirements of Chapter 6.67 of Division 20 of the California Health and Safety Code, Section 25270.5(c), and as the Uniform Program Agency under other related statutes and regulations, all as may be amended from time to time. As permitted by State law, the Long Beach/Signal Hill CUPA may adopt and enforce requirements which are equal to or more stringent than those referenced in this section. The City Clerk shall cause to be filed three copies of such equal or more stringent requirements with the Clerk's office, and these copies shall be maintained at all times by the City Clerk for use and examination by the public. The Long Beach/Signal Hill CUPA shall administer its responsibilities under this section pursuant to the JPA. The designation of authority granted hereunder may be modified or rescinded at any time by modification or repeal of this section.

(Ord. 97-07-1218 § 1 (part): Ord. 96-08-1208 § 1 (part))

#### **8.42.050 Fees.**

All persons and businesses governed by Chapters 6.67, 6.7 and 6.75 of Division 20 of the California Health and Safety Code shall pay those fees established by the Long Beach/Signal Hill CUPA by ordinance or resolution, for purposes of implementing Chapters 6.67, 6.7 and 6.75 of Division 20 of the California Health and Safety Code, and all other provisions related thereto, along with all applicable regulations thereunder, including Chapters 16 and 18 of Division 3 of Title 23 of the California Code of Regulations.

(Ord. 97-07-1218 § 1 (part): Ord. 96-08-1208 § 1 (part))

#### **8.42.060 Violations.**

All persons and businesses governed by Chapters 6.67, 6.7 and 6.75 of Division 20 of the California Health and Safety Code shall comply with such provisions and the regulations thereunder, including but not limited to Chapters 16 and 18 of Division 3 of Title 23 of the California Code of Regulations. Any violation of this chapter and the provisions of State law referenced in this chapter is a violation of this Code and is subject to civil and criminal fines, penalties and other remedies as provided for under State law and this Code, including restitution and injunctive relief.

(Ord. 97-07-1218 § 1 (part): Ord. 96-08-1208 § 1 (part))

### **Chapter 8.44 HAZARDOUS MATERIALS RESPONSE PLANS**

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Sections:

8.44.010 Assumption of administrative responsibility.

8.44.020 Delegation of administrative responsibility.

8.44.030 Definitions.

8.44.040 Handler to report release and provide access.

8.44.050 Violations.

#### **8.44.010 Assumption of administrative responsibility.**

Pursuant to its agreement with the fire protection district of Los Angeles County, dated December 22, 1987, Signal Hill assumes responsibility for the administration of Chapter 6.95 of the California Health and Safety Code from the effective date of the ordinance codified in this section. The Los Angeles County forester/fire warden shall cease to be the administering agency for said chapter from the effective date of the ordinance codified in this section.

(Ord. 88-08-1008 § 1 (part))



#### **8.44.020 Delegation of administrative responsibility.**

The city designates the Long Beach/Signal Hill CUPA as the administering agency for Signal Hill for the enforcement and regulation of Chapter 6.95 of Division 20 of the California Health and Safety Code and all applicable regulations thereunder, as such may be amended from time to time. As permitted by state law, the Long Beach/Signal Hill CUPA may adopt and enforce requirements which are equal to or more stringent than those referenced in this section. The city clerk shall cause to be filed three copies of such equal or more stringent requirements with the clerk's office, and these copies shall be maintained at all times by the city clerk for use and examination by the public. Long Beach/Signal Hill CUPA shall administer its responsibilities under this chapter pursuant to the JPA. The designation of authority granted hereunder may be modified or rescinded at any time by modification or repeal of this section.

(Ord. 97-07-1218 § 2)

#### **8.44.030 Definitions.**

The words and phrases listed below shall be defined as provided in this section. All other words and phrases not defined in this section shall have the same meaning as defined in Section 25501 of the California Health and Safety Code, and if not defined therein shall be interpreted in accordance with their plain and ordinary meaning.

A. "JPA" or "joint powers agreement" means that agreement executed by the cities of Signal Hill and Long Beach on December 21, 1995 entitled "Joint Powers Agreement Creating a Long Beach/Signal Hill Unified Program Agency," as such agreement may be amended from time to time.

B. "Long Beach/Signal Hill CUPA" means the Long Beach/Signal Hill Unified Program Agency created by the JPA and certified by the Secretary of the California Environmental Protection Agency.

(Ord. 97-07-1218 § 3)

#### **8.44.040 Handler to report release and provide access.**

The handler of any hazardous material shall, upon discovery, immediately report any release or threatened release of a hazardous material to the administering agency and to the State Office of Emergency Services. Each handler shall provide all state, city, or county fire or public health or safety personnel and emergency rescue personnel with access to the handler's facilities. This section does not apply to any person engaged in the transportation of a hazardous material on a highway which is subject to, and in compliance with, the requirements of Sections 2453 and 23112.5 of the Vehicle Code.

(Ord. 88-08-1008 § 1 (part))

#### **8.44.050 Violations.**

All persons and businesses governed by Chapter 6.95 of Division 20 of the California Health and Safety Code shall comply with such provisions and the regulations thereunder. Any violation of this chapter and the provisions of state law referenced in this chapter is a violation of this code and is subject to civil and criminal fines, penalties and other remedies as provided for under state law and under this code, including restitution and injunctive relief.

(Ord. 97-07-1218 § 4)

### **Chapter 8.46 HAZARDOUS WASTE CONTROL**

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Sections:

8.46.010 Purpose and intent.

8.46.020 Definitions.

8.46.030 Designation of Long Beach/Signal Hill CUPA.

8.46.040 Fees.

8.46.050 Violations.

#### **8.46.010 Purpose and intent.**

The purpose of this chapter is to designate the Long Beach/Signal Hill CUPA as the Certified Unified Program Agency under Chapter 6.5 of Division 20 of the California Health and Safety Code, and the applicable requirements thereunder, within the jurisdiction of the City of Signal Hill.

(Ord. 97-07-1218 § 5 (part): Ord. 96- 08-1208 § 5 (part))

#### **8.46.020 Definitions.**

(a) "JPA" or "joint powers agreement" means that agreement executed by the Cities of Signal Hill and Long Beach on December 21, 1995 entitled "Joint Powers Agreement Creating a Long Beach/ Signal Hill Unified Program Agency," as such agreement may be amended from time to time.

(b) "Long Beach/Signal Hill CUPA" means the Long Beach/Signal Hill Unified Program Agency created by the JPA and certified by the Secretary of the California Environmental Protection Agency.

(Ord. 97-07-1218 § 5 (part): Ord. 96-08-1208 § 5 (part))

#### **8.46.030 Designation of Long Beach/Signal Hill CUPA.**

The City of Signal Hill designates the Long Beach/Signal Hill CUPA as the Certified Unified Program Agency for Signal Hill for the purpose of enforcing the requirements of Chapter 6.5 of Division 20 of the California Health and Safety Code and the regulations related thereto, as provided for under Section 25404(c) (1) of the California Health and Safety Code. As permitted by State law, the Long Beach/Signal Hill CUPA may adopt and enforce requirements which are equal to or more stringent than those referenced in this section. The City Clerk shall cause to be filed three copies of such equal or more stringent requirements with the Clerk's office, and these copies shall be maintained at all times by the City Clerk for use and examination by the public. The Long Beach/Signal Hill CUPA under this chapter shall administer its responsibilities pursuant to the JPA. The designation of authority granted hereunder may be modified or rescinded at any time by modification or repeal of this section.

(Ord. 97-07-1218 § 5 (part): Ord. 96-08-1208 § 5 (part))

#### **8.46.040 Fees.**

All persons and businesses shall pay those fees established by the Long Beach/Signal Hill CUPA, by ordinance or resolution, for purposes of implementing and carrying out the responsibilities of the Certified Unified Program Agency under Chapter 6.5 of Division 20 of the California Health and Safety Code and all applicable regulations thereunder.

(Ord. 97-07-1218 § 5 (part): Ord. 96-08-1208 § 5 (part))

#### **8.46.050 Violations.**

All persons and businesses governed by Chapter 6.5 of Division 20 of the California Health and Safety Code shall comply with such provisions and the regulations thereunder. Any violation of this chapter and the provisions of State law referenced in this chapter is a violation of this Code and is subject to civil and criminal fines, penalties and other remedies as provided for under State law and under this Code, including restitution and injunctive relief.

(Ord. 97-07-1218 § 5 (part): Ord. 96-08-1208 § 5 (part))

## Sections:

- 8.48.010 Purpose.
- 8.48.020 Definitions.
- 8.48.030 Misuse of alarm system.
- 8.48.040 Direct dialing devices.
- 8.48.050 Exemptions--Special alarm systems.
- 8.48.060 Preexisting alarm systems.
- 8.48.070 Instruction as to operation of alarm systems.
- 8.48.080 Alarm user's permit.
- 8.48.090 Alarm user's permit--Approval/denial.
- 8.48.100 Alarm system requirements.
- 8.48.110 Alarm agent--Registration required.
- 8.48.120 Permit for alarm business--Required.
- 8.48.130 Application for alarm business permit.
- 8.48.135 Alarm business-Customer information.
- 8.48.140 False alarm fees.
- 8.48.145 False alarm fees--Appeals.
- 8.48.150 Public nuisance--False alarms.
- 8.48.160 Administration.
- 8.48.170 Violation--Infraction.
- 8.48.180 Enforcement.

### **8.48.010 Purpose.**

The purpose of this chapter is to establish a permit system and standards and controls to reduce the incidence of false alarm calls responded to by the Signal Hill police department or other public emergency response providers, and to provide penalties for violation of standards and controls and a fee system that allows the city to recover its costs for responding to false alarms.

(Ord. 2013-07-1456 § 1 (part))

### **8.48.020 Definitions.**

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

A. "Alarm agent" means any person who is employed by an alarm business, whether directly or indirectly, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving, installing or monitoring on any building, place or premises any alarm system.

B. "Alarm business" means any person, firm or corporation engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring any alarm system or causing to be sold, maintained, serviced, repaired, altered, replaced, moved, installed or monitored an alarm system in or on any building, place or premises.

C. "Alarm dispatch request" means a request made to the police department to respond to an alarm site.

D. "Alarm site" means the location where an alarm system has been activated.

E. "Alarm system" means any mechanical or electrical device or assembly of devices designed or used for the detection of an unauthorized entry into a building, structure or facility; or for alerting others to the commission of an unlawful act within a building, structure or facility; or for alerting others to the commission of an unlawful act within a building, structure or facility; or to signal the presence of a hazard or emergency situation; and which, when activated, emits a sound or transmits a signal which is intended to either directly or indirectly summon police, fire or emergency service response.

F. "Alarm user" means the owner of a structure or facility equipped with an alarm system, a person contracting with an alarm business for the leasing, servicing or maintaining of an alarm system, or other person who has responsibility for or control over alarm system activations, or maintains a proprietary alarm system.

G. "Audible alarm" means a device designed for the detection of intrusion on premises which generates an audible sound on the premises when it is activated.

H. "Cancellation" means a notification made by an alarm business after an alarm dispatch request has been made, that notifies the responding emergency agency that there is not an emergency situation at the alarm site requiring a response by a law enforcement agency or other emergency response provider. The alarm business, as used in this subsection, must be the same service that made the alarm dispatch request.

I. "Chief of police" means the police chief of the Signal Hill police department, or his or her designee.

J. "Disconnect order" means an order by the chief of police that the alarm system has been deemed a public nuisance and the alarm permit has been revoked.

K. "False alarm" means the use or activation of an alarm system in the absence of an actual emergency situation, which results in the response of police or other public emergency service provider; or use or activation of an alarm system to summon police or emergency service personnel in any situation other than an emergency situation; or the use or activation of an alarm system to summon police to incidents of shoplifting, petty theft, disturbances, prowlers, suspicious circumstances or to any incident where all suspects are believed to have left the scene. The use or activation may be caused intentionally or unintentionally, including by mechanical failure, accident, misoperation, malfunction, misuse, or negligence, of either the owner or lessee of the alarm system or their employees or agents. A false alarm does not include any of the following:

1. A cancellation made within three (3) minutes after the alarm dispatch request is made and prior to the responding police officer(s) or other emergency response provider(s) arriving at the alarm site.

2. An activation of an alarm system that can be reasonably associated by the responding officer(s) with an actual or attempted criminal offense at the alarm site.

3. An activation of an alarm system that is determined by the responding officer(s) to be the result of an earthquake, hurricane, tornado, or other unusual meteorological event.

L. "Proprietary alarm systems" means an alarm system which is monitored directly by the alarm user or by an alarm business, and which is not designed to directly summon police or other public emergency service response. Activations of proprietary alarms shall be investigated by the alarm user, the alarm user's alarm business or some other person, with police or emergency service personnel being notified only after confirmation that an emergency situation requiring public emergency services exists.

M. "Silent alarm" means a system which is monitored remotely by an alarm agent or alarm user and, when activated, sounds a bell, buzzer or light at a location other than where the alarm system has been installed.

N. "Emergency situation" means a situation which does or reasonably may be suspected to pose an actual, imminent threat to human health or safety, or actual, imminent threat of severe property damage.

O. "SIA Control Panel Standard CP-01" means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested to this standard by a nationally recognized testing organization, shall be officially marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

P. "Verify" means an attempt by an alarm business that monitors alarms to contact the alarm site and/or alarm user by telephone and/or other electronic means (such as video or audio transmissions), whether or not actual contact with a person is made, to

determine whether an alarm signal is valid before requesting alarm dispatch. To verify by telephone shall require, at a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves.

(Ord. 2014-01-1465 § 1; Ord. 2013-07-1456 § 1 (part))

#### **8.48.030 Misuse of alarm system.**

A false alarm is a misuse of the alarm system and a violation of this chapter subject to all of the remedies provided in this chapter.

(Ord. 2013-07-1456 § 1 (part))

#### **8.48.040 Direct dialing devices.**

No alarm system shall be installed or maintained which automatically direct dials the telephone number of the police department or "Emergency 9-1-1" line to summon an emergency response of the police department or other public emergency service provider.

(Ord. 2013-07-1456 § 1 (part))

#### **8.48.050 Exemptions--Special alarm systems.**

The provisions of this chapter shall not be applicable to:

- A. Audible alarms affixed to automobiles, unless the vehicle alarm is connected to a central monitoring system;
- B. Fire or smoke sensor alarm systems or detectors when such systems are not used as, or in lieu of, intrusion detection devices or alarm systems;
- C. Emergency medical crisis alarms when such systems are not used as, or in lieu of, intrusion detection devices or alarm systems;
- D. Government offices, buildings or facilities of the city;
- E. Public schools, offices and buildings.

(Ord. 2013-07-1456 § 1 (part))

#### **8.48.060 Pre-existing alarm systems.**

The provisions of this chapter shall be applicable to all alarm systems as defined in Section 8.48.020(A), and not specifically exempted by Section 8.48.050 within the city. All owners of alarm systems installed and operational prior to the adoption of the ordinance codified in this chapter shall have one hundred twenty days from the effective date of the ordinance to obtain an alarm users permit pursuant to Section 8.48.080.

(Ord. 2013-07-1456 § 1 (part))

#### **8.48.070 Instruction as to operation of alarm systems.**

It shall be the responsibility of the alarm business to instruct the alarm user in the proper use and operation of the alarm system, whether silent or audible, as frequently as necessary, especially in those factors which can cause false alarms. The alarm business shall instruct the alarm user that knowingly activating an alarm system in the absence of an emergency situation is a criminal offense under Section 148.3 of the California Penal Code. The alarm business shall instruct the alarm user that intentionally and unintentionally activating an alarm system in the absence of an emergency situation may be a violation of Section 8.48.030 and can result in criminal, administrative and/or civil fines, fees and penalties. The alarm business shall also inform the alarm user that an alarm user's permit is required for all alarm systems within the city, and shall supply the alarm user with an alarm user's permit application. The permit application shall be made available to the alarm company at no cost.

(Ord. 2013-07-1456 § 1 (part))

#### **8.48.080 Alarm user's permit.**

A. No person shall install or cause to be installed, use or maintain an alarm system on any premises within the city without first obtaining an alarm user's permit from the city in accordance with this section. The alarm user's permit and all renewals for an alarm user's permit shall be applied for on a form prescribed by the chief of police, which shall include:

1. The address of the premises where the alarm system is to be located;
2. The name, address and telephone number of the alarm user;
3. The name, address and telephone number of a designated second and third person who may be contacted in case of an emergency on or about the premises;
4. The name, address and telephone number of the alarm business who will render information, service or repairs for the system during any hour of the day or night. The application shall be accompanied by a nonrefundable fee in such amount as established by resolution of the city council.

B. A separate alarm user's permit shall be required for each premises or address on which an alarm system is used or installed. Alarm user's permits shall not be transferrable. A new alarm user's permit shall be required whenever there is a change in a business's name, ownership or location. With regard to an alarm system installed at a residence, a new alarm user's permit shall be required whenever there is any change in ownership. For any change in occupants of a residence with an alarm system, the holder of the alarm user's permit shall update the information submitted to the city in his/her application to include the name(s) and telephone number of the new occupants.

C. If requested by the police department, person(s) designated in the permit application shall be required to be present at the premises of the alarm system within forty-five minutes after being advised that the police department or other emergency service provider has received any signal or message of an alarm activation at that location.

D. Alarm user's permit fees shall be established by resolution of the city council.

E. Alarm user's permits shall be effective upon issuance, and be valid for two years from date of issuance.

F. Failure to renew an alarm user's permit later than sixty days after expiration is a violation of this chapter and is subject to all the remedies available under this chapter.

(Ord. 2013-07-1456 § 1 (part))

#### **8.48.090 Alarm user's permit--Approval/denial.**

A. Approval.

1. Upon finding the requested alarm user's permit application conforms to the provisions of this chapter and other applicable provisions of the Signal Hill Municipal Code, and that all applicable fees have been paid, the police chief shall issue or renew the alarm user's permit.

2. The issuance of an alarm user's permit is for registration purposes only. Issuance of the alarm user's permit shall not constitute approval by the chief of police or the city as to the effectiveness or operability of any permitted alarm system. The issuance of the alarm user's permit shall create no obligation or duty to the permittee or any other person by reason of any provision of this chapter or the exercise of any privilege by any permittee hereunder including but not limited to any defects in alarm systems and delays in transmission of an alarm message by an alarm service provider to the police department or damage caused by delay in responding to any alarm by any city employee, peace officer or agent or by reason of discontinuance or suspension of service. A notice of this subsection 2. shall be included with the alarm user's permit. However, failure to receive a notice of this subsection with the permit shall not otherwise alter the rights or obligations provided herein.

B. Denial. The police chief shall deny the alarm user's permit application if he/she determines any of the following:

1. The requested alarm user's permit is in conflict with any provision of the Signal Hill Municipal Code;
2. The applicant, his employee or agent has knowingly made a false, misleading or fraudulent statement of a material fact in the application;
3. The applicant has had a similar permit revoked for good cause and has failed to show material change in the circumstances since

the date of revocation;

4. The applicant has failed to pay all applicable fees, including without limitation any delinquent false alarm fees.

Upon any such denial, the chief of police shall notify the applicant in writing, specifying the grounds for denial. Any such denial shall be final unless the applicant appeals the decision to the city council, in writing, within ten days of the mailing or other delivery of the notice of denial. The notice shall advise the applicant of the right of appeal and time deadlines for bringing the appeal.

(Ord. 2013-07-1456 § 1 (part))

#### **8.48.100 Alarm system requirements.**

##### **A. Audible Alarms.**

1. Every audible alarm installed shall be equipped with a timer which, after alarm activation, automatically silences any external sounding devices within the following time period.
  - a. Residential areas: fifteen minutes;
  - b. Commercial or industrial areas within 500 feet of residences: fifteen minutes;
  - c. Other commercial and industrial areas: thirty minutes.
2. Audible alarms used in conjunction with fire and mechanical equipment failure detection systems shall be conspicuously marked to indicate the nature of the emergency being reported.
3. No audible alarm may, when activated, emit a sound similar to the siren of authorized emergency vehicles as defined in Section 165 of the California Vehicle Code, as may be amended.

**B. Uninterruptable Power Supply.** Every alarm system shall be equipped with a "back-up" power supply capable of maintaining alarm operation for a period of not less than four hours following the interruption of normal electrical utility service.

**C. Telephone Required.** Any premises which is protected by a silent alarm system shall have an operational telephone immediately available for the use of the alarm user.

**D. Required Responses.** In the event of an alarm activation, the responding officer may require that the alarm user or their representative respond to the alarm location. Upon such request, the alarm user or their representative shall respond with keys to the protected premises within forty-five minutes of notification. In the event that the alarm user or their representative cannot be located or refuses to respond, the alarm will be considered a false alarm even if it is determined later that an actual crime did occur.

