SUPPLEMENT DIRECTIONS

CUDAHY MUNICIPAL CODE

Supplement No. 1 – January 2015

Updated by: [illegible]

Dated: 02/03/2015

New, reprinted pages included with this supplement are listed by title and page number in the right-hand column below. The left-hand column lists obsolete material that should be removed from the code. Follow the instruction columns in sequence: remove and replace pages as necessary.

When completed, insert these directions in a convenient place near the front of the code book. For future reference, the person making these changes may also date and initial this page.

This supplement includes revisions to the code through Ordinance 643, passed December 2, 2014.

Remove these pages	Insert these pages
City Officials	
2009	2015
Table of Revised Pages	
i – iv	i – iv
Title 2	
1 – 6	1 – 6
15 – 18	15 – 23
Title 3	
1	1
7 – 8	7 – 8.2
—	26.1 – 26.12
Title 5	
15 – 16	15 – 16.2
25 – 30	25 – 30
53	53 – 55
Title 8	
1 – 10	1 – 6/10
41	41 – 48
Title 9	
1 – 4	1 – 4.2
23 – 24	23 – 24.4
27	27 – 35
Title 10	
3 – 4	3 – 4.2
Title 13	
1	1
19	19 – 20

Remove these pages	Insert these pages
Title 15	
1 – 12	1 – 12
15 – 17	15 – 19
Title 20	
1	1
5 – 20	5 – 20.2
59 – 60	59 – 60.2
67 – 72	67 – 72.2
75 – 76	75 – 76.2
123	123 – 130
Tables	
1 – 2	1 – 2
5 – 10	5 – 10.2
13 – 14	13 – 14
21 – 23	21 – 24
Index	
1 – 2	1 – 2
5 – 28	5 – 28.4
31 – 34	31 – 34.2

Please **call** Code Publishing Company (206-527-6831) should questions arise while removing and replacing supplement pages.

CITY OF CUDAHY
MUNICIPAL
CODE

A Codification of the General Ordinances

of the City of Cudahy, California

Reformatted, Indexed, and Published by

CODE PUBLISHING COMPANY

Seattle, Washington

2009

2015 City Officials

Chris Garcia, Mayor
Cristian Markovich, Vice-Mayor

CITY COUNCIL

Diane Oliva
Baru Sanchez
Jack M. Guerrero

Victor Ferrer, Deputy City Clerk
Jose E. Pulido, City Manager
Rick Olivares, City Attorney

TABLE OF CONTENTS

Preface

Table of Revised Pages

Title 1 General Provisions

Title 2 Administration and Personnel

Title 3 Revenue and Finance

Title 4 (Reserved)

Title 5 Business Licenses and Regulations

Title 6 Animals

Title 7 (Reserved)

Title 8 Health and Safety

Title 9 Public Peace, Morals and Welfare

Title 10 Vehicles and Traffic

Title 11 (Reserved)

Title 12 Streets, Sidewalks and Public Places

Title 13 Public Utilities and Services

Title 14 (Reserved)

Title 15 Buildings and Construction

Title 16 Floodplain Regulations

Title 17 (Reserved)

Title 18 (Reserved)

Title 19 Subdivisions

Title 20 Zoning

Tables

Index

PREFACE

Citation to the Cudahy Municipal Code: This code should be cited as CMC; i.e., "see CMC 3.05.010." A CMC title should be cited CMC Title 3. A CMC chapter should be cited Chapter 3.05 CMC. A CMC section should be cited CMC 3.05.010. Through references should be made as CMC 3.05.010 through 3.05.040. Series of sections should be cited as CMC 3.05.010, 3.05.020, and 3.05.030.

Numbering system: The number of each section of this code consists of three parts, in sequence as follows: Number of title; number of chapter within the title; number of section within the chapter. Thus CMC 3.05.020 is Title 3, Chapter 5, Section 20. The section part of the number (.020) initially consists of three digits. This provides a facility for numbering new sections to be inserted between existing sections already consecutively numbered. In most chapters of the CMC, sections have been numbered by tens (.010, .020, .030, .040, etc.), leaving nine vacant numbers between original sections so that for a time new sections may be inserted without extension of the section number beyond three digits.

Legislation: The legislative source of most sections is enclosed in parentheses at the end of the section. References to ordinances are abbreviated; thus "(Ord. 2221 § 1; Ord. 2024 § 2)" refers to Section 1 of Ordinance No. 2221 and Section 2 of Ordinance No. 2024. "Formerly" followed by a CMC citation preserves the record of original codification. A semicolon between ordinance citations indicates an amendment of the earlier section.

Codification tables: To convert an ordinance citation to its CMC number consult the codification tables. The parenthetical information at the end of each ordinance entry indicates where the ordinance has been codified. Ordinances designated as "Special," "Repealed," or "Not Codified" do not appear in the code.

Index: A complete subject matter index is included for CMC Titles 1 through 20. The index includes complete cross-referencing and is keyed to the section numbers described above.

Errors or omissions: Although considerable care has been used in the production of this code, it is inevitable in so large a work that there will be errors. As users of this code detect such errors, it is requested that a note citing the section involved and the nature of the error be e-mailed to: CPC@codepublishing.com, so that correction may be made in a subsequent update.

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Seattle, Washington
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How to Amend the Code

Code Structure and Organization

The code is organized using a 3-factor decimal numbering system which allows for additions between sections, chapters, and titles, without disturbing existing numbers.

2 . 04 . 050

Title

Chapter

Section

Typically, there are 9 vacant positions between sections; 4 positions between chapters, and several title numbers are "Reserved" to allow for codification of new material whose subject matter may be related to an existing title.

Ordinances of a general or public nature, or one imposing a fine, penalty or forfeiture, are codifiable. Prior to enacting a codifiable ordinance, ascertain whether the code already contains provisions on the topic.

Additions

If the proposed ordinance will add material not contained in the code, the ordinance will specify an "addition"; that is, a new title, chapter, section, or subsection, will be added. For example:

Section 1. Chapter 5.20, Taxicab Licenses, is added to read as follows:

-or-

Section 1. A new title, Title 18, Zoning, is added to read as follows:

A specific subsection can also be added when appropriate:

Section 2. Subsection D is added to Section 5.05.070, to read as follows:

Amendments

If the ordinance amends existing code provisions, specify the affected section or chapter numbers in the ordinance. This kind of amendment typically adds a section to an existing chapter, or amends an existing section. Set out the entire section or subsection, not just the text (e.g., sentence) that was changed. For example:

Section 1. Section 5.05.030 is amended to read as follows:

-or-

Section 1. Section 5.05.035, Additional fees, is added to Chapter 5.05 to read as follows:

An ordinance can also amend a specific subsection of a code section:

Section 3. Subsection B of Section 5.05.070 is amended to read:

Repeals

Ordinances which repeal codified material should specify the code chapter, section, or subsection number. The chapter, section, or subsection numbers will be retained in the code, along with their title, as a record of ordinance activity (and as an explanation for gaps in the numbering sequence). The number of the repealed section or chapter number can be reused at a later time when desired. For example:

Section 2. Section 5.05.020, License, is repealed.

Renumbering

If the ordinance renumbers existing code provisions (either sections or subsections), identify how remaining sections or subsections should be renumbered (or relettered).

Codification Assistance

Code Publishing Company can assist either in specifying code numbers or in providing remedies for other codification related problems free of charge. Please call us at (206) 527-6831.

TABLE OF REVISED PAGES

The following table is included in this code as a guide for determining whether the code volume properly reflects the latest printing of each page. This table will be updated with the printing of each supplement.

Through usage and supplementation, pages in looseleaf publications can be inserted and removed in error when pages are replaced on a page-for-page substitution basis.

The "Page" column lists all page numbers in sequence. The "Revised Date" column reflects the latest revision date (e.g., "(Revised 9/09)") and printing of pages in the up-to-date volume. A "—" indicates that the page has not been revised since the 2009 reformat. This table reflects all changes to the code through Ordinance 643, passed December 2, 2014.

Page	Revised Date
Table of Contents	—
Preface	—
Title 1	
1	—
3, 4	—
5, 6	—
7, 8	—
9, 10	—
Title 2	
1	1/15
3, 4	1/15
5, 6	1/15
7, 8	—
9, 10	—
11, 12	—
13, 14	—
15, 16	1/15
17, 18	1/15
19, 20	1/15
21, 22	1/15
23	1/15
Title 3	
1	1/15
3, 4	—
5, 6	—
7, 8	1/15
8.1, 8.2	1/15
9, 10	—
11, 12	—
13, 14	—
15, 16	—
17, 18	—
19, 20	—
21, 22	—
23, 24	—
25, 26	—
26.1, 26.2	1/15
26.3, 26.4	1/15
26.5, 26.6	1/15
26.7, 26.8	1/15
26.9, 26.10	1/15
26.11, 26.12	1/15
27, 28	—
29, 30	—
Title 4	
1	—
Title 5	
1	—
3, 4	—
5, 6	—
7, 8	—
9, 10	—
11, 12	—
13, 14	—
15, 16	1/15
16.1, 16.2	1/15
17, 18	—
19, 20	—
21, 22	—
23, 24	—
25, 26	1/15
27, 28	1/15
29, 30	1/15
31, 32	—
33, 34	—
35, 36	—
37, 38	—
39, 40	—
41, 42	—
43, 44	—
45, 46	—
47, 48	—
49, 50	—
51, 52	—

Page	Revised Date
53, 54	1/15
55	1/15
Title 6	
1	—
3	—
Title 7	
1	—
Title 8	
1	1/15
3, 4	1/15
5, 6/10	1/15
11, 12	—
13, 14	—
15, 16	—
17, 18	—
19, 20	—
21, 22	—
23, 24	—
25, 26	—
27, 28	—
29, 30	—
31, 32	—
33, 34	—
35, 36	—
37, 38	—
39, 40	—
41, 42	1/15
43, 44	1/15
45, 46	1/15
47, 48	1/15
Title 9	
1	1/15
3, 4	1/15
4.1, 4.2	1/15
5, 6	—
7, 8	—
9, 10	—
11, 12	—
13, 14	—
15, 16	—
17, 18	—
19, 20	—
21, 22	—
23, 24	1/15
24.1, 24.2	1/15
24.3, 24.4	1/15

Page	Revised Date
25, 26	—
27, 28	1/15
29, 30	1/15
31, 32	1/15
33, 34	1/15
35	1/15
Title 10	
1	—
3, 4	1/15
4.1, 4.2	1/15
5, 6	—
7, 8	—
9, 10	—
11, 12	—
13	—
Title 11	
1	—
Title 12	
1	—
3, 4	—
5, 6	—
7, 8	—
Title 13	
1	1/15
3, 4	—
5, 6	—
7, 8	—
9, 10	—
11, 12	—
13, 14	—
15, 16	—
17, 18	—
19, 20	1/15
Title 14	
1	—
Title 15	
1	1/15
3, 4	1/15
5, 6	1/15
7, 8	1/15
9, 10	1/15
11, 12	1/15
13, 14	—

Page	Revised Date
15, 16	1/15
17, 18	1/15
19	1/15

Title 16

1	—
3, 4	—
5, 6	—
7, 8	—
9, 10	—
11, 12	—
13, 14	—
15, 16	—
17, 18	—
19, 20	—
21, 22	—

Title 17

1	—

Title 18

1	—

Title 19

1	—
3, 4	—
5, 6	—

Title 20

1	1/15
3, 4	—
5, 6	1/15
7, 8	1/15
9, 10	1/15
11, 12	1/15
13, 14	1/15
15, 16	1/15
17, 18	1/15
19, 20	1/15
20.1, 20.2	1/15
21, 22	—
23, 24	—
25, 26	—
27, 28	—
29, 30	—
31, 32	—
33, 34	—
35, 36	—
37, 38	—
39, 40	—

Page	Revised Date
41, 42	—
43, 44	—
45, 46	—
47, 48	—
49, 50	—
51, 52	—
53, 54	—
55, 56	—
57, 58	—
59, 60	1/15
60.1, 60.2	1/15
61, 62	—
63, 64	—
65, 66	—
67, 68	1/15
69, 70	1/15
71, 72	1/15
72.1, 72.2	1/15
73, 74	—
75, 76	1/15
76.1, 76.2	1/15
77, 78	—
79, 80	—
81, 82	—
83, 84	—
85, 86	—
87, 88	—
89, 90	—
91, 92	—
93, 94	—
95, 96	—
97, 98	—
99, 100	—
101, 102	—
103, 104	—
105, 106	—
107, 108	—
109, 110	—
111, 112	—
113, 114	—
115, 116	—
117, 118	—
119, 120	—
121, 122	—
123, 124	1/15
125, 126	1/15
127, 128	1/15
129, 130	1/15

Page	Revised Date
Tables	
i	—
1, 2	1/15
3, 4	—
5, 6	1/15
7, 8	1/15
9, 10	1/15
10.1, 10.2	1/15
11, 12	—
13, 14	1/15
15, 16	—
17, 18	—
19, 20	—
21, 22	1/15
23, 24	1/15
Index	
Preface	—
1, 2	1/15
3, 4	—
5, 6	1/15
7, 8	1/15
9, 10	1/15
11, 12	1/15
13, 14	1/15
15, 16	1/15
17, 18	1/15
19, 20	1/15
21, 22	1/15
23, 24	1/15
25, 26	1/15
27, 28	1/15
28.1, 28.2	1/15
28.3, 28.4	1/15
29, 30	—
31, 32	1/15
33, 34	1/15
34.1, 34.2	1/15
35	—

Title 1

GENERAL PROVISIONS

Chapters:

1.04 Adoption of the Code
1.08 Rules of Construction
1.12 Definitions
1.16 Divisions of the Code
1.20 Severability
1.24 County Contracts
1.28 Notices and Filings
1.32 Statute of Limitations for Challenging the Administrative and Quasi-Judicial Actions of the City and Judicial Review
1.36 Penalty Provisions

Chapter 1.04

ADOPTION OF THE CODE

Sections:

1.04.010 Short title, reference to code.
1.04.020 Adopting ordinance.

1.04.010 Short title, reference to code.

This code shall be known as the "Cudahy Municipal Code, 1981," and it shall be sufficient to refer to said code as the "Cudahy Municipal Code, 1981" in any prosecution for the violation of any provisions thereof. It shall also be sufficient to designate any ordinance adding to, amending, or repealing said code, or portions thereof, as an addition or amendment to, or a repeal of, the "Cudahy Municipal Code, 1981," or a portion thereof. (2002 Code § 1-1.1).

1.04.020 Adopting ordinance.

The recodified Cudahy Municipal Code, a copy of which is on file in the office of the city clerk, is incorporated herein by this reference and hereby adopted in its entirety. (Ord. 277 § 1. 2002 Code § 1-1.2).

Chapter 1.08

RULES OF CONSTRUCTION

Sections:

1.08.010 Rules of construction.

1.08.010 Rules of construction.

(1) For the purpose of this code and any other ordinances heretofore or hereafter adopted, except as the context may otherwise require:

(a) Chapter and section headings contained herein shall not be deemed to govern, limit, or in any manner affect the scope, meaning or intent of the provisions of any chapter or section.

(b) This code shall refer only to the omission or commission of acts within the territorial limits of the city and to that territory outside of the city over which the city has jurisdiction or control by virtue of the Constitution, or any law, or by reason of ownership or control of property.

(c) Whenever in this code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing such act or omission.

(d) "Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise. "Writing" and "written" shall include printing, typewriting and any other mode of communication using paper or similar material which is in general use, as well as legible handwriting.

(e) Whenever a reference is made to any portion of this code, or to any ordinances of this city, the reference applies to all amendments and additions now or hereafter made.

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

be deemed to have been completed at the time of deposit in the post office.

(g) 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 18 years, which shows service in conformity with this code, or other provisions of law applicable to the subject matter concerned.

(h) The present tense includes the past and future tenses, and the future, the present.

(i) The masculine gender includes the feminine and neuter.

(j) The singular number includes the plural, and the plural, the singular.

(k) "Shall" is mandatory and "may" is permissive.

(l) "Oath" includes affirmation.

(m) The time within which an act is to be done shall be computed by excluding the first and including the last day and if the last day be a Sunday, a legal holiday, or a day on which the offices of the township are closed, that day shall be excluded.

(n) Whenever a specific time is used in this code, it shall mean the prevailing and established time in effect in the state of California during any day in any year.

(2) Interpretation. Wherever the following references are used in this code, or in any ordinance, statute, or other matter which is adopted by reference, unless the context requires otherwise, they shall be given the following meanings:

(a) "County of Los Angeles" shall mean the city of Cudahy.

(b) "Board of supervisors" shall mean the city council of the city of Cudahy.

(c) "Unincorporated territory" shall mean the incorporated territory of the city of Cudahy.

(d) "County" shall mean the city of Cudahy.

(e) "County officer" shall mean the appropriate or designated officer of the city of Cudahy. (Ord. 464 § 1. 2002 Code § 1-4).

Chapter 1.12

DEFINITIONS

Sections:

1.12.010 Definitions.

1.12.010 Definitions.

For the purpose of this code, and in the interpretation and application of all other ordinances heretofore or hereafter adopted, except as the context may otherwise require:

"City" shall mean the city of Cudahy.

"Clerk" and "city clerk" shall mean the city clerk of the city of Cudahy.

"Council" shall mean the city council of the city of Cudahy.

"County" shall mean the county of Los Angeles.

"Goods" shall mean and include wares or merchandise.

"Month" shall mean a calendar month unless otherwise specifically provided.

Office. The use of the title of any officer, employee, office or ordinance shall mean such officer, employee, office or official of the city of Cudahy.

"Operate" shall mean and include carry on, keep, conduct, or maintain.

"Owner," as applied to a building or land, shall mean and include any part owner, joint owner, tenant, tenant in common, or joining tenant of the whole or a part of such building or land.

"Person," as used in this code or in any ordinance or code adopted hereby, shall mean and include any person, firm, association, organization, partnership, business trust, company or corporation, and any municipal, political or governmental corporation, district, body or agency, other than the city of Cudahy.

"Sale" shall mean and include any sale, exchange, barter, or offer for sale.

"Sheriff" shall mean the sheriff of the county or such law enforcement officer designated by the city as the officer responsible for law enforcement within the city.

"State" shall mean the state of California.

"Street" shall mean and include all streets, highways, avenues, lanes, alleys, courts, places, squares, sidewalks, parkways, curbs, or other public ways in the city which have been or may here-

after be dedicated and open to public use, or such other public property as designated by any law of the state.

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

"Year" shall mean a calendar year unless otherwise specifically provided.

Technical words and phrases, and words and phrases having a special or accepted meaning in the law, shall be construed in accordance with such technical or special and accepted meaning. (Ord. 464 § 1. 2002 Code § 1-5).

Chapter 1.16

DIVISIONS OF THE CODE

Sections:

1.16.010 Divisions of the code.

1.16.010 Divisions of the code.

(1) "Title" shall mean one of the major divisions of the code identified by an Arabic numeral and divided by subject matter.

(2) "Chapter" shall mean a major subdivision of a title.

(3) "Section" shall mean a subdivision of a chapter, identified by a decimal number.

(4) "Subsection" shall mean a subdivision under a section, identified by an alphabetical letter or Arabic number. (Ord. 464 § 1. 2002 Code § 1-6).

Chapter 1.20

SEVERABILITY

Sections:

1.20.010 Severability.

1.20.010 Severability.

If any title, chapter, section or subsection of this code shall be declared to be unconstitutional, invalid, or inoperative, in whole or in part, by a court of competent jurisdiction, such title, chapter, section or subsection shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining titles, chapters, sections or subsections of this code. (Ord. 464 § 1. 2002 Code § 1-7).

Chapter 1.24

COUNTY CONTRACTS

Sections:

1.24.010 Contracts with Los Angeles County.

1.24.010 Contracts with Los Angeles County.

The council shall have the right to contract with the county or any other public agency pursuant to the laws of the state and the charter of the county for the performance and execution by designated county or other public officials of the rights, powers, and duties of officers, officials, and employees of the city. Whenever by law or in this code, whether set forth in full or by adoption by reference, any power or authority is granted to an officer, official, or employee, the power or authority shall be conferred upon the appropriate officer, official, or employee of the city or the appropriate officer, official, or employee of the county or other public agency with whom a contract has been entered into. (Ord. 464 § 1. 2002 Code § 1-8).

Chapter 1.28

NOTICES AND FILINGS

Sections:

1.28.010 Public places for posting notices.
1.28.020 Posting.
1.28.030 Filing documents.

1.28.010 Public places for posting notices.

The following places are officially designated as public places for the posting of all ordinances, resolutions, or notices adopted or issued by the city:

City Hall
5220 Santa Ana Street
Cudahy, California

Leo P. Turner Community Center
4835 Clara Street
Cudahy, California

Edison Building
7810 Otis Avenue
Cudahy, California

(Ord. 476 § 8; Ord. 451 § 1; Ord. 72 § 1; Ord. 58 § 1. 2002 Code § 2-8.1).

1.28.020 Posting.

All ordinances and resolutions permitted by law to be posted in lieu of publication shall be posted in three public places as set forth in CMC 1.28.010 in accordance with the provisions of Section 36933 of the Government Code of the state. (Ord. 476 §§ 8, 15. 2002 Code § 2-8.2).

1.28.030 Filing documents.

The mayor, the city clerk, the city manager, and the city attorney are each hereby appointed authorized agents of the city for the filing with such offices and officers of the state and of the county of certified copies of ordinances and resolutions and such other documents as may be required for the proper and efficient conduct of the city's business. (Ord. 476 § 8. 2002 Code § 2-8.3).

Chapter 1.32

STATUTE OF LIMITATIONS FOR CHALLENGING THE ADMINISTRATIVE AND QUASI-JUDICIAL ACTIONS OF THE CITY AND JUDICIAL REVIEW

Sections:

1.32.010 Statute of limitations.
1.32.020 Prompt judicial review.

1.32.010 Statute of limitations.

Any action challenging a final administrative order or decision by the city made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken, and discretion in the determination of facts is vested in the city of Cudahy, or in any of its boards, commissions, officers or employees, must be filed within the time limits set forth in California Code of Civil Procedure Section 1094.6. (Ord. 555 § 1; Ord. 543 § 1; Ord. 464 § 2. 2002 Code § 1-3.1).

1.32.020 Prompt judicial review.

Any interested party may seek judicial review of a final city decision regarding the issuance, revocation, suspension, or denial of a permit or license for an activity protected by the First Amendment to the U.S. Constitution in accordance with the terms and procedures provided by California Code of Civil Procedure Section 1094.8. (Ord. 555 § 1; Ord. 543 § 1; Ord. 464 § 2. 2002 Code § 1-3.2).

Chapter 1.36

PENALTY PROVISIONS

Sections:

1.36.010 Violations.
1.36.020 Violations – Nuisance.
1.36.030 Violation of administrative provisions.
1.36.040 Penalties and arrests for violation of this code and other city ordinances.

1.36.010 Violations.

(1) Misdemeanors. No person shall violate any provision, or fail to comply with any requirement, of this code. Any person violating any provision or failing to comply with any requirement of this code shall be guilty of a misdemeanor, unless the violation or failure to comply is expressly stated by this code to be an infraction, or is subsequently prosecuted as an infraction in the discretion of the city attorney or city prosecutor, in which case such person is guilty of an infraction and shall be punished as provided in subsection (2) of this section. Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than $1,000, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall be punishable accordingly.

(2) Infractions. Any person violating any provision or failing to comply with any mandatory requirement of this code expressly stated by this code to be an infraction shall be guilty of an infraction. Any person convicted of any infraction shall be punishable by:

(a) A fine of $100.00 for a first violation;

(b) A fine of $200.00 for a second violation of the same provision of this code within one year;

(c) A fine of $500.00 for each additional violation of the same provision of this code within one year.

Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall be punishable accordingly. (Ord. 449 § 1; Ord. 445 § 1; Ord. 324 § 2. 2002 Code § 1-2.1).

1.36.020 Violations – Nuisance.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist or any act or activity done or caused or permitted to be done in violation of any of the provisions of this code shall be deemed a public nuisance and may be summarily abated by the city. (2002 Code § 1-2.2).

1.36.030 Violation of administrative provisions.

The violation of any administrative provisions of the code by any officer or employee of the city may be deemed a failure to perform the duties under, or observe the rules and regulations of the department, office or board to whom that officer or employee reports within the meaning of the rules and regulations of the city. (Ord. 469 § 1. 2002 Code § 1-2.3).

1.36.040 Penalties and arrests for violation of this code and other city ordinances.

(1) Notice to Appear. In any case in which a person is arrested for an offense declared by this code to be a misdemeanor and does not demand to be taken before a magistrate, such person may, instead of being taken before a magistrate, be released according to the procedures set forth by this subsection. If the arresting officer or his superior determines that the person should be released, such officer or superior shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court. If a person is not released prior to being booked and the officer in charge of the booking or his superior determines that the person should be released, such officer or superior shall prepare such written notice to appear in court.

(2) Time Specified. Unless waived by the person, the time specified in the notice to appear must be at least 10 days after arrest.

(3) Place Specified. The place specified in the notice shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate

were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

(4) Promise to Appear. The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, must give his or her written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(5) Bail. The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate may fix the amount of bail which in his or her judgment, in accordance with the provisions of Section 1275 of the California Penal Code, is reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by him or her in the form set forth in Section 815a of the California Penal Code. The defendant may, prior to the date upon which he or she promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his or her discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of the California Penal Code.

(6) Warrants, Failure to Appear. No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he or she has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

The officer shall indicate on the notice to appear whether he or she desires the arrested person to be booked as defined in Subdivision 21 of Section 7 of the California Penal Code. In such event, the magistrate shall, before the proceedings are finally concluded, order the defendant to be booked by the arresting agency.

(7) Application of This Section. A peace officer may use the written notice to appear procedure set forth in this section for any misdemeanor offense for which the officer has arrested a person pursuant to California Penal Code Section 836 or in which he has taken custody of a person pursuant to California Penal Code Section 847.

(8) Enforcement Officer. Pursuant to California Penal Code Section 836.5, the code enforcement officers of the city may make arrests, and may issue citations for misdemeanors pursuant to California Penal Code Chapter 5C (commencing with Section 853.6) and this chapter, for violations of the following provisions of the Cudahy Municipal Code:

Chapters 3.24 through 3.40 CMC –	Revenue and taxation.
CMC Title 5 –	Business licenses and regulations.
Chapter 6.04 CMC –	Animals.
Chapter 8.04 CMC –	Health code.
Chapter 8.12 CMC –	Solid waste handling and recycling services.
Chapters 8.28 and 8.32 CMC –	Capping of wells; excavations, bodies of water.
CMC 9.04.050 –	Gates.
CMC 9.04.060 –	Gates – Obstruction of public rights-of-way.
CMC 9.04.110 –	Illegal dumping.
CMC 9.04.120 –	Flowing mud or water on highways.
CMC 9.04.200 –	City parks – Rules and regulations – Adoption by resolution.
CMC 9.04.250 –	Sound amplifying equipment.
CMC 9.04.260 –	Vehicles – Commercial advertising permits.