**E. Minimum Installation Standards.** All alarm systems shall be installed in such a manner as to ensure that they cannot be activated by normal or foreseeable noncriminal activities in or around the protected premises. Such activities include but are not limited to: rattling of doors, walls and windows; passing vehicular traffic; vibration and other normal operating effects of heating and air-conditioning systems; power system fluctuations; stray radio signals; stray animals; and reasonable foreseeable weather conditions.

**F. Operating Instructions.** The alarm user shall ensure that all persons in the possession or control of an alarmed premises are instructed in the proper use of the alarm system and are aware of the provision of this chapter.

**G. Control Panel Standard.** Ninety (90) days after enactment of this section, on all new and upgraded installations, only alarm control panel(s) that meet SIA Control Panel Standard CP-01 shall be used for alarm systems.

**H. Alarm Monitoring.** An alarm business that monitors alarm systems shall do all of the following when requesting an alarm dispatch:

1. **Verify.** Before requesting an alarm dispatch, the alarm business shall verify, as defined in Section 8.48.020, that the alarm signal is valid and not a false alarm. The above notwithstanding, an alarm business is not required to verify a panic or robbery-in-progress alarm signal, or in cases where a crime-in-progress has been verified by video and/or audible means.
2. **Permit Number.** When an alarm business requests alarm dispatch, it shall provide the alarm user permit number, when available, to the communications center to facilitate dispatch and cancellations.
3. **Location.** When an alarm business requests alarm dispatch, it shall provide all available and relevant information about the location of the alarm site, including without limitation, the nearest cross streets, and any information the alarm business has regarding

unique circumstances that would make locating the alarm site difficult to the responding officer(s).

4. Cancellation. After requesting an alarm dispatch, an alarm business shall communicate a cancellation as soon as possible upon determining that there is not an emergency situation requiring a response by a law enforcement agency or other emergency response provider. (Ord. 2014-01-1465 § 2; Ord. 2013-07-1456 § 1 (part))

#### **8.48.110 Alarm agent--Registration required.**

Any person acting as or performing the duties of an alarm agent within the city shall carry on his or her person at all times while so engaged a valid registration card issued to him/her by the State Director of Consumer Affairs pursuant to the provisions of Section 7514(g) of the California Business and Professions Code, as may be amended, and shall display such card to any officer or agent of the city upon request. (Ord. 2014-01-1465 § 3; Ord. 2013-07-1456 § 1 (part))

#### **8.48.120 Permit for alarm business--Required.**

No person who is not licensed by the California Department of Consumer Affairs shall be issued a permit to operate an alarm business in the city. No person shall operate or conduct an alarm business in the city without first obtaining a permit issued by the city. (Ord. 2013-07-1456 § 1 (part))

#### **8.48.130 Application for alarm business permit.**

Application for an alarm business permit shall be filed with the city business licensing clerk on forms provided by the chief of police. The application shall be signed and verified by the owner or manager of the alarm company for which the permit is requested and the application shall contain such information as required by the chief of police in order to ensure that the permit is issued in accordance with the provisions of this chapter.

(Ord. 2013-07-1456 § 1 (part))

#### **8.48.135 Alarm business-Customer information.**

Alarm businesses shall provide to the chief of police every six (6) months an updated list of the name and address of every customer for whom the alarm system has sold or installed an alarm system and/or are or will be providing monitoring services.

(Ord. 2013-07-1456 § 1 (part))

#### **8.48.140 False alarm fees.**

A. An alarm user, whether they hold an alarm user's permit or not, shall be liable to the city for the costs of the police department responding to false alarms (based upon the service requested in the alarm dispatch request). A false alarm response fee shall be paid to the city for every false alarm occurring after the first false alarm has been received from any alarm system within any consecutive twelve (12) month period. No fee shall be charged for false alarms occurring within thirty (30) days following initial installation of any new alarm provided the system otherwise complies with the requirements of this chapter.

B. The fees required in this section shall be established by resolution of the city council and shall be in an amount to reimburse the police department for its reasonable costs to respond to false alarms based upon the level of service provided. The fee shall be assessed based on the service requested in the alarm dispatch request. For example, if an alarm dispatch request reports a burglary, then the fee assessed shall be based on the level of service provided to respond to a burglary.

C. The city shall provide notice at the time of imposing a fee under this section that the party against whom the fee or fine has been assessed or imposed has the right to appeal pursuant to section 8.48.145.

(Ord. 2013-07-1456 § 1 (part))



#### **8.48.145 False alarm fees - Appeals.**

A. Request for a Hearing. Any person who has been assessed a fee imposed under section 8.48.140 may appeal the fee to the city council by filing a notice of appeal to the city clerk within fifteen days from the date the fee was assessed and depositing the full amount of the assessed fee and/or imposed fine with the city.

B. Waiver of Right to Hearing. The appellant's failure to appear at a scheduled hearing shall be deemed an admission of guilt and failure to exhaust administrative remedies. The appellant shall be deemed to have waived the right to a hearing and the right to judicial review of the imposition of the fee.

C. Decision in Favor of the Appellant. If the city council decides in the favor of the appellant in whole or in part, the appellant shall be refunded the fee consistent with the city council's decision. City council rejecting a fee assessment shall not preclude the city from the commencement of a criminal prosecution, or the imposition of any other legal remedy available to the city.

D. Judicial Review. Any action to challenge the city council's decision must be filed within ninety (90) days of the city council's decision becoming final, pursuant to Code of Civil Procedure § 1094.6.

(Ord. 2013-07-1456 § 1 (part))

#### **8.48.150 Public nuisance--False alarms.**

A. Any alarm system which generates ten or more false alarms within a consecutive twelve (12) month period shall be deemed a public nuisance, and any alarm user maintaining such an alarm system shall be guilty of an infraction.

B. Following the tenth false alarm from a single source or alarm system, the chief of police shall provide the alarm user with a disconnect order. The disconnect order shall state the grounds for the order, and shall require that the alarm system be taken out of operation no later than ten days following the mailing or other delivery of the disconnect order. The disconnect order shall advise the recipient that the order shall be final, unless appealed within ten days to city council. Any alarm user bringing such appeal shall be responsible for all false alarm or other fees and/or fines accruing or incurred during the pendency of the disconnect order and any appeal therefrom. In no case shall any alarm system be reconnected until it has been demonstrated to the satisfaction of the chief of police that all necessary repairs are made, and all applicable fines and fees paid.

C. For the purposes of this chapter, alarm systems which are converted to proprietary systems shall be considered disconnected. It shall remain the responsibility of the alarm user to track the system's false alarms and to maintain and operate his or her alarm system in compliance with the provisions of this chapter.

D. When a disconnect order or other notice or warning has been issued for an alarm system, a written disconnect order or notice shall be mailed or otherwise delivered to the alarm user with a copy forwarded to the alarm user's alarm business. The notice shall state the reasons for the warning or disconnect notice. Any disconnect order notice shall advise the recipient that the order may be appealed to city council within ten days, and that absent such appeal, will be final.

(Ord. 2013-07-1456 § 1 (part))

#### **8.48.160 Administration.**

The provisions of this chapter shall be administered and enforced by the chief of police. The chief of police shall have the power to enforce such rules, regulations and standards as may be applicable pursuant to this chapter or other ordinance or law.

(Ord. 2013-07-1456 § 1 (part))

#### **8.48.170 Violation--Infraction.**

Any person, firm or corporation violating any provision of this chapter shall be guilty of an infraction for such violation.

(Ord. 2013-7-1456 § 1 (part))

#### **8.48.180 Enforcement.**

A. Any violation of any provision of this chapter may be enforced through criminal enforcement, civil action or through an administrative citation at the discretion of the police chief.

B. Administrative citations may be issued under Chapter 8.13 for any violation of this chapter.

C. The conviction or punishment of any person for violation of the provisions in this chapter shall not relieve such person from paying any fee imposed by this chapter, due and unpaid at the time of the conviction and/or final determination on an administrative fine or civil judgment. Nor shall payment of any permit fee or reimbursement of false alarm response fees prevent enforcement through criminal, civil or administrative process for violation of any of the provisions of this chapter.

D. The amount of any permit fee or reimbursement for excessive false alarms shall be deemed a debt to the city. The city attorney may commence an action in the name of the city in any court of competent jurisdiction for the amount of any delinquent fees imposed by this chapter. All fees shall be deemed delinquent thirty days after they are due and payable.

E. Unless otherwise provided herein, all fees established and/or levied by this chapter shall be paid to the city within thirty days from the date of the invoice to the holder of the alarm user's permit, or to the owner of the premises upon which the alarm system is located if no permit has been issued for the alarm system. Delinquent fees shall accrue interest, due and payable to the city, in an amount of one percent per month, compounded monthly until paid.

(Ord. 2013-07-1456 § 1 (part))

## **Chapter 8.52**

### **ENFORCEMENT OF PROHIBITION OF SMOKING WITHIN PLACES OF EMPLOYMENT**

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Sections:

8.52.010 Purpose and intent.

8.52.020 Enforcement authority.

8.52.030 Complaints--Enforcement procedures.

8.52.040 Penalties.

#### **8.52.010 Purpose and intent.**

It is the purpose and intent of the city council, through the adoption of this chapter, to provide for the enforcement of Assembly Bill 13, codified as Labor Code Section 6404.5, which regulates smoking within the workplace.

(Ord. 96-02-1203 § 1 (part))

#### **8.52.020 Enforcement authority.**

The chief of police, or his or her designee, is designated as the local enforcement officer for the purposes of Labor Code Section 6404.5.

(Ord. 96-02-1203 § 1 (part))

#### **8.52.030 Complaints--Enforcement procedures.**

Any person may file a complaint concerning a violation of Labor Code Section 6404.5 against any employer within the city with the chief of police, or his or her designee. Upon receipt of such a complaint, the chief of police, or his or her designee, shall commence the appropriate action, including, but not limited to, sending informational literature, sending a letter requesting compliance, conducting site visits, or citing the employer pursuant to Section 8.52.040 of this chapter, depending upon the number of complaints previously received regarding the employer, the severity of the violation complained of, and any other relevant considerations.

(Ord. 96-02-1203 § 1 (part))

### **8.52.040 Penalties.**

A. Any person violating the prohibitions of Labor Code Section 6404.5, subdivision (b), shall be guilty of an infraction 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 within one year; and
3. A fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of Labor Code Section 6404.5, subdivision (b), is committed, continued or permitted by any such person, and he shall be punishable accordingly.

(Ord. 96-02-1203 § 1 3(part))

## **Chapter 8.54 ABANDONED SHOPPING CARTS**

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Sections:

- 8.54.010 Definitions.
- 8.54.020 Declaration of a public nuisance.
- 8.54.030 Identification of shopping carts.
- 8.54.040 Impoundment of shopping carts with identification signs.
- 8.54.050 Impoundment of shopping carts without identification signs.
- 8.54.060 Hearing.
- 8.54.070 Location of impounded shopping carts.
- 8.54.080 Disposition of impounded shopping carts.
- 8.54.090 Sale of abandoned shopping carts.
- 8.54.100 Removal from premises prohibited.
- 8.54.110 Abandonment prohibited.
- 8.54.120 Owner's responsibility to prevent littering.
- 8.54.130 Shopping cart collection services may be performed by city appointed contractor.
- 8.54.140 Administration and enforcement.
- 8.54.150 Exemptions.
- 8.54.160 Supplementation of codes, statutes, ordinances, etc.

### **8.54.010 Definitions.**

The following definitions shall apply to this chapter:

A. "Abandoned shopping cart" means any unattended shopping cart left on any public or private property outside the premises or parking area of the retail establishment owning the shopping cart. Any such shopping cart shall be deemed to be abandoned and, therefore, a public nuisance, pursuant to this chapter. For the purposes of this chapter, the parking area of a retail establishment located in a multistore complex, or shopping center, shall include the entire parking area used by the complex or center.

B. "Abatement of a shopping cart" means the removal by the city or its appointed contractor of an abandoned shopping cart.

C. "City manager" means the city's city manager, city manager's designee, and/or authorized representatives of the city manager.

D. "Director" means the city's director of community development, director's designee, and/or authorized representatives of the director.

E. "Immediate safety hazard" means and includes, but is not limited to, the presence of a shopping cart in a location where it will impede emergency services or impose a hazard to vehicle traffic or pedestrians.

F. "Owner" means the owner or retail establishment whose name is required to appear on the shopping cart identification sign, as provided in Section 8.54.030.

G. "Parkway" means that area between the edge of the roadway and the property line adjacent thereto. "Parkway" shall also include any area within a roadway, which is not open to vehicular travel.

H. "Public property" means, and includes, but is not limited to, all areas dedicated to the public use for public street purposes, roadways, parkways, alleys, lanes, parks, sidewalks, flood control channels, and any public right-of-way.

I. "Shopping cart" means a nonmotorized basket which is mounted on wheels, or a similar device, generally used in retail establishments by a customer for the purpose of transporting goods of any kind.

(Ord. 2001-06-1286 § 1 (part))

#### **8.54.020 Declaration of a public nuisance.**

The city council makes the following findings and declarations: The presence of wrecked, dismantled or abandoned shopping carts, or parts thereof, on public or private property is found to create a condition tending to reduce property values, impede emergency services, promote blight and deterioration, constitute an attractive nuisance creating a hazard to the health and safety of minors, aesthetically detrimental to the community, and injurious to the health, safety and general welfare. Therefore, the presence of wrecked, dismantled or abandoned shopping carts, or parts thereof, on public or private property, is declared to constitute a public nuisance, which may be abated as such in accordance with the provisions of this chapter.

(Ord. 2001-06-1286 § 1 (part))

#### **8.54.030 Identification of shopping carts.**

A. Any retail establishment providing shopping carts to its customers shall, within ninety days following the effective date of the ordinance codified in this chapter, permanently affix to each shopping cart an identification sign of the type described in Section 22435.1 of the California Business and Professions Code, that identifies the owner of the shopping cart or the retailer, or both; notifies the public of the procedure to be utilized for authorized removal of the shopping cart from the premises; notifies the public that the unauthorized removal of the shopping cart from the premises or parking area of the retail establishment, or the unauthorized possession of the shopping cart, is a violation of state and local law; and lists a valid telephone number or address for returning the shopping cart removed from the premises or parking area to the owner or retailer.

B. Removal of a shopping cart from the premises or the parking area of a retail establishment, or the unauthorized possession of a shopping cart, shall be punishable by imprisonment for up to ninety days or by fine as provided in Signal Hill Municipal Code Section 1.16.010C, or both.

(Ord. 2001-06-1286 § 1 (part))

#### **8.54.040 Impoundment of shopping carts with identification signs.**

The impoundment procedures contained in this section shall apply only to shopping carts that have the identification sign required by Section 8.54.030.

A. Any abandoned shopping cart may be impounded by the city at the owner's cost if, prior to said impoundment, the city provides to the owner or the owner's agent a minimum of three business days actual notice of the shopping cart's discovery and location. Notice may be given by any appropriate means, including by telephone. After said impoundment, the city shall notify either the owner of the shopping cart or the owner's agent, either by telephone or in writing, that the city has impounded the shopping cart and the address at

which the shopping cart is then located. Any owner wishing to reclaim a shopping cart impounded pursuant to this subsection may appear during normal business hours at the applicable location and reclaim the shopping cart upon paying the fifty dollar fine authorized by Business and Professions Code Section 22435.7 subsection (f) (the "fine"), if applicable, and the city's actual costs incurred for impoundment and storage of the shopping cart. The fine shall only be required to be paid if the owner or the owner's agent fails to retrieve one or more shopping carts within the applicable three-day period on three separate occurrences within any six month period.

B. Any abandoned shopping cart may be immediately impounded by the city provided that the city shall, within twenty-four hours of the shopping cart's impoundment, notify the owner or the owner's agent that the shopping cart has been impounded and the location at which the shopping cart was impounded. Any owner wishing to reclaim a shopping cart impounded pursuant to this subsection may appear during normal business hours within three business days of the date of notice at the location and times indicated in the notice and reclaim the shopping cart free of charge, unless the shopping cart was impounded pursuant to subsection C of this section. Any shopping cart reclaimed within the three-business-day period shall not be deemed an "occurrence" for the purposes of assessing the fine referred to in subsection A of this section. Any shopping cart not reclaimed within the three-business-day period shall be subject to any applicable fee or fine imposed pursuant to subsection A of this section commencing on the fourth business day following the date of the notice.

C. Notwithstanding anything contained in subsections A or B of this section, any abandoned shopping cart found in a location where it will impede emergency services or otherwise cause an immediate threat of danger to persons or property may be immediately impounded by the city. After said impoundment, the city shall, within twenty-four hours of the shopping cart's impoundment, notify the owner of the shopping cart or the owner's agent, in writing, that the city has impounded the shopping cart and the address at which the shopping cart is then located. Any owner wishing to reclaim a shopping cart impounded pursuant to this subsection may appear during normal business hours within three business days of the date of notice at the applicable location and reclaim the shopping cart upon paying the fine, if applicable, and the city's actual costs incurred for impoundment and storage of the shopping cart.

(Ord. 2001-06-1286 § 1 (part))

#### **8.54.050 Impoundment of shopping carts without identification signs.**

The impoundment contained in this section shall apply only to shopping carts that do not have the identification sign required by Section 8.54.030.

Any abandoned shopping cart without an identification sign may be immediately impounded by the city at the owner's cost. Within forty-eight hours of said impoundment, the city shall attempt to notify the owner (if the identity of the owner is known), either by telephone or in writing, that the city has impounded the shopping cart and the location at which the shopping cart was impounded. Any owner wishing to recover a shopping cart impounded pursuant to this section may appear during normal business hours within thirty days of the date of the notice (or, if no notice is given because the identity of the owner is not known, within thirty days after impoundment) at the applicable location, and reclaim the shopping cart upon paying the city's actual costs incurred for impoundment and storage of the shopping cart.

(Ord. 2001-06-1286 § 1 (part))

#### **8.54.060 Hearing.**

Any owner of a shopping cart who has been charged a fee or fine to reclaim a shopping cart, shall be entitled to a hearing as to whether the fee or fine has been properly charged by providing to the city clerk a written request for a hearing within fifteen days of receipt of notice that the shopping cart has been impounded. The hearing shall be held not later than thirty days from the date of the hearing request and the owner shall be notified of the time, date, and location of the hearing. The city manager or his or her designee shall appoint a hearing officer. If the hearing officer determines that the city properly impounded the shopping cart and the owner has been charged the appropriate amount, the owner shall pay all costs associated with the administrative hearing and, if he or she desires to reclaim the shopping cart, pay any applicable fee and/or fine. If the hearing officer determines that the owner has been improperly charged a fee and/or fine, the owner shall be entitled to reclaim the shopping cart at an adjusted fee and/or fine or at no charge, whichever is applicable.

(Ord. 2001-06-1286 § 1 (part))

#### **8.54.070 Location of impounded shopping carts.**

Any shopping cart impounded by the city pursuant to this chapter shall be taken to a location as may be designated from time to time and which is both: (A) reasonably convenient to the owner of the shopping cart; and (B) open for business at least six hours of each business day.

(Ord. 2001-06-1286 § 1 (part))

#### **8.54.080 Disposition of impounded shopping carts.**

The city shall be permitted to destroy, sell at public auction, or otherwise dispose of any shopping cart or part thereof, impounded by the city pursuant to this chapter and deemed to be permanently abandoned, which includes but is not limited to the following circumstances:

- A. The shopping cart does not have the identification sign required by Section 8.54.030 or other information that identifies the owner, or the city is unable to locate the owner with reasonable diligence;
- B. If the owner has not requested a hearing, the owner of the shopping cart or the owner's agent has failed to reclaim the shopping cart from the city within thirty days of receipt of notice that the shopping cart was impounded by the city; or
- C. If the owner has requested a hearing, the owner or owners agent has failed to reclaim the shopping cart from the city within thirty days of the hearing date; or
- D. The director determines that the shopping cart is inoperable, unsafe, or that the cost to repair exceeds the value of the shopping cart. In such case, the shopping cart or parts thereof may be destroyed without providing the appeal hearing provided in Section 8.54.060, but the director shall give notice of this action to the owner, if the same can be determined. The owner shall not be liable for any cost for removal and abatement in such case.

(Ord. 2001-06-1286 § 1 (part))

#### **8.54.090 Sale of abandoned shopping carts.**

If the city determines to sell any shopping cart deemed to be permanently abandoned pursuant to Section 8.54.080, the city shall advertise the sale at a time convenient to the city. Notice of such sale, including the time and place, shall be posted in three conspicuous places within the city. Ten days after posting such notice, such shopping carts may be sold and delivered to the highest bidder free and clear of any claims of the owner thereof. The proceeds of such sale shall be distributed to the city.

(Ord. 2001-06-1286 § 1 (part))

#### **8.54.100 Removal from premises prohibited.**

A. No person shall remove any shopping cart from the premises or parking area of any retail establishment. This section shall not apply to the removal by the owner or agent or an employee of the retail establishment, or to the removal by a customer with the written consent of the owner, owner's manager, or authorized agent.