CMC 9.04.290 –	Distribution of handbills.
CMC 9.04.310 –	Solicitations.
CMC 9.04.320 –	Unsightliness.
CMC 9.04.330 –	Solicitation in public ways.
CMC 9.04.340 –	Aggressive solicitation.
CMC 9.04.360 –	Parking of vehicles for sale.
CMC 9.08.080 –	Posting of signs.
Chapters 10.04 through 10.12 CMC –	Traffic regulations.
CMC Title 12 –	Streets, sidewalks and public places.
Chapters 13.04 and 13.08 CMC –	Sewer and water.
CMC Title 15 –	Buildings and construction.
CMC Title 19 –	Subdivisions.
CMC Title 20 –	Zoning.

(9) Authority. The provisions of this section, except subsections (8) and (9) of this section, have been enacted pursuant to the provisions of Section 853.6 of the California Penal Code of the state of California. (Ord. 433 § 1. 2002 Code § 1-2.4).

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

2.04 City Council
2.08 City Offices
2.12 City Manager
2.16 Director of Finance
2.20 City Clerk
2.24 City Treasurer
2.28 Acts by Deputies
2.32 City Commissioners
2.36 Planning Commission
2.40 Relocation Appeals Board
2.44 Disaster Council
2.48 Public Employees' Retirement System
2.52 Personnel System
2.54 Campaign Ethics Regulations
2.56 Post-Government Employment Restrictions

Chapter 2.04

CITY COUNCIL

Sections:

2.04.010 Council Chambers.
2.04.020 Council meetings.
2.04.030 Presenting matters to council.
2.04.040 *Repealed.*
2.04.050 Robert's Rules of Order.
2.04.060 Filing fees.
2.04.070 Appointment authority.
2.04.080 Compensation of council members.
2.04.090 Organization of city council.

2.04.010 Council Chambers.

The room designated as the Council Chambers, located in the Community Building, Cudahy Civic Center, 5240 Santa Ana Street, Cudahy, California, shall be the Council Chambers of the City Hall of the city, and all meetings of the council shall be held therein; provided, however, the council may from time to time designate meetings to be held at the City Hall, 5220 Santa Ana Street, Cudahy, California, when the council deems it appropriate. (Ord. 83 § 1; Ord. 78 § 1; Ord. 58 § 1. 2002 Code § 2-1.1).

2.04.020 Council meetings.

(1) Regular Meetings. Regular meetings of the city council shall be held on the first and third Tuesday of each month at 6:30 p.m., or if any such Tuesday falls on a holiday, the next succeeding day which is not a holiday.

(2) All "meetings" (as defined by Government Code Section 54952.2) of city "legislative bodies" (as defined by Government Code Section 54952) shall be conducted in accordance with all provisions of the Ralph M. Brown Act, Government Code Section 54950 et seq., as the same may be amended from time to time by the California legislature, including, but not limited to, meetings of the city council, the city council as successor agency to the Cudahy community development commission, the Cudahy planning commission, the relocation appeals board, the disaster council, the senior commission, the parks and recreation commission, the public safety commission, and all other city commissions and committees established under the Cudahy Municipal Code, and such other commissions and committees as may be created by the city council now and in the future. (Ord. 628 § 1, 2013; Ord. 624 § 2, 2012; Ord. 622 § 1, 2012; Ord. 619 § 2, 2012; Ord. 520 § 1; Ord. 520-U § 1; Ord. 432 § 1; Ord. 414 § 1. 2002 Code § 2-1.2).

2.04.030 Presenting matters to council.

Every official, board, commission, or other body connected with the city government, and every citizen, individual, corporation, committee, or civic group having any report, communication, or other matter to be presented at a council meeting, shall notify the city clerk of that fact, in writing, at least seven days preceding the day of such meeting. Matters deemed by the council to be of a special or emergency nature shall be excepted from the provisions of this section. (2002 Code § 2-1.3).

2.04.040 Agendas.

Repealed by Ord. 622. (Ord. 414 § 2. 2002 Code § 2-1.4).

2.04.050 Robert's Rules of Order.

In all matters and things not otherwise provided for in this code, the proceedings of the council shall be governed by "Robert's Rules of Order," latest revised edition. However, no ordinance, resolution, proceeding, or other action of the council shall be invalidated, or the legality thereof otherwise affected, by the failure or omission to observe or to follow said rules. (2002 Code § 2-1.5).

2.04.060 Filing fees.

The city clerk shall not accept for filing nomination papers on behalf of any candidate for the office of council, unless such nomination papers shall be accompanied by a filing fee of $25.00, such fee being for the purpose of defraying the cost of processing nomination papers. (Ord. 172 § 1. 2002 Code § 2-1.6).

2.04.070 Appointment authority.

(1) The city council shall appoint the city manager, city clerk, city treasurer, and city attorney. In its discretion, the city council may appoint one person to serve as both city manager and city clerk. All other employees of the city shall be appointed by the city manager.

(2) The salaries and compensation of officers and employees of the city shall be as fixed and

determined by resolution of the city council, except as fixed by this code. (Ord. 476 § 1; Ord. 381 § 1. 2002 Code § 2-1.7).

2.04.080 Compensation of council members.

Each member of the city council shall receive as salary the sum of $483.60 as set forth in Section 36516 of the Government Code of the state of California. (Ord. 476 § 2. 2002 Code § 2-1.8).

2.04.090 Organization of city council.

(1) The city council shall meet on the first Tuesday after each general municipal election and select a mayor and mayor pro tempore from among its members.

(2) During the first regular meeting of the city council in the month of April of each year in which a general municipal election is not held, the city council shall reorganize itself by selecting a mayor and mayor pro tempore from among its members.

(3) The mayor pro tempore may use the title "vice mayor" instead of "mayor pro tempore" upon informing the city manager and the city council of that choice. The mayor pro tempore shall have all the powers and duties of mayor pro tempore as specified in state law and this municipal code regardless of which title he or she uses.

(4) In the event that both the mayor and the mayor pro tempore or vice mayor are unavailable, another member of the city council may execute a warrant, contract, conveyance or any other document requiring the city seal; provided, that the document was approved by the city council consistent with applicable law.

(5) Consistent with the provisions of CMC 2.04.050 and state law, in the absence of the mayor and the mayor pro tempore or vice mayor, the three remaining members of the city council shall constitute a quorum and may conduct city business at a properly noticed meeting. The city council member with the most seniority (who has served on the city council the longest) shall act as the presiding officer at such meetings. (Ord. 623 § 2, 2012; Ord. 522 § 1; Ord. 476 § 2. 2002 Code § 2-1.9).

Chapter 2.08

CITY OFFICES

Sections:

2.08.010 Location of city offices.
2.08.020 City offices – Hours.

2.08.010 Location of city offices.

The offices of all agencies, departments, officers, and employees of the city, except for the Council Chambers of the council, shall be located and maintained at such places as may be designated from time to time by the council. (2002 Code § 2-2.1).

2.08.020 City offices – Hours.

The city offices shall be closed on Saturdays, Sundays, and all holidays authorized by the city council by resolution. City offices shall otherwise be open to the public for business from 7:00 a.m. to 5:00 p.m. on Mondays, Tuesdays, Wednesdays and Thursdays, and from 7:00 a.m. to 4:00 p.m. on Fridays. (Ord. 591 § 1, 2003; Ord. 495 § 1; Ord. 455 § 1; Ord. 455-U § 1. 2002 Code § 2-2.2).

Chapter 2.12

CITY MANAGER

Sections:

2.12.010 Office created.
2.12.020 Appointment.
2.12.030 Powers and duties.
2.12.040 Residence requirements.
2.12.050 Bond.
2.12.060 Compensation.

Editor's Note: Prior ordinance history includes portions of Ordinance Nos. 381, 450, 476, 486 and 562.

2.12.010 Office created.

There is hereby created and established in the unclassified service of the city the position of city manager. (Ord. 565 § 2. 2002 Code § 2-3.1).

2.12.020 Appointment.

The council, by resolution or contract, shall designate the person who shall serve as city manager. (Ord. 565 § 2. 2002 Code § 2-3.2).

2.12.030 Powers and duties.

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

(1) Law Enforcement. It shall be the duty of the city manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits and privileges granted by the council are faithfully observed.

(2) Authority Over Employees. It shall be the duty of the city manager, and he shall have the authority to control, order, and give directions to all heads of departments and to subordinate officers and employees of the city under his jurisdiction with the exception of the city clerk, treasurer and city attorney who are directly appointed and directed by the city council.

(3) Powers of Appointment and Removal. Subject to the rules and regulations for the administration of the personnel system of the city, it shall be the duty of the city manager to approve the appointment, transfer, promotion, demotion, reinstatement, layoff and suspension or dismissal of all city employees, including department heads and management personnel, and to report all such actions to the council.

(4) Administrative Reorganization of Officers. It shall be the duty and responsibility of the city manager to conduct studies and effect such administrative reorganization of offices, positions, or units under his direction as may be indicated in the interests of the efficient, effective and economical conduct of the city's business and to effectuate such reorganization upon a majority vote of the council.

(5) Ordinances. It shall be the duty of the city manager, and he shall recommend to the council for adoption, such measures, resolutions and ordinances as he deems necessary.

(6) Attendance at Council Meetings. It shall be the duty of the city manager to attend all meetings of the council, unless he is excused therefrom by the mayor individually or the council.

(7) Financial Reports. It shall be the duty of the city manager to keep the council at all times fully advised as to the financial condition and needs of the city and, at the end of each fiscal year, present a complete report to the council on the finances and administrative activities of the city.

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

(9) Expenditure Control and Purchasing. It shall be the duty of the city manager to see that no expenditure shall be submitted or recommended to the council, except on the approval of the city manager or his authorized representative. The city manager, or his authorized representative, shall be responsible for the purchase of all supplies for all the departments or divisions of the city. Further, it shall be the duty of the city manager to establish a centralized purchasing system for all city officers, departments, and agencies.

(10) Investigations and Complaints. It shall be the duty of the city manager to make investigations into the affairs of the city, and any department or division thereof, and any contract or the proper performance of any obligation of the city. Further, it

shall be the duty of the city manager to investigate all complaints in relation to the matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city.

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

(12) Additional Duties. It shall be the duty of the city manager to perform such other duties and exercise such other resolution or other official action of the council as may be determined by the council.

(13) Execution of Contracts. Consistent with the provisions of Chapter 3.16 CMC, entitled "Purchase and Sale of Supplies and Equipment," the city manager is authorized to execute contracts on behalf of the city with a value of $10,000 or less. The city manager may execute contracts on behalf of the city with a value of more than $10,000 when specifically directed by official action of the city council. (Ord. 623 § 3, 2012; Ord. 565 § 2. 2002 Code § 2-3.3).

2.12.040 Residence requirements.

Residence in the city at the time of the appointment of the city manager or at any time thereafter shall not be required as a condition of the appointment or continued employment with the city. (Ord. 565 § 2. 2002 Code § 2-3.4).

2.12.050 Bond.

The city manager shall furnish a corporate surety bond, to be approved by the council, in such sum as may be determined by the council, and such bond shall be conditioned upon the faithful performance of the duties imposed upon the city manager as prescribed in this section. Any premium for such bond shall be a proper charge against the city. (Ord. 565 § 2. 2002 Code § 2-3.5).

2.12.060 Compensation.

The city manager shall receive such compensation as the council shall from time to time determine. (Ord. 565 § 2. 2002 Code § 2-3.6).

Chapter 2.16

DIRECTOR OF FINANCE

Sections:

2.16.010 Assessor and tax collector.
2.16.020 Director of finance.

2.16.010 Assessor and tax collector.

Pursuant to the authority granted by Section 51501 of the Government Code of the state of California, the assessment and tax collection duties performed by the city assessor and tax collector hereby are transferred to the assessor and tax collector of the county of Los Angeles.

(1) Abolishment of Offices. The offices of city assessor and tax collector hereby are abolished.

(2) Transfer of Duties. Pursuant to the authority granted by Section 51507 of the Government Code of the state of California, the duties of the city assessor, other than the assessing of city property, and the duties of the tax collector, other than the collection of taxes, hereby are transferred to and shall be performed by the director of finance, or such officer of the county of Los Angeles as may by contract with the city be designated and authorized to perform such duties. (Ord. 396 § 1. 2002 Code § 2-4.1).

2.16.020 Director of finance.

(1) Duties. Any application required to be filed with the city or fee required to be paid by the city pursuant to the provisions of this code shall be filed with or paid to the director of finance, unless otherwise by this code provided.

(2) Bond. Upon entry to office, the director of finance shall execute a bond to the city in conformity with the bonds of public officers and with the provisions of the Government Code of the state relating thereto and in an amount approved by resolution of the city council. (Ord. 476 § 4; Ord. 396 § 1. 2002 Code § 2-4.2).

Chapter 2.20

CITY CLERK

Sections:
2.20.010 City clerk.

2.20.010 City clerk.

(1) Duties. The city clerk shall perform such duties as are set forth in the Government Code and in this code and as the city council from time to time shall direct or authorize.

(2) Bond. The city clerk, upon entry to office, shall execute a bond to the city, in conformity with the bonds of public officers and in conformity with the provisions of the Government Code relating thereto, in an amount approved by resolution of the city council.

(3) Compensation. The compensation of the city clerk shall be established by resolution of the city council. (Ord. 476 § 5. 2002 Code § 2-4.3).

Chapter 2.24

CITY TREASURER

Sections:
2.24.010 City treasurer.

2.24.010 City treasurer.

(1) Duties. The city treasurer shall perform such duties as are set forth in the Government Code and in this code and as the city council from time to time shall direct or authorize.

(2) Bond. The city treasurer, upon entry to office, shall execute a bond to the city, in conformity with the bonds of public officers and in conformity with the provisions of the Government Code relating thereto, in an amount approved by resolution of the city council.

(3) Compensation. The compensation of the city treasurer shall be established by resolution of the city council. (Ord. 476 §§ 6, 7; Ord. 294 § 1. 2002 Code § 2-4.4).

Chapter 2.28

ACTS BY DEPUTIES

Sections:

2.28.010 Acts by deputies.

2.28.010 Acts by deputies.

Whenever a power is granted to or duty is imposed upon a city officer or employee, such power may be exercised or the duty may be performed by a deputy of such officer or employee, or by a person otherwise duly authorized pursuant to law or ordinance, or by an officer of the county, or by a deputy or employee of such officer, when, by contract with the city, such officer is obligated and has agreed to perform certain duties on behalf of the city, unless this code expressly provides otherwise. (2002 Code § 2-4.5).

Chapter 2.32

CITY COMMISSIONERS

Sections:

2.32.010 City commissioners.

2.32.010 City commissioners.

(1) Qualifications. No person shall be qualified for appointment to, or membership on, any commission created by the council unless such person is an owner of real property located within the city; resides within the city; or is employed within the city. Additionally, membership in the Cudahy senior citizens club will qualify a person for membership on the aging and senior citizens commission.

(2) Terms.

(a) Except as otherwise provided in this subsection (2), all city commissioners shall have two-year terms of office, which shall commence on May 1st.

(b) The terms of office of commissioners serving on the effective date of the ordinance codified in this chapter shall expire as follows:

(i) On October 1, 1992, for commissioners appointed to terms which commenced on October 1, 1990; and

(ii) On October 1, 1993, for commissioners appointed to terms which commenced on October 1, 1991.

(c) The term of office of commissioners appointed to terms which commence on October 1, 1992, shall expire on May 1, 1994, and the term of office of commissioners appointed to terms which commence on October 1, 1993, shall expire on May 1, 1995.

(d) A commissioner whose term has expired shall continue to hold office until a successor is appointed.

(3) Unexcused Absences. The unexcused absence of any commissioner from three consecutive meetings shall cause that office to become vacant. (Ord. 482 § 1; Ord. 395 § 1; Ord. 213 § 1. 2002 Code § 2-4.6).

Chapter 2.36

PLANNING COMMISSION

Sections:

2.36.010 Planning commission.

2.36.010 Planning commission.

(1) Creation of Commission. There is hereby created and established a planning commission for the city.

(2) Membership. The planning commission shall consist of five members.

(3) Members – Appointment and Removal. The mayor shall appoint the members of the planning commission with the approval of the council. Any member may be removed by a majority vote of the council.

(4) Members – Terms. The terms of office of the members of the planning commission shall be the term prescribed by CMC 2.32.010.

(5) Members – Compensation. Members of the planning commission shall receive for their attendance at each meeting such compensation as from time to time may be fixed by resolution of the council. Members of the commission may be reimbursed their reasonable expenses incurred in attending conferences, meetings, or hearings affecting the work of the commission when such attendance has been authorized or approved by the council.

(6) Meetings. The planning commission shall hold at least one regular meeting each month at such time and place as it shall fix by resolution. The commission shall keep a public record of its resolutions, transactions, findings, determinations, and recommendations.

(7) Meetings – Absences. The unexcused absence of any member of the planning commission from three consecutive meetings shall cause that office to become vacant immediately after adjournment of such third consecutive meeting. The chairman or secretary of the commission shall thereupon promptly notify the city council, and any such person so ceasing to be such commissioner, of such fact, whereupon the vacancy so created shall be filled by appointment as provided in subsection (3) of this section.

(8) Quorum. Three members of the planning commission shall constitute a quorum for the transaction of business but a lesser number may adjourn from time to time for want of a quorum and until a quorum can be obtained. Advisory members shall not be counted in determining the existence of a quorum.

(9) Organization. The planning commission shall annually, at its first meeting in May of each calendar year, elect a chairperson and chairperson pro tem from among its members. The chairperson pro tempore may use the title "vice chairman/person" instead of chairperson pro tempore upon informing the commission secretary of that choice. The commission shall appoint a secretary, who need not be a member of the commission.

(10) Powers and Duties. The planning commission shall have all the powers, rights, and duties provided and given to the city planning commission under the laws of the state. In addition to the powers, rights, and duties given by such laws, the commission shall have the following powers, rights, and duties without limitation to the powers given by the laws of the state:

(a) To recommend to the council and other officers of the city plans for the regulation of the future growth, development, and beautification of the city, including public and private buildings and works, subdivisions, streets, parks, playgrounds, and unimproved real property;

(b) To recommend to the council plans for the future growth and development of the city in order to provide proper and adequate public utilities, sanitation, and other commercial and residential services;

(c) To recommend to the council for approval or disapproval maps or plats for the division of real property within the city and to approve and recommend the annexation of real property to the city. All maps or plats of real property shall be submitted to the planning commission for approval or disapproval before any recommendation is made to the council thereon;

(d) To make suggestions and recommendations to the council from time to time concerning the future needs and growth of the city, including the location and development of public and private buildings, structures, and grounds, and to recommend from time to time, upon request, the locations, architectural design, and use of buildings, structures, or works owned or controlled by private parties to be erected or maintained in the city;

(e) To recommend to the council or other public officers of the city the location, architectural design, and use of public buildings, structures, and works controlled by the city or other political subdivisions within the city and to recommend the adoption of building restrictions and ordinances or codes restricting the use of property in residential, industrial, commercial and other zones within the city;

(f) To consider and make recommendations on any proposed ordinance or resolution referred to the commission by the council and to investigate, suggest, and make recommendations on any matter submitted to the commission by the city manager or council for consideration and recommendation; and

(g) Any other powers or authority granted to the planning commission by the laws of the state.

(11) Advisory Members.

(a) The council may, by resolution, appoint advisory members to the planning commission, which members shall be selected from the officers, employees, and elected officials of the city.

(b) The term of each advisory member shall correspond to the member's term of office or term of employment with the city.

(c) Each advisory member so appointed may designate an assistant or deputy to sit on the commission in the absence of the advisory member.

(d) Advisory members shall advise and consult with the commission and shall perform such other duties as may be prescribed by resolution of the council.

(e) Advisory members sitting on the commission shall not be entitled to vote. (Ord. 578 § 1; Ord. 490 § 1; Ord. 486 § 1; Ord. 476 § 8; Ord. 290 § 1. 2002 Code § 2-4.7).

Chapter 2.40

RELOCATION APPEALS BOARD

Sections:

2.40.010 Relocation appeals board.

2.40.010 Relocation appeals board.

(1) Organization.

(a) Establishment and Designation of Board. The relocation appeals board provided by Health and Safety Code Section 33417.5, a section of the Community Redevelopment Law, is hereby established and, pursuant to Section 7266 of the Government Code, is hereby designated to hear appeals from the determinations of all officers, bodies, departments and agencies of the city of Cudahy and of the Cudahy redevelopment agency, as to the eligibility for, or the amount of, a payment authorized by Chapter 16 (Sections 7260, et seq.), Division 7, Title 1, of the Government Code. Such relocation appeals board is hereinafter denominated as "the board."

(b) Membership – Appointment of Board.

(i) The board shall consist of five members, each of whom shall be a resident of, or employed within, the city and shall be appointed by the mayor and approved by the city council.

(ii) Each member of the board shall serve at the pleasure of the city council and shall be appointed for a term of three years, except that in the first instance, two members shall be appointed for a term of one year, two members shall be appointed for a term of two years, and one member shall be appointed for a term of three years.

(iii) No member or employee of the Cudahy redevelopment agency, the city council or of any city agency responsible directly or indirectly for the determination of relocation assistance claims shall serve on the board.

(c) Proceedings of the Board. The board shall elect a chairman and a vice chairman, for terms of one year.

The board may also appoint such other officers as may be necessary or convenient for the administration of its business, for like terms. The board shall conduct its business in accordance with this section, and may in addition adopt rules, not inconsistent with this section, for the conduct of its business, and shall keep a record of all its minutes,

resolutions, actions, proceedings, findings and determinations, all of which shall be filed with the city clerk. The city manager shall appoint a city employee to serve as staff advisor to the board.

(d) Compensation. Members of the board shall serve without compensation, except that each member shall be reimbursed for reasonable and necessary expenses incurred in performance of official duties, subject to the approval of the city council.

(2) Jurisdiction.

(a) Right of Review. Any person displaced because of the acquisition of real property by a city agency for a public purpose may appeal to the board for a review of any determination of the redevelopment agency or any other agency of the city (hereinafter denominated as "agency") regarding relocation or relocation assistance as provided by applicable state or local law or regulation or, where applicable, federal relocation rules.

(b) Subject Matter Jurisdiction of Board. The board is empowered to hear and consider appeals from the determination of such agency regarding:

(i) Eligibility for relocation assistance; or

(ii) The amount of relocation assistance allowed; or

(iii) The failure to provide appropriate residential replacement housing referrals for displaced persons; or

(iv) Other substantial noncompliance by such agency with applicable state or local law or regulation or, where applicable, federal relocation rules, regarding relocation or relocation assistance.

(c) Powers of Recommendation. After hearing and considering any appeal, the board shall have the power, upon a majority vote of those who heard the entire appeal, subject to the provisions of subsection (3)(a) of this section, to recommend that the determination of the agency in question be affirmed, reversed or modified by that agency. The decision of the board shall be advisory only, but shall be duly and promptly considered by the agency whose determination is under review.

(3) Procedure.

(a) Quorum. A majority of the total membership of the board shall constitute a quorum. If the number of members present at the first hearing on an appeal is four, the hearing shall be continued to a time at which the full board shall be present, unless the parties stipulate that the hearing may proceed. After hearings on an appeal have begun, if one or more members who heard the entire appeal up to that point are absent from any continued hearing, the continued hearing shall be further continued to enable the absent members to be present, unless the parties stipulate that all further hearings may proceed with, and the decision may be rendered by, those members who are present at the time of such stipulation (but not less than a quorum). In such event, any of such members present who are absent from any previous hearing shall study the transcript of the testimony and arguments of the parties and the evidence prior to the deliberations. Any members who are present at any continued hearing or at the deliberations on the appeal and have not been present at all previous hearings on said appeal may, if the parties so stipulate or have previously so stipulated, participate in all further hearings, study the transcript of the testimony and arguments of the parties and the evidence, and participate in the deliberations and decision.

(b) Compliance with Procedures. The board shall follow the relocation guidelines adopted by the city council, as they may from time to time be amended by the city council ("city guidelines"), except in those cases governed by federal relocation rules, and in those cases the board shall follow the applicable federal relocation rules to the extent they are inconsistent with the city guidelines.

(c) Agency Determination. If the agency should deny eligibility, disapprove the full amount of assistance claimed, or refuse to consider the merits of a claim because of untimely filing or for any other reason, the agency shall include in its written notification to the claimant the reasons for its decision and the procedures for appeal to the board.

(d) Requests for Review.

(i) Before seeking formal review by the board, the claimant may, at claimant's election, file a written request for a full written explanation of the agency's determination and the basis therefor if claimant deems that the explanation offered with the notification of the determination is inadequate. Such request for a full written explanation shall be responded to by the agency within 30 days of its receipt. The right to formal review by the board shall not be conditioned upon requesting a full written explanation.

(ii) The claimant may, at claimant's election, file a written request for an informal oral presentation before seeking formal review by the board. Within 30 days of such request, or such longer period as may be agreed to by the parties, the public entity shall afford the claimant the opportunity to make such presentation, except that if such 30-day period is thus extended, the time limits of subsection (3)(d)(iv) of this section shall be increased by the number of days of such extension. The claimant may be represented at this informal presentation by an attorney or other person of claimant's choosing. This oral presentation shall enable the claimant to discuss the claim with the head of the public entity or a designee (other than the person who made the initial determination) having authority to revise the initial determination on the claim. The public entity shall make a summary of the matters discussed in the oral presentation to be included as part of its file. The right to formal review by the board shall not be conditioned upon requesting an oral presentation.

(iii) Written Request for Review by the Board. The claimant may file a written request for formal review by the board. Such request may be made in letter form. The request for review shall state in ordinary terms the facts complained of, the error or other defect in the agency's determination and the relief which the claimant seeks. If the claimant cannot prepare, or needs assistance in the preparation of, the written request for review, the agency which rendered the determination shall provide assistance and shall notify the claimant of other sources of assistance. The claimant may include in the request for review any statement of fact within the claimant's knowledge or belief or other material which may have a bearing on the appeal. Requests for review shall be liberally construed and shall be deemed sufficient if adequate to apprise the board and agency of the general nature of the complaint. The written request for review by the board shall be filed within the period described in subsection (3)(d)(iv) of this section, except that if the claimant requests additional time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefor, the agency or the board may grant a reasonable extension.

(iv) Limitation on Appeals. An aggrieved claimant must file a request for formal review of the determination of the agency with the board within six months of the date of receipt of the determination, or within 18 months following the date the claimant moves from the property or the date the claimant receives final compensation for the property, whichever is later, except as said period may be extended as provided elsewhere in this subsection.

(e) Date of Hearing. Upon receipt of a conforming request for review by the board, the board shall set a date for a public hearing at the earliest practicable time to consider the aggrieved party's claim. The hearing shall be scheduled no later than 90 days after the receipt of the request for review, except with the consent of the claimant and the respondent agency. However, the board may, in its discretion for good cause, grant reasonable extensions or continuances of said hearing.

(f) Notice of Hearing. No action shall be taken on any appeal until after proper notice of public hearing has been given and a public hearing has been held. Proper notice of a hearing before the board shall consist of notice by posting in three public places in the city, together with written notice by registered mail to the claimant or claimant's agent, to the agency responsible for the determination, and to any other interested party, given at least 10 days prior to the date of the hearing and specifying the date, time and place of the hearing.

(g) Right of Inspection of Files. Subject to such reasonable limitations as may be prescribed by the city council or the respondent agency, the claimant or claimant's agent shall be allowed to inspect all files and official records in the custody of the city or agency which bear upon claimant's appeal, except that such right of inspection shall not extend to material protected from disclosure by privilege, work product protection, or other provisions of law.