B. No person shall have in his possession any shopping cart which has been removed from the premises or parking area of any retail establishment without the owner's written consent or which has been abandoned or left on public or private property unless such person has notified the city of the presence and location of such shopping cart.

(Ord. 2001-06-1286 § 1 (part))

#### **8.54.110 Abandonment prohibited.**

No person shall abandon or leave any shopping cart which has been removed from the premises or parking area of any retail establishment upon any public or private property except that of the owner of the shopping cart.

(Ord. 2001-06-1286 § 1 (part))

#### **8.54.120 Owner's responsibility to prevent littering.**

The action of an owner or owner's agent or employee to permit any shopping cart to be removed from the premises or parking area of any retail establishment shall be considered littering by the owner, unless such action is the written consent provided in Section 8.54.100.

(Ord. 2001-06-1286 § 1 (part))

#### **8.54.130 Shopping cart collection services may be permitted by city appointed contractor.**

The city may contract with a shopping cart retrieval service for the retrieval and impoundment of shopping carts or any other related service described in this chapter.

(Ord. 2001-06-1286 § 1 (part))

#### **8.54.140 Administration and enforcement.**

Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the city manager. In the enforcement of this chapter, the city manager, or designee, may enter onto public or private property to examine a shopping cart or parts thereof, or to obtain information to identify the owner of the shopping cart and to order, pursuant to this chapter, the abatement and impoundment of the shopping cart, or parts thereof, declared to be a nuisance. Notwithstanding the foregoing, the director shall perform the day to day administration of this chapter.

(Ord. 2001-06-1286 § 1 (part))

#### **8.54.150 Exemptions.**

The city manager may exempt a shopping cart owner from some or all of the provisions of this chapter if the shopping cart owner has implemented a plan whereby employees provide shopping cart retrieval, or where the shopping cart owner has entered into a contract with a shopping cart retrieval service and has provided the city with proof of such retrieval plan or contract; provided that such plan or contract shall provide that carts will be retrieved within seventy-two hours after abandonment and shall contain appropriate enforcement mechanisms. If an approved plan or contract fails to retrieve carts within seventy-two hours, the city manager may revoke such approval. Such revocation shall subject the shopping cart owner to the provisions of this chapter.

(Ord. 2001-06- 1286 § 1 (part))

#### **8.54.160 Supplementation of codes, statutes, ordinances, etc.**

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

(Ord. 2001-06- 1286 § 1 (part))

### **Chapter 8.56 LOS ANGELES COUNTY BODY ART REGULATIONS**

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Sections:

8.56.010 Incorporation by reference.

8.56.020 Definitions.

8.56.030 Penalty.

### **8.56.010 Incorporation by reference.**

A. Except as otherwise provided in this code, Parts 1, 2, 5, and 7 of Chapter 11.36 of the Los Angeles County Code and Articles 1 thru 6 of Part 1 of Chapter 36 of the Los Angeles County Code Environmental Health Regulations, and all appendices, tables, and indices thereto, as the same existed on September 13, 2011 (collectively hereinafter "LA County Body Art Codes"), are hereby adopted by reference and incorporated as if fully set out herein, and the provisions thereof shall be controlling within the limits of the city, pursuant to the provisions of Section 50022.1 et seq. of the California Government Code:

B. One copy of the LA County Body Art Codes, described in this section, 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. 2011-10-1438, § 1 (part), 2011)

### **8.56.020 Definitions.**

Whenever the term "body art establishment" is used in the LA County Body Art Codes, it shall be deemed and construed to have the meaning ascribed to "Tattoo and/or Body Piercing Studio" in Section 20.04.721 of this code. (Ord. 2011-10-1438, § 1 (part), 2011)

### **8.56.030 Penalty.**

Violation of or failure to comply with any of the provisions of this Chapter 8.56, including any provisions of any code adopted by this chapter, shall be punishable in accordance with Section 1.16.010 of this code. Alternatively, at the sole discretion of the charging officer or the city attorney, a violation may be charged as an infraction punishable in accordance with the penalties stated in paragraph (c) of Section 1.16.010 of this code. (Ord. 2011-10-1438, § 1 (part), 2011)

## **Title 9 PUBLIC PEACE, MORALS AND WELFARE**

### **Chapters:**

- 9.04 Disorderly Conduct
- 9.08 Conduct in Public Places
- 9.12 Trespassing and Loitering
- 9.16 Noise
- 9.18 Loud or Unruly Parties, Gatherings and Other Disturbances of the Peace
- 9.20 Curfew and Truancy for Minors
- 9.22 Fetal Alcohol Syndrome Warnings
- 9.24 Firearms
- 9.28 Fireworks
- 9.36 Gambling
- 9.40 Signs Exploiting Sex
- 9.44 Tort Claims
- 9.48 Sale and Display of Narcotic and Other Paraphernalia
- 9.50 Mobile Medical Marijuana Dispensaries and Delivery Services
- 9.52 Display of Sexually Explicit Materials
- 9.56 Graffiti Prevention, Prohibition and Removal



## **Chapter 9.04**

### **DISORDERLY CONDUCT**

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#### Sections:

- 9.04.010 Capper defined.
- 9.04.020 Prohibited acts generally.
- 9.04.030 Beekeeping and hog raising deemed misdemeanors.
- 9.04.040 Profane or seditious language.
- 9.04.050 Obscenity.
- 9.04.060 Immoral exhibitions- Prohibited.
- 9.04.070 Profanity, obscenity, and immorality-Abatement.
- 9.04.080 Profanity, obscenity, and immorality-Abatement appeal.
- 9.04.090 Intoxication.
- 9.04.100 Hours of dance restricted.
- 9.04.110 Penalty for violations.

#### **9.04.010 Capper defined.**

"Capper" means a person who invites, solicits, decoys, or attempts or invite, solicit, or decoy, any other person to commit or participate in the commission, either as principal or accomplice, in any unlawful or immoral act.

(Prior code § 9.12.010 (Ord. 200 § 1, 1937))

#### **9.04.020 Prohibited acts generally.**

It is unlawful for any person in the city to do the following:

- A. Offensive Conduct. Use or engage in or be a party to offensive, disorderly, threatening, abusive, or insulting language, conduct or behavior;
- B. Unlawful Congregation. Congregate with others on a public street and refuse to move on when ordered by the police;
- C. Assembling Crowds. Cause a crowd to collect in any public place except when lawfully addressing such crowd;
- D. Annoying Noise. Shout or make any unusual noise, or to cause or permit any unusual noise, either outside or inside a building, at any time, to the annoyance or disturbance of any person or persons;
- E. Interference with Persons. Interfere with any person in any place by jostling against such person or unnecessarily crowding him or by placing a hand in the proximity of such person's pocket, pocketbook, or handbag;
- F. Soliciting Lewdness. Loiter in or about any public toilet or restroom, or to solicit any person for the purpose of committing a crime against nature, or other lewd acts;
- G. Insults and Annoyances. Make insulting remarks to any person; or to annoy or accost any person or persons unknown to him or her;
- H. Cappers. Act as a capper for any place of amusement, or for any place or person devoted to or engaged in any unlawful

business, calling, or vocation.

(Ord. 2004-08-1335 § 1; Prior code § 9.12.030 (Ord. 200 § 2, 1937))

#### **9.04.030 Beekeeping and hog raising deemed misdemeanors.**

Every person keeping bees or hogs within the city limits, after notice from the council to remove the same, is guilty of a misdemeanor.

(Prior code § 9.12.020 (Ord. 14 § 3, 1924))

#### **9.04.040 Profane or seditious language.**

It is unlawful for any person within the city to utter or use within the hearing of one or more persons any profane, vulgar, or seditious language, words, or epithets, or to address another, or to utter in the presence of another, any words, language, or expression or seditious remarks, having a tendency to incite or create a breach of the peace.

(Prior code § 9.12.080 (Ord. 200 § 3, 1937))

#### **9.04.050 Obscenity.**

It is unlawful for any person to exhibit publicly, or offer for public exhibition, or keep or place accessible to the public within the city any lewd, vulgar, obscene, or licentious picture or pictures, or to keep or maintain in any place accessible to the public any mechanical device rendering any lewd, vulgar, obscene, or licentious song, speech, jest, monologue, dialogue, or any reproduction of the human voice uttering immoral, obscene, lewd, vulgar, licentious, or profane words.

(Prior code § 9.12.090 (Ord. 200 § 4, 1937))

#### **9.04.060 Immoral exhibitions-Prohibited.**

It is unlawful for any person engaged in, conducting or operating, either as owner, proprietor, operator, manager, lessee, agent or employee, any theater, arcade, entertainment or exhibition, or for any person whatsoever to give or cause or permit to be given, or to advertise or cause or permit to be advertised, or to participate in any obscene, indecent, immoral, or crime-depicting play, production, picture, show, entertainment or exhibition, or any delineation or illustration of any nude human figure, or any lewd, indecent or lascivious act, or any matter or thing of any obscene, indecent or immoral nature, or any boxing or prize fight exhibition when the same is in such manner or detail as tends to corrupt public morals.

(Prior code § 9.12.100 (Ord. 200 § 5, 1937))

#### **9.04.070 Profanity, obscenity, and immorality-Abatement.**

A. At any time when it is brought to the attention of the chief of police or any police officer, that the provisions of Sections 9.04.040 through 9.04.060 are being violated, it shall be the duty of said officers, or any of them, to visit the place where it is reported that such violation exists and there to examine into the same; and should any of the officers, upon such examination, be of the opinion that such violation does exist, it shall be his duty to notify the person in charge of the exhibition, production, or representation in question that the objectional parts or features must be forthwith eliminated and no longer exhibited, produced, or represented.

B. Upon such notification, it shall be the duty of the person so notified immediately to comply therewith and then and there and at all times thereafter, except as provided in Section 9.04.080, to expunge and eliminate from such exhibition, production, or presentation, such objectional parts or features, or the whole thereof.

C. In the event that such notification is not complied with immediately, it shall be the duty of the chief of police or other police officer to forbid and prevent the further continuance of the exhibition, production, or representation in question until the notification shall be complied with, and the person so neglecting or refusing to comply with the notification, all persons participating in the production of such exhibition, production, or representation, shall be deemed guilty of a misdemeanor and shall be immediately arrested

by any police officer as for an offense committed in the immediate presence of the police officer, with or without a warrant.

(Prior code § 9.12.110 (Ord. 200 § 6, 1937))

#### **9.04.080 Profanity, obscenity, and immorality-Abatement appeal.**

Any person aggrieved by the action of the chief of police or other police officer under the provisions of Section 9.04.070, and who has complied with the notification provided, or on whose behalf such compliance was made, may appeal to the city council for review of the action. A hearing of such appeal may be set by the city council at the earliest convenient time and at such hearing evidence shall be adduced, and the decision of the council in such a matter shall be final. The council may from time to time prescribe rules of procedure to be observed in such hearings for the purpose of facilitating such reviews and the elimination of damage which may result to the appellant by the delay resulting from such action.

(Prior code § 9.12.120 (Ord. 200 § 7, 1937))

#### **9.04.090 Intoxication.**

It is unlawful for any person to do the following:

A. Appear in any place open to public view, or on any street, sidewalk, alley, or in any motor vehicle in a drunken condition or state of intoxication;

B. Be on any private premises or in any private house or residence in a drunken condition or stage of intoxication to the annoyance of any other person;

C. Drink any malt, spirituous, or vinous liquor containing more than one-half of one percent of alcohol by volume upon any street, sidewalk, alley, parkway, or public grounds, within the city.

(Prior code § 9.12.130 (Ord. 200 § 8, 1937))

#### **9.04.100 Hours of dance restricted.**

It is unlawful for any person who owns, operates, manages, or has under his control, any dancehall, restaurant, cocktail bar, beer or wine bar, or other establishment visited by the public to authorize, allow, or permit dancing on the premises thereof between the hours of two a.m. and six a.m. of any day. It is also unlawful for any person who is on the premises of any such place between said hours to engage or participate in any dance.

(Ord. 594 § 1, 1966: prior code § 9.12.124)

#### **9.04.110 Penalty for violations.**

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

(Ord. 586 § D (part), 1966: prior code § 9.12.140 (Ord. 200 § 9, 1937))

### **Chapter 9.08 CONDUCT IN PUBLIC PLACES**

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Sections:

9.08.010 Acts prohibited in public parks and enclosures - Permits required for certain acts.

9.08.020 Public urination and defecation prohibited.

9.08.030 Permits.

9.08.040 Appeals.

### **9.08.010 Acts prohibited in public parks and enclosures - Permits required for certain acts.**

It is unlawful for any person or persons, corporation, partnership, association, society or any organization as principal, agent, employee, or otherwise, to do, to aid in doing, or cause or permit to be done, any of the acts enumerated in this section within the limits of any public park, building, enclosure or other public property, in the city:

A. Animals and Fowl. To permit or allow the presence of any animal or fowl, except leashed domestic dogs in compliance with Section 6.04.010(4), or except where the Community Services Director, or his/her designee, has granted a permit to allow specified animals. If such permit is granted, it must be in the possession of the permit holder while on the public premises with the animal;

B. Interference with Public Equipment/ Facilities. To cut, break, injure, deface or disturb any rock, building, monument, sign, fence, bench, structure, apparatus, equipment or other property; mark or place thereon, or on any portion thereof, any mark, writing or printing; attach thereto any sign, card, display or other similar device; dig remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower, or any portion thereof, or remove any wood, turf, grass, soil, rock, sand or gravel. This subsection (B) shall not apply to a duly authorized city employee or city contractor in performance of his/her duties;

C. Bathing and Pollution of Waters. To swim, bathe, wade, fish, or pollute the water of any fountain, pond, lake, or stream, except in those places set apart for public bathing. The Public Works Director or his/her designee is authorized to place and maintain, or cause to be placed and maintained, signs designating such public bathing places;

D. Fire. To bring on, use or possess any portable barbecue, grill, smoker, cooking equipment, apparatus, fire pit or hibachi, which uses charcoal or other incendiary material for fuel, except in those barbecues specifically provided by the city for that purpose, or except where the Community Services Director, or his/her designee, has granted a permit to allow such use. If such a permit is granted, it must be in the possession of the permit holder while on the public premises;

E. Camping. To camp or lodge without a written permit from the Community Services Director, or his/her designee;

F. Vehicles and Animals. To drive any vehicle or animal, except on the regular driveways or paths provided for such purposes; or to hitch or fasten any animal except at places so provided;

G. Vehicle Operation and Signs. To operate any vehicle over or upon any driveway at a greater speed than fifteen miles per hour. The Public Works Director, or his/her designee, shall erect signs on the driveways entering all public parks within the city, which signs shall be placed on the right-hand side of such driveways looking toward said parks and at a height not less than four nor more than ten feet from the ground, which signs shall correspond to the signs designated in Section 468.1 of the California Vehicle Act, or any amendment thereto;

H. Transporting Goods. To drive any dray, truck, wagon, cart, or other traffic vehicle carrying or regularly used or employed in carrying goods, wares, merchandise, lumber, machinery, oil, manure, dirt, sand, soil, or any article of trade or commerce, or any offensive article or material whatsoever over the parks or roads or driveways therein, except when delivering any material to, or within, or removing from, any public park or other public property within the city by authority or under direction of the City Manager, the Public Works Director or the Community Services Director, or any of their designees;

I. Sale of Goods. To bring, or cause to be brought, for the purposes of sale or barter, or have for sale, or sell or exchange, or offer for sale or exchange any goods, wares or merchandise in any park without first having obtained a permit from the Community Services Director;

J. Posting of Signs and Notices. To erect, construct or maintain, paste, paint, print, nail, tack or otherwise fasten or affix any card, decoration, poster or sign on any lamp post, utility pole, traffic control sign or signal, curbstone, bench, hydrant, wall, sidewalk, bridge, tree, fence, building or structure owned or controlled by the city, unless one has first secured a permit from the Community Services Director, or Public Works Director, or either of their designees, or has secured authorization by City Council resolution. Duly authorized city officers or employees and contractors with the city, State Government or Federal Government acting to promote the purposes of that contract shall be exempt from this division;

K. Organized Sports Games and Practices. To play or engage in any organized sports game, organized sports practice, or organized fitness activity without a written permit from the Community Services Director, or his/her designee; or to use/wear shoes with cleats on any field or turf area, or to "mark" or designate fields, parks or other public spaces by the use of cones, delineators, chalk or other means without a written permit from the Community Services Director or his/her designee. "Organized sports game" is defined for the purposes of this section as any game or competition held in connection with a formal or informal league or tournament. "Organized

sports practice" is defined for the purposes of this section as any formal practice, training or instruction in any sport or game, conducted by a coach or other person, for the purpose of competing in an organized sports game. "Organized fitness activity" is defined for the purposes of this section as any organized exercise or physical fitness activity, conducted by an instructor or other person, for which the other person is compensated by the participant(s).

L. Littering. To throw, deposit, or place any bottles, tin cans, broken glass, papers, clothes, iron, or any rubbish or refuse anywhere, except in receptacles furnished for that purpose;

M. Hours of Overnight Closure. To remain, stay or loiter about any public park, building or enclosure between the hours of 10:00 p.m. and 5:00 a.m., unless attending a picnic, celebration, parade, service or exercise conducted in accordance with subsection N of this section;

N. Group Picnics and Events. For any group, public or private, of more than twenty-five persons to hold or conduct a picnic, celebration, service, or event (other than a special event as defined in subsection R of this section) without a written permit from the Community Services Director, or his/her designee;

O. Jumpers and Bounce Houses. To place, provide or operate any inflatable play apparatus, such as jumpers, bounce houses, or other similar inflatable structures without a written permit from the Community Services Director, or his/her designee;

P. Tent Use. To construct or erect any building, tent or structure of whatever kind, whether permanent or temporary in character, without a written permit from the Community Services Director, or his/her designee;

Q. Noise. To willfully play any musical instrument or any electrically amplified music or sound in a manner which will disturb the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity, except in those areas designated and approved for performances and with a written permit from the Community Services Director, or his/her designee;

R. Special Events. To conduct or cause to be conducted, participate or engage in, hold, manage, permit or allow another to conduct a special event on such public property, or any event on private property which is sufficiently large as to affect adjacent public right-of-way or property, without first having obtained a written permit from the City Manager, or his/her designee. "Special event" is defined for the purposes of this section as follows:

1. Any organized formation, parade, procession, demonstration or assembly which may include persons, animals, vehicles or any combination thereof, which is to assemble or travel in unison on any street, sidewalk or other public right-of-way owned or controlled by the city which does not comply with applicable traffic regulations, laws or controls; or

2. Any organized or assemblage of seventy-five or more persons at any public place, property, or facility which is to gather for a common purpose under the direction or control of a person or persons; or

3. Any other organized activity involving seventy-five or more persons conducted by a person for a common or collective use, purpose or benefit which involves the use of, or has an impact on, public property or facilities and which may require the provision of city public services in response thereto.

4. Examples of such events include, but are not limited to, concerts, parades, circuses, fairs, festivals, street fairs, community events, mass participation sports (such as marathons and other running events), athletic or sporting events, and community celebrations and observances conducted on public property or public rights-of-way.

(Ord. 2013-05-1453 § 1; Ord. 2007-09-1375 § 1; Ord. 2004-08-1336 § 1; Ord. 99-07-1260 § 1; Ord. 88-08-1009 § 1; prior code § 9.08.010 (Ord. 314 § 1, 1949))

#### **9.08.020 Public Urination and Defecation Prohibited.**

A. It shall be unlawful for any person to urinate, defecate or otherwise discard or dispose of human wastes or excretion on private property in an area exposed to public view, or on any public street, sidewalk, alley, park, parking lot, or other public place, except in a toilet receptacle provided for such purpose within the structure of a restroom or bathroom or other enclosure.

B. Anyone who, by reason of illness, infection, disease or other physical infirmity is unable to control his or her excretory functions shall be exempt from the provisions of subsection (A). Loss of control of excretory functions brought on by voluntary ingestion of alcohol, drugs or other intoxicants, depressants, or hallucinogens shall not be exempt from the provisions of subsection (A).

(Ord. 2013-05-1453 § 1; Ord. 2004-01-1325 § 2)

### **9.08.030 Permits.**

A. Any person seeking a permit required by this chapter shall complete a permit application describing the reasons for the proposed activity or use, and shall deposit the permit fee as established by City Council resolution. The permit application and fee shall be submitted to the city department that issues the permit as indicated in Section 9.08.010.