(h) Public Hearing. A claimant may present his/her appeal personally or may be represented at any and all stages of the appeal proceedings by an attorney, at claimant's expense. The parties to the appeal may file briefs with the board, may make oral presentations to the board, and may present evidence. The appeal proceedings before the board shall be conducted in accordance with the general procedures applicable to civil trials, except that the proceedings shall be conducted informally, and the proceedings shall not be bound by the rules of evi-

dence applicable in court proceedings. The parties to the appeal hearing shall be entitled, on proper application, to the issuance by the city council of subpoenas requiring the attendance of witnesses or the production of books or other documents for evidence or testimony in said appeal proceedings before the board. The oath or affirmation shall be administered to all witnesses.

(i) Report and Recommendations of Board.

(i) The board, within 15 days after the public hearing, shall transmit its report and recommendations, in writing, to the agency responsible for the determination which was the basis of the appeal.

(ii) The written report of the board shall include:

(A) The name and address of the claimant;

(B) A summary of the complaint and a copy of the complaint;

(C) A summary of the facts developed at the public hearing and a copy of the notification;

(D) Comments on the impact of the case, if any, on the project of the city or agency; and

(E) Recommendations of the board, supported by specific findings of fact and conclusions of law to enable an adequate reconsideration by the agency.

(j) Final Determination.

(i) The agency responsible for the determination shall expeditiously proceed to give the report and recommendations of the board all due consideration and shall, within 30 days of their receipt, render a final determination of the matters appealed from.

(ii) The final determination shall include the agency's decision on reconsideration of the claim, in light of the report and recommendations of the board.

(iii) The final determination shall include a statement of the factual and legal basis of the agency's decision, including any pertinent explanation or rationale for any conclusion which differs from the board's report.

(iv) If the claim is dismissed on grounds not reaching the merits of the claim or the substance of the board's report, the agency shall issue a statement explaining the dismissal to the claimant.

(v) Notice of the final determination of the agency shall be sent promptly to the claimant, the board and any other interested parties.

(4) Criteria for Review.

(a) Liberal Rule of Construction. All guidelines and regulations shall be liberally construed by the board so as to fulfill the legislative purpose of fair and equitable treatment in order that displaced persons receive the benefits provided by law in connection with relocation resulting from programs designed for the benefit of the public as a whole.

(b) Compliance with Applicable Law. The board shall make inquiry as to whether all applicable guidelines relative to relocation assistance have been complied with substantially by the agency.

(c) Reasonableness of Determination. The board shall consider all the material evidence before it as provided in this section, and shall determine whether, under the circumstances, the determination was reasonable and whether there are exigent circumstances which were not before the agency at the time of its determination.

(d) Grounds for Reversal or Modification. The determination should be modified or reversed if:

(i) There is found a substantial noncompliance with the applicable guidelines; or

(ii) Exigent circumstances which were not before the agency at the time of the determination warrant a modification or reversal.

(e) Establishment of Precedent. The principles established in a final determination shall be applied to all similar cases, regardless of whether or not a written request for review is submitted to the board.

(5) Miscellaneous.

(a) Judicial Review. Upon exhaustion of administrative remedies, nothing in this section shall preclude or limit in any way a claimant's right to seek judicial review of the agency's final determination.

(b) Savings Clause. If any of the provisions of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provisions or application. (Ord. 490 § 2; Ord. 476 § 8; Ord. 360 § 1. 2002 Code § 2-4.8).

Chapter 2.44

DISASTER COUNCIL

Sections:

2.44.010 Purposes.
2.44.020 Definition.
2.44.030 Disaster council membership.
2.44.040 Disaster council powers and duties.
2.44.050 Director and assistant director of emergency services.
2.44.060 Powers and duties of the director and assistant director of emergency services.
2.44.070 Emergency organization.
2.44.080 Emergency plan.
2.44.090 Expenditures.
2.44.100 Punishment of violations.

2.44.010 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 any 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. 476 § 8; Ord. 329 § 1. 2002 Code § 2-9.1).

2.44.020 Definition.

As used in this chapter, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions 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. 476 § 8; Ord. 329 § 2. 2002 Code § 2-9.2).

2.44.030 Disaster council membership.

The city of Cudahy disaster council is hereby created and shall consist of the following:

(1) The mayor, who shall be chairman.

(2) The director of emergency services, who shall be vice chairman.

(3) The assistant director of emergency services.

(4) Such chiefs of emergency services as are provided for in a current emergency plan of this city, adopted pursuant to this chapter.

(5) 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. 329 § 3. 2002 Code § 2-9.3).

2.44.040 Disaster council powers and duties.

It shall be the duty of the city of Cudahy disaster council, and it is hereby empowered, to develop and recommend for adoption by the city council, emergency and mutual aid plans and agreements and such ordinances 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. 476 § 8; Ord. 329 § 4. 2002 Code § 2-9.4).

2.44.050 Director and assistant director of emergency services.

(1) There is hereby created the office of director of emergency services. The city manager shall be the director of emergency services.

(2) There is hereby created the office of assistant director of emergency services, who shall be appointed by the director. (Ord. 476 § 8; Ord. 329 § 5. 2002 Code § 2-9.5).

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

(1) The director is hereby empowered to:

(a) 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.

(b) Request the Governor to proclaim a "state of emergency" when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.

(c) Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this chapter.

(d) 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.

(e) Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

(f) In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency," the director is hereby empowered:

(i) 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;

(ii) 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;

(iii) 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;

(iv) To requisition necessary personnel or material of any city department or agency; and

(v) 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.

(2) 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.

(3) 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 powers and duties as may be assigned by the director. (Ord. 476 § 8; Ord. 329 § 6. 2002 Code § 2-9.6).

2.44.070 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 CMC 2.44.060(1)(f)(iii), 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 of Cudahy. (Ord. 476 §§ 8, 16; Ord. 329 § 7. 2002 Code § 2-9.7).

2.44.080 Emergency plan.

The Cudahy disaster council shall be responsible for the development of the city of Cudahy 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. 476 § 8; Ord. 329 § 8. 2002 Code § 2-9.8).

2.44.090 Expenditures.

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city of Cudahy. (Ord. 476 § 8; Ord. 329 § 9. 2002 Code § 2-9.9).

2.44.100 Punishment of violations.

It shall be a misdemeanor, punishable by a fine of not to exceed $500.00, or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to:

(1) 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.

(2) 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.

(3) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state. (Ord. 476 § 8; Ord. 329 § 10. 2002 Code § 2-9.10).

Chapter 2.48

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Sections:

2.48.010 Amendment to contract.
2.48.020 Mayor to execute.

2.48.010 Amendment to contract.

The amendment to the contract between the city council of the city of Cudahy and the Board of Administration of the California Public Employees' Retirement System to provide a different level of benefit, pursuant to Government Code Section 20475, by implementing, pursuant to Government Code Section 21353, a two percent at 60 retirement plan which shall apply to new miscellaneous employees hired by the city of Cudahy on or after the effective date of the contract amendment contemplated herein. (Ord. 618 § 1, 2011; Ord. 474 § 1; Ord. 474-U § 1; Ord. 463 § 1; Ord. 463-U § 1; Ord. 420 § 1; Ord. 319 § 1; Ord. 254 § 1. 2002 Code § 10-1.1).

2.48.020 Mayor to execute.

The mayor of the city of Cudahy, or his designee, is hereby authorized, empowered, and directed to execute said amendment for and on behalf of the city of Cudahy. (Ord. 618 § 2, 2011; Ord. 474 § 2; Ord. 474-U § 2; Ord. 420 § 1; Ord. 319 § 2; Ord. 254 § 2. 2002 Code § 10-1.2).

Chapter 2.52

PERSONNEL SYSTEM

Sections:

2.52.010 Adoption of a uniform personnel system.
2.52.020 Personnel officer.
2.52.030 Classified service.
2.52.040 Right to contract for special services.
2.52.050 Appropriation of funds.

2.52.010 Adoption of a uniform personnel system.

In order to establish an equitable and uniform procedure for dealing with personnel matters, and to place municipal employment on a basis of merit so that the best qualified personnel available will be brought into the service of the city, the following personnel system for the city of Cudahy is hereby adopted. (Ord. 315 § 1. 2002 Code § 10-2.1).

2.52.020 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:

(1) Administer all of the provisions of this chapter and of the personnel rules and regulations which are not specifically reserved to the city council;

(2) Prepare and recommend to the council, as required, amendments to this chapter and the personnel rules and regulations;

(3) Prepare a salary plan and revisions thereto as required;

(4) Be responsible for the administration of the following procedures within the framework of this chapter:

(a) The formulation of specifications for each class of position in the classified service of the city;

(b) The allocation of positions to class in the classified service on the basis of duties, responsibilities and requirements;

(c) The public announcement of vacancies and examinations and the acceptance of applications for employment;

(d) The preparation and conduct of examinations and the establishment and use of eligibility lists containing names of persons eligible for appointment;

(e) The certification and appointment of persons from eligibility lists to fill vacancies and the making of temporary and emergency appointments;

(f) The evaluation of employees during the probationary period and periodically thereafter;

(g) The transfer, promotion, demotion, discipline, and reemployment of employees in the classified service;

(h) The standardization of hours of work, attendance and leave regulations, and working conditions;

(i) The development of employees' morale, welfare, training and safety;

(j) The separation from the competitive service of employees through layoff and dismissal;

(k) The maintenance and use of necessary records and forms, including payroll certification;

(l) 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;

(m) The development of a pay and benefit package for management and confidential employees and the presentation of this package to the city council;

(n) The development and administration of the city's employer-employee relations program consistent with the letter and intent of state law and the city's employee relations resolution;

(o) The development and administration of policies which assure an unbiased work environment and fully protect the rights of each employee. (Ord. 315 § 1. 2002 Code § 10-2.2).

2.52.030 Classified service.

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

(1) Elective officers;

(2) Members of appointive boards, commissions and committees;

(3) Persons employed under contract to supply expert, professional or technical services for a definite period of time;

(4) Volunteer personnel who receive no regular compensation from the city;

(5) City attorney and city manager;

(6) Department heads;

(7) Part-time crossing guards, per diem, hourly, and seasonal employees;

(8) Emergency employees who are hired to meet the immediate requirements of an emergency condition. (Ord. 315 § 1. 2002 Code § 10-2.3).

2.52.040 Right to contract for special services.

The personnel officer may request the city council to contract with any qualified person or agency for the performance of such technical services as may be desired in the establishment or operation of the personnel system.

The contract may include delegation, to the person or agency so retained, of all or a part of the responsibilities and duties imposed in this chapter on the personnel officer. (Ord. 315 § 1. 2002 Code § 10-2.4).

2.52.050 Appropriation of funds.

The council shall appropriate such funds as are necessary to carry out the provisions of this chapter. (Ord. 315 § 1. 2002 Code § 10-2.5).

Chapter 2.54

CAMPAIGN ETHICS REGULATIONS

Sections:

2.54.010 Definitions.
2.54.020 Campaign contributions – Limitations.
2.54.030 Prohibition against solicitation of contributions, gifts, or loans.
2.54.040 Prohibition against soliciting or accepting campaign contributions for three months after approving a permit or decision.
2.54.050 Prohibition against solicitation of contributions and gifts.
2.54.060 Disclosure on the record of contributions.
2.54.070 Referral and enforcement.
2.54.080 Statute of limitations.

2.54.010 Definitions.

For the purpose of this chapter, certain words and phrases are defined, and the definitions set forth as follows shall apply to the provisions of this chapter unless it is apparent from the context that a different meaning is necessarily intended.

"Campaign committee" means any "committee" within the meaning of Government Code Section 82013, any "controlled committee" within the meaning of Government Code Section 82016, any "general purpose committee" within the meaning of Government Code Section 82027.5, any "primarily formed committee" within the meaning of Government Code Section 82047.5, any "sponsored committee" within the meaning of Government Code Section 82048.7, political action committee, association of citizens, or any other organization or association formed for the purpose of promoting or opposing the election or reelection of a person to city elected office.

"City candidate" means any person who is a candidate for member of an elected city office or who is a member of a city office and who is the subject of a recall election.

"City official" includes: (1) any elected or appointed city officeholder, including any city officeholder elected but not yet sworn in; (2) city employees who are required to file a statement of economic interest pursuant to the California Politi-

cal Reform Act, as amended; and (3) any "public official" of the city as the term "public official" is defined under Government Code Section 82048.

"Contribution" shall have the same meaning as set forth under Government Code Section 82015.

"Gift" shall have the same meaning as set forth under Government Code Section 82028.

"Loan" means the temporary transfer of money or goods for the personal use of an individual with the expectation that the money or goods will be returned.

"Person" means any natural person; any corporation of any variety; any limited liability company; any partnership of any variety; any sole proprietorship; any joint venture or like commercial venture or partnership; any trust; any independent contractor; or any organization or association of persons of any variety and formed for any purpose, including, but not limited to, any collective bargaining group or labor association. (Ord. 629 § 1, 2014).

2.54.020 Campaign contributions – Limitations.

(1) No person shall make to any city candidate, or his or her campaign committee, and no such city candidate or his or her campaign committee shall accept from any such person, a contribution or contributions totaling more than $1,000 for any city election.

(2) The provisions of this section shall not apply to a city candidate's contribution of his or her personal funds to his or her own campaign. (Ord. 629 § 1, 2014).

2.54.030 Prohibition against solicitation of contributions, gifts, or loans.

It shall be unlawful for any city official to use his or her office or position, or exercise the power or authority of his or her office or position, in any manner intended by the city official to induce or coerce any of the following entities to make a contribution, gift or loan to the city official or to any campaign committee controlled by the city official: (1) any person currently under contract with the city to provide any service, goods, or equipment to the city in exchange for compensation paid by the city; (2) any person who has a proposal or bid pending before the city for the award of a contract to provide the city with any service, goods, or equipment in exchange for compensation paid by the city; (3) any person who has just been awarded a contract to provide the city with any service, goods, or equipment but has yet to execute a contract for the same; (4) any person who is a party to any municipal franchise agreement with the city (e.g., to provide solid waste handling services, transportation services, and the like); (5) any person who has a proposal or bid pending before the city for the award of any municipal franchise or any person who has been awarded a municipal franchise but has yet to execute a franchise agreement with the city; (6) any employee of the city or any person employed by a public agency under contract with the city to provide a municipal service within the city; (7) any person directly responsible for representing any represented or unrepresented employee or group of employees of the city in negotiations with the city regarding hourly wages, salaries, benefits (including pension benefits, retirement benefits, medical benefits, and other benefits or perks provided by the city in lieu of wages or salaries), and other workplace conditions; or (8) any person directly responsible for representing any represented or unrepresented employee or group of employees employed by a public agency under contract with the city to provide a municipal service within the city. (Ord. 629 § 1, 2014).

2.54.040 Prohibition against soliciting or accepting campaign contributions for three months after approving a permit or decision.

(1) No city official or campaign committee controlled by the city official shall solicit or accept any contribution, gift, or loan in excess of $250.00 or any aggregation of multiple contributions, gifts, or loans that exceeds $250.00 from any single person for a period of three months following the date final action is taken in any of the following varieties of matters in which the city official participated in the deliberation and/or vote of the city council: (a) any proceeding to approve or deny a license, permit, or land use entitlement in which the contributor, gift giver, or lender was the applicant or a natural person with an ownership interest in the applicant or is the owner of the real property parcel for which the license, permit, or land use entitlement corresponds; (b) any proceeding to award a

contract to provide services, goods, or equipment to the city in exchange for compensation paid by the city wherein the contributor, gift giver, or lender was the person awarded the contract or has an ownership interest in the person awarded the contract or wherein the entity awarded the contract is a subsidiary entity owned or otherwise controlled by the contributor, gift giver, or lender; (c) any proceeding to award a municipal franchise agreement wherein the contributor, gift giver or lender was the person awarded the franchise or has an ownership interest in the franchisee or wherein the entity awarded the franchise is a subsidiary entity owned or otherwise controlled by the contributor, gift giver, or lender; (d) any proceeding to approve a collective bargaining agreement or employment agreement in which the person making the contribution or loan represents the represented or unrepresented employee(s) covered under the collective bargaining agreement or employment agreement; and (e) any proceeding to take action on the approval, renewal, or termination of an agreement in which another public agency will provide a municipal service to the city wherein the person making the contribution, gift, or loan is the collective bargaining representative of the employees who will perform the municipal service on behalf of the public agency.

(2) For purposes of this section, a city official participates in a proceeding if he or she is counted as part of the quorum when a matter is deliberated and/or acted upon. Persons who abstain on a matter but remain on the dais shall still be considered part of the quorum. Only recusal and departure from the city council chambers while the matter is being decided upon shall constitute non-participation. Absence from a meeting in which the subject matter was decided and deliberated upon shall also qualify as non-participation.

(3) For purposes of this section, members of the public, other than the applicant, the contractor, or direct recipient of an approval, who express an opinion to the city council through direct public comment, through testimony at a public hearing, or in writing shall not be affected by this section.

(4) A city official who accepts a contribution, gift, or loan in violation of this section shall have 30 calendar days from the date he or she is provided with written notice of the violation by the city manager to return the contribution, gift, or loan in full, and, if such contribution, gift, or loan is returned within such 30-day period, no violation shall be deemed to have occurred. (Ord. 629 § 1, 2014).

2.54.050 Prohibition against solicitation of contributions and gifts.

(1) It is unlawful for any city official or any campaign committee controlled by the city official to demand or otherwise solicit a contribution or gift from a city employee with knowledge that the person from whom the contribution or gift is solicited is a city employee.

(2) It is unlawful for any candidate for city elective office or any campaign committee controlled by the candidate or formed for the purpose of promoting or supporting the candidate's candidacy for city elected office to demand or otherwise solicit a contribution or gift from a city employee with knowledge that the person from whom the contribution or gift is solicited is a city employee.

(3) Notwithstanding subsections (1) and (2) of this section, this section shall not prohibit a city official or candidate for city elective office or any campaign committee controlled by such individuals from soliciting contributions from city employees in instances where the city employee has voluntarily requested to be placed on a solicitation list or where the solicitation takes the form of a blanket solicitation made to the general public (e.g., the mass mailing, door-to-door distribution or electronic mail distribution of campaign materials which may include requests for contributions to city residents or to city residents with a particular party affiliation).

(4) Nothing in this section shall prohibit a city employee from making an unsolicited, voluntary contribution to a city official or candidate for city elective office, and nothing in this section shall prohibit a city official or candidate for city elective office from accepting an unsolicited, voluntary contribution from a city employee. (Ord. 629 § 1, 2014).

2.54.060 Disclosure on the record of contributions.

Prior to rendering any decision in a proceeding involving the award, to a person, of a contract to provide services, goods, or equipment to the city or the award, to a person, of a municipal franchise

agreement, each city official participating in such proceeding, who received a contribution in the amount of $50.00 or greater from such person, shall disclose verbally on the record the amount of contributions received from such person within the preceding 12 months. (Ord. 629 § 1, 2014).

2.54.070 Referral and enforcement.

Persons seeking to report alleged violations of this chapter shall submit their allegations in writing signed under penalty of perjury of the laws of the state of California on a form provided by the city. The writing shall specifically identify which provision(s) of this chapter have been violated and shall explain in detail the factual basis for the allegation(s). The writing shall indicate the date(s) of the alleged violations and shall also specifically identify and include any evidence in support of the allegation(s). Evidence based on the testimony of individuals shall be submitted in the form of a printed declaration signed under penalty of perjury under the laws of the state of California on forms prepared by the city. Written allegations shall be submitted to the city manager care of the city clerk. The city manager shall submit the materials to the city prosecutor for review and evaluation within seven calendar days of its receipt. The city prosecutor shall have discretion to prosecute the matter pursuant to Chapter 1.36 CMC (Penalty Provisions) or may refer the matter to the district attorney for potential prosecution as a misdemeanor pursuant to Chapter 1.36 CMC. If the allegations contend that the city manager has violated the provisions of this chapter, the writing shall be submitted to the city attorney who shall in turn refer the matter to the city prosecutor in the same manner as if the matter had been submitted to the city manager. If the district attorney declines to prosecute the matter, the matter shall be deemed closed and no further prosecution shall be forthcoming under this chapter. (Ord. 629 § 1, 2014).

2.54.080 Statute of limitations.

There shall be no prosecution for any specific alleged violation of this chapter if the written form containing the allegation of the violation is submitted to the city clerk more than 60 calendar days from the date the specific violation is alleged to have occurred. The city prosecutor or the district attorney shall have six months from the date of submission of the written allegations to the city clerk to prosecute any alleged violations. In the event the city prosecutor or the district attorney shall fail to prosecute the matter within said six-month period the matter shall be deemed closed and no further prosecution shall be forthcoming under this chapter for the violations alleged. (Ord. 629 § 1, 2014).

Chapter 2.56

POST-GOVERNMENT EMPLOYMENT RESTRICTIONS

Sections:

2.56.010 City employment and city contracts.
2.56.020 Lobbying.
2.56.030 Enforcement.

2.56.010 City employment and city contracts.

(1) Former elected officials, former appointed officials, and former members of management shall not be eligible for city employment or award of city contracts for a period of four years from the time they permanently leave their office or employment. For the purposes of this chapter, an official or employee has permanently left an office or position as of the date on which he or she is no longer authorized to perform the duties of the office or employment and stops performing those duties.

(2) The same restrictions set forth in subsection (1) of this section shall apply to immediate family members of former officials and members of management referenced in subsection (1) of this section. For purposes of this chapter, immediate family members are parents, spouses, and children.

(3) The same restrictions set forth in subsection (1) of this section shall apply to companies, corporations, nonprofit organizations, or other types of entities with which former officials and members of management referenced in subsection (1) of this section are affiliated. For purposes of this chapter, a former official or member of management referenced in subsection (1) of this section is affiliated with one of the above entities if he or she is its contractor, employee, board member, passive investor with at least 20 percent ownership or active investor at any level of ownership.

(4) After the four-year waiting period prescribed in subsection (1) of this section, the individuals and entities covered by subsections (1), (2) and (3) of this section shall abide by all existing laws, regulations, policies, and procedures, as will all other eligible candidates. (Ord. 630 § 1, 2013).

2.56.020 Lobbying.

(1) No former elected officials, former appointed officials, or former members of management, or their immediate family members, or entities with which the former officials or members of management are affiliated shall, for compensation, act as agent or attorney for, or otherwise represent, any other person or entity, by making any formal or informal appearance, or by making any oral or written communication, before the city council, any city board or commission, or any other official or employee of the city, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, awarding, amendment, or revocation of a permit, license, grant, entitlement, or contract, or the sale or purchase of goods, services, or property. This limitation shall expire four years after the former official or member of management has permanently left his or her office or employment with the city.

(2) For purposes of this chapter, an "administrative action" means the proposal, drafting, development, consideration, amendment, enactment, or defeat by any local government agency of any matter, including any rule, regulation, or other action in any regulatory proceeding, whether quasi-legislative or quasi-judicial. Administrative action does not include any action that is solely ministerial.

(3) For purposes of this chapter, a "legislative action" means the drafting, introduction, modification, enactment, defeat, approval, or veto of any ordinance, amendment, resolution, report, nomination, or other matter by the legislative body of a local government agency or by any committee or subcommittee thereof, or by a member or employee of the legislative body of the local government agency acting in his or her official capacity. (Ord. 630 § 1, 2013).

2.56.030 Enforcement.

(1) Any person may file a written complaint, signed under penalty of perjury under the laws of the state of California and on a form provided by the city, with the city manager in care of the city clerk alleging a violation of this chapter. The complaint shall specifically identify which provisions of this chapter have been violated and shall explain in detail the factual basis for the allegations, including the date of the alleged violations and any evidence in support of the allegations. Evidence based on the testimony of individuals shall be sub-

mitted in the form of a printed declaration, signed under penalty of perjury under the laws of the state of California, on a form prepared by the city.

(2) The city manager shall submit the complaint to the city attorney for review and evaluation within seven calendar days of its filing. If the allegations contend that the city manager has violated the provisions of this chapter, the complaint shall be submitted directly to the city attorney by the city clerk within seven calendar days of its filing.

(3) The city attorney shall have discretion to prosecute the matter pursuant to Chapter 1.36 CMC (Penalty Provisions). (Ord. 630 § 1, 2013).

Title 3

REVENUE AND FINANCE

Chapters:

3.04 City Funds and Records
3.08 Air Quality Improvement Trust Fund
3.12 Special Gas Tax Street Improvement Fund
3.16 Purchase and Sale of Supplies and Equipment
3.20 Disposition of Unclaimed Property
3.24 Sales and Use Tax
3.28 Real Property Transfer Tax
3.32 Transient Occupancy Tax
3.36 Utility User Tax
3.38 Telecommunication Users' Tax Reduction and Modernization
3.40 Fee and Service Charge Revenue/Cost Comparison System

Chapter 3.04

CITY FUNDS AND RECORDS

Sections:

3.04.010 Claims for services, supplies, equipment and materials.
3.04.020 Claims against the city – Suits.
3.04.030 Disposition of claims – Approved and allowed.
3.04.040 Warrants.
3.04.050 Warrants – Signatures.
3.04.060 Payment of salaries.
3.04.070 Payment of budgeted items.
3.04.080 Sufficient money in treasury.
3.04.090 Removal of papers or documents from the City Hall.

3.04.010 Claims for services, supplies, equipment and materials.

The city council shall not hear or consider or allow or approve any claim, bill or demand against the city unless the same be itemized giving names, dates and particular services rendered, character of process served and upon whom, distance traveled, character of work done, and number of days engaged, materials and supplies furnished, when and to whom, and in what quantity furnished, the price therefor, and any other pertinent details as the case may be. Claims and demands for salaries and wages of officers and employees of the city may, but need not be, presented to the city in accordance with the provisions of this chapter. (Ord. 476 § 8. 2002 Code § 2-5.1).

3.04.020 Claims against the city – Suits.

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

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

(3) In accordance with Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this section prior to the filing of suit on such claims. (Ord. 511 § 2; Ord. 476 § 8. 2002 Code § 2-5.2).

3.04.030 Disposition of claims – Approved and allowed.

If any claim or demand shall be approved and allowed by the council, the city clerk shall endorse upon each of the duplicate copies thereof the words "Allowed by the City Council of the City of Cudahy," together with the resolution number allowing the same, for what amount, and from what fund, and the city clerk shall attest the same with his signature. (Ord. 476 § 8. 2002 Code § 2-5.3).

3.04.040 Warrants.

When any claim or demand has been audited, approved, and allowed by the council or is otherwise proper for payment, the mayor shall draw a warrant upon the city treasury for the same and shall specify for what purpose the same is drawn and out of what fund it is to be paid. (Ord. 476 § 8. 2002 Code § 2-5.4).

3.04.050 Warrants – Signatures.

All warrants and checks of the city shall bear the signature of the city treasurer or the deputy city treasurer or the city clerk and the finance director or the city manager or the city clerk. One of the required signatures may be affixed by stamping or otherwise placing a facsimile of such signature thereon. (Ord. 599U § 1, 2006; Ord. 593 § 1, 2004; Ord. 476 § 8; Ord. 396 §§ 1, 7. 2002 Code § 2-5.5).

3.04.060 Payment of salaries.

All employees on a monthly salary shall be paid semi-monthly on the fifteenth day and the last day of each calendar month. Payroll warrants need not be audited by the council prior to payment, but payrolls shall be presented to the council for ratification and approval at the first regular meeting after delivery of the payroll warrants. (Ord. 476 § 8. 2002 Code § 2-5.6).

3.04.070 Payment of budgeted items.

Warrants drawn in payment of demands approved by the city clerk as conforming to a budget approved by city resolution need not be audited by the council prior to payment. Budgeted demands paid by warrant prior to audit by the council shall be presented to the council for ratification and approval at the first regular meeting after delivery of the payroll warrants. (Ord. 476 § 8. 2002 Code § 2-5.7).

3.04.080 Sufficient money in treasury.

Except as otherwise provided, no warrant shall be drawn or evidence of indebtedness issued unless there shall be at the time sufficient money in the treasury legally applicable to the payment of the same. (Ord. 476 § 8. 2002 Code § 2-5.8).

3.04.090 Removal of papers or documents from the City Hall.

No person, unless authorized by the city clerk, mayor, or city attorney, shall remove any paper or document from the City Hall. (Ord. 476 § 5. 2002 Code § 2-5.9).

Chapter 3.08

AIR QUALITY IMPROVEMENT TRUST FUND

Sections:

3.08.010 Purpose.
3.08.020 Definitions.
3.08.030 Fund established.
3.08.040 Audits.
3.08.050 Interest.

3.08.010 Purpose.

In accordance with California Health and Safety Code Section 44243(b)(1), the city of Cudahy does hereby express its support for the imposition by the South Coast Air Quality Management District of a motor vehicle registration fee increase as authorized by Health and Safety Code Sections 44223 and 44225, for the purpose of using the fees so generated to reduce air pollution from motor vehicles pursuant to the requirements of the California Clean Air Act of 1988 or the Air Quality Management Plan for the South Coast Air Quality Management District, prepared and adopted pursuant to Health and Safety Code Sections 40460 through 40470. (Ord. 440 § 1. 2002 Code § 7-6.1).

3.08.020 Definitions.

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

(1) "Mobile source air pollution reduction program" shall mean any program or project implemented by the city to reduce air pollution emitted from motor vehicles pursuant to the California Clean Air Act of 1988 or the Air Quality Management Plan for the South Coast Air Quality Management District prepared and adopted in accordance with the provisions of Health and Safety Code Sections 40460 through 40470.

(2) "Fee administrator" shall mean the city manager or his or her designee. (Ord. 440 § 2. 2002 Code § 7-6.2).

3.08.030 Fund established.

The fee administrator shall establish a separate interest-bearing trust fund account with a financial institution authorized to accept deposits of city funds. This account shall be known as the air quality improvement trust fund. All interest earned by

the account shall be credited to this account. All funds received by the city pursuant to Health and Safety Code Sections 44243 and 44244, along with any other funds designated by the city council, shall be deposited in this account and shall be used for the sole purpose of financing mobile source air pollution reduction programs. The fee administrator shall be responsible for depositing funds in the air quality improvement trust fund. (Ord. 440 § 3. 2002 Code § 7-6.3).

3.08.040 Audits.

The city hereby consents to audits, at least once every two years, of all programs and projects funded by vehicle registration fees provided by Health and Safety Code Section 44243; provided, that such audit shall be conducted by an independent auditor selected by the South Coast Air Quality Management District. Audit costs shall be funded as provided in Health and Safety Code Section 44244.1. (Ord. 440 § 4. 2002 Code § 7-6.4).

3.08.050 Interest.

It is the intent of the city council that the provisions of this chapter and the interpretation of the term "mobile source air pollution reduction programs" shall be liberally construed to effectively carry out the purposes of this chapter, which are hereby found and declared to be the furtherance of the public health, safety, welfare and convenience, in accordance with the requirements and limitations of Health and Safety Code Sections 44243 and 44244. (Ord. 440 § 5. 2002 Code § 7-6.5).

Chapter 3.12

SPECIAL GAS TAX STREET IMPROVEMENT FUND

Sections:

3.12.010 Special gas tax street improvement fund.

3.12.010 Special gas tax street improvement fund.

(1) Creation. There is hereby created a special gas tax street improvement fund in accordance with the provisions of Section 2113 of the Streets and Highways Code of the state.

(2) Deposits in Fund. There shall be deposited in the gas tax street improvement fund all moneys received from the state that are required to be deposited in such fund and which shall be kept separate from all other city funds.

(3) Expenditures. No moneys shall be expended by the city from such fund except for purposes as are authorized by law and in accordance with the provisions of Division 1, Chapter 1, Article 5 of the Streets and Highways Code.

(4) Records. The city treasurer shall maintain records showing the status of the fund, all deposits therein and expenditures therefrom sufficiently detailed to prepare the reports required by the Code. (Ord. 476 § 8. 2002 Code § 2-6).

Chapter 3.16

PURCHASE AND SALE OF SUPPLIES AND EQUIPMENT

Sections:

3.16.010 Adoption of purchasing system.
3.16.020 Local purchasing system.
3.16.030 Exemption from the provisions of this chapter where authority of purchasing officer transferred by contract or otherwise.
3.16.040 Purchasing officer.
3.16.050 Estimates of requirements.
3.16.060 Requisitions.
3.16.070 Bidding.
3.16.080 Purchase orders.
3.16.090 Encumbrance of funds.
3.16.100 Open market procedure.
3.16.110 Formal contract procedure.
3.16.120 Inspection and testing.
3.16.130 Surplus supplies and equipment.

3.16.010 Adoption of purchasing system.

In order to establish efficient procedures for the purchase of supplies, services and equipment, to secure for the city supplies, services and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is hereby adopted in accordance with Section 54202 of the Government Code. (Ord. 476 § 8. 2002 Code § 2-7.1).

3.16.020 Local purchasing system.

In accordance with the provisions of Sections 54201 through 54204 of the Government Code of the state of California, the policies and procedures herein contained, as well as the policies and procedures adopted by subsequent rules and resolutions, have been adopted. The authority for the purchase of supplies and equipment is vested in a purchasing officer and the procedures and policies herein contained as well as in supplemental rules and resolutions shall hereafter be followed in respect to the purchase of supplies and equipment, unless the provisions of CMC 3.16.030 should apply. (Ord. 476 §§ 8, 10. 2002 Code § 2-7.2).

3.16.030 Exemption from the provisions of this chapter where authority of purchasing officer transferred by contract or otherwise.

The provisions of this chapter shall not apply in respect to the purchase of supplies and equipment where the city council, by contract or resolution or both, transfers the authority to make the purchase of supplies and equipment, whether blanket authority or single purchases, to another governmental agency or officer thereof, pursuant to lawful authority and where said other governmental agency or officer in the purchase of supplies and equipment follows to the satisfaction of the purchasing officer policies and procedures in compliance with the provisions of Sections 54201 through 54204 of the Government Code of the state of California. In the event of the transfer of blanket authority in respect to the purchase of supplies and equipment pursuant to this chapter, the purchasing officer herein defined shall remain the purchasing officer of the city and other officer or agency performing the services shall be designated the purchasing agent. In such an event the purchasing officer of the city may authorize purchases through the purchasing agent in accordance with the authority vested in him by the city council. (Ord. 476 § 8. 2002 Code § 2-7.3).

3.16.040 Purchasing officer.

The city manager, or his designated deputy, shall serve as the purchasing officer. He shall have authority to:

(1) Purchase or contract for supplies, services and equipment required by any using agency in accordance with purchasing procedures prescribed by this chapter, such administrative regulations as the purchasing officer shall adopt 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 purchasing 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 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 ensure conformance with specifications.

(10) Recommend the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment which cannot be used by any agency or which have become unsuitable for city use.

(11) Maintain a bidders' list, vendors catalog file and records needed for the efficient operation of the purchasing department. (Ord. 476 § 8. 2002 Code § 2-7.4).

3.16.050 Estimates of requirements.

All using agencies 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. (Ord. 476 § 8. 2002 Code § 2-7.5).

3.16.060 Requisitions.

Using agencies shall submit requests for supplies, services and equipment to the purchasing officer by standard requisition forms. (Ord. 476 § 8. 2002 Code § 2-7.6).

3.16.070 Bidding.

Purchases of supplies, services (other than professional services), equipment and the sale of personal property shall be by bid procedures pursuant to CMC 3.16.090 and 3.16.100. Bidding 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 $2,000, or when the commodity can be obtained from only one vendor. (Ord. 476 §§ 8, 11; Ord. 282 § 1. 2002 Code § 2-7.7).

3.16.080 Purchase orders.

Purchase of supplies, services (other than professional services), and equipment shall be made only by purchase order. (Ord. 476 § 8. 2002 Code § 2-7.8).

3.16.090 Encumbrance of funds.

Except in cases of emergency, the purchasing officer shall not issue any purchase order for supplies, services and equipment unless there exists an unencumbered appropriation in the fund against which said purchase is to be charged. (Ord. 476 § 8. 2002 Code § 2-7.9).

3.16.100 Open market procedure.

The purchase of supplies, equipment, and contractual services and the sale of personal property of an estimated value of $5,000 or less may be made by the purchasing officer in the open market without observing the procedure prescribed by CMC 3.16.110. The purchase of supplies, equipment, and contractual services and the sale of personal property of an estimated value between $5,000 and $10,000 may be made by the purchasing officer in the open market without observing the procedure prescribed by CMC 3.16.110; provided, that the bid selected by the purchasing officer shall first be presented to the council for approval along with other bids submitted to the purchasing officer. In its discretion, the council may reject any and all bids presented and direct the purchasing officer to solicit additional bids. The purchasing officer shall not be required to seek council approval of a selected bid for the purchase of supplies, equipment, and contractual services and the sale of personal property necessary to address emergency weather conditions or other catastrophic events including, but not limited to, earthquake, fire, flood, windstorms, or lightening wherein such conditions have created or are creating an immediate danger to the health, safety, and welfare of persons or property and the immediate purchase of supplies, equipment, contractual services, or the sale of personal property is deemed necessary to abate a hazardous condition.

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

(2) Notices Inviting Bids. The purchasing officer shall solicit bids by written requests to prospective vendors, by telephone, by public notice posted on a public bulletin board in the City Hall, or by other suitable means.

(3) Written Bids. Sealed written bids shall be submitted to the purchasing officer who shall keep a record of all open market orders and bids for a period of one year after the submission of the bids or the placing of orders. Such record, while so kept, shall be open to public inspection. (Ord. 626 § 1, 2013; Ord. 476 §§ 8, 12; Ord. 282 § 2. 2002 Code § 2-7.10).

3.16.110 Formal contract procedure.

Except as otherwise provided in this chapter, purchases and contracts for supplies, services (other than professional services), and equipment and the sale of personal property of estimated value greater than $10,000 shall be by written contract with the lowest or highest responsible bidder, as the case may be, pursuant to the following procedure:

(1) Notices Inviting Bids. 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.

(a) Published Notices. Notices inviting bids shall be given at least 10 days before the date of the opening of the bids. Such notices shall be published at least once in a newspaper of general circulation printed and published in the city, or, if there is none, they shall be posted in at least three public places in the city as designated by CMC 1.28.010 as the places for posting public notices.

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

(c) Bulletin Board. The purchasing officer shall also advertise pending purchases or seals by notices posted on a public bulletin board in the City Hall.

(2) Bidders' Security. When deemed necessary by the purchasing officer, bidders' security may be prescribed in the public notices inviting bids. Bidders shall be entitled to return of bid security; provided, however, a successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within 10 days after the notice of award of contract has been mailed unless the city is responsible for the delay. The council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the 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.

(3) Bid Opening Procedure. Sealed bids shall be submitted to the purchasing officer and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than 30 days after the bid opening.

(4) Rejection of Bids. In its discretion, the council may reject any and all bids presented and readvertise for bids.

(5) Award of Contracts. Contracts shall be awarded by the council to the lowest responsible bidder except as otherwise provided in this article.

(6) Tie 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 council may accept the bid it chooses or accept the lowest bid made by negotiation with the tie bidders at the time of the bid opening.

(7) Performance Bonds. The council shall have authority to require a performance bond, before entering into a contract, in such amount as the council shall find reasonably necessary to protect the best interests of the city. If the council requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids. (Ord. 476 §§ 8, 13; Ord. 282 § 3. 2002 Code § 2-7.11).

3.16.120 Inspection and testing.

The purchasing officer shall inspect supplies and equipment delivered and contractual services performed to determine their conformance with the specifications set forth in the purchase order or contract. The purchasing officer shall have authority to require chemical and physical tests of sam-

ples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications. (2002 Code § 2-7.12).

3.16.130 Surplus supplies and equipment.

All using agencies shall submit to the purchasing officer, at such times and in such form as he shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The purchasing officer shall have the authority to sell all supplies and equipment which cannot be used by any agency or which have become unsuitable for city use, or to exchange the same for, or trade in the same on, new supplies and equipment. Such sales shall be made pursuant to the provisions of CMC 3.16.100 or 3.16.110, whichever is applicable. (Ord. 476 §§ 8, 14. 2002 Code § 2-7.13).

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Chapter 3.20

DISPOSITION OF UNCLAIMED PROPERTY

Sections:

3.20.010 Definitions.
3.20.020 Authority to use, sell or destroy unclaimed property.
3.20.030 Notice of intent.
3.20.040 Consent of ownership.
3.20.050 Appeal.
3.20.060 Storage fees.

3.20.010 Definitions.

Unless the context clearly requires otherwise, whenever used in this chapter, the following words and phrases shall be defined as follows:

(1) "Property" shall mean tangible personal property other than legal tender (which is governed by Government Code Sections 50022 et seq.) and abandoned automobiles (which are governed by Chapter 8.24 CMC).

(2) "Unclaimed property" shall mean any property, other than abandoned property, found or saved on real property subject to the jurisdiction of the city, which has not escheated to the state of California pursuant to Code of Civil Procedure Section 1519.

(3) "Abandoned property" shall mean property which is voluntarily and intentionally abandoned by its owner.

(4) "Hearing officer" shall mean the city manager or his or her designee. (Ord. 492 § 1; Ord. 472 § 2. 2002 Code § 2-10.1).

3.20.020 Authority to use, sell or destroy unclaimed property.

If unclaimed property has been in the city's possession for three months or more and has not been claimed by its owner, after notice pursuant to CMC 3.20.030, the city manager may use that property in city service, sell it at public auction, or, if the property remains unsold after auction, destroy that property or dispose of it in any other lawful manner. The net proceeds of any sale of unclaimed property shall be deposited in the general fund of the city. (Ord. 492 § 1; Ord. 472 § 1. 2002 Code § 2-10.2).

3.20.030 Notice of intent.

Notice of intention to sell, use, destroy or dispose of unclaimed property shall be sent by registered mail to the last known address of its owner, if the ownership of the property is ascertainable. If ownership is not ascertainable, then the city manager shall publish notice once in a newspaper of general circulation in the city published in Los Angeles County. Such mailed or published notice shall be given at least five days before the unclaimed property is sold, used, destroyed, or otherwise disposed. Notice pursuant to this section may, but need not be, posted in City Hall or at other locations in the city or given by such additional means as the city manager directs. (Ord. 492 § 1; Ord. 472 § 1. 2002 Code § 2-10.3).

3.20.040 Consent of ownership.

(1) If two or more apparently valid claims to unclaimed property are received by the city prior to the sale, use, destruction, or disposition of the property, the hearing officer shall afford each claimant a reasonable opportunity to establish his or her claim and to rebut competing claims.

(2) The hearing officer shall determine which claimant prevails, and shall release the property to such person 91 days after notice of the decision is given, provided that judicial review, if available, is not timely sought. If judicial review is available and is timely sought, the hearing officer shall release the property as a court may order or in such manner as is permitted by law. (Ord. 492 § 1; Ord. 472 § 1. 2002 Code § 2-10.4).

3.20.050 Appeal.

(1) Any interested person may appeal the decision of the hearing officer by filing a written notice of appeal with the city clerk within five days after the decision along with an appeal fee in an amount established by resolution of the city council, although such fee may be reduced or waived by the city manager when the fee exceeds the city manager's reasonable estimate of the value of the unclaimed property which is the subject of the decision.

(2) Such appeal shall be heard by the city council which may affirm, amend, or reverse the order or remand the matter to the hearing officer with instructions.

(3) The city clerk shall give written notice of the time and place of the hearing to all claimants. (Ord. 492 § 1; Ord. 472 § 1. 2002 Code § 2-10.5).

3.20.060 Storage fees.

The city may impose reasonable storage fees upon a claimant whose property has been stored by the city. Such fees shall not exceed the city's actual storage costs, including such overhead costs as insurance, security and staff time. (Ord. 492 § 1; Ord. 472 § 1. 2002 Code § 2-10.6).

Chapter 3.24

SALES AND USE TAX

Sections:

3.24.010 Short title.
3.24.020 Rate.
3.24.030 Operative date.
3.24.040 Purposes.
3.24.050 Contract with state.
3.24.060 Sales taxes.
3.24.070 Place of sale.
3.24.080 Use taxes.
3.24.090 Adoption of state law provisions.
3.24.100 Limitations on adoption of state law provisions.
3.24.110 Permits not required.
3.24.120 Exclusions and exemptions.
3.24.130 Exclusions and exemptions.
3.24.140 Amendments.
3.24.150 Enjoining collection forbidden.
3.24.160 Penalties.

3.24.010 Short title.

This chapter shall be known as the "uniform local sales and use tax law of the city of Cudahy." (Ord. 173 § 1. 2002 Code § 7-1.1).

3.24.020 Rate.

The rate of the sales and use tax imposed by the provisions of this chapter shall be one percent. (Ord. 173 § 1. 2002 Code § 7-1.2).

3.24.030 Operative date.

The provisions of this chapter shall be operative on January 1, 1974. (Ord. 173 § 1. 2002 Code § 7-1.3).

3.24.040 Purposes.

The council hereby 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:

(1) To adopt a sales and use tax law which complies with the requirements and limitations set forth in Part 1.5 of Division 2 of the Revenue and Taxation Code of the state;

(2) To adopt a sales and use tax law which incorporates provisions identical to those of the

sales and use tax law of the state insofar as those provisions are not inconsistent with the requirements and limitations set forth in Part 1.5 of Division 2 of the Revenue and Taxation Code of the state;

(3) 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 sales and use taxes of the state; and

(4) To adopt a sales and use tax law which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code of the state, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter. (Ord. 173 § 1. 2002 Code § 7-1.4).

3.24.050 Contract with state.

Prior to January 1, 1974, the city shall contract with the State Board of Equalization to perform all the functions incident to the administration and operation of this sales and use tax law. (Ord. 173 § 1. 2002 Code § 7-1.5).

3.24.060 Sales taxes.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the city at the rate set forth in CMC 3.24.020 of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the city on and after the operative date of this chapter (January 1, 1974). (Ord. 173 § 1. 2002 Code § 7-1.6).

3.24.070 Place of sale.

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization. (Ord. 173 § 1. 2002 Code § 7-1.7).

3.24.080 Use taxes.

An excise tax is hereby imposed on the storage, use, or other consumption in the city of tangible personal property purchased from any retailer on and after the operative date of this chapter for the storage, use, or other consumption in the city at the rate set forth in CMC 3.24.020 of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax, regardless of the place to which delivery is made. (Ord. 173 § 1. 2002 Code § 7-1.8).

3.24.090 Adoption of state law provisions.

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 of the state, all of the provisions of Part 1 of Division 2 of said Code are hereby adopted and made a part of this chapter as though fully set forth in this chapter. (Ord. 173 § 1. 2002 Code § 7-1.9).

3.24.100 Limitations on adoption of state law provisions.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code of the state, wherever the state 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; 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 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 remains subject to tax by the state under the provisions of Part 1 of Division 2 of said 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 said Code; and 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 of the state, and the substitution shall not be made for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 of said Code or in the definition of that phrase in said Section 6203. (Ord. 173 § 1. 2002 Code § 7-1.10).

3.24.110 Permits not required.

If a seller's permit has been issued to a retailer pursuant to the provisions of Section 6067 of the Revenue and Taxation Code of the state, an additional seller's permit shall not be required by the provisions of this chapter. (Ord. 173 § 1. 2002 Code § 7-1.11).

3.24.120 Exclusions and exemptions.*

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

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

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

(4) 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 the state, the United States, or any foreign government is exempted from the use tax. (Ord. 326 § 1; Ord. 173 § 1. 2002 Code § 7-1.12A).

* Editor's Note: Section 3 of Ordinance No. 326 provides that CMC 3.24.120 shall be operative January 1, 1984.

3.24.130 Exclusions and exemptions.*

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

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

(3) There are exempted from the computation of the amount of sales tax the gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

(4) The storage, use, or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes is exempted from the use tax.

(5) There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally

outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

(6) 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. (Ord. 326 § 2; Ord. 173 § 1. 2002 Code § 7-1.12B).

* Editor's Note: Section 4 of Ordinance No. 326 provides that CMC 3.24.130 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 of the Revenue and Taxation Code as those subdivisions read on October 1, 1983.

3.24.140 Amendments.

All subsequent amendments of the Revenue and Taxation Code of the state which relate to the sales and use tax and which are not inconsistent with the provisions of Part 1.5 of Division 2 of said Code shall automatically become a part of this chapter. (Ord. 173 § 1. 2002 Code § 7-1.13).

3.24.150 Enjoining collection forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against the state or the city, or against any officer of the state or the city, to prevent or enjoin the collection under this chapter or Part 1.5 of Division 2 of the Revenue and Taxation Code of the state of any tax or any amount of tax required to be collected. (Ord. 173 § 1. 2002 Code § 7-1.14).

3.24.160 Penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be liable for the penalty established in CMC 1.36.010. (Ord. 173 § 1. 2002 Code § 7-1.15).

Chapter 3.28

REAL PROPERTY TRANSFER TAX

Sections:

3.28.010 Title.
3.28.020 Imposition.
3.28.030 Persons liable.
3.28.040 Exception.
3.28.050 Public entities.
3.28.060 Nontaxable transactions.
3.28.070 Certain conveyances of nontaxable transactions.
3.28.080 Nontaxable transactions – Partnerships.
3.28.090 Duties of county recorder.
3.28.100 Refunds.

3.28.010 Title.

This chapter shall be known as the "real property transfer tax law of the city of Cudahy." 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. (Ord. 72 § 1. 2002 Code § 7-2.1).

3.28.020 Imposition.

There is hereby imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the city of Cudahy 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 $100.00, a tax at the rate of $0.275 for each $500.00 or fractional part thereof. (Ord. 237 § 1; Ord. 229 § 1; Ord. 72 § 1. 2002 Code § 7-2.2).

3.28.030 Persons liable.

Any tax imposed pursuant to CMC 3.28.020 shall be paid by any person who makes, signs, or issues any document or instrument subject to the tax or for whose use or benefit the same is made, signed, or issued. (Ord. 72 § 1. 2002 Code § 7-2.3).

3.28.040 Exception.

Any tax imposed pursuant to this chapter shall not apply to any instrument in writing given to secure a debt. (Ord. 72 § 1. 2002 Code § 7-2.4).

3.28.050 Public entities.

The United States, or any agency or instrumentality thereof, any state or territory, or any political subdivision thereof, or the District of Columbia shall not be liable for any tax imposed pursuant to this chapter with respect to any deed, instrument, or writing to which it is a party, but the tax may be collected by assessment from any other party liable therefor. (Ord. 72 § 1. 2002 Code § 7-2.5).

3.28.060 Nontaxable transactions.

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 subsection (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.

Subsections (1) to (4), inclusive, of this section shall only apply if the making, delivering or filing of instruments of transfer or conveyances occurs within five years from the date of such confirmation, approval or change. (Ord. 72 § 1. 2002 Code § 7-2.6).

3.28.070 Certain conveyances of nontaxable transactions.

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:

(1) The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is neces-

sary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;

(2) Such order specifies the property which is ordered to be conveyed;

(3) Such conveyance is made in obedience to such order. (Ord. 72 § 1. 2002 Code § 7-2.7).

3.28.080 Nontaxable transactions – Partnerships.

(1) 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:

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

(b) Such continuing partnership continues to hold the realty concerned.

(2) 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.

Not more than one tax shall be imposed pursuant to this chapter by reason of a termination described in subsection (2) of this section; and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination. (Ord. 72 § 1. 2002 Code § 7-2.8).

3.28.090 Duties of county recorder.

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. (Ord. 72 § 1. 2002 Code § 7-2.9).

3.28.100 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. (Ord. 72 § 1. 2002 Code § 7-2.10).

Chapter 3.32

TRANSIENT OCCUPANCY TAX

Sections:

3.32.010 Title.
3.32.020 Definitions.
3.32.030 Tax imposed.
3.32.040 Exemptions.
3.32.050 Responsibility of operator.
3.32.060 Registration of hotel.
3.32.070 Reporting and remitting.
3.32.080 Penalties and interest.
3.32.090 Proceedings for remedy.
3.32.100 Appeal.
3.32.110 Records.
3.32.120 Refunds.
3.32.130 Tax declared a debt – Action to collect.
3.32.140 Penalty for violations.

3.32.010 Title.

This chapter shall be known as the transient occupancy tax law of the city of Cudahy. (Ord. 289 § 1. 2002 Code § 7-3.1).

3.32.020 Definitions.

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

"Hotel" shall mean 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, lodging house, rooming house, apartment house, rental unit, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

"Occupancy" shall mean the use or possession, or the right to use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes, except for a room or rooms provided by an operator to a resident manager of a hotel.

"Operator" shall mean 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.

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

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

"Tax administrator" shall mean the city manager or the person designated by the city manager to perform the tax administrator's duties and responsibilities hereunder.

"Transient" shall mean any person who exercises occupancy or is entitled to occupancy for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. Any such person shall be deemed to be a transient until the period of 30 days has expired. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified in this chapter may be considered. (Ord. 289 § 1. 2002 Code § 7-3.2).

3.32.030 Tax imposed.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of eight percent of the rent charged by the operator. The tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the

operator of the hotel, the tax administrator may require that such tax shall be paid directly to the tax administrator. (Ord. 378 § 1; Ord. 289 § 1. 2002 Code § 7-3.3).

3.32.040 Exemptions.

No tax shall be imposed upon:

(1) Any person as to whom, or any occupancy as to which, it is beyond the power of the city to impose the tax herein provided.

(2) Any federal or state of California officer or employee when on official business.

(3) Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the tax administrator. (Ord. 289 § 1. 2002 Code § 7-3.4).

3.32.050 Responsibility of operator.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded, except in the manner hereinafter provided. (Ord. 289 § 1. 2002 Code § 7-3.5).

3.32.060 Registration of hotel.

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

(1) The name of the operator.

(2) The address of the hotel.

(3) The date upon which the certificate was issued.

(4) The following statement:

> This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Occupancy Tax Law of the City of Cudahy by registering with the Tax Administrator for the purpose of collecting from transients the transient occupancy tax and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in any unlawful manner, nor to operate a hotel without strictly complying with all applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City. This certificate does not constitute a permit.

(Ord. 289 § 1. 2002 Code § 7-3.6).

3.32.070 Reporting and remitting.

Each operator shall, on or before the last day of the month following the close of each calendar quarter or of such different reporting period as may be established by the tax administrator, make a return to the tax administrator, on forms provided by the tax administrator, of the total rents charged and received, the amount of tax collected for transient occupancies, and such other information as may be reasonably required. At the time the return is filed, the full amount of the tax collected shall be remitted to the tax administrator. The tax administrator may establish either shorter or longer reporting periods for any individual certificate holder or category of certificate holders if the tax administrator deems it necessary or desirable in order to ensure collection of the tax or to increase the efficiency of its administration. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the tax administrator. (Ord. 289 § 1. 2002 Code § 7-3.7).