B. The department's staff shall assess the extent to which the proposed activity or use may interfere with the use and enjoyment of the public park, building, facility or other place by the general public; the availability of the requested public park, building, facility or other place; the extent to which the proposed activity or use would require the diversion of public safety or other city employees from their normal duties so as to unreasonably reduce adequate levels of service to any other portion of the city; the extent to which the activity or event would adversely affect the city's ability to reasonably perform municipal functions or furnish city services; and any other criteria contained in any applicable policy of any applicable city department. Based on these criteria, city department staff shall approve or deny the permit application. Written notice of the decision shall be personally served or mailed to the applicant within five business days of the application submittal. If the permit application is denied, all deposited fees shall be returned to the applicant with the notice of denial. In determining whether to approve a permit application for an event involving expressive activity, no consideration may be given to the message of the event, the content of speech, the identity or associational relationships of the event organizer or its members or affiliates, or to any assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of the speech or the message conveyed during the event.

C. Permits issued under the provisions of this chapter are subject to such reasonable conditions as the city department staff may deem necessary in order to ensure that the proposed activity or use will be compatible with the general uses of the park or other public place; will prevent dangerous, unlawful or impermissible uses; and will protect the safety of persons and property; provided that such requirements shall not be imposed in a manner that will unreasonably restrict expressive or other activity protected by the California or United States Constitutions. Such conditions may include, but shall not be limited to the following:

1. Limitations upon the times during which the proposed use will be permitted;
2. Limitations upon the locations at which the use will be permitted;
3. Limitations upon the number of people that will be permitted to participate in a use at a given location;
4. Limitations upon the type of equipment allowed and the manner in which it is utilized;
5. Requirement that the applicant furnish private patrol or security where the nature of the use will impose undue burdens on the police services of the city;
6. Requirement that the applicant provide temporary sanitary facilities, trash containers, and the like;
7. Requirement that the applicant post additional fees, deposits or other security to cover extraordinary costs which may be incurred by the city as a result of the proposed use; and
8. Requirement that the applicant provide proof of insurance deemed adequate by the city department staff.

D. Any person dissatisfied with the decision of the city department's staff under this section may appeal such decision to the Parks and Recreation Commission in compliance with Section 9.08.040 of this chapter.

(Ord. 2013-05-1453 § 1)

### **9.08.040 Appeals.**

A. Any person wishing to appeal the decision(s) of the city department staff pursuant to Section 9.08.040 may appeal such decision to the Parks and Recreation Commission. The appeal must be filed in writing with the City Clerk within fourteen days of the personal service or mailing of the decision, and must specify the basis of appeal and the relief sought. The appeal shall be scheduled for hearing within two regularly scheduled meetings of the Parks and Recreation Commission, and notice of the appeal shall be provided by mail to the appellant. Appeal fees shall accompany any appeal filing in compliance with subdivision (C) of this section.

B. Appeals shall be heard by the Parks and Recreation Commission. The Commission may sustain, modify or overrule the decision of the City Department staff. The determination by the Parks and Recreation Commission shall be final.

C. The City Council shall, from time to time, by resolution, adopt or modify an appeal fee to be paid by the appellant to defray the reasonable expense of costs incidental to the administration and processing of appeals filed pursuant to this section.

#### **9.08.050 Penalty for violations.**

Violation of or failure to comply with any of the provisions of this Chapter 9.08 shall constitute a misdemeanor, punishable by a fine of not more than one thousand dollars or by imprisonment not to exceed six months, or both. Alternatively, at the sole discretion of the charging officer or the city attorney, a violation may be charged as an infraction punishable in accordance with the penalties stated in paragraph (C) of Section 1.16.010 of this code.

(Ord. 2013-05-1453 § 1; Ord. 586 § 0 (part), 1966: prior code § 9.08.020 (Ord. 314 § 3, 1949))

### **Chapter 9.12 TRESPASSING AND LOITERING**

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Sections:

- 9.12.010 Definitions.
- 9.12.020 Property eligible for posting.
- 9.12.030 Method of posting.
- 9.12.040 Trespassing on posted property deemed misdemeanor.
- 9.12.050 Destroying signs deemed misdemeanor.
- 9.12.060 Loitering on posted property deemed misdemeanor--Exceptions.
- 9.12.070 Exemptions.
- 9.12.080 Effect of provisions on lawful labor activities.
- 9.12.090 Penalty for violations.

#### **9.12.010 Definitions.**

The following terms used in this chapter, unless the context clearly indicates otherwise, shall have the respective meanings set forth in this section:

- A. "Posted boundary" means a line running from sign to sign and such line need not conform to the legal boundary or legal description of any lot, parcel, or acreage of land, but only the area within the "posted boundary" shall constitute "posted property," except as otherwise provided in subsection E of Section 9.12.030.
- B. "Posted property" means any property specified in Section 9.12.020 which is posted in a manner provided in Section 9.12.030.
- C. "Sign" means a sign affixed not less than three feet nor more than six feet above the ground level at the place of posting as specified in Section 9.12.030, which sign shall consist of wood, metal, or other substantial material, with a face of not less than one square foot in area and upon which in letters not less than two inches in height, either black against a white background or white against a black background, or contrasting colors, appear, in addition to such other information as may be placed thereon, the following: TRESPASSING, LOITERING FORBIDDEN BY LAW."

(Prior code § 9.48.010 (Ord. 229 § 1, 1940))

#### **9.12.020 Property eligible for posting.**

Any property except that portion of such property to which the general public is accorded access, may be posted against trespassing and loitering in the manner provided in Section 9.12.030 and thereby become "posted property" subject to the provisions of this chapter applicable to posted property, if such property consists of or is used or designed to be used for any one or more of the following:



A. Oil and Gas Facilities. An oil well, oil field, tank farm, refinery, compressor plant, absorption plant, bulk plant, pipeline, pipeline pumping station, or reservoir, or any other plant, structure, or works, used for the production, extraction, treatment, handling, storage, or transportation, of oil, gas, gasoline, petroleum, or any product or products thereof;

B. Gas Distribution Facilities. A gas plant, gas storage station, gas meter, gas valve, regulator station, gas odorant station, gas pipeline or appurtenances, or any other property used in the transmission or distribution of gas;

C. Electric Energy Facilities. A reservoir, dam, generating plant, receiving station, distributing station, transformer, transmission line, or any appurtenances used for the storage of water for the generation of hydroelectric power, or for the generation of electricity by water or steam or by any other apparatus or method suitable for the generation of electricity, or for the handling, transmission, reception, or distribution of electric energy;

D. Telephone and Radio Facilities. Plants, structures or facilities used for or in connection with the rendering of telephone or telegraph service or for radio broadcasting;

E. Water Facilities. A water well, dam, reservoir, pumping plant, aqueduct, canal, tunnel, siphon, conduit, or any other structure, facility or conductor for producing, storing, diverting, conserving, treating, or conveying water;

F. Explosives Facilities. The production, storage, or manufacture of munitions, dynamite, black blasting powder, gun powder or other explosives;

G. Railroad Facilities. A railroad right-of-way, railroad bridge, railroad tunnel, railroad shop, railroad yard, or other railroad facility.  
(Prior code § 9.48.020 (Ord. 229 § 2, 1940))

### **9.12.030 Method of posting.**

Any property described in Section 9.12.020 may be posted against trespassing and loitering, in the following manner:

A. Any such property, if it is not enclosed within a fence and if it is of an area not exceeding one acre and if it has no lineal dimension exceeding one mile, by posting signs at each corner of the area so posted, and at each entrance thereto;

B. Any such property, if it is not enclosed within a fence, and if it is of an area exceeding one acre, or if it contains any lineal dimension exceeding one mile, by posting signs along or near the exterior boundaries of the area so posted at intervals of not more than six hundred feet, and also at each corner thereof and, if such property has a definite entrance or entrances thereto, at each such entrance;

C. Any such property, if it is enclosed within a fence and if it is of an area not exceeding one acre, and if it has no lineal dimension exceeding one mile, by posting signs at each corner of such fence and at each entrance thereto;

D. Any such property, if it is enclosed within a fence and if it is of an area exceeding one acre, or if it has any lineal dimensions exceeding one mile, by posting signs on or along the line of such fence at intervals of not more than six hundred feet, and also at each corner thereof and at each entrance thereto;

E. Any such property, if it consists of poles or towers or appurtenant structures for the suspension of wires or other conductors for conveying electricity or telegraphic or telephonic messages, by affixing a sign upon one or more sides of such poles or towers, but such posting shall render only the pole or tower or appurtenant structure posted property.

(Prior code § 9.48.030 (Ord. 229 § 3, 1940))

### **9.12.040 Trespassing on posted property deemed misdemeanor.**

Every person is guilty of a misdemeanor who enters or remains upon any posted property without the written permission of the owner, tenant, or occupant in legal possession or control thereof. Every person who so enters or remains upon such posted property without such written permission is guilty of a separate offense for each day during any portion of which he enters or remains upon such posted property.

(Prior code § 9.48.040 (Ord. 229 § 4, 1940))



#### **9.12.050 Destroying signs deemed misdemeanor.**

Every person is guilty of a misdemeanor who, without authority, tears down, defaces, or destroys any sign posted under the provisions of this chapter.

(Prior code § 9.48.050 (Ord. 229 § 5, 1940))

#### **9.12.060 Loitering on posted property deemed misdemeanor--Exceptions.**

Every person is guilty of a misdemeanor who loiters in the immediate vicinity of any posted property. This section does not prohibit picketing or any lawful activity in the immediate vicinity of any posted property, or elsewhere, by which picketing or lawful activity the public is informed of the existence of an alleged labor dispute.

(Prior code § 9.48.060 (Ord. 229 § 6, 1940))

#### **9.12.070 Exemptions.**

This chapter does not apply to any entry, in the course of duty, of any peace or police officer or other duly authorized public officer, nor does it apply to the lawful use of an established and existing right-of-way for public road purposes.

(Prior code § 9.48.070 (Ord. 229 § 7, 1940))

#### **9.12.080 Effect of provisions on lawful labor activities.**

This chapter does not prohibit any lawful activity for the purpose of engaging in any organizational effort on behalf of any labor union, agent, or member thereof, or of any employee group or any member thereof employed or formerly employed in any place of business or manufacturing establishment described in this chapter or for the purpose of carrying on the lawful activities of labor unions or members thereof.

(Prior code § 9.48.080 (Ord. 229 § 8, 1940))

#### **9.12.090 Penalty for violations.**

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

(Ord. 586 § D (part), 1966: prior code § 9.48.090 (Ord. 220 § 9, 1940))

### **Chapter 9.16 NOISE\***

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Sections:

9.16.010 Generally.

9.16.020 Definitions.

9.16.030 Noise standards.

9.16.040 Prohibited noises enumerated.

9.16.050 Construction or repairing of buildings.

9.16.060 Machinery and equipment other than that required for servicing, redrilling and reworking of existing oil wells.

9.16.070 Servicing, reworking and redrilling of existing oil wells.

- 9.16.080 New construction of habitable space.
- 9.16.085 New construction of residential dwellings in close proximity to oil field equipment.
- 9.16.087 Existing oil field equipment violations and compliance procedures.
- 9.16.090 Vehicular and industrial noise sources.
- 9.16.100 Public services.
- 9.16.110 Emergency well work.
- 9.16.130 Enforcement.
- 9.16.140 Violations.
- 9.16.150 Penalty for misdemeanor violations.

\* Prior ordinance history: prior code §§ 9.28.010-- 9.28.100, (Ord. 538) and Ordinance 79-11-832.

**9.16.010 Generally.**

It is declared to be the policy of the city to prohibit unnecessary, excessive, and annoying noises form all sources subject to its police power. At certain levels noise is detrimental to the health and welfare of the citizenry and in the public interest shall be systematically prescribed.

(Ord. 81-8-878 § 1)

**9.16.020 Definitions.**

The following terms used in this chapter, unless the context clearly indicates otherwise, shall have the respective meanings set forth in this section:

- A. "Ambient noise" means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purpose of this chapter, "ambient noise level" is the level obtained when the noise level is averaged over a period of fifteen minutes without inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made.
- B. "Ambient noise level" as referred to in this chapter, means the higher of the following:
  - 1. Actual measured ambient noise level; or
  - 2. Presumed ambient noise level as determined from the following chart:

Zone	Ambient Base Noise Level	
	Night (10 p.m. to 7 a.m.)	Day (7 a.m. to 10 p.m.)
Residential	50	60
Commercial	60	65
Industrial	70	70

C. "CNEL" is the measure of the noise environment over a twenty-four hour period as defined in Title 4, Subchapter 6 of the California Administrative Code.

D. "Decibel" (Db) means a unit which denotes the ratio between two quantities which are proportional to power; the number of

decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.

E. "Sound level" (noise level) in decibels is sound measured using the "A" weighting network of a sound level meter. Slow response of the sound level meter needle shall be used except where the sound is impulsive or rapidly varying in nature in which case fast response shall be used.

F. "Sound level meter" means an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels which satisfies the pertinent requirements in American National Standards Institutes's Specification S1.4 - 1971 or the most recent revision thereof for Type S-2A general purpose sound level meters.

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

(Ord. 93-04-1153 § 1; Ord. 81-8-878 § 2)

### **9.16.030 Noise standards.**

A. Notwithstanding any other provision of this chapter, and in addition thereto, it is unlawful for any person to wilfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness in the area.

B. The standards which shall be considered in determining whether a violation of the provisions of this section exists include, but are not limited to, the following:

1. The level of the noise;
2. The intensity of the noise;
3. Whether the nature of the noise is usual or unusual;
4. Whether the origin of the noise is natural or unnatural;
5. The level and intensity of the background noise, if any;
6. The proximity of the noise to residential sleeping facilities;
7. The nature and zoning of the area within which the noise emanates;
8. The density of the inhabitation of the area within which the noise emanates;
9. The time of the day or night the noise occurs;
10. The duration of the noise;
11. Whether the noise is recurrent, intermittent, or constant; and
12. Whether the noise is produced by a commercial or noncommercial activity.

(Ord. 81-8-878 § 5)

### **9.16.040 Prohibited noises enumerated.**

The following acts, or similar acts, are declared to be loud, disturbing, and unnecessary noises in violation of this chapter. A field test in accordance with Section 9.16.110 shall not be necessary to establish a violation of this section:

A. Horns and Signaling Devices. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound, and the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up;

B. Radios and Other Sound Amplification Devices. The using, operating, or permitting to be played, used, or operated, any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto; the operation of any such set, instrument, phonograph, machine, or device between the hours of eleven p.m. and seven a.m. in such a manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section;

C. Commercial Amplifications. The using, operating, or permitting to be played, used, or operated, of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure;

D. Yelling and Shouting. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of eleven p.m. and seven a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any person in the vicinity;

E. Noises Near Schools, Hospitals, and Courts. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street;

F. Animals and Fowl. The keeping or maintenance of any animal or fowl which by any sound, cry, or behavior causes annoyance or discomfort to a reasonable person of normal sensitiveness in any residential neighborhood;

G. Vehicle Repair. The creation of any loud, disturbing, or unnecessary noise associated with the repair, rebuilding or testing of any motor vehicle between the hours of six p.m. and seven a.m. in a residential area, in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance.

(Ord. 81-8-878 § 6 (part))

#### **9.16.050 Construction or repairing of buildings.**

A. Generally. It is the purpose of this section to promote quiet and peaceful residential areas by limiting construction activities which create disturbing noise to reasonable times and circumstances, but such limitations shall not apply where residences will not be affected, where individual homeowners are performing maintenance work, or to emergency circumstances.

B. Limitation of Activity. No person shall carry on any construction activities, including the erection, demolition, excavation, modification, alteration or repair of any building or structures, or any other activities creating construction noise as defined in this section other than between the hours of seven a.m. and six p.m. on weekdays, except as otherwise permitted in this section.

C. Definitions. For the purposes of this section, the following words and phrases shall have the following meanings, except where the context indicates otherwise:

1. The term "weekday" does not include Saturdays, Sundays or holidays, but does include all other days. "Holidays" is defined in this section to include the following seven days: Christmas, Thanksgiving, New Year's, July 4th, Memorial Day, Labor Day and Veterans Day.

2. The term "construction noise" means noise associated with construction activities and includes but is not limited to any loud, annoying or disturbing noises or sounds associated with the delivery or operation of equipment, radios, communication equipment, shouting, horns, bells, demolition, excavation digging, pouring, pounding or other similar noise.

D. Exceptions. Notwithstanding any other provision of this section, construction activities are permitted as follows:

1. An owner of a dwelling or property residing thereon may perform repair or maintenance work on such dwelling or property without regard to any limitation contained in this section.

2. During any emergency, any construction activities required to preserve life or property shall be permitted at any time, but this paragraph shall not authorize any construction activity if the building official determines that no emergency exists and notifies the property owner or person responsible for the construction activity that no such emergency exists.

3. Construction activities creating construction noise may be authorized between the hours of six p.m. and seven a.m. on weekdays or at any time on any other days if a permit for such construction activities is issued by the building official of the city or his designee in accordance with the provisions contained in this section, and is not revoked.

E. Permit Procedure to Authorize Construction Activities at Times other than Permitted Hours on Weekdays.

1. The building official or his designee may issue a permit authorizing construction activities at times not otherwise permitted by this section only when the issuing official determines that the construction activity will not produce construction noise which will interfere with the peaceful enjoyment of persons occupying surrounding properties. The issuing official shall consider the nature of surrounding property, type of construction activity, time of construction activity, existence of buildings, structures, natural features and topography which will buffer the impacts of construction noise on surrounding properties, and any other matters affecting the impact of the construction noise on surrounding properties, and may impose any conditions deemed reasonable to mitigate such impacts. A copy of any permit issued pursuant to this section shall be filed by the issuing official with the police department.

2. Where appropriate mitigating measures are taken, a permit should generally be granted for construction activities other than the following:

- a. Motorized earth-moving equipment;
- b. Framing;
- c. Concrete placement;
- d. Mixing equipment;
- e. Stuccoing;
- f. Roofing;
- g. Any activity requiring compressors;
- h. Any activity producing similarly adverse noise impacts.

3. The general contractor responsible for the construction activity, or where there is no general contractor, the property owner, shall apply for the permit prior to the performance of such construction activity, shall certify that he understands and agrees to the terms thereof, and shall post a copy of said permit at the job site in a manner reasonably visible to the public. Such person shall be the permittee and is responsible for assuring compliance with all terms and provisions of the permit.

4. Where complaints are received from persons occupying surrounding property concerning construction noise created by any construction activity, the permit may be modified or revoked by the issuing official, and shall be revoked if complaints are received from the occupants of three separate properties or of three separate dwelling units on any property or properties. The permit shall be revocable by either the issuing official or the police department and any permittee shall be duly informed of such revocation. The building official or his designee may reissue said permit if he believes that the provisions of this section are satisfied, but if subsequently revoked, such permit shall not be reissued.

(Ord. 81-8-878 § 4)

**9.16.060 Machinery and equipment other than that required for servicing, redrilling and reworking of existing oil wells.**

A. It is unlawful for any person to operate any machinery, equipment, compressor, pump, generator, fan, air conditioning apparatus, or similar mechanical device, or provide boarding or daycare to animals in an enclosed building (kennel) in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five decibels. For the purposes of this section, "noise level" means measured sound level with the following values added as corrections for time duration and character of the noise:

1. Add one and only one of the following corrections for time duration:
  - a. Noise persists for more than five minutes out of any one hour 0
  - b. Noise persists for more than one minute but not more than five minutes out of any one hour -5
  - c. Noise persists for one minute or less out of any one hour -10

2. Add one and only one of the following corrections for unusual character:

- a. Noise has no unusual character 0
- b. Noise contains a piercing pure tone +5
- c. Noise is impulsive or rattling in nature +5
- d. Noise carries speech, music, or other information content +5

B. This section shall not prevent the normal operation, repair, or maintenance of household gardening equipment and hobby shop equipment or the servicing, redrilling and reworking of oil wells.

(Ord. 93-04-1153 §§ 2, 3; Ord. 81-8-878 § 6 (part); Ord. 2012-02-1444 § 2)

#### **9.16.070 Servicing, reworking and redrilling of existing oil wells.**

A. Except in case of emergency well work, well servicing reworking and truck deliveries are prohibited except Monday through Friday, inclusive, from seven a.m. to seven p.m. and except for industrial areas and drill sites as shown on the oil well servicing map on file in City Hall where work shall be permitted on Saturdays and Sundays from nine a.m. to seven p.m.

B. During redrilling activities, soundproofing shall be provided in accordance with Section 16.16.110.

C. 1. During redrilling, reworking or servicing operations the operator shall be required to respond to resident complaints about noise from such operations. If the operator has not taken action to reduce the noise from such operations to a level acceptable to the complaining resident within twenty-four hours of the making of the complaint, the city may order the operator to implement one or more of the following temporary noise mitigating measures:

- a. Extension or diversion of oil service rig tailpipes away from affected dwellings;
- b. Replacement of defective or worn mufflers;
- c. Construction of sound barriers up to one hundred twenty square feet in dimension between any operating engine(s) and the affected dwelling, which barriers must comply with all Uniform Fire Code provisions then in effect.