3.32.080 Penalties and interest.

(1) Original Delinquency. Any operator who fails to remit any tax imposed by this chapter

within the time required shall pay a penalty of 10 percent of the amount of the tax in addition to the amount of the tax.

(2) Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 10 percent of the amount of the tax in addition to the amount of the tax and the 10 percent penalty first imposed.

(3) Fraud. If the tax administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of 25 percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections (1) and (2) of this section.

(4) 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 for each month or portion of a month that the tax shall be delinquent on the amount of the tax, exclusive of penalties, from the date on which the tax first became delinquent until paid. The interest shall be computed on a monthly basis and shall not be subject to proration for any portion of a month.

(5) Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid. (Ord. 289 § 1. 2002 Code § 7-3.8).

3.32.090 Proceedings for remedy.

If any operator shall fail or refuse to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax or any portion thereof required by this chapter, the tax administrator shall proceed in such manner as the tax administrator may deem best to obtain facts and information on which to base an estimate of the tax due. As soon as the tax administrator shall procure such facts and information as the tax administrator is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, the tax administrator shall proceed to determine and assess against such operator the tax, interest, and penalties provided for by this chapter. In the event such determination is made, the tax administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known address. Such operator may within 10 days after the serving or mailing of such notice make application in writing to the tax administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable. If such application is made, the tax administrator shall give not less than five days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing, the tax administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after 15 days unless an appeal is taken as provided in CMC 3.32.100. (Ord. 289 § 1. 2002 Code § 7-3.9).

3.32.100 Appeal.

Any operator aggrieved by any decision of the tax administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the council by filing a notice of appeal with the city clerk within 15 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 manager 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 above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice. (Ord. 289 § 1. 2002 Code § 7-3.10).

3.32.110 Records.

It shall be the duty of every operator liable for the collection and payment to the city of any tax

imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as it may have been liable for the collection and payment of to the city, which records the tax administrator shall have the right to inspect at all reasonable times. (2002 Code § 7-3.11).

3.32.120 Refunds.

(1) Claim by Operator. An operator may claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the tax administrator that the person from 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.

(2) Claim by Transient. A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the city by filing a claim in the manner provided in CMC 3.04.020, 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.

(3) Evidence. No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto. (Ord. 511 §§ 4, 5; Ord. 289 § 1. 2002 Code § 7-3.12).

3.32.130 Tax declared a debt – Action to collect.

Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the operator to the city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount. (Ord. 289 § 1. 2002 Code § 7-3.13).

3.32.140 Penalty for violations.

Any operator or other person who fails or refuses to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the tax administrator, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor, and is punishable as provided in CMC 1.36.010. Any person required to make, render, sign or verify any report or claim who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made, is guilty of a misdemeanor and is punishable as aforesaid. (Ord. 289 § 1. 2002 Code § 7-3.14).

Chapter 3.36

UTILITY USER TAX

Sections:

3.36.010 Title.
3.36.020 Purpose.
3.36.030 Definitions.
3.36.040 Constitutional exemptions.
3.36.050 Other exemptions.
3.36.060 Telephone user tax.
3.36.070 Electricity user tax.
3.36.080 Gas user tax.
3.36.090 Waste hauling user tax.
3.36.100 Water user tax.
3.36.110 Interest and penalty.
3.36.120 Actions to collect.
3.36.130 Duty to collect – Procedures.
3.36.140 Additional powers and duties of tax administrator.
3.36.150 Assessment – Administrative remedy.
3.36.160 Records.
3.36.170 Refunds.
3.36.180 Schedule of implementation.
3.36.190 Termination or suspension of utility user tax.
3.36.200 Jurisdiction of the California Public Utilities Commission.
3.36.210 Severability.

3.36.010 Title.

This chapter shall be known as the "utility user tax ordinance of the city of Cudahy." (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.1).

3.36.020 Purpose.

This chapter is enacted solely to raise revenue for the general governmental purposes of the city of Cudahy. All of the proceeds from the tax imposed by this chapter shall be placed in the city's general fund and used for the usual and current expenses of the city. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.2).

3.36.030 Definitions.

Whenever used in this chapter, the following words and phrases shall be construed as defined in this section.

(1) "Person" shall mean any domestic or foreign corporation, firm, association, syndicate, joint stock company, partnership of any kind, joint venture, club, Massachusetts business or common law trust, society, or individual.

(2) "City" shall mean the city of Cudahy.

(3) "Electrical corporation," "gas corporation," "telephone corporation," and "water corporation" shall have the same meanings as are defined in Sections 218, 222, 234, and 241, respectively, of the Public Utilities Code of the state of California, as said sections existed on January 1, 1975. "Waste hauler" shall mean any person who provides waste collection and hauling services for which a franchise or license is required pursuant to CMC 5.08.720 or Chapter 8.12 CMC. "Electrical corporation," "gas corporation," and "water corporation" shall also be construed to include any municipality or government agency engaged in the selling or supplying of electrical power, gas, or water to a service user.

(4) "Tax administrator" shall mean the city manager or his or her designee.

(5) "Service supplier" shall mean any entity required to collect or self-impose and remit a tax imposed by this chapter.

(6) "Service user" shall mean any person required to pay a tax imposed by this chapter.

(7) "Month" shall mean a calendar month.

(8) "Telephone services" shall mean services which provide the privilege of telephone communication with substantially all persons having telephone stations which are part of such telephone system.

(9) "Nonutility supplier" shall mean a service supplier, other than an electrical corporation providing service within the city, which generates electrical energy for its own use or for sale to others. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.3).

3.36.040 Constitutional exemptions.

Nothing in this chapter shall be construed as imposing a tax upon any person when imposition of such tax upon that person would be in violation of the Constitution of the United States, the Constitution of the state of California, or any California statute. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.4).

3.36.050 Other exemptions.

(1) The taxes imposed by this chapter shall not apply to any service user who is the head of a household and both:

(a) At least 62 years of age or older; and

(b) The primary resident of the property.

(2) The taxes imposed by this chapter shall not apply to any "health facility" within the meaning of California Government Code Section 15432, as that section read on January 1, 1990, or to any facility operated by a nonprofit entity which provides outpatient services under the authority granted pursuant to Section 1275 or 1275.6 of the California Health and Safety Code.

(3) To qualify for an exemption set forth in this chapter, a service user shall file an application in the form, time and manner prescribed by the tax administrator.

(4) The tax administrator shall, within 60 days of receipt of an application for exemption, determine whether the applicant is entitled to an exemption, and if so, notify the service supplier.

(5) An exemption granted pursuant to this chapter shall become effective at the beginning of the first regular billing period which commences after the tax administrator has notified the service supplier that an exemption has been granted.

(6) The tax administrator shall notify the service supplier of the termination of any person's right to exemption hereunder, or the change of any address to which service is supplied to any exempt person. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.5).

3.36.060 Telephone user tax.

(1) There is hereby imposed on every person other than a telephone corporation, electrical corporation, gas corporation, water corporation, or waste hauler a tax for use of intrastate, interstate and international telephone services in the city of Cudahy. The tax imposed by this section shall be at the rate of eight percent of the charges made for such services for persons or businesses using such services for industrial, commercial or any use other than service to the person's residence, and at the rate of four percent of the charges made for such services for persons using such services for service to the person's residence. Said tax shall apply to all charges billed to a telephone account having a situs in the city, irrespective of whether a particular telephone service originates or terminates within the city.

(2) As used in this section, the term "charges" shall not include charges for services paid for by inserting coins into coin-operated telephones except that, where such coin-operated service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be included in the base for computing the amount of tax due; nor shall the term "charges" include charges for any type of service or equipment furnished by a service supplier subject to public utility regulation during any period in which the same or similar services or equipment are also available for sale or lease from persons other than a service supplier subject to public utility regulation; nor shall the words "telephone services" include land mobile services or maritime mobile services as defined in Section 2.1 of Title 47 of the Code of Federal Regulations as said section existed on January 1, 1970.

(3) The tax imposed by this section shall be collected from the service user by the person providing the telephone services, or the person receiving payment for such services. The amount of the tax collected in one month shall be remitted to the tax administrator on or before the last day of the following month, unless the due date occurs on a weekend or a holiday, in which case the tax shall be remitted on or before the next business day thereafter. Taxes shall be deemed remitted on the date received by the tax administrator, or on the date postmarked if remitted by first class United States mail with postage fully prepaid. With prior written approval of the tax administrator, remittance of tax may be predicated on a formula based upon the payment pattern of the supplier's customers; or, at the option of the person required to collect and remit the tax, an estimated amount of tax collected, measured by the tax bill in the previous month.

(4) Notwithstanding the provisions of subsection (1) of this section, the tax imposed under this section shall not be imposed upon any person for using telephone services to the extent that the amounts paid for such services are not subject to the tax imposed under Section 4251 of the Internal Revenue Code (26 U.S.C. Section 4251). (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.6).

3.36.070 Electricity user tax.

(1) There is hereby imposed a tax on every person other than a telephone corporation, electrical corporation, gas corporation, water corporation, or waste hauler using electrical energy in the city. The tax imposed by this section shall be at the rate of eight percent of the charges made for such energy for persons or businesses using such services for industrial, commercial or any use other than service to the person's residence, and at the rate of four percent of the charges made for such energy for persons using such services for service to the person's residence. The tax applicable to electrical energy provided by a nonutility supplier shall be determined by applying the tax rate to the equivalent charge the service user would have incurred if the energy had been provided by the electrical corporation franchised by the city. Rate schedules for this purpose shall be available from the city. Nonutility suppliers shall install, maintain and use an appropriate metering system which will enable compliance with this section. "Charges," as used in this section, shall include charges made for metered energy and charges for service, including customer charges, service charges, standby charges, charges for temporary services, demand charges, annual and monthly charges, and any other charge authorized by the California Public Utilities Commission or the Federal Energy Regulatory Commission.

(2) As used in this section, the term "using electrical energy" shall not be construed to mean the storage of such energy by a person in a battery owned or possessed by him or her for use in an automobile or other machinery or device apart from the premises upon which the energy was received; provided, however, that the term shall include the receiving of such energy for the purpose of using it in the charging of batteries; nor shall the term include the mere receiving of such energy by an electric public utility or governmental agency at a point within the city for resale; nor shall the term include the use of such energy in the production or distribution of water by a public utility or a governmental agency.

(3) The tax imposed in this section shall be collected from the service user by the person supplying such energy. The amount of tax collected in one month shall be remitted to the tax administrator on or before the last day of the following month, unless the due date occurs on a weekend or a holiday, in which case the tax shall be remitted on or before the next business day thereafter. Taxes shall be deemed remitted on the date received by the tax administrator, or on the date postmarked, if remitted by first class United States mail with postage fully prepaid. With prior written approval of the tax administrator, remittance of tax may be predicated on a formula based upon the payment pattern of the supplier's customers. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.7).

3.36.080 Gas user tax.

(1) There is hereby imposed a tax on every person other than a telephone corporation, electrical corporation, gas corporation, water corporation, or waste hauler using in the city gas which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of eight percent of the charges made for such gas for persons or businesses using such services for industrial, commercial or any use other than service to the person's residence, and at the rate of four percent of the charges made for such gas for persons using such services for service to the person's residence. "Charges," as used in this section, shall include charges made for metered gas and charges for service, including customer charges, service charges, and annual and monthly charges and any other charge authorized by the California Public Utilities Commission or the Federal Energy Regulatory Commission.

(2) There shall be excluded from the base on which the tax imposed in this section is computed: (a) charges made for gas which is to be resold and delivered through mains or pipes; (b) charges made for gas sold for use in the generation of electrical energy or for the production or distribution of water by a public utility or governmental agency; (c) charges made for natural gas used in the propulsion of a motor vehicle, as that phrase is defined in the Vehicle Code of the state of California; and (d) charges made for gas used by a nonutility supplier to generate electrical energy for its own use or for sale to others, provided the electricity so generated is subject to tax under CMC 3.36.070.

(3) The tax imposed by this section shall be collected from the service user by the person providing the gas. The amount of tax collected in one month shall be remitted to the tax administrator on

or before the last day of the following month, unless the due date occurs on a weekend or a holiday, in which case the tax shall be remitted on or before the next business day thereafter. Taxes shall be deemed remitted on the date received by the tax administrator, or on the date postmarked, if remitted by first class United States mail with postage fully prepaid. With prior written approval of the tax administrator, remittance of tax may be predicated on a formula based upon the payment pattern of the supplier's customers. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.8).

3.36.090 Waste hauling user tax.

(1) There is hereby imposed a tax on every person other than a telephone corporation, electrical corporation, gas corporation, water corporation, or waste hauler using in the city the services of a waste hauler for the removal of trash or refuse. The tax imposed by this section shall be at the rate of eight percent of the charges made for such services for persons or businesses using such services for industrial, commercial or any use other than service to the person's residence, and at the rate of four percent of the charges made for such services for persons using such services for service to the person's residence. "Charges," as used in this section, shall include charges for service, including customer charges, service charges, and annual and monthly charges and any other charge authorized by the Cudahy Municipal Code, a franchise granted pursuant to that code, or the law of the state of California.

(2) The tax imposed by this section shall be collected from the service user by the person providing the services. The amount of tax collected in one month shall be remitted to the tax administrator on or before the last day of the following month, unless the due date occurs on a weekend or a holiday, in which case the tax shall be remitted on or before the next business day thereafter. Taxes shall be deemed remitted on the date received by the tax administrator, or on the date postmarked, if remitted by first class United States mail with postage fully prepaid. With prior written approval of the tax administrator, remittance of tax may be predicated on a formula based upon the payment pattern of the supplier's customers. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.9).

3.36.100 Water user tax.

(1) There is hereby imposed a tax on every person other than a telephone corporation, electrical corporation, gas corporation, water corporation, or waste hauler using water which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of eight percent of the charges made for such water for persons or businesses using such services for industrial, commercial or any use other than service to the person's residence, and at the rate of four percent of the charges made for such water for persons using such services for service to the person's residence. "Charges," as used in this section, shall include charges made for metered water and charges for service, including customer charges, service charges, and annual and monthly charges and any other charge authorized by law.

(2) Charges made for water which is to be resold and delivered through mains or pipes shall be excluded from the base on which the tax imposed by this section is computed.

(3) The tax imposed by this section shall be collected from the service user by the person supplying the water. The amount of tax collected in one month shall be remitted to the tax administrator on or before the last day of the following month, unless the due date occurs on a weekend or a holiday, in which case the tax shall be remitted on or before the next business day thereafter. Taxes shall be deemed remitted on the date received by the tax administrator, or on the date postmarked, if remitted by first class United States mail with postage fully prepaid. With prior written approval of the tax administrator, remittance of tax may be predicated on a formula based upon the payment pattern of the supplier's customers. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.10).

3.36.110 Interest and penalty.

(1) Taxes collected from a service user which are not remitted to the tax administrator on or before the due dates provided in this chapter are delinquent and are subject to penalties and interest.

(2) Any person who fails to remit taxes collected in the time required by this chapter shall pay a penalty of five percent of the amount of the tax owed, and if not remitted within two working days after the date of delinquency, shall pay a penalty of 20 percent of the amount of tax owed. Such penalty

shall attach to the amount of tax due and shall be paid by the person required to collect and remit the tax.

(3) When fraud or gross negligence in reporting and remitting tax collections is discovered, the tax administrator shall have power to impose additional penalties of 20 percent of taxes owed upon persons required to collect and remit taxes under the provisions of this chapter.

(4) Any person required to remit to the tax administrator delinquent taxes as required in this section shall pay interest at the rate of one and one-half percent per month or portion thereof, on the amount of tax owed exclusive of penalties, from the date on which the tax first became delinquent until paid.

(5) Notwithstanding the provisions of subsections (2) and (4) of this section, no penalty or interest shall be applied if delinquencies are the result of natural disasters or other phenomena beyond the control of the person charged with collecting and remitting the tax, provided the person obliged to remit tax notifies the tax administrator as soon as normal communications permit. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.11).

3.36.120 Actions to collect.

Any tax required to be paid by a service user under the provisions of this chapter shall be deemed a debt owed by the service user to the city. Any such tax collected from a service user which has not been remitted to the tax administrator shall be deemed a debt owed to the city by the person who collected the tax. Any person owing money to the city under the provisions of this chapter shall be liable in an action brought in the name of the city for the recovery of such amount. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.12).

3.36.130 Duty to collect – Procedures.

The duty to collect and remit the taxes imposed by this chapter shall be performed as follows:

(1) The tax shall be collected insofar as practicable at the same time as, and along with, the collection of charges made in accordance with the regular billing practices of the service supplier. Where the amount paid by a service user is less than the full amount of the charge and tax which has accrued for a billing period, such payment and any subsequent payments may be first applied to the charge until such charge has been fully satisfied. Any remaining balance shall be applied to the taxes due, except where a service user pays the full amount of the charges but notifies the service supplier of a refusal to pay the tax imposed on such charges, in which case the service supplier may be relieved of the duty to collect the tax pursuant to CMC 3.36.150.

(2) The duty to collect tax from a service user shall commence with the beginning of the first regular billing period applicable to that service user which begins on or after August 1, 1991. Where a person is billed separately for distinct periods, the duty to collect shall arise separately for each billing period. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.13).

3.36.140 Additional powers and duties of tax administrator.

(1) The tax administrator shall have the power and duty, and is hereby directed, to enforce each and all of the provisions of this chapter.

(2) The tax administrator shall have the power to adopt rules and regulations not inconsistent with provisions of this chapter for the purpose of carrying out and enforcing the payment, collection and remittance of the taxes herein imposed. A copy of such rules and regulations shall be on file in the tax administrator's office.

(3) The tax administrator may make administrative agreements to vary the strict requirements of this chapter so that collection of any tax imposed hereby may be made in conformance with the billing procedures of a particular service supplier so long as said agreements result in collection of the tax in conformance with the general purpose and scope of this chapter. A copy of each such agreement shall be on file in the tax administrator's office. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.14).

3.36.150 Assessment – Administrative remedy.

(1) The tax administrator may assess the service user for taxes not paid to the service supplier.

(2) Whenever the tax administrator determines that a service user has deliberately withheld the amount of the tax owed from the amounts remitted to a service supplier, or that a service user has refused to pay the amount of tax to a service sup-

plier, or whenever the tax administrator deems it in the best interest of the city, he or she may relieve a service supplier of the obligation to collect taxes due under this chapter from certain named service users for specified billing periods.

(3) Service suppliers shall inform the city of amounts which service users have failed to pay, along with the names, service and mailing addresses, and any reasons of the service users refusing to pay the tax imposed under this chapter of which the service supplier has knowledge. Whenever a service user has failed to pay tax for two or more consecutive billing periods, the tax administrator may relieve the service supplier of the obligation to collect taxes due pursuant to subsection (2) of this section.

(4) The tax administrator shall notify the service user that he or she has assumed responsibility to collect the taxes due for stated periods and shall demand payment of such taxes. The notice shall be served on the service user by personal delivery or by deposit in the United States mail, postage prepaid, addressed to the service user at the address to which billing was made by the service supplier or to his or her last known address. If a service user fails to remit the tax to the tax administrator within 15 days from the date of the service of the notice, which shall be deemed to be the date of mailing if personal service is not accomplished, a penalty of 25 percent of the amount of the tax set forth in the notice shall be imposed, but shall in no event be less than $5.00. The penalty shall become part of the tax herein required to be paid. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.15).

3.36.160 Records.

It shall be the duty of every person required to collect and remit to the city any tax imposed by this chapter to keep and preserve, for a period of three years, all records necessary to determine the amount of tax that person was obliged to collect and remit to the city. The tax administrator shall have the right to inspect such records at all reasonable times. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.16).

3.36.170 Refunds.

(1) Any tax that has been overpaid, paid more than once, or erroneously or illegally collected or received by the tax administrator under this chapter may be refunded as provided in this section.

(2) A service supplier may, with prior written approval from the tax administrator, claim a refund or take as credit against taxes collected and remitted an amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established that the service user from whom the tax has been collected did not owe the tax; provided however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded or credited to the service user. A service supplier that has collected any amount of tax in excess of the amount of tax imposed by this section may refund such amount to the service user and may, with prior written approval of the tax administrator, claim credit for such overpayment against the amount of tax which is due to the city, provided such credit is claimed no later than three years from the date of overpayment.

(3) No refund shall be paid unless the claimant produces written records which establish the right to the claimed refund.

(4) Notwithstanding any other provision of this chapter, whenever a service supplier, pursuant to an order of the California Public Utilities Commission or a court of competent jurisdiction, makes a refund to service users of charges for past utility services, the taxes paid pursuant to this chapter on the amount of such refunded charges shall also be refunded to service users, and the service supplier may, with prior written approval of the tax administrator, take a credit for such refunded taxes against the amount of tax which is due upon the next monthly returns. In the event this chapter is repealed, the amounts of any refundable taxes will be borne by the city. (Ord. 593-P § 1, 2004; Ord. 511 § 6; Ord. 441 § 1. 2002 Code § 7-5.17).

3.36.180 Schedule of implementation.

(1) Each service supplier shall immediately implement collection procedures in accordance with the effective dates contained in this chapter.

(2) Notwithstanding the provisions of subsection (1) of this section, the tax administrator may grant a service supplier an extension of time to implement tax collection procedures to a date not later than October 1, 1991; provided, that within 10 days of the effective date of the ordinance codified

in this chapter the service supplier certifies in writing to the tax administrator that operational limitations prevent the service supplier from implementing tax collection procedures in accordance with the effective dates contained in this chapter.

(3) Notwithstanding anything in this chapter to the contrary, if a service supplier has been granted an extension of time to implement tax collection procedures, taxes accrued for the period of time prior to implementation shall be due and collected in the first regular billing following the implementation of tax collection procedures, or in accordance with a collection schedule authorized by the tax administrator pursuant to subsection (4) of this section.

(4) The tax administrator may enter into an agreement with any service supplier to provide for reimbursement, within the limits set forth herein, of the service supplier's actual costs incurred in implementing procedures to collect the tax accrued from the time the tax became effective to the time the service supplier implements tax collection procedures in accordance with the requirements of this chapter. Any agreement entered into pursuant to this subsection (4) shall provide that the service supplier will be reimbursed by retaining up to 10 percent of such accrued taxes collected, but not to exceed (a) $200,000 if all or a part of the previously accrued tax is included in all customer billings issued not later than August 31, 1991; (b) $150,000 if all or a part of the previously accrued tax is included in all customer billings issued after August 31, 1991, but on or before September 30, 1991; or (c) $100,000 if all or a part of the previously accrued tax is included in all customer billings issued after September 30, 1991, but on or before October 31, 1991.

(5) In any agreement entered into pursuant to subsection (4) of this section, the tax administrator may authorize the service supplier to collect previously accrued taxes over a period of two or more months; provided, that all such taxes are collected and remitted to the tax administrator no later than March 31, 1992. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.18).

3.36.190 Termination or suspension of utility user tax.

The service supplier shall, upon notification by the city, terminate or suspend any utility user tax as to each service user commencing with the first full billing period applicable to such user which occurs after the effective day of such action by the city council. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.19).

3.36.200 Jurisdiction of the California Public Utilities Commission.

Nothing contained in this chapter is intended to conflict with tariffs of any service supplier subject to the jurisdiction of the California Public Utilities Commission or with any applicable rules or regulations of that Commission. In the event any such conflict arises, the provisions of said rules, regulations, and tariffs shall control. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.20).

3.36.210 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter or any part thereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this chapter or any part thereof. The city council of the city of Cudahy hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid. (Ord. 593-P § 1, 2004; Ord. 441 § 1. 2002 Code § 7-5.21).

Chapter 3.38

TELECOMMUNICATION USERS' TAX REDUCTION AND MODERNIZATION

Sections:

3.38.010 Chapter title.
3.38.020 Definitions.
3.38.030 Constitutional, statutory, and other exemptions.
3.38.040 Telecommunication users' tax.
3.38.050 Bundling taxable items with nontaxable items.
3.38.060 Substantial nexus/minimum contacts.
3.38.070 Duty to collect – Procedures.
3.38.080 Collection penalties – Service suppliers.
3.38.090 Actions to collect.
3.38.100 Deficiency determination and assessment – Tax application errors.
3.38.110 Administrative remedy – Nonpaying service users.
3.38.120 Additional powers and duties of the tax administrator.
3.38.130 Records.
3.38.140 Refunds.
3.38.150 Appeals.
3.38.160 No injunction/writ of mandate.
3.38.170 Notice of changes to ordinance.
3.38.180 Future amendment to cited statute.
3.38.190 Independent audit of tax collection, exemption, remittance, and expenditure.
3.38.200 Interaction with prior tax.
3.38.210 Remedies cumulative.

3.38.010 Chapter title.

This chapter shall be known as the "Telecommunication Users' Tax Reduction and Modernization Ordinance" of the city of Cudahy. (Ord. 608 § 1, 2009. 2002 Code § 7-7.1).

3.38.020 Definitions.

The following words and phrases whenever used in this chapter shall be construed as defined in this section.

(1) "Ancillary telecommunication services" means services that are associated with or incidental to the provision, use or enjoyment of telecommunications services, including but not limited to the following services:

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

(b) "Detailed telecommunications billing service" which means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(c) "Directory assistance" which means an ancillary service of providing telephone number information, and/or address information.

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

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

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

(3) "Mobile telecommunications service" means the meaning and usage as set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. Section 124) and the regulations established therewith.

(4) "Month" means a calendar month.

(5) "Paging service" means a "telecommunications service" that provides transmission of coded radio signals for the purpose of activating specific pagers; such transmissions may include messages and/or sounds.

(6) "Person" means, without limitation, any natural individual, firm, trust, common law trust, estate, partnership of any kind, association, syndicate, club, joint stock company, joint venture, limited liability company, corporation (including foreign, domestic, and nonprofit), municipal district or municipal corporation (other than the city)

cooperative, receiver, trustee, guardian, or other representative appointed by order of any court, or any lawful successor or assign.

(7) "Place of primary use" means the street address representative of where the customer's use of the telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer.

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

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

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

(11) "Service address" means any of the following:

(a) The location of the service user's telecommunication equipment from which the telecommunication originates or terminates, regardless of where the telecommunication is billed or paid;

(b) If the location in subsection (1) of this definition is unknown (e.g., mobile telecommunications service or VoIP service), the "service address" means the location of the service user's place of primary use; or

(c) For prepaid telecommunication service, "service address" means the location associated with the service number.

(12) "Service supplier" means any entity or person, including the city, that provides telecommunication service to a user of such service within the city.

(13) "Service user" means a person required to pay a tax imposed under the provisions of this chapter.

(14) "State" means the state of California.

(15) "Streamlined sales and use tax agreement" means the multi-state agreement commonly known and referred to as the Streamlined Sales and Use Tax Agreement, and as it is amended from time to time.

(16) "Tax administrator" means the city manager or his or her designee.

(17) "Telecommunication services" means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, whatever the technology used. The term "telecommunications services" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such services are referred to as voice over Internet protocol (VoIP) services or are classified by the Federal Communications Commission as enhanced or value added, and includes video and/or data services that is functionally integrated with "telecommunication services." "Telecommunications services" include but are not limited to the following services, regardless of the manner or basis on which such services are calculated or billed: intrastate, interstate, and international telecommunication services; ancillary telecommunication services; mobile telecommunications service; prepaid telecommunication service; post-paid telecommunication service; private telecommunication service; paging service; 800 service (or any other toll-free numbers designated by the Federal Communications Commission); 900

service (or any other similar numbers designated by the Federal Communications Commission for services whereby subscribers who call in to prerecorded or live service).

(18) "VoIP (voice over Internet protocol)" means the digital process of making and receiving real-time voice transmissions over any Internet Protocol network.

(19) "800 service" means a "telecommunication service" that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name "800," "855," "866," "877," and "888" toll-free calling, and any subsequent numbers designated by the Federal Communications Commission.

(20) "900 service" means an inbound toll "telecommunication service" purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. "900 service" does not include the charge for: collection services provided by the seller of the "telecommunication services" to the subscriber, or service or product sold by the subscriber to the subscriber's customer. The service is typically marketed under the name "900" service, and any subsequent numbers designated by the Federal Communications Commission. (Ord. 608 § 1, 2009. 2002 Code § 7-7.2).

3.38.030 Constitutional, statutory, and other exemptions.

(1) Consistency with State and Federal Law. Nothing in this chapter shall be construed as imposing a tax upon any person or service when the imposition of such tax upon such person or service would be in violation of a federal or state statute, the Constitution of the United States or the Constitution of the State.

(2) Senior Exemption. The taxes imposed under this chapter shall not apply to any service user who is 62 years of age or older. The exemption shall not apply to an individual whose usage is included and billed as part of a family plan or multiple user plan.

(3) Exemption Application. Any service user that is exempt from the tax imposed by this chapter pursuant to subsection (1) of this section shall file an application with the tax administrator for an exemption; provided, however, this requirement shall not apply to a service user that is a state or federal agency or subdivision with a commonly recognized name for such service. Said application shall be made upon a form approved by the tax administrator and shall state those facts, declared under penalty of perjury, which qualify the applicant for an exemption, and shall include the names of all telecommunication service suppliers serving that service user. If deemed exempt by the tax administrator, such service user shall give the tax administrator timely written notice of any change in telecommunication service suppliers so that the tax administrator can properly notify the new telecommunication service supplier of the service user's tax exempt status. A service user that fails to comply with this section shall not be entitled to a refund of telecommunication users' taxes collected and remitted to the tax administrator from such service user as a result of such noncompliance. The decision of the tax administrator regarding an application may be appealed pursuant to CMC 3.38.150. Filing an application with the tax administrator and appeal to the city administrator pursuant to CMC 3.38.150 is a prerequisite to a suit thereon.

(4) Establishment of Exempt Classes. The city council may, by resolution, establish one or more classes of persons or one or more classes of utility service otherwise subject to payment of a tax imposed by this chapter and provide that such classes of persons or service shall be exempt, in whole or in part from such tax for a specified period of time. (Ord. 608 § 1, 2009. 2002 Code § 7-7.3).

3.38.040 Telecommunication users' tax.

(1) Establishment of Telecommunication Users' Tax. There is hereby imposed a tax upon every person in the city using telecommunication services. The tax imposed by this section shall be at the rate of eight percent of the charges made for such services for persons or businesses using such services for industrial, commercial or any other nonresidential use, and at the rate of three and three-quarters percent of the charges made for such services for residential customers. Such tax shall be collected from the service user by the telecommunication service supplier or its billing agent. If the service supplier does not distinguish between residential and nonresidential service, then the three and three-quarters percent rate shall apply.

There is a rebuttable presumption that telecommunication services, which are billed to a billing or service address in the city, are used, in whole or in part, within the city's boundaries, and such services are subject to taxation under this chapter. If the billing address of the service user is different from the service address, the service address of the service user shall be used for purposes of imposing the tax. As used in this chapter, the term "charges" shall include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the telecommunication services.

(2) Sourcing Rules. Mobile telecommunications service shall be sourced in accordance with the sourcing rules set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. Section 124). The tax administrator may issue and disseminate to telecommunication service suppliers, which are subject to the tax collection requirements of this chapter, sourcing rules for the taxation of other telecommunication services, including but not limited to post-paid telecommunication services, prepaid telecommunication services, and private telecommunication services; provided, that such rules are based upon custom and common practice that further administrative efficiency and minimize multi-jurisdictional taxation (e.g., Streamline Sales and Use Tax Agreement).

(3) Authority for Administrative Rulings. The tax administrator may issue and disseminate to telecommunication service suppliers, which are subject to the tax collection requirements of this chapter, an administrative ruling identifying those telecommunication services, or charges therefor, that are subject to or not subject to the tax of subsection (1) of this section.

(4) Specific Inclusions in Telecommunication Services. As used in this section, the term "telecommunication services" shall include, but is not limited to, charges for: connection, reconnection, termination, movement, or change of telecommunication services; late payment fees; detailed billing; central office and custom calling features (including but not limited to call waiting, call forwarding, caller identification and three-way calling); voice mail and other messaging services; directory assistance; access and line charges; universal service charges; regulatory, administrative and other cost recovery charges; local number portability charges; and text and instant messaging.

(5) Certain Exclusions From Telecommunications Services. As used in this section, the term "telecommunication services" shall not include digital downloads that are not "ancillary telecommunication services," such as music, ringtones, games, and similar digital products.

(6) Multi-Jurisdictional Taxation. To prevent actual multi-jurisdictional taxation of telecommunication services subject to tax under this section, any service user, upon proof to the tax administrator that the service user has previously paid the same tax in another state or local jurisdiction on such telecommunication services, shall be allowed a credit against the tax imposed to the extent of the amount of such tax legally imposed in such other state or local jurisdiction; provided, however, the amount of credit shall not exceed the tax owed to the city under this section.

(7) Collection of Tax by Service Supplier. The tax on telecommunication services imposed by this section shall be collected from the service user by the service supplier. The amount of tax collected in one month shall be remitted to the tax administrator, and must be received by the tax administrator on or before the twentieth day of the following month. (Ord. 608 § 1, 2009. 2002 Code § 7-7.4).

3.38.050 Bundling taxable items with nontaxable items.

If any nontaxable charges are combined with and not separately stated from taxable service charges on the customer bill or invoice of a service supplier, the combined charge is subject to tax unless the service supplier identifies, by reasonable and verifiable standards, the portions of the combined charge that are nontaxable and taxable through the service supplier's books and records kept in the regular course of business, and in accordance with generally accepted accounting principles, and not created and maintained for tax purposes. The service supplier has the burden of proving the proper apportionment of taxable and nontaxable charges. If the service supplier offers a combination of taxable and nontaxable services, and the charges are separately stated, then for taxation purposes, the values assigned the taxable and nontaxable services shall be based on its books and records kept in the regular course of business and

in accordance with generally accepted accounting principles, and not created and maintained for tax purposes. The service supplier has the burden of proving the proper valuation of the taxable and nontaxable services. (Ord. 608 § 1, 2009. 2002 Code § 7-7.5).

3.38.060 Substantial nexus/minimum contacts.

For purposes of imposing a tax or establishing a duty to collect and remit a tax under this chapter, "substantial nexus" and "minimum contacts" shall be construed broadly in favor of the imposition, collection and/or remittance of the telecommunication users' tax to the fullest extent permitted by state and federal law, and as it may change from time to time by judicial interpretation or by statutory enactment. Any telecommunication service (including VoIP) used by a person with a service address in the city, which service is capable of terminating a call to another person on the general telephone network, shall be subject to a rebuttable presumption that "substantial nexus/minimum contacts" exists for purposes of imposing a tax, or establishing a duty to collect and remit a tax, under this chapter. A service supplier shall be deemed to have sufficient activity in the city for tax collection and remittance purposes if its activities include, but are not limited to, any of the following: maintains or has within the city, directly or through an agent, affiliate, or subsidiary, a place of business of any nature; solicits business in the city by employees, independent contractors, resellers, agents or other representatives; solicits business in the city on a continuous, regular, seasonal or systematic basis by means of advertising that is broadcast or relayed from a transmitter within the city or distributed from a location within the city; or advertises in newspapers or other periodicals printed and published within the city or through materials distributed in the city by means other than the United States mail; or if there are activities performed in the city on behalf of the service supplier that are significantly associated with the service supplier's ability to establish and maintain a market in the city for the provision of communication services that are subject to a tax under this chapter. (Ord. 608 § 1, 2009. 2002 Code § 7-7.6).

3.38.070 Duty to collect – Procedures.

(1) Manner of Collection by Service Suppliers. The duty of service suppliers to collect and remit the taxes imposed by the provisions of this chapter shall be performed as follows:

(a) The tax shall be collected by service suppliers insofar as practicable at the same time as, and along with, the collection of the charges made in accordance with the regular billing practice of the service supplier. Where the amount paid by a service user to a service supplier is less than the full amount of the charge and tax which was accrued for the billing period, a proportionate share of both the charge and the tax shall be deemed to have been paid. In those cases where a service user has notified the service supplier of refusal to pay the tax imposed on said charges, CMC 3.38.110 shall apply.

(b) The duty of a service supplier to collect the tax from a service user shall commence with the beginning of the first regular billing period applicable to the service user where all charges normally included in such regular billing are subject to the provisions of this chapter. Where a service user receives more than one billing, one or more being for different periods than another, the duty to collect shall arise separately for each billing period.

(2) Filing Return and Payment. Each person required by this chapter to remit a tax shall file a return to the tax administrator, on forms approved by the tax administrator, on or before the due date. The full amount of the tax collected shall be included with the return and filed with the tax administrator. The tax administrator is authorized to require such additional information as he or she deems necessary to determine if the tax is being levied, collected, and remitted in accordance with this chapter. Returns are due immediately upon cessation of business for any reason. Pursuant to Revenue and Tax Code Section 7284.6, the tax administrator, and its agents, shall maintain such filing returns as confidential information that is exempt from the disclosure provisions of the Public Records Act. (Ord. 608 § 1, 2009. 2002 Code § 7-7.7).

3.38.080 Collection penalties – Service suppliers.

(1) Due Date for Taxes – Delinquencies. Taxes collected from a service user are delinquent if not received by the tax administrator on or before the due date. Should the due date occur on a weekend or legal holiday, the return must be received by the tax administrator on the first regular working day following the weekend or legal holiday. A direct deposit, including electronic fund transfers and other similar methods of electronically exchanging monies between financial accounts, made by a service supplier in satisfaction of its obligations under this subsection shall be considered timely if the transfer is initiated on or before the due date, and the transfer settles into the city's account on the following business day.

(2) Failure to Collect or Remit. If the person required to collect and/or remit the telecommunication users' tax fails to collect the tax (by failing to properly assess the tax on one or more services or charges on the customer's billing) or fails to remit the tax collected on or before the due date, the tax administrator shall attach a penalty for such delinquencies or deficiencies at the rate of 15 percent of the total tax that is delinquent or deficient in the remittance, and shall pay interest at the rate of three-quarters percent per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent, until paid.

(3) Penalties for Fraud or Gross Negligence in Reporting or Remitting. The tax administrator shall have the power to impose additional penalties upon persons required to collect and remit taxes pursuant to the provisions of this chapter for fraud or gross negligence in reporting or remitting at the rate of 15 percent of the amount of the tax collected and/or required to be remitted, or as recomputed by the tax administrator.

(4) Penalties Dues As Tax. For collection purposes only, every penalty imposed and such interest that is accrued under the provisions of this section shall become a part of the tax herein required to be paid.

(5) Authority to Modify Due Dates. Notwithstanding the foregoing, the tax administrator may, in his or her discretion, modify the due dates of this chapter to be consistent with any uniform standards or procedures that are mutually agreed upon by other public agencies imposing a utility users' tax, or otherwise legally established, to create a central payment location or mechanism. (Ord. 608 § 1, 2009. 2002 Code § 7-7.8).

3.38.090 Actions to collect.

(1) Debt Owed to City. Any tax required to be paid by a service user under the provisions of this chapter shall be deemed a debt owed by the service user to the city. Any such tax collected from a service user which has not been remitted to the tax administrator shall be deemed a debt owed to the city by the person required to collect and remit and shall no longer be a debt of the service user. 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, including penalties and interest as provided for in this chapter, along with any collection costs incurred by the city as a result of the person's noncompliance with this chapter, including, but not limited to, reasonable attorneys' fees.

(2) Bankruptcies. Any tax required to be collected by a service supplier or owed by a service user is an unsecured priority excise tax obligation under 11 U.S.C.A. Section 507(a)(8)(C). Service suppliers who seek to collect charges for service in bankruptcy proceedings shall also include in any such claim the amount of taxes due city for those services, unless the tax administrator determines that such duty is in conflict with any federal or state law, rule, or regulation or that such action would be administratively impractical.

(a) A service supplier not required to collect taxes in connection with pursuit of claims for service charges in bankruptcy proceedings pursuant to subsection (2) of this section shall notify the tax administrator in writing within 45 days after receipt of notice that a service user has initiated bankruptcy proceedings.

(b) A service supplier who does not seek to collect charges for service in bankruptcy proceedings shall notify the tax administrator in writing within 45 days after receipt of notice that a service user has initiated bankruptcy proceedings.

(c) A service supplier who receives notice of a service user's refusal to pay shall notify the tax administrator in writing within 45 days after receipt of such notice.

(d) A service supplier who notifies the tax administrator of an initiation of a bankruptcy proceeding or a refusal to pay under subsections (2)(a), (b), and (c) of this section shall be relieved of the duty to collect and remit any tax owed by the service user. (Ord. 608 § 1, 2009. 2002 Code § 7-7.9).

3.38.100 Deficiency determination and assessment – Tax application errors.

(1) Tax Deficiency Determinations. The tax administrator shall make a deficiency determination if he or she determines that any service user or service supplier required to pay or collect taxes pursuant to the provisions of this chapter has failed to pay, collect, and/or remit the proper amount of tax by improperly or failing to apply the tax to one or more taxable services or charges. Nothing herein shall require that the tax administrator institute proceedings under this section if, in the opinion of the tax administrator, the cost of collection or enforcement likely outweighs the tax benefit.

(2) Notice of Deficiency. The tax administrator shall mail a notice of such deficiency determination to the person or entity allegedly owing the tax, which notice shall refer briefly to the amount of the taxes owed, plus interest at the rate of three-quarters percent per month, or any fraction thereof, on the amount of the tax from the date on which the tax should have been received by the city. Within 14 calendar days after the date of service of such notice, the person or entity allegedly owing the tax may request in writing to the tax administrator for a hearing on the matter.

(3) Hearing on Deficiency. If the person or entity allegedly owing the tax fails to request a hearing within the prescribed time period, the amount of the deficiency determination shall become a final assessment, and shall immediately be due and owing to the city. If such person or entity requests a hearing, the tax administrator shall cause the matter to be set for hearing, which shall be scheduled within 30 days after receipt of the written request for hearing. Notice of the time and place of the hearing shall be mailed by the tax administrator to such person at least 10 calendar days prior to the hearing, and, if the tax administrator desires said person to produce specific records at such hearing, such notice may designate the records requested to be produced.

(4) Determination after Hearing. At the time fixed for the hearing, the tax administrator shall hear all relevant testimony and evidence, including that of any other interested parties. At the discretion of the tax administrator, the hearing may be continued from time to time for the purpose of allowing the presentation of additional evidence. Within a reasonable time following the conclusion of the hearing, the tax administrator shall issue a final assessment (or nonassessment), thereafter, by confirming, modifying or rejecting the original deficiency determination, and shall mail a copy of such final assessment to person or entity owing the tax. The decision of the tax administrator may be appealed pursuant to CMC 3.38.150. Filing an application with the tax administrator and appeal to the city manager pursuant to CMC 3.38.150 is a prerequisite to a suit thereon.

(5) Delinquencies. Payment of the final assessment shall become delinquent if not received by the tax administrator on or before the thirtieth day following the date of receipt of the notice of final assessment. The penalty for delinquency shall be 15 percent on the total amount of the assessment, along with interest at the rate of three-quarters percent per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the date of delinquency, until paid. The applicable statute of limitations regarding a claim by the city seeking payment of a tax assessed under this chapter shall commence from the date of delinquency as provided in this subsection (5).

(6) Notice of Delinquency. All notices under this section may be sent by regular mail, postage prepaid, and shall be deemed received on the third calendar day following the date of mailing, as established by a proof of mailing. (Ord. 608 § 1, 2009. 2002 Code § 7-7.10).

3.38.110 Administrative remedy – Nonpaying service users.

(1) Administrative Remedies for the Obligation to Collect Tax. Whenever the tax administrator determines that a service user has deliberately withheld the amount of the tax owed by the service user from the amounts remitted to a person required to collect the tax, or whenever the tax administrator deems it in the best interest of the city, he or she may relieve such person of the obligation to collect the taxes due under this chapter

from certain named service users for specific billing periods. To the extent the service user has failed to pay the amount of tax owed for a period of two or more billing periods, the service supplier shall be relieved of the obligation to collect taxes due. The service supplier shall provide the city with the names and addresses of such service users and the amounts of taxes owed under the provisions of this chapter. Nothing herein shall require that the tax administrator institute proceedings under this section if, in the opinion of the tax administrator, the cost of collection or enforcement likely outweighs the tax benefit.

(2) Delinquency Penalty. In addition to the tax owed, the service user shall pay a delinquency penalty at the rate of 15 percent of the total tax that is owed, and shall pay interest at the rate of three-quarters percent per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the due date, until paid.

(3) Notice to Nonpaying Service User. The tax administrator shall notify the nonpaying service user that the tax administrator has assumed the responsibility to collect the taxes due for the stated periods and demand payment of such taxes, including penalties and interest. The notice shall be served on the service user by personal delivery or by deposit of the notice in the United States mail, postage prepaid, addressed to the service user at the address to which billing was made by the person required to collect the tax; or, should the service user have a change of address, to his or her last known address.

(4) Additional Penalties. If the service user fails to remit the tax to the tax administrator within 30 days from the date of the service of the notice upon him or her, the tax administrator may impose an additional penalty of 15 percent of the amount of the total tax that is owed. (Ord. 608 § 1, 2009. 2002 Code § 7-7.11).

3.38.120 Additional powers and duties of the tax administrator.

(1) Enforcement by Tax Administrator. The tax administrator shall have the power and duty, and is hereby directed, to enforce each and all of the provisions of this chapter.

(2) Administrative Regulations Regarding Payment. The tax administrator may adopt administrative rules and regulations consistent with provisions of this chapter for the purpose of interpreting, clarifying, carrying out and enforcing the payment, collection and remittance of the taxes herein imposed. The administrative ruling shall not impose a new tax, revise an existing tax methodology as stated in this chapter, or increase an existing tax, except as allowed by California Government Code Section 53750(h)(2). A copy of such administrative rules and regulations shall be on file in the tax administrator's office. To the extent that the tax administrator determines that the tax imposed under this chapter shall not be collected in full for any period of time from any particular service supplier or service user, that determination shall be considered an exercise of the tax administrator's discretion to settle disputes and shall not constitute a change in taxing methodology for purposes of Government Code Section 53750 or otherwise. The tax administrator is not authorized to amend the city's methodology for purposes of Government Code Section 53750 and the city does not waive or abrogate its ability to impose the telecommunication users' tax in full as a result of promulgating administrative rulings or entering into agreements.

(3) Administrative Agreements Regarding Billing Procedures. Upon a proper showing of good cause, the tax administrator may make administrative agreements, with appropriate conditions, to vary from the strict requirements of this chapter and thereby: (a) conform to the billing procedures of a particular service supplier so long as said agreements result in the collection of the tax in conformance with the general purpose and scope of this chapter; or (b) to avoid a hardship where the administrative costs of collection and remittance greatly outweigh the tax benefit. A copy of each such agreement shall be on file in the tax administrator's office, and are voidable by the tax administrator or the city at any time.

(4) Compliance Audits. The tax administrator may conduct an audit, to ensure proper compliance with the requirements of this chapter, of any person required to collect and/or remit a tax pursuant to this chapter. The tax administrator shall notify said person of the initiation of an audit in writing. In the absence of fraud or other intentional misconduct, the audit period of review shall not exceed a period of three years next preceding the date of receipt of the written notice by said person from the tax

administrator. Upon completion of the audit, the tax administrator may make a deficiency determination pursuant to CMC 3.38.100(4) for all taxes (and applicable penalties and interest) owed and not paid, as evidenced by information provided by such person to the tax administrator. If said person is unable or unwilling to provide sufficient records to enable the tax administrator to verify compliance with this chapter, the tax administrator is authorized to make a reasonable estimate of the deficiency. Said reasonable estimate shall be entitled to a rebuttable presumption of correctness.

(5) Extension of Time. Upon receipt of a written request of a taxpayer, and for good cause, the tax administrator may extend the time for filing any statement required pursuant to this chapter for a period of not to exceed 45 days; provided, that the time for filing the required statement has not already passed when the request is received. No penalty for delinquent payment shall accrue by reason of such extension. Interest shall accrue during said extension at the rate of three-quarters percent per month, prorated for any portion thereof.

(6) Eligibility for Exemption. The tax administrator shall determine the eligibility of any person who asserts a right to exemption from, or a refund of, the tax imposed by this chapter.

(7) Waiver of Penalties and Interest. Notwithstanding any provision in this chapter to the contrary, the tax administrator may waive any penalty or interest imposed upon a person required to collect and/or remit for failure to collect the tax imposed by this chapter if the noncollection occurred in good faith. In determining whether the noncollection was in good faith, the tax administrator shall take into consideration industry practice or other precedence. (Ord. 608 § 1, 2009. 2002 Code § 7-7.12).

3.38.130 Records.

(1) Retention of Necessary Tax Records. It shall be the duty of every person required to collect and/or remit to the city any tax imposed by this chapter to keep and preserve, for a period of at least three years, all records as may be necessary to determine the amount of such tax as he/she may have been liable for the collection of and remittance to the tax administrator, which records the tax administrator shall have the right to inspect at a reasonable time.

(2) Administrative Subpoenas. The city may issue an administrative subpoena to compel a person to deliver, to the tax administrator, copies of all records deemed necessary by the tax administrator to establish compliance with this chapter, including the delivery of records in a common electronic format on readily available media if such records are kept electronically by the person in the usual and ordinary course of business. As an alternative to delivering the subpoenaed records to the tax administrator on or before the due date provided in the administrative subpoena, such person may provide access to such records outside the city on or before the due date; provided, that such person shall reimburse the city for all reasonable travel expenses incurred by the city to inspect those records, including travel, lodging, meals, and other similar expenses, but excluding the normal salary or hourly wages of those persons designated by the city to conduct the inspection.

(3) Nondisclosure Agreements. The tax administrator is authorized to execute a nondisclosure agreement approved by the city attorney to protect the confidentiality of customer information pursuant to California Revenue and Tax Code Sections 7284.6 and 7284.7.

(4) Use of Billing Agents. If a service supplier uses a billing agent or billing aggregator to bill, collect, and/or remit the tax, the service supplier shall: (a) provide to the tax administrator the name, address and telephone number of each billing agent and billing aggregator currently authorized by the service supplier to bill, collect, and/or remit the tax to the city; and, (b) upon request of the tax administrator, deliver, or effect the delivery of, any information or records in the possession of such billing agent or billing aggregator that, in the opinion of the tax administrator, is necessary to verify the proper application, calculation, collection and/or remittance of such tax to the city.

(5) Access to Necessary Records. If any person subject to record-keeping under this section unreasonably denies the tax administrator access to such records, or fails to produce the information requested in an administrative subpoena within the time specified, then the tax administrator may impose a penalty of $500.00 on such person for each day following: (a) the initial date that the person refuses to provide such access; or (b) the due date for production of records as set forth in the

administrative subpoena. This penalty shall be in addition to any other penalty imposed under this chapter. (Ord. 608 § 1, 2009. 2002 Code § 7-7.13).

3.38.140 Refunds.

Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the tax administrator under this chapter from a person or service supplier, it may be refunded as provided in this section as follows:

(1) Written Claim for Refund. The tax administrator may refund any tax that has been overpaid or paid more than once or has been erroneously or illegally collected or received by the tax administrator under this chapter from a person or service supplier; provided, that no refund shall be paid under the provisions of this section unless the claimant or his or her guardian, conservator, executor, or administrator has submitted a written claim to the tax administrator within one year of the overpayment or erroneous or illegal collection of said tax. Such claim must clearly establish claimant's right to the refund by written records showing entitlement thereto. Nothing herein shall permit the filing of a claim on behalf of a class or group of taxpayers unless each member of the class has submitted a written claim under penalty of perjury as provided by this subsection.

(2) Compliance with Claims Act. The filing of a written claim pursuant to Government Code Section 935 is a prerequisite to any suit thereon. Any action brought against the city pursuant to this section shall be subject to the provisions of Government Code Sections 945.6 and 946. The tax administrator, or the city council where the claim is in excess of $5,000, shall act upon the refund claim within the time period set forth in Government Code Section 912.4. If the tax administrator/city council fails or refuses to act on a refund claim within the time prescribed by Government Section 912.4, the claim shall be deemed to have been rejected by the city council on the last day of the period within which the city council was required to act upon the claim as provided in Government Code Section 912.4. The tax administrator shall give notice of the action in a form which substantially complies with that set forth in Government Code Section 913.

(3) Refunds to Service Suppliers. Notwithstanding the notice provisions of subsection (1) of this section, the tax administrator may, at his or her discretion, give written permission to a service supplier, who has collected and remitted any amount of tax in excess of the amount of tax imposed by this chapter, to claim credit for such overpayment against the amount of tax which is due the city upon a subsequent monthly return(s) to the tax administrator; provided, that: (a) such credit is claimed in a return dated no later than one year from the date of overpayment or erroneous collection of said tax; (b) the tax administrator is satisfied that the underlying basis and amount of such credit has been reasonably established; and, (c) in the case of an overpayment by a service user to the service supplier that has been remitted to the city, the tax administrator has received proof, to his or her satisfaction, that the overpayment has been refunded by the service supplier to the service user in an amount equal to the requested credit. (Ord. 608 § 1, 2009. 2002 Code § 7-7.14).

3.38.150 Appeals.

(1) Administrative Appeals. The provisions of this section apply to any decision (other than a decision relating to a refund pursuant to CMC 3.38.140), deficiency determination, assessment, or administrative ruling of the tax administrator. Any person aggrieved by any decision (other than a decision relating to a refund pursuant to CMC 3.38.140), deficiency determination, assessment, or administrative ruling of the tax administrator, shall be required to comply with the appeals procedure of this section. Compliance with this section shall be a prerequisite to a suit thereon. [See Government Code Section 935(b)]. Nothing herein shall permit the filing of a claim or action on behalf of a class or group of taxpayers.

(2) Appeal to City Administrator. If any person is aggrieved by any decision (other than a decision relating to a refund pursuant to CMC 3.38.140), deficiency determination, assessment, or administrative ruling of the tax administrator; he or she may appeal to the city administrator by filing a notice of appeal with the city clerk within 14 days of the date of the decision, deficiency determination, assessment, or administrative ruling of the tax administrator which aggrieved the service user or service supplier.

(3) Scheduling of Administrative Appeal Hearing. The matter shall be scheduled for hearing before an independent hearing officer selected by the city administrator, no more than 30 days from the receipt of the appeal. The appellant shall be served with notice of the time and place of the hearing, as well as any relevant materials, at least five calendar days prior to the hearing. The hearing may be continued from time to time upon mutual consent. At the time of the hearing, the appealing party, the tax administrator, and any other interested person may present such relevant evidence as he or she may have relating to the determination from which the appeal is taken.