2. The operator shall implement any such mitigation measures within twenty-four hours of being so ordered by the city.

(Ord. 93-04-1153 §§ 4, 5; Ord. 90-08-1074 § 2; Ord. 87-07-992 §§ 1, 2, 3; Ord. 81-8-878 § 6 (part))

#### **9.16.080 New construction of habitable space.**

In accordance with Title 25 of the California Administrative Code, all construction of habitable rooms in new hotels, motels, apartment houses, and dwellings other than detached single-family dwellings, shall provide interior community noise equivalent levels (CNEL) with windows closed attributable to exterior sources less than or equal to an annual CNEL of 45 dB.

(Ord. 81-8-878 § 6 (part))

#### **9.16.085 New construction of residential dwellings in close proximity to oil field equipment.**

A. For any new development which proposes to locate any portion of any dwelling within six hundred feet of an operating oil well, injection well, or any other appurtenant oil field equipment, upon submittal of an application for development approval as described in Chapter 20.52, the city shall review the oil field map and if necessary take field noise measurements to evaluate the potential for proposed residential development to be adversely impacted by oil field equipment noise. When the city determines that proposed development may be impacted by oil field equipment noise the applicant shall submit one of the following:

1. A joint oil field equipment noise mitigation plan, approved by both the applicant and the operator of the oil field equipment in question, describing in detail the measures proposed to be completed during the construction of the proposed development to mitigate the effects of any proposed dwelling from oil field equipment noise to levels provided in Section 9.16.020(B). The joint oil field equipment noise mitigation plan shall include a certification by a state licensed acoustical engineer that the mitigation measures proposed are anticipated to reduce the effect of oil field equipment noise on the affected dwellings to levels provided for in Section

9.16.020(B). The mitigation measures may include walls, enclosures, earth berms, construction features, grade changes, reconfiguration or relocation of proposed dwelling units, reduction of dwelling unit densities, or modifications, repairs, or other alterations to the oil field equipment. All mitigation measures proposed must comply with applicable requirements of the Signal Hill Municipal Code.

2. A development applicant oil field equipment noise mitigation plan, prepared by the applicant. If the applicant owns or controls the oil facility in question, he/she may not submit a development applicant oil field equipment noise mitigation plan. A development applicant oil field equipment noise mitigation plan shall include all of the following:

- a. Evidence acceptable to the director of planning that the applicant contacted the operator of the oil field equipment in question, and made a good faith effort to secure the cooperation of the operator in the preparation of a joint oil field equipment noise mitigation plan, including evidence that the developer offered to pay the reasonable costs of any modifications to oil field equipment required to meet the noise levels provided in Section 9.16.020(B);
- b. Description in detail of mitigation measures, other than repairs, modifications, or other alterations to the oil field equipment, proposed to be completed during the construction of the proposed development to mitigate the effects on any proposed dwelling from oil field equipment noise to levels provided in Section 9.16.020(B), or as close to such levels as best practicable technology may permit. The mitigation measures may include walls, enclosures, earth berms, construction features, grade changes, reconfiguration or relocation of proposed dwelling units, reduction of dwelling unit densities, provided that no such reduction shall be required which does not permit the development of at least one dwelling unit on each legal lot on the property. All mitigation measures proposed must comply with all applicable requirements of the Signal Hill Municipal Code;
- c. One of the following:
  - i. Certification by a state licensed acoustical engineer that the mitigation measures proposed are properly designed to reduce the effect of oil field equipment noise on affected dwellings to levels provided for in Section 9.16.020(B); or
  - ii. Certification by a state licensed acoustical engineer that there are no mitigation measures permitted under the Signal Hill Municipal Code, other than repairs, modifications, or other alteration of the oil field equipment, which can be properly designed to reduce the effect of oil field equipment noise on affected dwellings to levels provided for in Section 9.16.020(B).

B. The mitigation measures proposed by any oil field equipment noise mitigation plan shall be subject to review and approval under the provisions of Chapter 20.52 as a part of the application for the project. No project subject to the provisions of this section shall be approved without the approval of an oil field equipment noise mitigation plan. No developer applicant oil field equipment noise mitigation plan shall be approved until such plan has been submitted by the director of planning to the operator of the oil field equipment in question for review and comment. The operator shall have thirty days to respond to the director of planning regarding such plan submitted by the applicant and may request a hearing before the director of planning and the applicant and shall have the right to protest such plan.

C. All mitigation measures in the approved oil field equipment noise mitigation plan must be constructed or implemented as part of the project construction. No certificate of occupancy shall be issued for any dwelling until the applicant submits noise measurements taken by a state licensed acoustical engineer, indicating compliance with the noise standards provided in Section 9.16.020(B). If such measurements do not indicate compliance, the applicant shall have ninety days to propose and install additional mitigation measures to bring the dwelling into compliance.

D. If after construction or implementation of all mitigation measures in an approved oil field equipment noise mitigation plan, and construction and implementation of additional mitigation measures under subsection C above, the city determines that the residence cannot be brought into compliance with the noise standards provided in Section 9.16.020(B), the city may issue a certificate of noncompliance for the residence. The certificate of noncompliance shall allow the issuance of a certificate of occupancy for the residence. The developer shall record the certificate of noncompliance at the office of the county recorder. After issuance of the certificate of noncompliance and certificate of occupancy, the residence may be occupied, and shall be treated as an existing residential unit and nearby oil field equipment shall be treated as existing oil field equipment for all purposes under this chapter.

(Ord. 93-04-1153 § 6)

### **9.16.087 Existing oil field equipment violations and compliance procedures.**

A. For existing oil field equipment, residential owners or occupants within six hundred feet of such equipment may contact the operators to report offensive oil field equipment noise. It shall be the responsibility of the operator to respond to any such report within twenty-four hours of receiving the report. If after having contacted the operator the owner or occupant is not satisfied with the



corrective measures taken by the operator, the owner or occupant may lodge a complaint with the city. Upon the receipt of such a complaint, the city shall take noise measurements, using city equipment and employees of the city trained to operate the equipment, to determine if the noise as measured from interior areas of the affected dwelling with windows open or from rear yard patio areas exceeds the noise levels permitted by Section 9.16.020(B), and if the source of the noise is oil field equipment. The owner or occupant making the complaint shall agree to entry onto the affected property by city personnel, and by any state licensed acoustical engineer retained by an operator pursuant to subsection C below, for the purposes of making the noise measurements. In the absence of such consent, the city need take no further action and the owner or occupant shall be deemed to have abandoned the noise complaint.

B. 1. Should the noise measurement indicate noise levels exceeding the noise levels set forth in Section 9.16.020(B), the city shall notify the operator. The notice shall state the time and date of the city's measurement, the noise level measured, and shall state that the operator must take corrective actions to remedy the violation. The corrective actions may include, but are not limited to, the following:

- a. Repairs to the oil field equipment motor, belts, transmission, etc.;
- b. Construction of an enclosure over the belt, motor, and/or pulleys of sufficient design and quality to mitigate noise to the greatest extent possible;
- c. Construction of a wall between the offending oil field equipment and the dwelling of sufficient height and density to mitigate noise to the greatest extent possible;
- d. Replacement or repair of old aboveground pumping units to achieve noise levels similar to comparable equipment in good working order.

2. The notice shall also provide a reasonable time, not less than ten days, but not to exceed sixty days, within which the oil field equipment must be brought into compliance.

C. Upon receipt of the notice provided for above, the oil operator may appeal the city's determination of noise level. The operator must indicate its intent to appeal the determination in writing to the city clerk within ten days of the receipt of notice. The appeal must state all grounds upon which the operator challenges the notice. If the operator appeals the determination, it shall provide to the city, within twenty days of its notice of intent to challenge the determination, measurements from a state licensed acoustical engineer, the engineer being mutually agreed upon by both the operator and the city, which shall be taken in the same manner as set out in subsection A above. The measurements shall be binding to both the operator and the city. The time periods for bringing the oil field equipment into compliance as stated in any notice issued pursuant to subsection B above shall be tolled during the appeal period.

D. It shall be the sole responsibility of the operator to mitigate oil field noise to the noise level required by Section 9.16.020(B). Failure by the operator to mitigate the oil field equipment noise to permitted levels in compliance with the notice provided in subsection B above shall be deemed a misdemeanor violation, and subject to enforcement under Chapter 1.16.

E. In the event that the operator implements all reasonably available noise mitigation measures, but the noise levels required by Section 9.16.020(B) are not achieved, the city may issue a certificate of compliance for the subject oil field equipment, describing the mitigation measures constructed and before and after noise measurements taken from the affected dwelling. The certificate of compliance shall permit the continued operation of the applicable oil field equipment only to the extent of the noise measurements taken from the affected dwelling after implementation of all mitigation measures described in the certificate. If the oil field equipment which is the subject of a certificate is later operated in a manner which exceeds the noise level identified in the certificate, the operator of such equipment shall be subject to all of the provisions of this chapter to the extent the noise level resulting from such operation exceeds the noise level identified in the certificate.

(Ord. 93-04-1153 § 7)

#### **9.16.090 Vehicular and industrial noise sources.**

In accordance with Title 25 of the California Administrative Code, residential buildings to be located within an annual exterior CNEL of 60 dB adjacent to transportation routes as identified in the noise element of the general plan, shall require an acoustical analysis showing that the proposed building has been designed to limit intruding noise to an annual CNEL of 45 dB.

Evidence of compliance with this section shall be in accordance with Title 25 of the California Administrative Code.

(Ord. 81-8-878 § 6 (part))

#### **9.16.100 Public services.**



The provisions of this chapter shall not preclude the construction, operation, maintenance, and repairs of equipment apparatus, or facilities of park and recreation departments, public work projects, or essential public services and facilities, including those of public utilities subject to the regulatory jurisdiction of the California Public Utilities Commission.

(Ord. 81-8-878 § 6 (part))

#### 9.16.110 Emergency well work.

The provisions of this chapter shall not prevent emergency well work at any time. Emergency well work shall mean any sudden or unforeseen situation that requires immediate action to preserve life, property or the environment and may include well blowout, loss of circulation, rig safety or other situations deemed to be an emergency by the state department of oil and gas or the city oil coordinator. In the event that any person believes an emergency exists, they may take immediate corrective action and simultaneously shall notify the city oil coordinator of such emergency and corrective action. If the city oil coordinator determines that no emergency exists or that the corrective action is inappropriate, the coordinator shall so notify the person taking action and such person shall comply with the determination and order of the coordinator.

(Ord. 87-07-992 § 4: Ord. 81-8-878 § 6 (part))

#### 9.16.130 Enforcement.

Where applicable, noise ordinance enforcement shall be governed by the noise ordinance enforcement instructions on file in the office of the community development director.

(Ord. 81-8-878 § 6 (part))

#### 9.16.140 Violations.

Any person who violates any provision of this chapter or the conditions of any permit authorized pursuant to this chapter, shall be guilty of an infraction as defined by the California Penal Code, punishable by a fine of not more than five hundred dollars; provided, that any person having committed three infractions within a one-year period (three hundred sixty-five consecutive days), who commits a subsequent violation of this chapter, shall be guilty of a misdemeanor, punishable as provided in this chapter. The police department shall have the power and duty to cite persons violating the provisions of this chapter or of any permit pursuant thereto and to enforce the provisions thereof.

(Ord. 81-8-878 § 6 (part))

#### 9.16.150 Penalty for misdemeanor violations.

Any person deemed guilty of a misdemeanor in accordance with Section 9.16.140, upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than one hundred eighty days or both.

(Ord. 81-8-878 § 6 (part))

### Chapter 9.18 LOUD OR UNRULY PARTIES, GATHERINGS AND OTHER DISTUBANCES OF THE PEACE

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Sections:

9.18.010 Purpose and intent.

9.18.020 Definitions.

9.18.030 Supplementary provisions.

9.18.040 Notice of personal liability for costs of special police services--First response and written warning.

- 9.18.050 Second and subsequent responses deemed special police services.
- 9.18.060 Police response service charge.
- 9.18.070 Payment of fees and charges.
- 9.18.080 Arrest and/or citation.

#### **9.18.010 Purpose and intent.**

The city finds that loud or unruly parties, gatherings or other assemblages of persons on private property within the city, or loud and unreasonable disturbances, in violation of California Penal Code Section 415, and Chapter 9.16 of the Signal Hill Municipal Code, can disturb the public peace, safety, health and welfare as to require added and extraordinary law enforcement services particularly where repeated calls for services are made and where those creating the need for services are failing to act in accordance with the lawful instructions of law enforcement officers. It is in the best interests of the public peace, safety, health and welfare to require those persons causing the need for special law enforcement services, beyond those normally provided to the public at large, pay all or a part of any extraordinary expenses generated by their own conduct. It is in the interest of law abiding citizens that those persons generating a need for law enforcement service should pay, in part, the cost therefore.

(Ord. 99-07-1259 § 1 (part))

#### **9.18.020 Definitions.**

Whenever the following words and phrases are used in this chapter, they shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

"Extraordinary expense" or "police response service charge" refers to the costs incurred in the second and subsequent police responses to control and maintain the public peace, safety, health and welfare, which include but are not limited to the following: all personnel, equipment and mutual aid costs expended during the second and subsequent responses to the premises, damages to city property and/or injuries to city personnel.

"Parties, gatherings or other assemblages" refers to the meeting of a group of persons who have met or are meeting for a special occasion or for a social activity on private property, whether residential or not.

"Special police services" or "special law enforcement services" refer to the necessary activities of the police to maintain the public peace, safety, health and welfare in responding to a loud or unruly party, gathering or other disturbance of the peace after the police have made an initial response and given warning that if such disturbance is not corrected, and a subsequent response is required, then a police response service charge will be levied.

(Ord. 99-07-1259 § 1 (part))

#### **9.18.30 Supplementary provisions.**

Except as provided herein, the provisions of this chapter shall supplement any and all provisions addressing noise disturbances as contained in the Signal Hill Municipal Code, including but not limited to the provisions of Chapter 9.16.

(Ord. 99-07-1259 § 1 (part))

#### **9.18.040 Notice of personal liability for costs of special police services--First response and written warning.**

A. When any loud or unruly assemblage occurs or is held on private property within the city (whether in a residential area or not), and the city police department is required to respond to the scene (whether or not in response to a citizen complaint), and the senior police officer at the scene determines that there is a threat to the public peace, health, safety or welfare, then that senior officer shall notify the owner of the premises or the person(s) in charge of the premises or the person(s) responsible for the assemblage, that they will be held personally liable for the costs of providing police personnel for the special police services necessary resulting from any subsequent police response caused by the unruly party, gathering or assemblage of persons. If that person is a minor, the parent or guardians will be held responsible for the costs of providing special police services.

B. Such person(s) shall be given a first warning, in the form of written notification by the police officer, that additional police department responses within a thirty-day period to the same location or address will be considered special police services subject to a police response service charge. If no owner or other adult person in charge of the premises can be located or identified at the time of the first response, or such person(s) refuses to sign a receipt of the notice, the written notice may be posted in any conspicuous outdoor location near any entrance to the premises. In such event, the owner and any other adult person in possession of the premises at the time of the response by the police may be held jointly liable for the costs of providing the special police services.

(Ord. 99-07-1259 § 1 (part))

#### **9.18.050 Second and subsequent responses deemed special police services.**

The police personnel utilized after the first warning to control the threat to the public peace, health, safety or welfare shall be deemed to be on special police services assignment providing added or extraordinary police services over and above the normal police services provided by the city.

(Ord. 99-07-1259 § 1 (part))

#### **9.18.060 Police response service charge.**

A. The police response service charge shall not exceed the reasonable cost of providing such services based on time and material charges. In addition, such cost may include damages to city property and/or injuries to city personnel.

B. The city reserves its rights to seek reimbursement for actual costs exceeding five hundred dollars through other legal remedies or procedures. In the event the city is required to institute any legal proceeding to recover such costs, it shall be entitled to additionally collect all costs, including attorney's fees, incurred as a result thereof.

(Ord. 99-07-1259 § 1 (part))

#### **9.18.070 Payment of fees and charges.**

All fees and charges levied for such services shall be due and payable within thirty days following invoice therefor. Sums not timely paid shall incur interest at the legal rate. All fees and charges for such services shall constitute a valid and subsisting debt in favor of the city and against the person(s) to whom such services are rendered. Should the amount due not be paid, the city may collect the debt, as well as any cost incurred in collecting the debt due to nonpayment, pursuant to any available provision of the law.

(Ord. 99-07-1259 § 1 (part))

#### **9.18.080 Arrest and/or citation.**

The second and subsequent responses may also result in the arrest and/or citation of violators of the state Penal Code or other regulations, ordinances or laws.

(Ord. 99-07-1259 § 1 (part))

### **Chapter 9.20 CURFEW AND TRUANCY FOR MINORS**

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Sections:

9.20.010 Definitions.

9.20.020 Juvenile nighttime curfew.

9.20.025 Prohibition of sales and solicitations by minors unaccompanied by an adult.

9.20.030 Curfew exceptions.

9.20.040 Juvenile curfew during school hours.

9.20.050 Truancy exceptions.

9.20.060 Duty of parent or guardian.

9.20.070 Minor curfew, truancy or willful misconduct cost recovery authorization.

9.20.080 Penalty.

### **9.20.010 Definitions.**

As used in this chapter, the following words and phrases shall have the meaning set out below:

A. "Emergency" means one or more unforeseen circumstances or resulting state requiring immediate action, such as a fire, natural disaster, accident or situation requiring immediate action to prevent or treat serious injury or loss to person or property.

B. "Establishment" means any privately owned place of business to which the public is invited, including but not limited to places of amusement or entertainment.

C. "Guardian" means a person ordered to be such by a court or a public or private agency with whom the minor has been placed.

D. "Minor" means any person under eighteen years of age.

E. "Parent" means a person who is a natural, adoptive or step-parent or someone at least eighteen years old authorized by a parent or guardian to have care, custody or control of the minor.

F. "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of school, apartment houses, office buildings, transport facilities and shops.

(Ord. 98-05-1234 § 1 (part): Ord. 98-04-1233 § 1 (part))

### **9.20.020 Juvenile nighttime curfew.**

It is unlawful for any minor under the age of eighteen to remain in any public place or establishment within the city between the hours of ten p.m. and six a.m.

(Ord. 98-05-1234 § 1 (part): Ord. 98-04-1233 § 1 (part))

### **9.20.025 Prohibition of sales and solicitations by minors unaccompanied by an adult.**

No minor shall sell, offer for sale, or solicit the purchase of any article, goods or merchandise, or solicit a contribution to any charitable cause whatsoever, in any area of the city, from five p.m. until nine a.m. the following day, during pacific standard time, and from seven p.m. to nine a.m. the following day, during pacific daylight time, unless that minor is accompanied by a person over the age of eighteen.

(Ord. 2000-05-1272 § 1)

### **9.20.030 Curfew exceptions.**

Section 9.20.020 shall not apply when:

A. The minor is accompanied by his or her parent(s), legal guardian, or other person having legal care or custody of the minor;

B. The minor's parent(s) or legal guardian has given the minor written permission to remain in a public place or establishment during curfew hours. Notwithstanding any liability imposed under Sections 9.20.060 and 9.20.080 of this chapter, the parent or guardian providing written consent hereunder may be held liable for acts of the minor performed during curfew hours, as follows:

1. Civilly liable to the extent provided under state law, including but not limited to, liability imposed by California Civil Code Section

1714.1 for any willful misconduct of the minor which results in injury or death to another person, or damage to the property of another,

2. Criminally liable as a misdemeanor for any criminal act of a minor to the extent provided under state law;

C. The minor is involved in an emergency, or is on an emergency errand directed by his or her parent, guardian, or other adult person having legal care or custody of the minor;

D. The minor is attending, going to or returning home without any detour or stop from an official meeting, school activity, civic organization, educational, religious or recreational activity supervised by adults;

E. The minor is engaged in lawful employment activity or is going to or returning from a lawful employment activity without any detour or stop;

F. The minor is on the sidewalk adjacent to his/her residence;

G. The minor is an "emancipated minor" as that term is defined in Family Code Section 7002;

H. The minor is in a motor vehicle involved in interstate travel; or

I. The minor is exercising his/her First Amendment rights, such as freedom of speech, right of assembly or free exercise of religion.

(Ord. 98-05-1234 § 1 (part): Ord. 98-04-1233 § 1 (part))

#### **9.20.040 Juvenile curfew during school hours.**

In addition to the provisions of Section 9.20.020 of the code, it is unlawful for any minor under the age of eighteen, who is subject to compulsory education or to compulsory continuation education requirements, to remain in any public place or establishment within the city between the hours of eight-thirty a.m. and one-thirty p.m. or other hours as designated by the respective school district or school on days when school is in session.