(4) Notice of Decision. Based upon the submission of such evidence and the review of the city's files, the hearing officer shall issue a written notice and order upholding, modifying or reversing the determination from which the appeal is taken. The notice shall be given within 14 days after the conclusion of the hearing and shall state the reasons for the decision. The notice shall specify that the decision is final and that any petition for judicial review shall be filed within 90 days from the date of the decision in accordance with Code of Civil Procedure Section 1094.6.

(5) Manner of Notice. All notices under this section may be sent by regular mail, postage prepaid, and shall be deemed received on the third calendar day following the date of mailing, as established by a proof of mailing. (Ord. 608 § 1, 2009. 2002 Code § 7-7.15).

3.38.160 No injunction/writ of mandate.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this city or against any officer of the city to prevent or enjoin the collection under this chapter of any tax or any amount of tax required to be collected and/or remitted. (Ord. 608 § 1, 2009. 2002 Code § 7-7.16).

3.38.170 Notice of changes to ordinance.

If a tax under this chapter is added, repealed, increased, reduced, or the tax base is changed, the tax administrator shall follow the notice requirements of California Public Utilities Code Section 799. (Ord. 608 § 1, 2009. 2002 Code § 7-7.17).

3.38.180 Future amendment to cited statute.

Unless specifically provided otherwise, any reference to a state or federal statute in this chapter shall mean such statute as it may be amended from time to time; provided, that such reference to a statute herein shall not include any subsequent amendment thereto, or to any subsequent change of interpretation thereto by a state or federal agency or court of law with the duty to interpret such law, to the extent that such amendment or change of interpretation would require voter approval under California law, or to the extent that such change would result in a tax decrease (as a result of excluding all or a part of a communication service, or charge therefor, from taxation). Only to the extent voter approval would otherwise be required or a tax decrease would result, the prior version of the statute (or interpretation) shall remain applicable; for any application or situation that would not require voter approval or result in a decrease of a tax, provisions of the amended statute (or new interpretation) shall be applicable to the maximum possible extent.

To the extent that the city's authorization to collect or impose any tax imposed under this chapter is expanded or limited as a result of changes in state or federal law, no amendment or modification of this chapter shall be required to conform the tax to those changes, and the tax shall be imposed and collected to the full extent of the authorization up to the full amount of the tax imposed under this chapter. (Ord. 608 § 1, 2009. 2002 Code § 7-7.18).

3.38.190 Independent audit of tax collection, exemption, remittance, and expenditure.

The city shall annually verify that the taxes owed under this chapter have been properly applied, exempted, collected, and remitted in accordance with this chapter, and properly expended according to applicable municipal law. The annual verification shall be performed by a qualified independent third party and the review shall employ reasonable, cost-effective steps to assure compliance, including the use of sampling audits. The verification shall not be required of tax remitters where the cost of the verification may exceed the tax revenues to be reviewed. (Ord. 608 § 1, 2009. 2002 Code § 7-7.19).

3.38.200 Interaction with prior tax.

(1) Satisfaction of Tax Obligation by Service Users. Any person who pays the tax levied pursuant to CMC 3.38.040 with respect to any charge for a telecommunication service shall be deemed to have satisfied his or her obligation to pay the tax levied pursuant to CMC 3.36.060 with respect to that charge. Likewise, prior to September 1, 2009, any person who pays the tax levied pursuant to CMC 3.36.060 with respect to any charge for a service subject to taxation pursuant to this chapter shall be deemed to have satisfied his or her obligation to pay the tax levied pursuant to CMC 3.38.040 with respect to that charge. The intent of this subsection is to prevent the imposition of multiple taxes upon a single utility charge during the transition period from the prior telecommunication users' tax to the new telecommunication users' tax (which transition period ends September 1, 2009) and to permit telecommunication service providers, during that transition period, to satisfy their collection obligations by collecting either tax.

(2) Collection of Tax by Service Providers. Service providers shall begin to collect the tax imposed by this chapter as soon as feasible after the effective date of this section, but in no event later than permitted by Section 799 of the California Public Utilities Code.

(3) Judicial Determinations. In the event that a final court order should determine that the election enacting this chapter is invalid for whatever reason, or that any tax imposed under this chapter is invalid in whole or in part, then the tax imposed under CMC 3.36.060 (unless repealed) shall automatically continue to apply with respect to any service for which the tax levied pursuant to this chapter has been determined to be invalid. Such automatic continuation shall be effective beginning as of the first date of service (or billing date) for which the tax imposed by this chapter is not valid. However, in the event of an invalidation, any tax (other than a tax that is ordered refunded by the court or is otherwise refunded by the city) paid by a person with respect to a service and calculated pursuant to this chapter shall be deemed to satisfy the tax imposed under CMC 3.36.060 on that service, so long as the tax is paid with respect to a service provided no later than six months subsequent to the date on which the final court order is published. (Ord. 608 § 1, 2009. 2002 Code § 7-7.20).

3.38.210 Remedies cumulative.

All remedies and penalties prescribed by this chapter or which are available under any other provision of law or equity, including but not limited to the California False Claims Act (Government Code Section 12650 et seq.) and the California Unfair Practices Act (Business and Professions Code Section 17070 et seq.), are cumulative. 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. (Ord. 608 § 1, 2009. 2002 Code § 7-7.21).

Chapter 3.40

FEE AND SERVICE CHARGE REVENUE/COST COMPARISON SYSTEM

Sections:

3.40.010 Intent.
3.40.020 Delegation of authority and direction to city manager.
3.40.030 "Costs reasonably borne" defined.
3.40.040 Schedule of fees and service charges.
3.40.050 Public meeting.
3.40.060 Provision of data.
3.40.070 Appeal to city council.

3.40.010 Intent.

Pursuant to Article XIIIB of the California Constitution, it is the intent of the city council to require the ascertainment and recovery of costs reasonably borne from fees and charges levied therefor in providing the regulation, products or services hereinafter enumerated in this chapter. (Ord. 376 § 1. 2002 Code § 7-4.1).

3.40.020 Delegation of authority and direction to city manager.

The city manager is hereby delegated the authority and directed to adjust fees and charges to recover the percentage of costs reasonably borne in providing the regulation, products or services enumerated in this chapter in the percentage of costs reasonably borne and on the schedule of rate review and revision as hereinafter established in this chapter. "Costs reasonably borne" shall be as defined in CMC 3.40.030.

In adjusting fees and charges, the city manager shall act in an administrative and ministerial capacity and shall consider only the standards and criteria established by this chapter. (Ord. 376 § 1. 2002 Code § 7-4.2).

3.40.030 "Costs reasonably borne" defined.

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

(1) All applicable direct costs including, but not limited to, salaries, wages, overtime, employee fringe benefits, services and supplies, maintenance and operation expenses, contracted services, special supplies, and any other direct expense incurred.

(2) All applicable indirect costs including, but not restricted to, building maintenance and operations, equipment maintenance and operations, communications expenses, computer costs, printing and reproduction, and like expenses when distributed on an accounted and documented rational proration system.

(3) Fixed assets recovery expenses, consisting of depreciation of fixed assets, and additional fixed asset expense recovery charges calculated on the current estimated cost of replacement, divided by the approximate life expectancy of the fixed asset. A further additional charge to make up the difference between book value depreciation not previously recovered and reserved in cash and the full cost of replacement, which also shall be calculated and considered a cost so as to recover such unrecovered costs between book value and cost of replacement over the remaining life of the asset.

(4) General overhead, expressed as a percentage, distributing and charging the expenses of the city council, city manager, finance department, city clerk, city treasurer, city attorney's office, community promotion, personnel office, and all other staff and support service provided to the entire city organization. Overhead shall be prorated between tax-financed services and fee-financed services on the basis of said percentage so that each of taxes and fees and charges shall proportionately defray such overhead costs.

(5) Departmental overhead, expressed as a percentage, distributing and charging the cost of each department head and his or her supporting expenses as enumerated in subsections (1), (2) and (3) of this section.

(6) Debt service costs, consisting of repayment of principal, payment of interest, and trustee fees and administrative expenses for all applicable bond, certificate, or securities issues or loans. Any required coverage factors of added reserves beyond basic debt service cost also shall be considered a cost if required by covenant within any securities ordinance, resolution, indenture or general law applicable to the city. (Ord. 376 § 1. 2002 Code § 7-4.3).

3.40.040 Schedule of fees and service charges.

The city manager, finance director and each city department head, under the direction of the city manager, shall review the fees and service charges listed following, on the schedule of frequency listed in this section, and set and adjust the fee or charge schedule so as to recover the listed percentage of costs reasonably borne necessary to provide the listed regulation, products or services.

Regulation, Products or Service	Percentage of Costs Reasonably Borne to Be Recovered	Review Schedule
Community Development Services		
1. Building Plan Checking	100%	Annual
2. Construction Inspection	100%	Annual
3. Minor Variance Consideration	100%	Annual
4. CUP/Variance Consideration	100%	Annual
5. Zone Change Consideration	100%	Annual
6. Sign Review	100%	Annual
7. Environmental Review	100%	Annual
8. Preliminary Project Review	100%	Annual
9. Subdivision Map Review (SRC)	100%	Annual
10. Tentative Map Consideration	100%	Annual
11. Development Appeal Processing	75%	Annual
12. Fence Design Review	100%	Annual
13. Business Occupancy Review	100%	Annual
Public Safety Services		
14. Business Regulation	100%	Annual
15. General Law Enforcement	100%	Annual
16. Parking Enforcement	100%	Annual
17. Traffic Enforcement	100%	Annual
18. Shopping Cart Return	100%	Annual
19. Animal Regulation	50%	Annual
20. Crossing Guard Service	50%	Annual
21. Abandoned Vehicle Removal	100%	Annual
Leisure and Cultural Services		
22. Adult Special Interest Classes	50%	Seasonal
23. Youth Special Interest Classes	10%	Seasonal
24. City Adult Sports Program	75%	Annual
25. City Youth Sports Program	10%	Annual
26. Private Adult Field Usage	100%	Annual
27. After School Recreation Program	0%	Annual
28. Special Community Events	10%	Annual
29. Bus Excursion	100%	Annual
30. Beach Bus	100%	Annual

Regulation, Products or Service	Percentage of Costs Reasonably Borne to Be Recovered	Review Schedule
31. Senior Citizens Program	10%	Annual
32. Library Building Space	100%	6 months prior to contract expiration
Utility and Enterprise Services		
33. Street Lighting	100%	Annual
34. Dial-A-Ride Service	100%	Annual
35. Bus Service (C.A.R.T.)	100%	Annual
36. RTD Bus Pass Subsidy	100%	Annual
Maintenance Services		
37. General Utility Street Usage	100%	Annual
38. Water Utility Street Usage	100%	Annual
39. Sewer Utility Street Usage	100%	Annual
40. Refuse Utility Street Usage	100%	Annual
41. Street Tree Maintenance	100%	Annual
42. Median Maintenance	100%	Annual
43. Street Sweeping	100%	Annual
44. Public Parking	100%	Annual
Administrative Services and Finance		
45. Document Printing and Copying	100%	Annual
46. Facility Rental	100%	Annual
47. Bad Check Collection	100%	Annual
48. Records Research Service	100%	Annual
49. Document Certification Service	100%	Annual
50. New Service	100%	At inception

All fees and charges set pursuant to this chapter shall take effect 10 days after the city manager signs an executive order stipulating that all provisions of this chapter have been complied with, and no written appeal has been filed.

The schedule of frequency of rate adjustments may be varied by the city manager to adjust revenues sufficient to meet debt service coverage requirements of any bond, certificate, or ordinance, resolution, indenture, contract, or action under which securities have been issued by the city which contain any coverage factor requirements. (Ord. 376 § 1. 2002 Code § 7-4.4).

3.40.050 Public meeting.

Pursuant to the requirements of California Government Code Section 54992, the city clerk shall cause notice to be provided as set out in said Government Code Section 54992, and the city council shall receive at a public meeting oral and written presentations concerning the fees and charges proposed for those categories of fees and charges set out in Government Code Sections 54990 and 54991. Such notice, oral and written presentation receipt, and public meeting shall be provided by the city council prior to the city manager taking any action on any new or increased fees or charges for those categories set out in said Government Code Sections 54990 and 54991 and CMC 3.40.040. (Ord. 376 § 1. 2002 Code § 7-4.5).

3.40.060 Provision of data.

Pursuant to Section 54992 of the California Government Code, the city manager shall, at least 10 days prior to the required public meeting, set out in said Government Code section, make available to the public data indicating the cost or estimated cost required to provide the services set out in Gov-

ernment Code Sections 54990 and 54991. (Ord. 376 § 1. 2002 Code § 7-4.6).

3.40.070 Appeal to city council.

Any person who feels that any fee or charge determined and set by the city manager is in excess of the percentage of costs reasonably borne to be recovered as set out in CMC 3.40.040, or that such fee or charge has been reviewed prior to or has not been reviewed within the review schedule as set out in CMC 3.40.040, may appeal in writing to the city council.

No fee for which an appeal has been filed shall take effect until heard by the city council. Such appeal shall be placed on the agenda of the next ensuing council meeting after receipt of such appeal, and heard at the next ensuing council meeting. Such appealed fee or charge shall take effect immediately upon hearing by the city council unless ordered otherwise by ordinance amending this chapter. (Ord. 376 § 1. 2002 Code § 7-4.7).

Title 4

(Reserved)

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

5.04 Business License Tax – All Businesses
5.08 Business License Tax – Particular Businesses

Prior ordinance history: Ordinance Nos. 65, 69, 142, 155, 158, 205, 222, 228, 230, 234, 241, 261, 274, 283, 297, 305, 336, 355-U, 355, 356-U, 356, 361, 363, 374, 396, 399, 400, 402, 403, 404, 406, 417, 439-U, 439, 442, 446, 460-U, 460, 484 and 497.

Chapter 5.04

BUSINESS LICENSE TAX – ALL BUSINESSES

Sections:

Article I. Title, Purpose and Definitions

5.04.010 Title.
5.04.020 Purpose.
5.04.030 Definitions.

Article II. General Provisions

5.04.040 Applicability.
5.04.050 License requirement.
5.04.060 Corporations operating under fictitious names.
5.04.070 Unlawful business.
5.04.080 Affidavits and records.
5.04.090 Multiple business licenses to one licensee.
5.04.100 Real party in interest.
5.04.110 Display of business licenses.
5.04.120 Exemptions.

Article III. Procedure for Application

5.04.130 Application required.
5.04.140 Investigation upon application and notice of change of address.
5.04.150 Director to administer.
5.04.160 Grounds for denial.
5.04.170 Effect of business license denial.
5.04.180 Issuance of business licenses.

Article IV. Procedures for Modification, Suspension, or Revocation

5.04.190 Modification, suspension or revocation.
5.04.200 Hearing.
5.04.210 Grounds for revocation of business license.
5.04.220 Effect of revocation or suspension.

Article V. Enforcement

5.04.230 Penalties for delinquency.
5.04.240 Refunds.
5.04.250 Assessment of tax upon failure to procure business license.
5.04.260 Audits and adjustments.
5.04.270 Licensee records confidential.
5.04.280 Notice.
5.04.290 Appeals.
5.04.300 Violations.
5.04.310 Delinquent tax constitutes debt to the city.
5.04.320 Remedies cumulative.

Article VI. License Tax

5.04.330 Taxes on businesses other than those described in Chapter 5.08 CMC.
5.04.340 Taxes on businesses described in Chapter 5.08 CMC.

Article I. Title, Purpose and Definitions

5.04.010 Title.

This chapter shall be known as the business license tax ordinance of the city. (Ord. 505 § 1. 2002 Code § 6-1.1).

5.04.020 Purpose.

This chapter is enacted for the purpose of raising revenue for general municipal purposes and is also intended to be regulatory. The payment of a business tax required by this chapter, its acceptance by the city, and the issuance of a business license to any person shall not entitle the licensee to engage in any business within the city unless he or she has complied with all of the requirements of this code and all other applicable laws, nor to engage in any business in any building or on any premises within a zone of the city in which such business is in violation of any law. (Ord. 505 § 1. 2002 Code § 6-1.2).

5.04.030 Definitions.

Wherever they appear in this chapter, the following defined terms shall have the meanings provided in this section, unless it is apparent from their context that a different meaning is intended:

(1) "Agent" shall mean a person who acts for, on behalf of, or in the place of another person with authority and who receives compensation, either directly or indirectly, for services rendered.

(2) "Basis" or "tax basis" shall mean the basis on which a tax payable under this chapter is calculated, such as gross receipts, number of vehicles tested, a flat fee, etc.

(3) "Broker" shall mean a person or business who, by authority, acts as an intermediary, representative or agent in the purchase or sale of insurance, real or personal property, stocks, bonds, certificates, notes, or other items of value.

(4) "Business" shall mean any commercial or industrial enterprise, trade, profession, occupation, vocation, calling or livelihood whether or not carried on for gain or profit. "Business" shall include the rental or lease of residential and nonresidential real estate and mobile home parks. It shall include the activities of independent contractors.

(5) "Business license" and "license" shall mean a license issued as evidence of payment of a tax prescribed by this chapter.

(6) "Business license tax," "business tax" and "license tax" shall mean a tax imposed by this chapter.

(7) "Engage in business," "operate business" and "conduct business" shall mean to commence, operate, manage or carry on a business including, without limitation, to exercise corporate or franchise powers, whether done as an owner or by means of one or more officers, agents, managers, employees, servants or otherwise, within the boundaries of the city, whether or not the business is operated from a fixed location and whether or not such location is within the boundaries of the city. The use of signs, circulars, cards or any other advertising media including, without limitation, the use of telephone solicitation, or any other means by which a person may hold him or herself out as or represent that he or she is engaged in business in the city may be used as evidence that a person is engaged in business in the city.

(8) "Director" shall mean director of finance or his or her designee.

(9) "Gross receipts" shall mean the total amount actually received or receivable in the course of business in a calendar year or calendar month from sales or the performance of acts or services for which charge is made or credit allowed. "Gross receipts" include, without limitation, all receipts, cash, credit, property received in lieu of cash, and any other valuable consideration taken in exchange for goods, services or other valuable consideration. "Gross receipts" do not include the following:

(a) Cash or jobber discounts;

(b) Taxes that are measured by the price of goods or services and that are required by law to be included in or added to the purchase price or otherwise collected by a business from a consumer or purchaser of goods or services and paid to a governmental agency including, without limitation, sales taxes, use taxes, gasoline taxes, transient occupancy taxes, and real property transfer taxes;

(c) Cash or credit refunded to a purchaser who returns property upon the recession of a contract of sale;

(d) Amounts received by persons acting as agents, brokers or trustees, where such amounts have been collected for and are paid to another party, provided the amounts paid and the names of the parties to whom the amounts were paid are reported to the city including, without limitation, trust funds received and disbursed by a trustee, fees separately itemized on statements and forwarded to a subcontractor or fee consultant in payment for services rendered, and receipts collected for and repaid to a lessor;

(e) Amounts received as refundable deposits, except those amounts that are subsequently forfeited and taken as business income;

(f) Any credit that is granted for property provided by a customer or purchaser as a part of a purchase price, such as trade-in merchandise, provided the value of property taken is included in gross receipts upon resale;

(g) An amount sufficient to compensate a business for bad debts which were included in gross receipts in a year for which a tax imposed by this chapter was paid and which prove uncollectible in a subsequent year; or

(h) Passive income including, without limitation, interest on investments, dividends, and receipts from the occasional sale of property or surplus equipment.

(10) "Licensee" shall mean any person who holds a valid, current business license issued under this title. (Ord. 505 § 1. 2002 Code § 6-1.3).

Article II. General Provisions

5.04.040 Applicability.

This title shall apply to all persons engaged in business within the boundaries of the city. The provisions of this chapter shall apply to all businesses; provided, however, that if any provisions of Chapter 5.08 CMC are inconsistent with the provisions of this chapter as applied to a particular business or person, the provisions of Chapter 5.08 CMC shall prevail. (Ord. 505 § 1. 2002 Code § 6-2.1).

5.04.050 License requirement.

It shall be unlawful for any person to engage in or purport to engage in, either directly or indirectly, any business activity in the city without first obtaining a business license and paying the required taxes therefor. A person may only engage in business within the city if he or she has a valid business license issued for that business pursuant to this chapter and he or she is in full compliance with all of the provisions of this chapter and all applicable laws. (Ord. 505 § 1. 2002 Code § 6-2.2).

5.04.060 Corporations operating under fictitious names.

A person engaged in business in the city may apply for a business license under a fictitious name only if the name has been registered in compliance with all of the provisions of applicable federal, state and local laws and regulations. In all other cases, a person engaged in business in the city must obtain a business license in the true name of the person or persons applying for the business license. (Ord. 505 § 1. 2002 Code § 6-2.3).

5.04.070 Unlawful business.

No license issued under the provisions of this chapter and no provision of this chapter shall be construed as authorizing a person to engage in any illegal or unlawful business. (Ord. 505 § 1. 2002 Code § 6-2.4).

5.04.080 Affidavits and records.

(1) Affidavit – First License. An applicant for a first license or for a newly established business shall furnish to the director a written statement on a form provided by the director, sworn to or before a person authorized to administer oaths, setting forth such information as may be necessary to determine the amount of the license tax to be paid by the applicant. If the amount of the license tax to be paid by the applicant is measured by gross receipts, the applicant shall estimate the gross receipts for the period to be covered by the license, and report the applicable tax therefor. In the case of auto emission testing stations, the applicant shall estimate the number of vehicles to be tested for the period to be covered by the license, and report the applicable tax therefor. Such reports may be used in determining the amount of license tax to be paid by the applicant.

(2) Affidavit – Renewal of License. An applicant for a renewal of a license shall submit to the director a written statement on a form to be provided by the director, written under a penalty of perjury, or sworn to before a person authorized to administer oaths, setting forth such information concerning the applicant's business during the preceding year as may be required by the director to enable him to ascertain the amount of the license tax to be paid by said applicant pursuant to the provisions of this title.

(3) Certain Dealers, Required Records. Each licensee or other person engaged in business as a secondhand dealer, pawnshop dealer, junk dealer, salvage yard, or auctioneer shall maintain and keep such records as may be required by the director and make such reports to such person or other law enforcement agencies as may be required by such agencies. It is the intention of the council to require the same reports, records, and documents to be kept and submitted by the persons engaging in such businesses as are required by the provisions of the Los Angeles County Code regulating and licensing businesses in the unincorporated areas of the county.

(4) Statements Not Conclusive. No affidavits, records or other statements made by an applicant or licensee shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the city from collecting by appropriate action such sum as is actually due and payable hereunder. Such statements shall be subject to audit and verification by the director. All licensees, applicants for licenses, and persons engaged in business in the city are hereby required to permit an examination of such books and records as may be necessary to verify or ascertain the amount of license fees due. (Ord. 505 § 1. 2002 Code § 6-2.5).

5.04.090 Multiple business licenses to one licensee.

(1) Separate License Requirement. A separate business license is required for each branch or location of a business and for each separate type of business at a single location. Each license shall authorize the licensee to engage in only the business stated therein at the location or in the manner designated in such license; provided, however, that a person may obtain licenses for separate locations either by submitting a combined application for two or more locations or by submitting separate applications for each location; provided further, however, 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. For used car lots operated by one owner where no separate books are maintained for separate locations, a flat fee of $25.00 per year shall be paid for each separate location in addition to the tax for the gross receipts of the entire business.

(2) Calculation of Taxes. If two or more activities of one person are taxable under this chapter at the same rate and on the same tax basis, the person may calculate and report the tax due for the activities as a group. If two or more activities are taxable on the same tax basis, but at different tax rates, the person may calculate the tax for each activity separately or may calculate the tax for the activities as a group by applying the highest tax rate applicable to any activity in the group. If two or more activities are taxed on differing tax bases, the tax must be calculated for each activity separately. (Ord. 505 § 1. 2002 Code § 6-2.6).

5.04.100 Real party in interest.

The director or other appropriate officer or body may examine under oath any applicant to determine who is the real party in interest in the business for which a license is sought. If the director is satisfied that the application is not in the interest of the person in whose name the application is made, he or she may deny the license. If the director finds that the application is in the interest of one whose license has been revoked or who has been refused a license, he or she may treat the application as though made by the real party in interest, and the limitation on future applications of CMC 5.04.170(1) shall apply. (Ord. 505 § 1. 2002 Code § 6-2.7).

5.04.110 Display of business licenses.

(1) Posting Licenses. All business licenses shall be kept and posted in the following manner:

(a) Any license issued for a fixed business location in the city shall be displayed by the licensee in a conspicuous place on the premises for which the license is issued.

(b) Any license issued for a business that is not conducted from a fixed location in the city shall be kept upon the person of the licensee while he or she is engaged in business in the city. If the licensee engages in business in the city through several individuals or other agents, duplicate licenses may be issued for named agents by the director. No person other than the director shall copy or otherwise duplicate any license issued under this chapter.

(c) Any licensee using a motor vehicle in connection with his business shall affix on the lower left corner of windshield a decal, to be furnished by the city, showing that a current license has been issued.

(2) Enforcement. The director, any law enforcement officer, and any other person authorized by the director shall have the authority to enter any place of business taxed under this chapter at any reasonable time and demand an exhibition of its license. No person to whom a license was issued or who has custody or control of a license shall willfully fail to exhibit the license upon the demand of a person authorized to inspect it under this section. (Ord. 505 § 1. 2002 Code § 6-2.8).

5.04.120 Exemptions.

(1) Categories. The taxes imposed by this title shall not apply to:

(a) Any business or activity which is exempt from the payment of tax imposed by this title by virtue of the provisions of a franchise agreement which is binding on the city at the time the receipts are received or costs incurred, or by virtue of provisions of the laws or Constitution of the United States or of the state of California;

(b) Any business or activity of a public utility relating to the provision of local, interstate, or international telecommunications services, except

to the extent the public utility engages in retail merchandising within the city;

(c) Any business or activity which is wholly for the benefit of charitable purposes; or for any entertainment, concert, exhibition or lecture on scientific, historical, literary or religious subjects within the city where the receipts are to be appropriated to a church or school not operated for profit or to a religious or benevolent purpose;

(d) Any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, nonprofit educational, military, or governmental organization or association where the receipts 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;

(e) Any business for which the applicant is a 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

(f) The publication or sale of newspapers, magazines or other periodicals regularly issued at average intervals not exceeding three months.

(2) Statement of Exemption. Any person claiming an exemption from the tax imposed by this chapter shall file a verified statement of exemption on a form prescribed by the director. (Ord. 505 § 1. 2002 Code § 6-2.9).

Article III. Procedure for Application

5.04.130 Application required.

Each applicant for a business license, whether new or renewed, shall file a written statement with the director upon forms provided by the director. The application shall indicate:

(1) The name of the person to whom the license is issued;

(2) The business activity to be conducted;

(3) The location of the business;

(4) The names, addresses and telephone numbers of the officers or other principals of the business;

(5) Sufficient information to allow computation of the business tax due including, in the case of an application for renewal of a license or for a new license to a person who was issued a license for the same business for the previous year, a report of the gross receipts for the previous year; and

(6) Such other information as the director deems necessary for the enforcement of the provisions of this chapter. (Ord. 505 § 1. 2002 Code § 6-3.1).

5.04.140 Investigation upon application and notice of change of address.

(1) When necessary, the director shall refer an application or a notice of changed or new addresses to the appropriate city officers for determination as to whether the proposed business activity and the premises in which it is to be conducted comply with applicable laws and regulations. In the event it is determined that the proposed activity may not be maintained in compliance with the law, the director shall so inform the applicant and no new or renewed business license may issue.