(Ord. 98-05-1234 § 1 (part): Ord. 98-04-1233 § 2 (part))

#### **9.20.050 Truancy exceptions.**

Section 9.20.040 shall not apply when:

A. The minor is accompanied by his or her parent(s), legal guardian, or other person eighteen years of age or older having legal care or custody of the minor;

B. The minor's parent(s) or legal guardian has given the minor written permission to remain in a public place or establishment during the school hours. Notwithstanding any liability imposed under Sections 9.20.060 and 9.20.080 of this chapter, the parent or guardian providing written consent hereunder may be held liable for acts of the minor performed during school hours, as follows:

1. Civilly liable to the extent provided under state law, including but not limited to, liability imposed by California Civil Code Section 1714.1 for any willful misconduct of the minor which results in injury or death to another person, or damage to the property of another,

2. Criminally liable as a misdemeanor for any criminal act of a minor to the extent provided under state law;

C. The minor is involved in an emergency, or is on an emergency errand directed by his or her parent, guardian, or other adult person having legal care or custody of the minor;

D. The minor's school student body is excused for minimum class schedule or due to a scheduled day off, school holiday(s), staff and service day(s), summer vacation, or when the minor's school day does not begin until later than eight-thirty a.m., in which case Section 9.20.040 shall apply during the actual hours the minor's school is in session;

E. The minor has permission to leave a school campus for lunch or a school-related activity and has in his or her possession a valid, school-issued, off-campus permit;

F. The minor is an "emancipated minor" as that term is defined in Family Code Section 7002.

(Ord. 98-05-1234 § 1 (part): Ord. 98-04-1233 § 2 (part))

### **9.20.060 Duty of parent or guardian.**

Every parent, guardian, or other adult person having legal care, custody, or control of any minor under the age of eighteen years who knowingly aids, abets, or allows such minor described in Sections 9.20.020 or 9.20.040 to violate the provisions of those sections is guilty of a misdemeanor.

(Ord. 96-08-1206 § 2 (part))

### **9.20.070 Minor curfew, truancy or willful misconduct cost recovery authorization.**

A. Determination by Court. When, based on a finding of civil liability or criminal conviction for violation of curfew, truancy or willful misconduct, in violation of Welfare and Institutions Code Section 602, a minor under eighteen years is detained for a period of time in excess of one hour, and said detention requires the supervision of such minor by personnel of the Signal Hill police department, the parent(s) or legal guardian(s) having custody or control of such minor shall be jointly and severally liable for the cost of providing such personnel over and above the services normally provided by the Signal Hill police department.

B. Determination by Chief of Police. As determined by the Chief of Police of the Signal Hill police department, or his/her designee, the parent(s) or legal guardian(s) of a minor under the age of eighteen years committing any public offense amounting to an action of willful misconduct in violation of Welfare and Institutions Code Section 602, where personnel of the Signal Hill police department provide services relating to the detention, processing, or supervision of such minor in excess of one hour, may be assessed, and billed for, the actual cost of providing such personnel and services.

C. Appeal. Any person receiving a bill for police services pursuant to subsections A and B of this section may, within fifteen days after the billing date, file a written request appealing the imposition of such charges. Any billing sent pursuant to this section shall inform the billed party of the right to appeal said billing. Any appeal regarding such billing shall be heard by the city manager, or designee. Upon the filing of a request for appeal, payment of a billing for such police services shall be suspended until notice of the decision of the city manager, or designee. If the appeal is denied, in whole or in part, all amounts due pursuant thereto shall be paid to the city within thirty days after notice of the decision of the city manager, or designee.

D. Authorization to Adopt Additional Cost Recovery Resolution. Pursuant to Welfare and Institutions Code Section 625.5(b), the city council is authorized to adopt a resolution implementing the cost recovery provisions of such section.

(Ord. 96-08-1206 § 2 (part))

### **9.20.080 Penalty.**

A. Any minor convicted of violating this chapter is punishable by a fine to be determined by the court not to exceed two hundred fifty dollars and/or any other penalty provided by the Welfare and Institutions Code Section 258.

B. The court may set aside the penalties set forth herein if the minor produces proof satisfactory to the court that the following has occurred:

1. The minor has had no unexcused absences from school from the date of the citation; and
2. The minor has performed twenty hours of court-approved community service during times other than the minor's hours of school attendance; and
3. The minor's parent or guardian has attended a parenting class or a series of parenting classes approved by the court; and
4. The minor and parent or guardian have attended counseling as directed and approved by the court.

C. Penalties for Parents or Guardians.

1. A minor cited for violation of this chapter must attend a court hearing on the violation and must be accompanied at the hearing by his/her parent or guardian. If any such parent or guardian fails to attend the hearing with the minor, and unless the interest of justice would otherwise be served, the court may continue the hearing and may issue a citation to said parental or custodial person directing that person to appear at the continued hearing with the minor pursuant to Welfare and Institutions Code Section 661.

2. Any person who is the parent or guardian of a minor violating any of the provisions of this chapter shall be punished by a fine to be determined by the court not to exceed two hundred fifty dollars.

D. The court may set aside the penalties set forth herein if the parent or guardian produces proof satisfactory to the court that the following has occurred:

1. The minor has had no unexcused absences from the school from the date of citation; and
2. The parent or guardian has performed twenty hours of court-approved community services; and
3. The parent or guardian has attended a parenting class or a series of parenting classes approved by the court; and
4. The minor and parent or guardian have attended counseling as directed and approved by the court.

(Ord. 96-08-1206 § 2 (part))

## **Chapter 9.22**

### **FETAL ALCOHOL SYNDROME WARNINGS**

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Sections:

9.22.010 Fetal alcohol syndrome warning signs.

9.22.020 Sign specifications.

9.22.030 Placement of warning signs.

#### **9.22.010 Fetal alcohol syndrome warning signs.**

Any person or entity who owns, operates, manages, leases, or rents any premises offering for sale or dispensing for consumption to the public, alcoholic beverages, including beer and wine, shall post or display a sign or notice on the premises as provided in this chapter.

(Ord. 88-09-1013 § 1 (part))

#### **9.22.020 Sign specifications.**

The sign or notice required in Section 9.22.010 shall be at least eight and one-half inches by eleven inches in size, with printed lettering at least one inch high. The sign shall read substantially as follows, "WARNING. DRINKING BEER, WINE, AND OTHER ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS." The sign shall also include the number of the local department of health, where persons can call for more information. The information regarding the local department of health need not be in one inch printing, but must be set out such that it is easily readable.

(Ord. 88-09-1013 § 1 (part))

#### **9.22.030 Placement of warning signs.**

The sign or notice required by Section 9.22.010 shall be posted as follows:

A. Where the sale or dispensing of alcoholic beverages, including beer and wine, to the public is intended primarily for consumption off the premises, at least one sign shall be placed at or near the area where the alcoholic beverages are stored, and one sign shall be placed at or near the area where the transaction is completed. The sign must be posted in a location to assure that it is readable from all locations at which the sale or dispensing occurs.

B. Where the sale or dispensing of alcoholic beverages, including beer and wine, to the public is primarily provided through over-the-counter service, at least one sign shall be placed to assure that it is readable from all counter locations available to the public. If necessary, additional signs must be placed such that at least one sign is visible from each counter location.

C. Where the sale or dispensing of alcoholic beverages, including beer and wine, to the public is primarily provided for consumption on the premises by the public at the tables served by food or beverage service persons, at least one sign shall be placed in a location to assure that it is readable by the public at every entrance accessible to the public. In lieu of placing the signs at the entrances, notices

may be placed or displayed at each of the tables in a manner which will assure that the notices are as readily visible and readable as materials provided to the public which list food and beverage prices.

D. Where the sale or dispensing of the alcoholic beverages as provided through both over-the-counter service and through tables served by food or beverage service persons, the requirements of both subsections B and C of this section shall be met.

(Ord. 88-09-1013 § 1 (part))

## **Chapter 9.24**

### **FIREARMS**

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Sections:

9.24.010 Discharges prohibited-- Exceptions.

9.24.020 Penalty for violations.

#### **9.24.010 Discharges prohibited--Exceptions.**

Other than as a legally justified defense, no person shall shoot or discharge any gun, compressed air gun, rifle, pistol, or other firearm without first obtaining a written permit from the chief of police so to do; provided, however, that nothing contained in this section shall apply to the shooting or discharging of any gun, pistol, or other firearm by any police officer or other law enforcement agent in the discharge of his official duties nor to the discharge or shooting of firearms in any licensed shooting gallery, target or other gun or rifle range, or any theatrical performance or exhibition.

(Ord. 69-4-640 § 1 (part): prior code § 9.68.010)

#### **9.24.020 Penalty for violations.**

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

(Ord. 69-4-640 § 1 (part): prior code § 9.68.020)

## **Chapter 9.28**

### **FIREWORKS**

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Sections:

9.28.020 Fireworks defined.

9.28.030 Possession, storage, fabrication, sale, and discharge of fireworks prohibited.

9.28.040 Exception for approved public presentations.

#### **9.28.020 Fireworks defined.**

A. For purposes of this chapter, "fireworks" means any device containing chemical elements and chemical compounds capable of burning independently of oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment. The term "fireworks" shall include, but not be limited to, fireworks certified as "safe and sane" pursuant to the State Fireworks Law (Cal. Health and Safety Code § 12500, et seq.); blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used; firecrackers; torpedoes, skyrockets, Roman candles, aerial bombs, or buzz bombs; sparklers, or other fireworks of like construction; and any firework containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.

B. "Fireworks" shall not include toy pistols, toy canes, toy guns, or other similar devices in which paper caps containing not more than two thousand five hundred grains of explosive compound per cap are used.



(Ord. 2006-05-1358 § 1)

### **9.28.030 Possession, storage, fabrication, sale, and discharge of fireworks prohibited.**

Except as is otherwise expressly provided by law, it shall be unlawful for any person to possess, store, manufacture, fabricate or assemble, sell, offer for sale, expose for sale, or explode, use, or discharge any fireworks within the city. Any owner or person responsible for real property, who permits any violation, as described above, on his or her property, may be charged as a principal in connection with said violation.

(Ord. 2006-05-1358 § 2)

### **9.28.040 Exception for approved public presentations.**

Upon resolution of the city council and prior written permission from the fire marshal, the public display of fireworks may be permitted. The city council may contract with a person, firm, partnership, or corporation to provide such public display or the city council may authorize by special permit any organization to contract with a person, firm, partnership, or corporation to provide such public display of fireworks upon terms and conditions deemed advisable by the fire marshal and city council.

(Ord. 2006-05-1358 § 3)

## **Chapter 9.36 GAMBLING**

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Sections:

9.36.010 Prohibited.

9.36.020 Frequenting gambling places prohibited.

9.36.030 Penalty for violations.

### **9.36.010 Prohibited.**

It is unlawful for any person to play or bet at or against any game not mentioned in Section 330 of the Penal Code of the State of California which is played, conducted, dealt, or carried on with cards, dice, or other device for money, checks, chips, credit, pennants, cigars, candy, merchandise, or other valuable thing or representative of value in any house, room, apartment or place in the city.

(Prior code § 9.20.010 (Ord. 445 § 1, 1958))

### **9.36.020 Frequenting gambling places prohibited.**

It is unlawful for any person to visit, frequent, or be present at or within any house, room, apartment, stand, or place used in whole or in part as a gambling house or place where any game is played, conducted, dealt, or carried on with cards, dice, or other device for money, checks, chips, credit, pennants, cigars, candy, merchandise, or other valuable thing or representative of value; provided, however, that this section shall not apply to any police officer while in the exercise of his duty as such officer, or to any officer whose presence in any such place is necessary in the course of his lawful business.

(Prior code § 9.20.020 (Ord. 445 § 2, 1958))

### **9.36.030 Penalty for violations.**

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

(Ord. 586 § D (part), 1966: prior code § 9.20.020 (Ord. 445 § 2, 1958))

Sections:

- 9.40.010 Visual depictions of sexual areas prohibited.
- 9.40.020 Use of certain words prohibited.
- 9.40.030 Prohibited signs declared nuisance.
- 9.40.040 Abatement of signs.
- 9.40.050 Abatement notices.
- 9.40.060 Violations deemed misdemeanors.
- 9.40.070 Appeal.
- 9.40.080 Stay of abatement on appeals.
- 9.40.090 Penalty for violations.

**9.40.010 Visual depictions of sexual areas prohibited.**

No sign or signs as defined in this chapter, to include any temporary sign, which in whole or in part depicts the human form in such a manner that the areas of the buttocks, the genitals, the pubic area, or any portion of the female breast below the top half of the nipple are depicted as not covered with opaque clothing shall be maintained, erected, or placed upon or adjacent to the outside of any building where it is visible from public streets or from adjacent buildings or premises, the purpose of which sign is intended to attract, lure, or entice customers.

(Ord. 73-4-699 § 2 (part): prior code § 15.05.010)

**9.40.020 Use of certain words prohibited.**

No sign or signs as defined in this chapter, to include any temporary signs, which in whole or part advertise any topless, bottomless, or nude entertainment and which use the words "nude," "topless," "bottomless," "naked" or words of like import, except that the words "adult entertainment" or "adult shows" will be permissible, shall be maintained, erected, or placed upon or adjacent to the outside of any building where it is visible from public streets or from adjacent buildings or premises, the purpose of which sign is intended to attract, lure, or entice customers.

(Ord. 73-4-699 § 2 (part): prior code § 15.05.020)

**9.40.030 Prohibited signs declared nuisance.**

Any sign which is in violation of Sections 9.40.010 or 9.40.020 is declared a public nuisance.

(Ord. 73-4-699 § 2 (part): prior code § 15.05.030)

**9.40.040 Abatement of signs.**

A. Any temporary sign or signs in violation of this chapter shall be abated within twenty-four hours after notice has been given in writing to abate the sign or signs. Any sign which involves letters placed on a marquee is considered a temporary sign for purposes of this chapter.

B. Any sign or signs in violation of this chapter which can be covered or painted over in such a manner so that the sign will comply with this chapter and which do not require removal or mechanical or electrical alterations of the whole or part of the sign shall be covered or painted over within seven days after written notice has been given in writing to abate the sign or signs.

C. Signs in violation of this chapter which require mechanical or electrical alteration of all or part of the sign or require the removal of part or all of the sign in order to comply with this chapter shall be altered or removed within thirty days after service of written notice to abate the sign or signs.

(Ord. 73-4-699 § 2 (part): prior code § 15.05.040)

#### **9.40.050 Abatement notices.**

A. The administrative officer or his designee is authorized to prepare and deliver notice to abate any sign or signs in violation of this chapter.

B. Notice is deemed served for the purposes of this chapter if delivered to any person who is an owner or lessee of the premises on which the sign or signs are located or to any officer of any corporation or any partner of a partnership which is operating a business on the premises on which the sign or signs are located which violate this chapter and which is responsible for the sign or signs in violation of this chapter.

(Ord. 73-4-699 § 2 (part): prior code § 15.04.050)

#### **9.40.060 Violations deemed misdemeanor.**

Every person who maintains, permits, or allows a public nuisance, as defined in this chapter, to exist upon his or her property or premises, and every person occupying or leasing the property or premises of another who maintains, permits, or allows a public nuisance, as defined in this chapter, to exist thereon after notice in writing as specified in this chapter to remove, discontinue, or abate the same has been served upon such person is guilty of a misdemeanor, and 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. 73-4-699 § 2 (part): prior code § 15.05.060)

#### **9.40.070 Appeal.**

A. Any person ordered to abate any sign pursuant to this chapter may file an appeal with the sign review committee. Such an appeal must be filed with the city clerk within twenty-four hours after written notice to abate a sign has been served except that if notice is served on a Friday, on a weekend, or a holiday, such notice of appeal shall be filed with the city clerk the next working day.

B. The sign review committee will hear the appeal within seventy-two hours after the appeal is filed with the city clerk unless a holiday or weekend intervenes, in which case the period of time for the sign review committee to hear the appeal is extended for the period of the weekend or holiday. Any notice of appeal of a notice to abate a sign will set forth the name of the person to be notified of the time and place the appeal shall be heard and where that person may be contacted.

C. Any person aggrieved by the action of the sign review committee may file an appeal with the city council. Notice of appeal to the city council shall be filed with the city clerk within seventy-two hours after the sign review committee has announced its decision.

D. Any appeal of a decision by the sign review committee to the city council will be heard by the council within two weeks of the date of the filing of the appeal.

(Ord. 73-4-699 § 2 (part): prior code § 15.05.070)

#### **9.40.080 Stay of abatement on appeals.**

A. Temporary signs in violation of this chapter shall be abated as required in this chapter and will not be permitted to remain even if an appeal has been filed. If the sign review committee finds that any temporary sign which has been ordered abated is in compliance with this chapter, such sign may be displayed after the decision of the sign review committee, even though an appeal of the decision of the sign review committee has been filed with the city council.

B. Any sign or signs, other than temporary signs, will be permitted to remain while an appeal of the notice to abate is being processed by either the sign review committee or the city council. On denial of an appeal by the sign review committee, the sign or signs that were the subject to the appeal must be abated within the time periods prescribed in Section 9.40.040 unless an appeal is filed

with the city council, in which case the sign or signs must be abated within the time periods prescribed in Section 9.40.040 if the appeal is denied by the city council.

(Ord. 73-4-699 § 2 (part): prior code § 15.05.080)

#### **9.40.090 Penalty for violations.**

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars or by six months in the county jail, or by both such fine and imprisonment, in the discretion of the court.

(Ord. 73-4-699 § 2 (part): prior code § 15.05.090)

### **Chapter 9.44 TORT CLAIMS**

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Sections:

9.44.010 Solicitation prohibited.

9.44.020 Exception.

9.44.030 Penalty for violations.

9.44.050 Injury to municipal property.

#### **9.44.010 Solicitation prohibited.**

It is unlawful for any person to solicit employment for himself or for any other person, either directly or through some other person acting on his behalf, to prosecute, collect, settle, compromise, or to negotiate for the settlement, compromise, or collection of any tort claim, on behalf of any tort claimant, in which he himself has no pecuniary interest arising from such tort.

(Prior code § 9.44.020 (Ord. 173 § 2, 1935))

#### **9.44.020 Exception.**

The provisions of this chapter shall not be construed to prevent joint tort claimants from negotiating with each other for the purpose of combining respective claims or actions against the tortfeasor.

(Prior code § 9.44.040 (Ord. 173 § 3, 1935))

#### **9.44.030 Penalty for violations.**

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

(Ord. 586 § D (part), 1966: prior codes § 9.44.040 (Ord. 173 § 4, 1935))

#### **9.44.050 Injury to municipal property.**

A. Any person who injures or destroys, whether intentionally or through want of proper care, any municipal property (including, but not limited to buildings, facilities, equipment, structures, fixtures, landscaping, vehicles) is liable to the city for all damages sustained thereby.

B. The measure of damages shall be the cost to repair or replace the municipal property injured or destroyed, including direct and allocated costs for labor, materials, supervision, supplies, tools, taxes, transportation, legal, administrative and general expense and other

indirect or overhead expenses, less credit, if any, for salvage.

C. The city shall charge the individual for any damages incurred under this chapter. The amount shall be due within thirty days after the date of the invoice therefor, and shall be delinquent thereafter. Penalties for delinquencies shall be assessed as provided in Sections 5.04.290 and 5.04.300 of the Signal Hill Municipal Code. The city may take all practical and reasonable steps to recover these damages and penalties, including instituting appropriate legal action.

(Ord. 90-09-1076 § 1)

## **Chapter 9.48**

### **SALE AND DISPLAY OF NARCOTIC AND OTHER PARAPHERNALIA**

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Sections:

9.48.010 Minors--Restrictions.

9.48.020 Minors--Excluded.

9.48.030 Sale and display rooms--Sign required.

9.48.040 Sale and display rooms--Nuisance when.

#### **9.48.010 Minors--Restrictions.**

No owner, manager, proprietor or other person in charge of any room in any place of business selling, or displaying for the purpose of sale, any device, contrivance, instrument or paraphernalia for smoking or injecting, or consuming marijuana, hashish, PCP, or any controlled substance, as defined in the Health and Safety Code of the state of California, other than prescription drugs and devices to ingest or inject prescription drugs, as well as roach clips, and cigarette papers and rollers designed for the smoking of the foregoing, shall allow or permit any person under the age of eighteen years to be, remain in, enter or visit such room unless such minor person is accompanied by one of his or her parents, or by his or her legal guardian.

(Ord. 79-4-818 § 1 (part): prior code § 9.76.010)

#### **9.48.020 Minors--Excluded.**

A person under the age of eighteen years shall not be, remain in, enter or visit any room in any place used for the sale, or displaying for sale, devices, contrivances, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, including roach clips, and cigarette papers and rollers designed and used for smoking the foregoing, unless such person is accompanied by one of his or her parents, or his or her legal guardian.

(Ord. 79-4-818 § 1 (part): prior code § 9.76.020)

#### **9.48.030 Sale and display rooms--Sign required.**

A person shall not maintain in any place of business to which the public is invited the display for sale, or the offering to sell of devices, contrivances, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, including roach clips, and cigarette papers and rollers designed and used for smoking the foregoing, unless within a separate room or enclosure to which minors not accompanied by a parent or legal guardian are excluded. Each entrance to such a room shall be signposted in reasonably visible and legible words to the effect that narcotic paraphernalia are being offered for sale in such a room, and minors unless accompanied by a parent or legal guardian are excluded.

(Ord. 79-4-818 § 1 (part): prior code § 9.76.030)

#### **9.48.040 Sale and display rooms--Nuisance when.**

The distribution or possession for the purpose of sale, exhibition, or display in any place of business from which minors are not excluded as set forth in this chapter, and where devices, contrivances, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance, other than prescription drugs or devices to ingest or inject prescription drugs, including roach clips, and cigarette papers and rollers designed and used for smoking the foregoing, is declared to be a public nuisance, and may be abated pursuant to the provisions of Section 731 of the Code of Civil Procedure of the state of California. This remedy is in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this code.

(Ord. 79-4-818 § 1 (part): prior code § 9.76.040)

## **Chapter 9.50**

### **MOBILE MEDICAL MARIJUANA DISPENSARIES AND DELIVERY SERVICES**

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Sections:

9.50.010 Definitions.

9.50.020 Mobile medical marijuana dispensaries prohibited.

9.50.030 Medical marijuana delivery services prohibited.

9.50.040 Public nuisance declaration.

9.50.050 Violations.

#### **9.50.010 Definitions.**

As used in this chapter, the following terms are defined as follows:

A. "Mobile medical marijuana dispensary" means any for-profit or not-for-profit person, group, entity or organization of any kind, whether permanent or temporary, that intends to or does transport or deliver medical marijuana, or allows or arranges for others to transport or deliver medical marijuana, to any person or location, including to one or more qualified patients, primary caregivers or persons with an identification card issued in accordance with California Health and Safety Code Sections 11362.5, et seq.

B. "Medical Marijuana Delivery Service" means the same as mobile medical marijuana dispensary. (Ord. 2016-01-1483 § 1 (part))

#### **9.50.020 Mobile medical marijuana dispensaries prohibited.**

Mobile medical marijuana dispensaries are prohibited. No person, group, firm, corporation, club or business shall operate, or allow to operate, any mobile medical marijuana dispensary within the city.

(Ord. 2016-01-1483 § 1 (part))

#### **9.50.030 Medical marijuana delivery services prohibited.**

A. Medical marijuana delivery services are prohibited. No person, group, firm, corporation, club or business shall deliver medical marijuana to any location within the city, regardless of where the associated medical marijuana dispensary is located, or engage in any operation for this purpose.

B. No person, group, firm, corporation, club or business shall deliver any product infused with medical marijuana such as baked goods or other consumable products to any location within the city, regardless of where the associated medical marijuana dispensary is located, or engage in any operation for this purpose. (Ord. 2016-01-1483 § 1 (part))

#### **9.50.040 Public nuisance declared.**

Operation of any mobile medical marijuana dispensary or medical marijuana delivery service within the city in violation of the provisions of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available means. (Ord. 2016-01-1483

### **9.50.050 Violations.**

Violations of this chapter may be enforced in accordance with the provisions of Chapter 8.12, 8.13, or Section 1.16.010(F). A violation of this chapter is not subject to criminal penalties. (Ord. 2016-01-1483 § 1 (part))

## **Chapter 9.52 DISPLAY OF SEXUALLY EXPLICIT MATERIALS**

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Sections:

9.52.010 Definitions.

9.52.020 Display of sexually explicit material prohibited.

9.52.030 Penalties--Prior convictions.

### **9.52.010 Definitions.**

As used in this chapter, the following terms are defined as follows:

A. "Explicit sexual acts" means depictions of sexual intercourse, oral copulation and intercourse, oral-anal copulation, bestiality, sadism, masochism, or excretory functions in conjunction with sexual activity, masturbation, or lewd exhibition of the genitals, whether any of the above conduct is depicted or described as being performed alone or between members of the same or opposite sex or between humans and animals, or other act of sexual arousal involving any physical contact with a person's genital, pubic region, pubic hair, perineum, anus or anal region.

B. "Sexually explicit material" means a form of commercially published and distributed material which exposes to public view any of the following:

1. Any statements or words describing explicit sexual acts, sexual organs or excrement where such statements or words have as their predominate purpose or effect sexual arousal, gratification, or affront; or
2. Any picture or illustration depicting genitals, pubic hair, perineums, anuses or anal regions of any person where such picture or illustration has as its predominate purpose or effect sexual arousal, gratification or affront; or
3. Any picture or illustration depicting explicit sexual acts where such picture or illustration has as its predominate purpose or effect sexual arousal, gratification or affront.

C. "Person" means any individual, partnership, firm, association, corporation or other legal entity.

D. "Knowingly" means being aware of the character of the sexually explicit material either directly, or because of its outward appearance or its reputation.

E. "Business" means any place where a profession, trade, calling or enterprise is conducted for which a business license or permit is required in accordance with Title 5 of this code except as specifically provided in Chapter 9.48.020(c) of this title.

F. "Display for sale" means placed within reach, and accessible to any member of the public; provided, however, the term "display for sale" does not include the inventory shelving or storing of magazines, books or commercially published and distributed publications reasonably beyond the reach of customers or the public.

G. "Opaque display insert" means an opaque piece of material which is placed in front or on top of a stack of magazines or other publications displayed for sale in the event that said magazines or other publications have covers depicting sexually explicit material. An opaque display insert shall have minimum dimensions sufficient to completely cover from public view the cover of a magazine or other publication when such cover depicts sexual material. An opaque display insert may contain the name, title, logo and/or other printed information regarding the publication which opaque display insert covers from public view.

### **9.52.020 Display of sexually explicit materials prohibited.**

A. No person shall knowingly display for sale, or knowingly cause or permit to be displayed for sale in any business any magazine, book or other publication containing illustrations of sexually explicit material unless such magazine, book or other publication is stapled closed, sealed in a wrapper, or is by any other means sealed in such a manner as to prevent its opening and examination by any member of the public prior to the time of sale.

B. No person shall knowingly display for sale the cover of a book, magazine or other publication in any business if said cover depicts sexually explicit material unless the cover of said publication is covered from public view by an opaque display insert.

C. No provision of this chapter shall apply to any business which is not open to persons under the age of eighteen and which has a sign posted at each door intended for public entrance which shall read: "Notice, this business displays sexually explicit materials. Admission of persons under eighteen years of age unless accompanied by a parent or guardian is prohibited." The letters composing such sign shall be a minimum of three inches high.

(Ord. 81-1-864 § 2)

### **9.52.030 Penalties--Prior convictions.**

Every person who violates any provision of this chapter is guilty of an infraction punishable by a fine not exceeding fifty dollars for a first violation and a fine not exceeding one hundred dollars for a second violation of the same provision within one year. Every person who has been twice convicted of violating the same provision of this chapter within one year, is upon each subsequent violation guilty of a misdemeanor punishable by a fine of not more than five hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

(Ord. 81-1-864 § 3)

## **Chapter 9.56**

### **GRAFFITI PREVENTION, PROHIBITION AND REMOVAL**

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Sections:

9.56.010 Purpose and intent.

9.56.020 Definitions.

9.56.030 Unlawful to apply graffiti.

9.56.040 Possession of graffiti implements by minors prohibited.

9.56.050 Possession of graffiti implements prohibited in designated public places.

9.56.060 Unlocking doors, gates or other city facilities deemed unlawful.

9.56.070 Reward.

9.56.080 Reimbursement of cellular phone costs.

9.56.090 Furnishing graffiti implements to minor prohibited.

9.56.100 Display for sale requirements.

9.56.110 Storage requirements.

9.56.120 Civil responsibility for damages for wrongful display or storage.

9.56.130 Graffiti declared a public nuisance.

9.56.140 Right of city to require removal.

9.56.150 Graffiti attracting surface as a nuisance.



9.56.160 Right of city to remove.

9.56.170 Removal of graffiti as a public nuisance.

9.56.180 Ease of removal provisions.

9.56.190 Penalties and civil liability of parents.

9.56.200 Civil remedies available.

### **9.56.010 Purpose and intent.**

A. The city council specifically finds that graffiti on public or private property is a blighting factor which not only depreciates the value of property which has been the target of such vandalism but also depreciates the value of the adjacent and surrounding properties so as to create a negative impact upon the entire city. Graffiti also has been found to be a means of identification utilized by gangs and its presence may encourage further gang-related activities.

B. California Government Code Section 53069.3 authorizes the city, under certain circumstances, to provide for the removal of graffiti and other inscribed materials from private as well as public property. The council finds and determines that graffiti is obnoxious and a public nuisance and unless the city causes it to be removed from public and private property, it tends to remain. Other properties then become the target of graffiti with the result that entire neighborhoods are affected and become less desirable places in which to live.

C. It is the purpose and intent of the city council, through the adoption of this chapter, to provide additional enforcement tools to protect public and private property from acts of vandalism and defacement, including the application of graffiti on privately and publicly owned walls and structures. Such acts are inimical to and destructive of the rights and values of private property owners as well as the total community. It is the further intent of the city council, through the adoption of the chapter, to provide notice to all of those who disregard the property rights of others, that the law enforcement agencies of the city will strictly enforce the law and vigorously prosecute those persons engaging in the defacement of public and private property.

(Ord. 94-04-1178 § 1 (part))

### **9.56.020 Definitions.**

As used in this chapter, the following terms shall have the following meaning:

A. "Aerosol paint container" means any aerosol container which is adapted or made for the purpose of applying spray paint, or other substances capable of defacing property.

B. "Felt tip marker" means any indelible marker or similar implement with a tip which, at its broadest width, is one-eighth (1/8th) of an inch or greater.

C. "Graffiti" means any unauthorized inscription, word, figure, painting, or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, stuck-on, engraved on or otherwise affixed to or on any surface, regardless of the nature of the material of that structural component, to the extent the same was not authorized in advance by the owner thereof, or despite advance authorization, is deemed by the city council to be a public nuisance.

D. "Graffiti attracting surface" means the physical surface of a building, wall, fence, or other work of improvement on or to real property which is visible to any person utilizing any public right-of-way, whether highway, street, parkway or alley, and or designated by the city manager, or designee, as likely to attract graffiti.

E. "Graffiti implement" means any implement capable of marking a surface to create graffiti including, but not limited to, aerosol paint containers, paint sticks, graffiti sticks, felt-tip markers or marking pens, gum labels, spray actuators, marking instruments, glass cutters, or etching tools or other implements capable of scarring glass, metal, concrete or wood.

F. "Gum label" means any sheet of paper, fabric, plastic or other substance with an adhesive backing which, when placed on a surface, is not easily removable.

G. "Paint stick or graffiti stick" means any device containing a solid form of paint, chalk, wax epoxy, or other similar substance capable of being applied to a surface by pressure and upon application, of leaving a mark at least one-eighth of an inch in width.

H. "Spray actuator" means an object which is capable of being attached to an aerosol paint container for the purpose of spraying the substance contained therein, also known as a spray tip, nozzle, or button.

(Ord. 94-04-1178 § 1 (part))

### **9.56.030 Unlawful to apply graffiti.**

It is unlawful for any person to apply graffiti to any trees or structures including, but not limited to, buildings, walls, fences, poles, and signs, ("structures" hereinafter in this chapter) located on publicly or privately owned real property within the city.

(Ord. 94-04-1178 § 1 (part))

### **9.56.040 Possession of graffiti implements by minors prohibited.**

It is unlawful for any person under the age of eighteen years to have in his or her possession any graffiti implement while upon public property or upon private property without the consent of the owner of such private property whose consent to such possession and presence is given in writing in advance. This provision shall not apply to the possession of felt tip markers by minors attending, or traveling to or from a school at which the minor is enrolled, if the minor is participating in a class at the school which formally requires the possession of such felt tip markers. The burden of proof of any prosecution for violation of this section shall be upon the minor student to establish the need to possess a felt tip marker.

(Ord. 94-04-1178 § 1 (part))

### **9.56.050 Possession of graffiti implements prohibited in designated public places.**

It is unlawful for any person to have in his or her possession any graffiti implement while in any public park, playground, swimming pool, recreational facilities, public or private school or while in or within ten feet of an underpass, bridge abutment, storm drain, or other similar type of infrastructure not normally used by the public, except as may be authorized by the city.

(Ord. 94-04-1178 § 1 (part))

### **9.56.060 Unlocking doors, gates or other city facilities deemed unlawful.**

It is unlawful for any person, not authorized by the proper authority to do so, to unlock, in any manner, any lock, gate, door or any other appurtenance which is owned or under the control of the city.

(Ord. 94-04-1178 § 1 (part))

### **9.56.070 Reward.**

A. Pursuant to Section 53069.5 of the California Government Code, the city does offer a reward in an amount as may be set by resolution of the city council, for information leading to the identification, arrest and conviction of any person who places graffiti upon any public or private property in the city. In the event of multiple contributions of information, the reward amount shall be divided by the city in the manner it shall deem appropriate. For the purposes of this section, diversion of the violator to a community service program, or a plea bargain to a lesser offense, shall constitute a conviction.

B. Claims for reward under this section shall be filed with the city in a manner specified by the city council.

C. No claim for a reward shall be allowed by the city council unless the city investigates and verifies the accuracy of the claim and determines that the requirements of this section have been satisfied.

D. The person committing the graffiti-vandalism, and if an unemancipated minor, then the parent or lawful guardian of the minor, shall be civilly liable for any reward paid pursuant to this section pursuant to the provisions of California Government Code Section 53069.5.

(Ord. 94-04-1178 § 1 (part))

#### **9.56.080 Reimbursement of cellular phone costs.**

The city shall reimburse to any person reporting by means of a cellular or mobile phone an act of graffiti-vandalism presently occurring within the city, in the amount of the direct phone charges, exclusive of taxes, incurred by the person.

(Ord. 94-04-1178 § 1 (part))

#### **9.56.090 Furnishing graffiti implements to minor prohibited.**

It is unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any graffiti implement to any minor without the consent of the parent or lawful guardian, which consent shall be given in advance in writing.

(Ord. 94-04-1178 § 1 (part))

#### **9.56.100 Display for sale requirements.**

No person or business engaged in a commercial enterprise shall display for sale, trade or exchange, any aerosol paint container, paint stick, felt tip marker or marking pen except in an area from which the public shall be securely precluded without employee assistance. Two such acceptable methods for displaying graffiti implements for sale shall be by containment in (1) a completely enclosed cabinet or other storage device which shall be permanently affixed to a building or structure, and which shall, at all times except during access by authorized representative, remain securely locked; or (2) in an enclosed area behind a sales or service counter from which the public is precluded from entry. Nothing herein shall relieve such person or business entity from at all times complying with the requirements of California Penal Code Section 594.1(c) by posting signs as described therein.

(Ord. 94-04-1178 § 1 (part))

#### **9.56.110 Storage requirements.**

No person or business engaged in the business of selling, providing or trading aerosol paint containers, paint sticks, felt tip markers, or marking pens shall store such aerosol paint containers, paint sticks, felt tip markers, or marking pens except in either (1) a completely enclosed room which shall, at all times, except during access or actual occupancy by the owner or an authorized adult representative of the owner, remain securely locked; or (2) in a completely enclosed cabinet or other storage device which shall be permanently affixed to a building or building structure, and which shall, at all times, except during access by the owner or an authorized adult representative of the owner, remain securely locked. For purposes of this section, an owner shall be deemed to actually occupy a room even during brief periods of absence if the room is contained within the larger structure which is occupied by the owner.

(Ord. 94-04-1178 § 1 (part))

#### **9.56.120 Civil responsibility for damages for wrongful display or storage.**

Any person who displays or stores or permits the display or storage, of any aerosol paint container, paint stick, felt tip marker, or marking pen in violation of the provisions of this chapter shall be personally liable for any and all costs, including attorneys fees and court costs, incurred by any party in connection with the removal of graffiti, the repair of any property containing graffiti, or such party's prosecution of a civil claim for reimbursement or damages resulting from such graffiti removal or property repair, arising from the use of any person of such wrongfully displayed or stored aerosol paint container, paint stick, felt tip marker, or marking pen in violation of the provision of this chapter.

(Ord. 94-04-1178 § 1 (part))

#### **9.56.130 Graffiti declared a public nuisance.**

The city council declares and finds graffiti to be a nuisance subject to abatement according to the provisions and procedures contained in this chapter.

(Ord. 94-04-1178 § 1 (part))

#### **9.56.140 Right of city to require removal.**

It is unlawful for any person who is the owner, or who has primary responsibility for control, of property or who has primary responsibility for the repair or maintenance of property ("responsible party" hereinafter in this chapter), to permit the property which is defaced with graffiti to remain so defaced for a period of seven days after service by city by first class mail of notice of same, unless (1) the person shall demonstrate by a preponderance of evidence that he or she does not have the financial ability to remove the defacing graffiti; or (2) it can be demonstrated that the responsible party has an active program for the removal of graffiti and has scheduled the removal of the graffiti as part of that program, in which case it is unlawful to permit such property to remain defaced with graffiti for a period of fifteen days after service of first class mail of notice of same.

(Ord. 94-04-1178 § 1 (part))

#### **9.56.150 Graffiti attracting surface as a nuisance.**

The existence of any surfaces of a structure on any privately owned parcel of land which has been defaced with graffiti after removal more than five times in twelve months is deemed to be a nuisance, and may be abated by the city's requiring modification thereto, or to the immediate area surrounding the same, according to the provisions and due process procedures set forth in Chapter 8.12 of this code. Such modifications may include, but are not limited to retrofitting such surfaces at the expense of the property owner(s) not to exceed a total cost of five hundred dollars, or at the cost of the city at the city's option, with features or qualities as necessary to reduce the attractiveness of the surface for graffiti or as necessary to permit more convenient, expedient, or efficient removal of graffiti therefrom.

(Ord. 94-04-1178 § 1 (part))

#### **9.56.160 Right of city to remove.**

A. Whenever the city becomes aware, or is notified and determines that graffiti is located on public or privately owned property viewable from a public or quasi-public place within the city, the city shall be authorized to use public funds for the removal or for the painting or repairing of same. The city, however, shall not be authorized or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, unless the city manager, or designee, determines in writing that a more extensive area is required to be repainted or repaired in order to avoid aesthetic disfigurement to the neighborhood or community or unless the responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

B. Prior to entering upon private property or property owned by a public entity other than the city, for the purposes of removal of graffiti, the city shall secure the consent of the responsible party and a release of the city from liability for private or public property damage.

(Ord. 94-04-1178 § 1 (part))

#### **9.56.170 Removal of graffiti as a public nuisance.**

If a responsible party fails to remove the offending graffiti pursuant to Section 9.56.140 within the time specified in this chapter, or if the city requests consent to remove or paint over the offending graffiti pursuant to Section 9.56.160 and the responsible party refuses consent for entry on terms acceptable to the city, the city may commence nuisance abatement and cost recovery proceedings for the removal of the graffiti pursuant to the provisions and due process procedures of Chapter 8.12 of this code, which procedures authorize the recovery of all costs incurred by the city in abating graffiti including the recordation of a lien as to affected property.

(Ord. 94-04-1178 § 1 (part))

#### **9.56.180 Ease of removal provisions.**

A. Any gas, telephone, water, sewer, cable, telephone and other utility operating in the city, other than an electric utility, shall paint

their above-surface metal fixtures which are installed after the effective date of this chapter, with a uniform paint type and color as directed by the city manager or designee.

B. Encroachment permits issued by the city shall be conditioned upon:

1. The permittee shall apply an anti-graffiti material to the encroaching object or structure of a type and nature that is acceptable to the city manager, or designee;
2. The immediate removal by the permittee of any graffiti;
3. The right of the city to remove graffiti or to paint the encroaching object or structure;
4. The permittee providing city with sufficient matching paint and/or anti-graffiti material on demand for use in the painting of the encroaching object or structure containing graffiti.

C. In approving tentative or parcel maps, conditional use permits, variances, or other similar land use entitlements, the city may consider imposing any or all of the following conditions:

1. Applicant shall apply an anti-graffiti material of a type and nature that is acceptable to the city manager, or designee, to each of the publicly-viewable surfaces to be constructed on the site deemed by the city manager, or designee, to be graffiti attracting surface;
2. Applicant shall grant in writing, the right of entry over and access to such parcels, upon forty-eight hours posting of notice, by authorized city employees or agents, to the city for the purpose of removing or painting over graffiti from graffiti attracting surfaces previously designated by the city manager, or designee, and the right to remove or paint over such graffiti. Such grant shall be made an express condition of approval and shall be deemed to run with the land;
3. Applicant, and any and all successors in interest, shall, for a specified period of years after approval, provide the city with sufficient matching paint and/or anti-graffiti material on demand for use in the painting over or removal of designated graffiti attracting surfaces;
4. Applicant shall covenant, either as part of the conditions, covenants and restrictions, or as a separate covenant recorded against the individual lot, which covenant shall run with the land and be for the benefit of the city in a form satisfactory to the city, that the owner of the lot shall immediately remove any graffiti placed on publicly viewable structures to city's satisfaction.

(Ord. 94-04-1178 § 1 (part))

#### **9.56.190 Penalties and civil liability of parents.**

A. In addition to all other penalties under state law which may be applicable, any violation of this chapter shall be a misdemeanor punishable by a fine of not more than one thousand dollars or by imprisonment not to exceed six months, or by both fine and imprisonment, and by the performance of community service in the form of graffiti clean-up to the maximum extent permitted by California Penal Code Section 594.6 and/or any other provision of law.

B. Any parent or legal guardian, whose child under the age of eighteen possesses a graffiti implement or unlawfully applies graffiti, shall be personally liable for any and all costs to any person incurred in connection with the removal of graffiti caused by the child, or by the graffiti implement and for all attorney's fees and court costs incurred in connection with the civil prosecution of any claim for damages.

C. Whenever deemed appropriate, it is the city's intent to petition a sentencing court to impose the following additional penalties upon conviction:

1. Litter or graffiti cleanup pursuant to California Vehicle Code Section 42001.7, upon conviction of violation of California Vehicle Code Sections 23111, 23112 or 23113(a).
2. Suspension or delay of issuance of a driver's license pursuant to Vehicle Code Section 13202.6 upon a graffiti-vandalism conviction.
3. Performance of community service, including graffiti removal service of up to one hundred hours by any minor determined to be a ward of the court as a result of committing a drug related offense in the city, as provided in California Welfare and Institutions Code Section 729.8.

D. It is the city's further intent that, pursuant to California Penal Code Section 640.6(a), all acts of graffiti-vandalism occurring

within the city shall be prosecuted as misdemeanors pursuant to California Penal Code Section 594, et seq., or this chapter.

E. A violation of this chapter by any holder of a business license issued by the city may be grounds for revocation of such license.  
(Ord. 94-04-1178 § 1 (part))

### **9.56.200 Civil remedies available.**

A violation of any of the provisions of this chapter shall constitute a nuisance and may be abated by the city through civil process by means of restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisance.

(Ord. 94-04-1178 § 1 (part))

## **Chapter 9.60 POLICE DOGS**

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Sections:

9.60.010 Interference with dogs utilized by the police department prohibited.

### **9.60.010 Interference with dogs utilized by the police department prohibited.**

It is unlawful for any person to wilfully tease, taunt, torment, strike, kick, mutilate, disable, or otherwise injure, or kill, or to interfere or meddle with any dog while such animal is being utilized by the police department, or any officer or employee thereof, in the performance of any function or duty of said department, or of such officer or employee.

(Ord. 81-8-877 § 1)

## **Chapter 9.64 ADULT ORIENTED BUSINESSES**

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Sections:

9.64.010 Purpose.

9.64.020 Definitions.

9.64.030 Permit required; sex clubs prohibited.

9.64.040 Application requirements.

9.64.050 Findings and criteria.

9.64.060 Permit Duration and renewal.

9.64.070 Permits are nontransferable and use specific.

9.64.080 Inspections.

9.64.090 Enforcement and revocation.

9.64.100 ViolationPenalty.

### **9.64.010 Purpose.**

A. The intent of this chapter is to regulate adult oriented businesses which, because of their very nature, are believed to have significant adverse secondary effects on the community which include, but are not limited to: depreciated property values and

increased vacancies in residential and commercial areas in the vicinity of the adult oriented businesses; higher crime rates; noise; debris or vandalism in the vicinity of adult oriented businesses; and blighting conditions such as low level maintenance of commercial premises and parking lots which thereby have a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the neighborhoods near the adult oriented businesses. It is neither the intent, nor effect of this chapter to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent, nor effect of this chapter to restrict or deny access by adults to sexually oriented materials or merchandise protected by the First Amendment, or to deny access by the distributors or exhibitors of adult oriented businesses to their intended market.

B. Nothing in this section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any city ordinance or any statute of the state of California regarding public nuisances, unlawful exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

(Ord. 2004-07-1334 § 4: Ord. 2003-07-1320 § 2: Ord. 2003-05-1317 § 2)

#### **9.64.020 Definitions.**

For the purpose of carrying out the intent of this chapter, words, phrases and terms shall be deemed to have the meaning ascribed to them in this section; if not specifically defined in this section, words, phrases and terms in this chapter shall be deemed to have their normal and generally accepted meaning.

A. "Adult bookstore" means any establishment, which as a regular and substantial course of conduct, displays and/or distributes sexually oriented material and/or merchandise, books, periodicals, magazines, photographs, drawings, sculptures, motion pictures, videos, slides, films, or other written, oral or visual representations which are distinguished or characterized by an emphasis on a matter depicting, describing or relating to specified sexual activities or specified anatomical parts. (See "Adult oriented business" for definition of regular and substantial portion of its business.)

B. "Adult cabaret" means a nightclub, bar, lounge, restaurant, gentlemen's club, topless bar or similar establishment or concern which features, as a regular and substantial course of conduct, any type of live entertainment, striptease, topless or nude dancing, lap dancing, films, motion pictures, videos, slides, other photographic reproductions, or other oral, written or visual representations which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

C. "Adult hotel/motel" means a motel, hotel or similar commercial establishment which:

1. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical parts and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television;

2. Offers a sleeping room for rent for a period of time less than ten hours; or

3. Allows a tenant or occupant to subrent the sleeping room for a time period of less than ten hours.

D. "Adult model studio" means any premises where there is furnished, provided or procured a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts where such model(s) is being observed or viewed by any person for the purpose of being sketched, painted, drawn, sculptured, photographed, filmed or videotaped for a fee, or any other thing of value, as a consideration, compensation or gratuity for the right or opportunity to so observe the model or remain on the premises. "Adult model studio" shall not include any live art class or any studio or classroom, which is operated by any public agency, or any private educational institution authorized to issue and confer a diploma or degree under Section 94300 et seq. of the California Education Code.

E. "Adult motion picture arcade" means any business establishment or concern containing coin- or slug-operated or manually or electronically controlled still, motion picture or video machines, projectors, computer monitors or other image producing devices that are maintained to display images to an individual in individual viewing areas when those images are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

F. "Adult oriented business" means any business establishment or concern which as a regular and substantial course of conduct performs as an adult bookstore, adult theater, adult motion picture arcade, adult cabaret, adult model studio or adult hotel/motel; any business establishment or concern which as a regular and substantial course of conduct sells or distributes sexually oriented



merchandise or sexually oriented material; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts.

G. "Adult oriented business" does not include those uses or activities, the regulation of which is preempted by state law. "Adult oriented business" shall also include any business establishment or concern which, as a regular and substantial course of conduct provides or allows performers, models, actors, actresses or employees to appear in any place in attire which does not opaquely cover specified anatomical parts. For the purposes of this section, a business establishment or concern has established the provision of products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts as a regular and substantial course of conduct when one or more of the following conditions exist:

1. The area devoted to sexually oriented merchandise and/or sexually oriented material exceeds more than ten percent, or two hundred fifty square feet, whichever is less, of the total display or floor space area open to the public;
2. The business establishment or concern presents any type of live entertainment which is characterized by an emphasis on specified sexual activity or specified anatomical parts at least six times in any month in any given year;
3. The business establishment or concern obtains a significant or substantial portion of its revenues from the sale, rental or lease of entertainment, material or merchandise characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts or advertises the availability of the same; or
4. The regular and substantial course of conduct of the business consists of or involves the sale, trade, display or presentation of services, products or entertainment which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

H. "Adult theater" means a business establishment or concern which, as a regular and substantial course of conduct, presents live entertainment, motion pictures, videos, slide photographs, or other pictures or visual reproductions which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.

I. "Director" means director of community development for the city, unless specified otherwise.

J. "Live art class" means any premises on which all of the following occur: there is conducted a program of instruction involving the drawing, photographing or sculpting of live models exposing specified anatomical parts; instruction is offered in a series of at least two classes; the instruction is offered indoors; an instructor is present in the classroom while any participants are present; and preregistration is required at least twenty-four hours in advance of participation in the class.

K. "Permittee" or "permit holder" means the person or persons issued a valid business permit. The permittee shall be the owner of the real property where the business is located, except that an adult oriented business permit may be issued to, in addition to the property owner, any person who performs any part of the management or operation of the adult oriented business on a regular basis.

L. "Sex club" means any establishment not primarily dedicated to providing overnight lodging accommodations, including a private club, which as a regular and substantial course of conduct permits persons to engage in specified sexual activities in any public or semipublic portion of the establishment or which provides any private room to persons more than once in a twenty-hour period in which persons are permitted to engage in specified sexual activities. For the purpose of this section, a "public or semipublic portion of an establishment" shall mean any portion of the establishment in which invitees of the establishment are permitted access and which is not let, leased or rented more than once in a twenty-hour period to persons who are entitled to exclusive use of the room. The above notwithstanding, a "sex club" is also any place which represents itself to any person or group of persons as a place for persons to engage in specified sexual activities.

M. "Sexually oriented material" means any element of sexually oriented merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture, film, video, or other written, oral or visual representation which, for purposes of sexual arousal, provides depictions which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.

N. "Sexually oriented merchandise" means sexually oriented implements and paraphernalia, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

O. "Specified anatomical parts" means:



1. Less than completely and opaquely covered human genitals; pubic region; buttocks; or female breast below a point immediately above the top of the areola; or
  2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- P. "Specified sexual activities" means:
1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral/anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia;
  2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;
  3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;
  4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast;
  5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
  6. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being;
  7. Human excretion, urination, menstruation, vaginal or anal irrigation; and
  8. Striptease, stripping, topless or nude dancing or the removal of clothing to the point where specified anatomical parts are not opaquely covered.

(Ord. 2004-01-1325 § 4: Ord. 2003-07-1320 § 2: Ord. 2003-05-1317 § 2)

#### **9.64.030 Permit required; Sex clubs prohibited.**

- A. No adult oriented business shall be permitted to operate, engage in, conduct or carry on business within the city unless the owner of the business first obtains both an adult oriented business permit and a business license from the City of Signal Hill.
- B. In addition to all new businesses, this chapter shall apply to any adult oriented business currently operating, engaging in, conducting or carrying on business within the city as of the time this chapter is adopted. The director shall process any applications submitted. If the permit is denied, the applicant may appeal the denial in the manner provided in Section 5.04.220 of the Signal Hill Municipal Code, and the appeal shall be noticed, heard and decided as provided therein.
- C. Notwithstanding any other provision of this chapter, sex clubs, as defined in Section 9.64.020, are prohibited.

(Ord. 2004-01-1325 § 4: Ord. 2003-07-1320 § 2: Ord. 2003-05-1317 § 2)

#### **9.64.040 Application requirements.**

- A. Only the property owner is eligible to request an adult oriented business permit, except that an adult oriented business permit may be issued to, in addition to the property owner, any person who performs any part of the management or operation of the adult oriented business on a regular basis.
- B. In addition to any other information requested by the director reasonably related to processing the permit application, the following information is required at the time an adult oriented business permit is submitted to the community development department:
1. A completed, notarized adult oriented business permit application signed by all property owners, or if any property owner is not an individual, signed by legal representatives of the owners;
  2. A deposit of two thousand five hundred dollars or other sum as set forth by ordinance or resolution of the city council, from which the city shall deduct the actual and reasonable administrative costs associated with reviewing and processing the application;
  3. A letter of justification describing the proposed project and explaining how it will comply with the findings and criteria contained in Section 9.64.050; and
  4. A security plan to be reviewed by the chief of police.

#### **9.64.050 Findings and criteria.**

A. The director of community development shall issue an adult oriented business permit within thirty days of receipt of a complete application if he/she finds that the plans and application information assures that the adult oriented business will provide and comply with the following:

1. The adult oriented business shall be located in the city's CG (General Commercial) or GI (General Industrial) zoning district.
2. The adult oriented business shall not be located within one thousand feet of any residential zone.
3. The adult oriented business shall not be located within five hundred feet of any lot upon which there is properly located a public park or school or within five hundred feet of any lot used by a religious institution for religious activities at least three times per week.
4. The adult oriented business shall not be located within one thousand feet of another adult oriented business.
5. The adult oriented business shall not be located on any property fronting upon a major highway as defined in the general plan of the City of Signal Hill. For the purpose of this chapter, a property fronts on such a highway if any portion of the property and any portion of the right-of-way for the road have a contiguous boundary.
6. The minimum parking requirements for adult oriented businesses shall be as follows:

##### **Business Type    Parking Requirements**

Theaters    1 parking space/3 seats

Retail establishments    1 parking space/250 sq. ft. of gross floor area

Cabarets    1 parking space/100 sq. ft. of gross floor area

Motion picture arcade    1 parking space/ individual viewing area plus 1 parking space/employee

Motel/hotel    1 parking space/guest room

If the director finds that any specific use or mix of uses necessitates additional parking, the director may increase the number of parking spaces reasonably needed to accommodate the demand for parking.

7. The adult oriented business shall not be located completely or partially within any mobile structure or pushcart.
8. The adult oriented business shall not stage any special events, promotions, festivals, concerts or similar events which would increase the demand for parking beyond the approved number of spaces for the particular use.
9. The adult oriented business shall not conduct any massage, tattooing or acupressure on the premises or operate escort services from the premises.
10. The adult oriented business shall provide a security system that visually records and monitors parking lot areas. All indoor areas of the adult oriented business which are accessible to the public shall be open to public view at all times with the exception of restroom facilities. "Accessible to the public" shall include but not be limited to those areas which are only accessible to members of the public who pay a fee and/or join a private club or organization.
11. The adult oriented business complies with the city's sign regulations.
12. The adult oriented business complies with the development and design requirements of the zone in which it is to be located.
13. The adult oriented business shall not display any sexually oriented material or sexually oriented merchandise, which would be visible from any location other than from within the adult oriented business.
14. The adult oriented business shall not allow admittance to any person under the age of eighteen if no liquor is served, or under the age of twenty-one if liquor is served.
15. With the exclusion of adult oriented hotels, the adult oriented business shall not operate between the hours of 2:00 a.m. and 9:00 a.m.

16. Neither the applicant, if an individual, nor any of the officers or general partners, if a corporation or partnership, of the adult oriented business has been found guilty within the past two years of a misdemeanor or felony classified by the state oriented business permit or similar permit or license in any city, county, territory or state.

17. The adult oriented business shall provide separate restroom facilities for male and female patrons.

18. All areas of the adult oriented business shall be illuminated at a minimum of 1.25 foot-candles, minimally maintained and evenly distributed at ground level.

19. The individual viewing areas of the adult oriented business shall be operated and maintained with no holes, openings or other means of direct visual or physical access between the interior space of two or more individual viewing areas.

20. No building, premises, structure or other facility shall be permitted to contain more than one type of adult oriented business as such types of adult oriented business are defined in Section 9.64.020. For the purposes of this section, the catch-all phrase "adult oriented business" shall not be considered a single type of adult oriented business.

21. No more than one person may occupy any seat or individual viewing area at any one time.

22. At least one security guard shall be on duty patrolling the grounds and interior areas of the adult oriented business at all times the business is open to the public. All security guards shall be readily identifiable as a security guard. For all adult oriented businesses providing live entertainment, an additional security guard will be required with each fifty persons granted admission to the business.

B. The applicant for an adult oriented business shall prepare a "Security Plan" for review by the chief of police, which shall indicate the location of all surveillance cameras and equipment, the identity of the person or persons to be responsible for providing security, the security measures to be taken for all doors and windows, and other information reasonably requested by the chief of police. Applications for an adult oriented business shall not be deemed complete until after the chief of police acknowledges that the security plan is complete in all respects.

C. Once a completed application is submitted, approval of an adult oriented business permit is a ministerial action. Public notice shall not be given and there shall be no public hearings regarding the approval or denial of the permit. The director shall deny the requested permit if he or she determines that the applicant cannot adequately show that all of the above findings and criteria will be met. Otherwise, the director shall approve the permit. If the city fails to take action on a completed application within sixty days, the application shall be deemed approved.

D. The distances of separation from an adult oriented business to a sensitive land use, as described in paragraph A(2)-(4), shall be made using a straight line, without regard to intervening structures or objects, from the property line of the lot on which the adult oriented business shall be located to the nearest property line of the lot upon which is located the other applicable land use.

(Ord. 2004-01-1325 § 4: Ord. 2003-07-1320 § 2: Ord. 2003-05-1317 § 2)

#### **9.64.060 Permit Duration and Renewal.**

An adult oriented business permit shall be valid for a period of twelve months from the date of issuance. The permit holder shall file a complete renewal application annually. The director shall approve the renewal application provided the business is operated in conformance with this chapter.

(Ord. 2004-01-1325 § 4: Ord. 2003-07-1320 § 2: Ord. 2003-05-1317 § 2)

#### **9.64.070 Permits are Nontransferable and Use Specific.**

No adult oriented business permit may be sold, transferred or assigned by any permit holder, or by operation of law, to any other person, group, partnership, corporation or any other entity. Any such sale, transfer or assignment or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of the permit and the permit shall be thereafter null and void. An adult oriented business permit held by a corporation or partnership is subject to the same rules of transferability as contained above. Any proposed transferee shall reapply under this chapter and shall obtain its own permit thereunder. Any increase in the scope of the business or its activities, or any change in the nature or composition of the adult oriented business from one element of an adult oriented business to another element of an adult oriented business, shall also render the permit null and void. An adult oriented business permit shall only be valid for the exact location specified on the permit.

(Ord. 2004-01-1325 § 4: Ord. 2003-07-1320 § 2: Ord. 2003-05-1317 § 2)

#### **9.64.080 Inspections.**

The permit holder shall permit officers of the City of Signal Hill, the County of Los Angeles, and each of their authorized representatives to conduct unscheduled inspections of the premises of the adult oriented business for the purpose of ensuring compliance with the law at any time the adult oriented business is open for business or occupied.

(Ord. 2004-01-1325 § 4: Ord. 2003-07-1320 § 2: Ord. 2003-05-1317 § 2)

#### **9.64.090 Enforcement and revocation.**

A. Revocation Grounds. The director may revoke an adult oriented business permit when he or she determines that any of the following have occurred:

1. Any of the findings and criteria contained in Section 9.64.050 above ceases to be satisfied;
2. The adult business permit or renewal application contains incorrect, false or misleading information;
3. The permittee is convicted of any felony or misdemeanor which is classified as a sex or sex-related offense, any violation of the city's zoning ordinance, any violation of the city's massage ordinance, or any violation of any other adult business ordinance of any other city, county, or state;
4. Any person has been convicted of a sex-related offense as a result of any activity on the premises of the adult oriented business; or
5. Any person or persons has been permitted by the permittee to engage in any specified sexual activities on the premises, or the permittee has failed to take reasonable steps to prevent specified sexual activities on the premises.

B. Revocation Notice and Due Process. Upon determining that grounds for permit revocation may exist, the director shall furnish written notice of the proposed revocation to the permit holder. Such notice shall include the principal allegations and reasons for the proposed revocation, the time, date and place where an administrative hearing will be held. The notice shall be delivered both by posting the notice at the location of the adult oriented business and by sending the same, certified mail, return receipt requested and postage prepaid, to the permittee as that name and address appears on the permit. The director shall notify the permittee of the results of the hearing by posting and mailing, as provided above, not later than fifteen calendar days after the hearing.

C. Appeal. Not later than fifteen calendar days after the mailing and posting of the hearing results, any person aggrieved by a decision of the director may file an appeal of said decision in the manner provided in Section 5.04.220 of the Signal Hill Municipal Code, and the appeal shall be noticed, heard and decided as provided therein.

D. Reapplication after Revocation. No person, corporation, partnership or member thereof or any other entity may obtain an adult oriented business permit for a business once its permit has been revoked.

(Ord. 2004-01-1325 § 4: Ord. 2003-07-1320 § 2: Ord. 2003-05-1317 § 2)

#### **9.64.100 ViolationPenalty.**

A. Every person, whether acting as an individual owner, employee of the owner, permittee, or operator or employee of the permittee, or whether acting as a mere helper for the owner, permittee, employer or operator, or whether acting as a participant or worker in any way, who operates or conducts or who participates in the operation of an non-permitted adult oriented business, or who violates any provisions of this chapter, including but not limited to any provision of Section 9.64.050, shall be guilty of a misdemeanor and shall be fined not more than one thousand dollars for each offense or imprisoned for not more than six months in the county jail for each offense, or both. Each day the violation continues shall be regarded as a separate offense for which the full penalty may be imposed.

B. Any establishment operated, conducted or maintained contrary to the provisions of this chapter is unlawful and a public nuisance, and the city attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal and enjoinder 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 adult oriented business and restrain and enjoin any person from operating, conducting or maintaining such an establishment contrary to the provisions of this chapter.

(Ord. 2004-01-1325 § 4: Ord. 2003-07-1320 § 2: Ord. 2003-05-1317 § 2)