(2) The planning director may authorize the sheriff to perform a background investigation of the applicant in appropriate instances. (Ord. 531 § 1; Ord. 505 § 1. 2002 Code § 6-3.2).

5.04.150 Director to administer.

(1) Determination of Business Classification. The determination of the class of business in which an applicant for a business license is deemed to be engaged under this title shall be made by the director.

(2) Application for Reclassification. In the event an applicant disagrees with the determination of the director as to the class of business in which the applicant is engaged, the applicant may file an application for reclassification with the director, on the form prescribed by the director. The application shall set forth with specificity the facts upon which it is based. Upon receipt of a reclassification application, the director shall investigate and review the matter and shall either affirm the original classification or assign a new classification and shall notify the applicant of the decision in writing.

(3) Limitation on Applications. The director may refuse to accept an application for reclassification from an applicant who has applied for reclassification within the previous 12 months if the application fails to state material and relevant facts which were not and could not have been presented in the previous reclassification application.

(4) Finality of Director's Determination. The decision of the director on an application for reclassification shall be final.

(5) Apportionment Guidelines. The director, in consultation with the city attorney and the city manager, may promulgate guidelines to assist licensees which conduct business both inside and outside the city in calculating the portion of their activities subject to the tax imposed by this title.

(6) Rules, Regulations and Conditions. The director, in consultation with the city attorney and the city manager, may adopt any other rules or regulations, and may condition the issuance of certain licenses, as necessary or desirable for the enforcement of this title. (Ord. 505 § 1. 2002 Code § 6-3.3).

5.04.160 Grounds for denial.

The director shall not approve an application for a business license for business activities if any of the following findings are made:

(1) The building, structure, premises, or the equipment used to conduct the business activity fails to comply with all applicable health, zoning, fire, building and safety laws and regulations.

(2) The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for the business license or in any report for statement required to be filed with the director.

(3) The business is prohibited by any federal, state or local law or regulation, or prohibited in the particular location or zone by any law or regulation.

(4) The applicant is found to have committed a crime involving moral turpitude which is substantially related to the business activity for which the license is being sought.

(5) The applicant is in violation of a provision of the Cudahy Municipal Code or owes taxes, fees or penalties pursuant to this chapter or any other provision of the Cudahy Municipal Code.

(6) The establishment of the business will be detrimental to the public peace, health, safety or welfare of the community.

(7) The application is for renewal or for a new license of the period immediately following a period during which the applicant was licensed for the same business or activity and any ground for revocation as set forth in CMC 5.04.210 exists. (Ord. 505 § 1. 2002 Code § 6-3.4).

5.04.170 Effect of business license denial.

(1) Limitation on New Applications. If an applicant's business license application for a particular business activity has been denied, the director shall not process a new application by that applicant for that business activity for a 12-month period after the denial unless the director determines that the reason for the denial has been cured and no longer exists.

(2) Appealability. The denial of an application by the director may be appealed to the city council pursuant to CMC 5.04.290. (Ord. 505 § 1. 2002 Code § 6-3.5).

5.04.180 Issuance of business licenses.

(1) Form of License. All business licenses shall be prepared and issued under the direction of the director. Each license shall state the following information upon its face:

(a) The name of the person to whom it is issued;

(b) The business activity to be conducted;

(c) The location of the business;

(d) The expiration date of the license; and

(e) Such other information as the director deems necessary.

(2) Duplicate License Fees. A duplicate license may be issued by the director to replace any license previously issued which has been lost or destroyed, upon application therefor, the filing of an affidavit or declaration attesting to such fact, and payment to the director of a fee of $2.00. The fee set forth in this subsection may be changed by resolution of the city council.

(3) Terms of Business Licenses. Each business license shall expire annually on the anniversary of its issuance. The director may issue licenses for either shorter or longer periods for any licensee or any class of licensee if necessary or desirable to ensure collection of the tax or to increase the efficiency of its administration.

(4) Payment. Unless otherwise specifically provided, all annual license taxes shall be due and payable in advance in full on the first day of the month following the date of expiration of the preceding license. Except as otherwise provided to the contrary for a particular business or activity in Chapter

5.08 CMC, quarterly payments shall be made on the first day of the first, fourth, seventh and tenth months of the license term. Quarterly payments may be made only during the 12-month period following the issuance of the initial license. Every new business shall file an application for a business license and pay the tax due prior to the first day of operation.

(5) Transferability of Business or Business Licenses. No business license issued under this title may be transferred or assigned by a licensee to any other person. No licensee may transfer or assign the business or activity which is the subject of the license to another person without the prior written consent of the city. The director may require the transferee or assignee to apply for a new license pursuant to the provisions of this title. No license may issue to the transferee or assignee until all outstanding taxes owed by the transferor or assignor pursuant to this title are paid.

(6) Change of Address. A licensee who changes his or her place of business or who locates a business previously operated without a fixed place of business may, upon application therefor and paying a fee of $5.00 or such other amount as is hereafter fixed by resolution of the council, have the license amended to reflect the new address. (Ord. 505 § 1. 2002 Code § 6-3.6).

Article IV. Procedures for Modification, Suspension, or Revocation

5.04.190 Modification, suspension or revocation.

Any license issued by the city may be modified, suspended or revoked by the director in accordance with the provisions of this title. (Ord. 505 § 1. 2002 Code § 6-4.1).

5.04.200 Hearing.

A public hearing to determine whether or not an existing license should be modified, suspended or revoked may be initiated by the director or by any official of the city required to review or inspect the licensed activity for compliance with city regulations. Notice of the hearing shall be given to the licensee at least five days before the hearing. The hearing shall be held by the director. After the hearing, the director shall issue his or her decision in writing. The decision shall contain a determination of the issues presented. Any person aggrieved by the decision of the director may appeal the decision to the city council pursuant to CMC 5.04.290. (Ord. 505 § 1. 2002 Code § 6-4.2).

5.04.210 Grounds for revocation of business license.

After public hearing, the director may modify, suspend or revoke a business license for any business activity required to be licensed under this title if the director finds that one or more of the following conditions exist:

(1) The building, structure, premises, or the equipment used to conduct the business activity fails to comply with all applicable health, zoning, fire, building and safety laws and regulations.

(2) The licensee has knowingly made any false, misleading or fraudulent statement of material fact in the application for the business license or in any report or statement required to be filed with the director.

(3) The business is prohibited by any federal, state or local law or regulation, or prohibited in the particular location or zone by any law or regulation.

(4) The licensee is found to have committed a crime involving moral turpitude which is substantially related to the business activity for which the license was obtained.

(5) The licensee is in violation of a provision of the Cudahy Municipal Code or owes taxes, fees or penalties pursuant to this title or any other provision of the Cudahy Municipal Code.

(6) The licensee, or its employees, agents or manager, has published, uttered or disseminated any false, deceptive or misleading statements or advertisements in connection with the operation of the licensed business.

(7) The licensee has failed or refused to notify the director of any change in facts set forth in the application or as otherwise required by this title within 10 days after such change.

(8) The licensee, or its employees, agents or manager, has violated any conditions or restrictions of the license.

(9) The licensee, or its employees, agents or manager, has violated any federal, state or local law or regulation, including without limitation any rule or regulation adopted by the director or by any

governmental agency relating to the licensee's business.

(10) The continuation of the licensed business will be detrimental to the public peace, health, safety or welfare of the community.

(11) A bond, undertaking, deposit, surety, or policy of insurance that is required by this title to be procured, posted, or maintained in effect is not in full force and effect. (Ord. 505 § 1. 2002 Code § 6-4.3).

5.04.220 Effect of revocation or suspension.

(1) No Refunds. No refund of any sum paid pursuant to this title shall be made to any licensee upon revocation of a business license.

(2) Limitation on Reapplication. Upon revocation of any business license under this title, no business license to engage in the same business activity shall be granted to the same person within one year after such revocation.

(3) Return of License. Whenever a license is suspended or revoked, the licensee shall surrender the business license, license stickers, or similar evidence of a license to the director.

(4) Operations Cease. Upon revocation or suspension of a business license, the licensee shall cease operation of the business activity immediately. Except as otherwise provided by this title or by the director, in the event that a license is suspended, the licensee may resume operation once the suspension period has expired. (Ord. 505 § 1. 2002 Code § 6-4.4).

Article V. Enforcement

5.04.230 Penalties for delinquency.

(1) Penalty. Upon a failure to pay the entire tax when due, the director shall add a penalty of 15 percent of the tax or unpaid portion thereof, on the first day of each month following the date the tax was due; provided, however, no penalty shall be assessed in excess of 50 percent of the tax due. For the purposes of this title, a payment made by mail shall be deemed received on the date shown on a postage cancellation stamp imprinted on the envelope in which the payment is received, or if payment is made by means other than the United States mail, payment shall be deemed received on the date the payment is stamped "received" by the director.

(2) Interest. On the first day of the month following the date on which the maximum penalty provided for in this section has accrued, interest at the rate of one-half of one percent per month shall begin to accrue. Interest shall accrue at this rate on the amount of the unpaid tax, exclusive of penalties, for each month or portion of a month until the tax is paid. (Ord. 505 § 1. 2002 Code § 6-5.1).

5.04.240 Refunds.

No tax shall be refunded unless it is determined by the director that a tax has been paid in error, computed incorrectly, overpaid, or collected illegally. (Ord. 511 § 3; Ord. 505 § 1. 2002 Code § 6-5.2).

5.04.250 Assessment of tax upon failure to procure business license.

When a person who engages in a business taxed under this title fails to procure a business license within the time permitted by this title, or after demand by the director, the director may then determine the amount of the tax upon such information as may be available. The director shall then notify such person of the amount due, including penalties imposed under CMC 5.04.230, and demand payment. Such payment shall be made within 30 days after demand is made by the director and interest pursuant to CMC 5.04.230 shall thereafter accrue. (Ord. 505 § 1. 2002 Code § 6-5.3).

5.04.260 Audits and adjustments.

(1) Audit of Records. Any person engaged in a business taxed under this title shall maintain and preserve, for a period of at least two years, suitable records as may be necessary to determine the amount of the tax due under this title and shall, upon request of the director, provide the necessary records to substantiate the tax paid or due for such business. If upon audit of such records, the director determines the tax imposed by this title has not been paid in full, the director shall notify the licensee of the balance due, including any accrued penalties. Such amount shall be paid within 30 days after notice is issued by the director and interest pursuant to CMC 5.04.230 shall thereafter accrue.

(2) Overpayment. If an audit reveals an overpayment, the director shall notify the licensee of

the amount overpaid. Unless the licensee requests a refund of the overpayment within 30 days after notice is issued by the director, the overpayment shall be applied as a credit against the next annual tax due.

(3) Underpayment. If an audit reveals an underpayment, the director shall take action to collect the underpayment. However, the director may, in his or her discretion, waive or compromise any claims as to an amount due to the city under this title if that amount is not more than $25.00 or such higher amount as is hereafter authorized by resolution of the city council.

(4) Corrected Application. Rather than request information and conduct an audit, the director may request an applicant file a corrected application for business license. If such an application is filed and the director is satisfied with its accuracy, the existence of any underpayment or overpayment under this section shall be determined with reference to that corrected application. If a licensee fails to file a corrected application or if the director is not satisfied with a corrected application, the director may conduct an audit under subsection (1) of this section. (Ord. 505 § 1. 2002 Code § 6-5.4).

5.04.270 Licensee records confidential.

To the extent feasible and consistent with the Public Records Act and other applicable law, the city shall use good faith efforts to maintain the confidentiality of affidavits, records, statements and other information concerning gross receipts or operating costs furnished or secured pursuant to the provisions of this title, and to restrict public inspection or review thereof except by those charged with the administration of this title. (Ord. 505 § 1. 2002 Code § 6-5.5).

5.04.280 Notice.

Any notice required to be provided a licensee under this title shall be sufficient if deposited with postage prepaid in the United States mail and addressed to the address provided on the application unless a change of address notice has been received, in which case notice is sufficient if mailed to the address of which the director has been most recently informed. (Ord. 505 § 1. 2002 Code § 6-5.6).

5.04.290 Appeals.

(1) Right to Appeal. Any person dissatisfied with any decision of the director may file with the city clerk a notice of appeal to the city council within 15 days of the date of mailing of the director's decision. The notice shall be signed by the appellant or the legal representative of the appellant and shall be sufficient if it states that the appellant appeals from a specified decision or a particular part thereof.

(2) Notice of Appeal. Upon receipt of a timely notice of appeal, the city clerk shall notify the director of the request for appeal. The city council shall consider the appeal within 30 days of receipt of the notice of appeal. The director shall give not less than 10 days' written notice to the appellant of the date, time and place of the hearing.

(3) City Council Review. Upon reviewing the evidence and considering the parties' arguments, the council may remand the controversy to the director with directions or render a decision upholding, reversing, or modifying in any respect the decision of the director. If no action is taken by the city council within 45 days of the hearing of an appeal, the decision of the director shall be deemed final. (Ord. 505 § 1. 2002 Code § 6-5.7).

5.04.300 Violations.

Unless specified otherwise in Chapter 5.08 CMC, any person who knowingly or intentionally misrepresents to any officer or employee of the city any material fact, relative to any tax imposed under the provisions of this title, and any person who engages in business in the city without a license, and any person who violates any provision of this title shall be guilty of a misdemeanor and shall be punished as is provided in CMC 1.36.010(1). (Ord. 505 § 1. 2002 Code § 6-5.8).

5.04.310 Delinquent tax constitutes debt to the city.

The amount of tax, fee, penalty, or interest imposed by the provisions of this title shall be deemed a debt to the city. An action may be commenced in any court of competent jurisdiction in the name of the city for the amount of such debt. (Ord. 505 § 1. 2002 Code § 6-5.9).

5.04.320 Remedies cumulative.

The conviction and punishment of any person for failure to comply with the provisions of this title shall not relieve such person from paying any tax, fee, penalty, or interest due and unpaid at the time of such conviction, nor shall payment prevent prosecution of a violation of any of the provisions of this title. All remedies shall be cumulative, and the use of one or more remedies by the city to enforce this title shall not bar the use of any other remedy. (Ord. 505 § 1. 2002 Code § 6-5.10).

Article VI. License Tax

5.04.330 Taxes on businesses other than those described in Chapter 5.08 CMC.

Every person who engages in a business not described in Chapter 5.08 CMC within the city shall pay a license tax based upon gross annual receipts as follows:

	Fee	
Gross Annual Receipts	**Per Annum**	**Per Quarter**
Less than $10,000	$ 50.00	$ 15.00
$10,000 and less than $50,000	90.00	25.00
$50,000 and less than $75,000	120.00	32.00
$75,000 and less than $100,000	140.00	37.50
$100,000 and less than $200,000	184.00	48.50
$200,000 and less than $300,000	264.00	68.00
$300,000 and less than $400,000	336.00	86.50
$400,000 and less than $500,000	400.00	102.50
$500,000 and less than $600,000	456.00	116.50
$600,000 and less than $700,000	504.00	128.60
$700,000 and less than $800,000	544.00	138.50
$800,000 and less than $900,000	576.00	146.50
$900,000 and less than $1,000,000	600.00	152.50
$1,000,000 and less than $2,000,000, a base of $600.00, plus $140.00 for each $100,000 or fraction thereof in excess of $1,000,000.		
$2,000,000 or more – $2,000 maximum.		

(Ord. 505 § 1. 2002 Code § 6-6.1).

5.04.340 Taxes on businesses described in Chapter 5.08 CMC.

Every person who engages in a business described in Chapter 5.08 CMC within the city shall pay a license tax as set forth therein. (Ord. 505 § 1. 2002 Code § 6-6.2).

Chapter 5.08

BUSINESS LICENSE TAX – PARTICULAR BUSINESSES

Sections:

Article I. Fees

5.08.010 Advertising.
5.08.020 Amusements.
5.08.030 Auction sales.
5.08.040 Auto emission testing stations.
5.08.050 Auto wrecking.
5.08.060 Junk dealers.
5.08.070 Peddlers and solicitors.
5.08.080 Trailer parks.
5.08.090 Trucks, trucking, and U-hire.

Article II. Ambulances

5.08.100 Ambulance operators defined.
5.08.110 Ambulance operators – Licenses required.
5.08.120 Ambulance drivers defined.
5.08.130 Ambulance drivers – Licenses required.
5.08.140 Ambulance attendants.
5.08.150 Insurance – Amounts.
5.08.160 Cancellation of insurance.
5.08.170 Notices of cancellation of insurance.

Article III. Private Patrol Systems

5.08.180 Patrol system defined.
5.08.190 Licenses required for patrol system.
5.08.200 Information supplied to the sheriff's department.
5.08.210 Licenses not to be sold.
5.08.220 Duplication of areas.
5.08.230 Patrolman defined.
5.08.240 Patrolmen – Licenses required.
5.08.250 Letters from patrol system.
5.08.260 Change of employers.
5.08.270 License revocation upon change of employers.
5.08.280 Illegal activities.
5.08.290 Badges.
5.08.300 Equipment.
5.08.310 Uniforms.
5.08.320 Badges and cap pieces not to be transferred.
5.08.330 Duty to report.

Article IV. Secondhand Dealers

5.08.340 Definitions.
5.08.350 Annual fees.

Article V. Rental Property Managers

5.08.360 Rental property managers.

Article VI. Motels and Hotels

5.08.370 Definitions.
5.08.380 Annual fees.

Article VII. Taxicab Operators

5.08.390 Taxicab defined.
5.08.400 Taxicab operator defined.
5.08.410 Licenses required.
5.08.420 Licenses – Applications.
5.08.430 Requirements for granting a taxicab license.
5.08.440 Licenses – Denial, revocation, suspension, or modification.
5.08.450 Affixing licenses.
5.08.460 Substitution of vehicles.
5.08.470 Change of corporation directors.
5.08.480 Change of license limitations.
5.08.490 Insurance required.
5.08.500 Insurance – Amounts.
5.08.510 Two policies.
5.08.520 Drivers to operate.
5.08.530 Information required to be updated.

Article VIII. Taxicab Drivers

5.08.540 Taxicab driver defined.
5.08.550 State driver's licenses required.
5.08.560 Direct routes.
5.08.570 Exclusive rights of passengers.
5.08.580 Licenses required – Fees.
5.08.590 Photograph and fingerprints.
5.08.600 Licenses – Applications.

Article IX. Contractors

5.08.610 General.
5.08.620 Subcontractors.
5.08.630 Semi-annual licenses.
5.08.640 Quarterly licenses.

Article X. Vending Machines

5.08.650 Vending machines.

Article XI. Video Games

5.08.660 Annual fees.
5.08.670 Video game defined.
5.08.680 Location.
5.08.690 Display of license.
5.08.700 Additional regulations.
5.08.710 Five or more video games.

Article XII. Waste Collection and Hauling Franchises

5.08.720 Annual fees.

Article XIII. Fortune-Telling and Similar Practices

5.08.730 Fortune-telling defined.
5.08.740 License required.
5.08.750 Violation.
5.08.760 Application.
5.08.770 Investigation and approval of license.

Article XIV. Delivery by Vehicles

5.08.780 Delivery by vehicles.

Article XV. Outside Contractors

5.08.790 Outside contractors.

Article XVI. Other Outside Businesses

5.08.800 Other outside businesses.

Article XVII. Oil Wells – License Fees

5.08.810 Oil wells – License fees.

Article XVIII. Casinos – Certain Gambling Games – Bingo

5.08.820 Definitions.
5.08.830 Licenses – Required.
5.08.840 Licenses – Applications.
5.08.850 License fees and deposits.
5.08.860 Gross gaming revenue license fees.
5.08.870 Investigation and reports.
5.08.880 Granting and denial of application.
5.08.890 Grounds for denial of application.
5.08.900 Hearing officer.
5.08.910 Issuance of licenses – License term.
5.08.920 Amendment of license.
5.08.930 Expiration of licenses.
5.08.940 Tournaments.
5.08.950 Number of licenses limited.
5.08.960 Operating requirements.
5.08.970 Transfer and assignment of licenses.
5.08.980 Revocation of licenses.
5.08.990 Rules and regulations.
5.08.1000 Work permits for employees of licensed casinos.
5.08.1010 Pointholders – Applications for sale or transfer of points.
5.08.1020 Unlawful act.
5.08.1030 Presumptions.
5.08.1040 Gambling games not permitted.
5.08.1050 Violations.
5.08.1060 Amendments.
5.08.1070 Bingo.
5.08.1080 Ordinance 29, partial repeal of.
5.08.1090 Regulations.
5.08.1100 Wagering limits.

Article XIX. Massage Establishments and Massage Technicians

5.08.1110 Definitions.
5.08.1120 Applicability of article.
5.08.1130 Out call massage service – Illegal.
5.08.1140 Massage establishments – License required – Minimum qualifications.
5.08.1150 Massage establishments – License applications.
5.08.1160 Massage establishments – License nonassignable.
5.08.1170 Massage establishments – Operating requirements.
5.08.1180 Massage establishments – Facilities.

5.08.1190 Massage establishment – Inspection.
5.08.1200 Massage establishments – Change of location or name.
5.08.1210 Massage establishments – Renewal of licenses.
5.08.1220 Massage technicians – License required – Minimum qualifications.
5.08.1230 Massage technicians – License application.
5.08.1240 Massage technicians – Prohibited conduct.
5.08.1250 Massage technicians – Renewal of licenses.

Article XX. Stress Relief Establishments and Stress Relief Therapists

5.08.1260 Definitions.
5.08.1270 Applicability of section.
5.08.1280 Out call stress relief therapy – Illegal.
5.08.1290 Massage – Massage license required.
5.08.1300 Stress relief establishment – License required – Minimum qualification.
5.08.1310 Stress relief establishment – License application.
5.08.1320 Stress relief establishment – License nonassignable.
5.08.1330 Stress relief establishment – Operating requirements.
5.08.1340 Stress relief establishment – Inspection.
5.08.1350 Stress relief establishment – Change of location or name.
5.08.1360 Stress relief establishment – Renewal of licenses.
5.08.1370 Stress relief therapist – License required.
5.08.1380 Stress relief therapist – License application.
5.08.1390 Stress relief therapist – Prohibited conduct.
5.08.1400 Stress relief therapist – Renewal of licenses.

Article XXI. Aerosol Spray Paint and Dye – Sale, Distribution, and Possession

5.08.1410 Regulations of the sale and distribution of aerosol spray paint and dyes.
5.08.1420 Display.
5.08.1430 Possession – Public recreation areas.
5.08.1440 Streets and other public places.
5.08.1450 Violations.

Article XXII. Public Telephones

5.08.1460 Definitions.
5.08.1470 Public telephones – Prohibited locations – Encroachment permit.
5.08.1480 Contents of a public telephone encroachment permit application.
5.08.1490 Issuance of an encroachment permit.
5.08.1500 Appeal.

Article XXIII. Pushcarts

5.08.1510 Definitions.
5.08.1520 General prohibitions.
5.08.1530 Permit required.
5.08.1540 Prohibited conduct.
5.08.1550 Pushcart standards.
5.08.1560 Relation to zoning laws.
5.08.1570 Conducting as a nuisance.
5.08.1580 Impounding pushcarts.
5.08.1590 Owner and operator permits – Revocation and appeal.

Article XXIV. Wireless Digital Communications Franchises

5.08.1600 Annual fees.

Article XXV. Medical Marijuana Dispensaries and Cultivation Facilities

5.08.1710 Medical marijuana dispensaries and cultivation facilities prohibited.
5.08.1720 Separate offense for each day.
5.08.1730 Public nuisance – Civil injunction.
5.08.1740 Criminal penalties.
5.08.1750 Administrative remedies.
5.08.1760 Definitions.
5.08.1770 Findings.

Article I. Fees

5.08.010 Advertising.

(1) Billboards, signs not fixed on places of business:		
(a) First sign or structure	$100.00	annual fee
(b) Each additional structure	10.00	annual fee
(2) Distributing handbills or merchandise, or both	100.00	annual fee
	50.00	monthly fee
	20.00	daily fee
(3) Sound trucks:		
(a) Per truck	200.00	annual fee
(b) Plus for each truck	40.00	daily fee

(Ord. 505 §§ 2, 3. 2002 Code § 6-7).

5.08.020 Amusements.

(1) Bowling	$70.00	annual fee
(2) Dance hall, night club, other places permitting public dancing	300.00	annual fee
(3) Circus	200.00	daily fee
(4) Carnival, side shows	50.00	daily fee
(5) Theater:		
0 – 500 seats	100.00	annual fee
501 – 1,500 seats	150.00	annual fee
1,501 – or above seats	200.00	annual fee

(Ord. 505 § 3. 2002 Code § 6-9).

5.08.030 Auction sales.

Auction sales	$200.00	weekly fee

(Ord. 505 § 3. 2002 Code § 6-10).

5.08.040 Auto emission testing stations.

Auto emission testing stations	$0.25	per vehicle

(Ord. 505 § 3. 2002 Code § 6-11).

5.08.050 Auto wrecking.

Auto wrecking	$300.00	annual fee

(Ord. 505 § 3. 2002 Code § 6-12).

5.08.060 Junk dealers.

Junk dealers	$300.00	annual fee

(Ord. 505 § 3. 2002 Code § 6-13).

5.08.070 Peddlers and solicitors.

(1) Principal solicitors	$200.00	annual fee
(2) Each additional solicitor	6.00	quarterly

(Ord. 505 § 3. 2002 Code § 6-17).

5.08.080 Trailer parks.

Trailer parks	$2.00	per space annual fee

(Ord. 505 § 3. 2002 Code § 6-19).

5.08.090 Trucks, trucking, and U-hire.

Trucks, trucking, and U-hire	$70.00	annual fee

(Ord. 505 § 3. 2002 Code § 6-20).

Article II. Ambulances

5.08.100 Ambulance operators defined.

"Ambulance operator" shall mean any person who for any monetary or other consideration, or as an incident to any other occupation, transports in one or more ambulances one or more persons from any location within the corporate limits of the city to any hospital or other place giving first aid or medical treatment, regardless of the location of

such hospital or other place. "Ambulance operator" shall not include a person who maintains ambulances for the use of his own employees in connection with the operation by such person of a plant hospital or first aid station for such employees. (Ord. 505 § 3. 2002 Code § 6-8.1).

5.08.110 Ambulance operators – Licenses required.

Every ambulance operator shall first obtain a license from the director:

(1) Ambulance operator's license	$10.00	annual fee

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(2) Ambulance vehicles, per vehicle 70.00 annual fee
50.00 renewal fee

(Ord. 505 § 3. 2002 Code § 6-8.2).

5.08.120 Ambulance drivers defined.

"Ambulance driver" shall mean any person who drives an ambulance in which is transported any person needing medical attention, which person entered or was placed in such ambulance at any location within the corporate limits of the city. (Ord. 505 § 3. 2002 Code § 6-8.3).

5.08.130 Ambulance drivers – Licenses required.

Every ambulance driver shall first procure a license from the director:

Ambulance driver's license $10.00 annual fee

(Ord. 505 § 3. 2002 Code § 6-8.4).

5.08.140 Ambulance attendants.

Every ambulance attendant in an ambulance which is used shall first procure a license from the director:

Ambulance attendant's license $10.00 annual fee

(Ord. 505 § 3. 2002 Code § 6-8.5).

5.08.150 Insurance – Amounts.

The director shall not issue any ambulance license unless the applicant files with him a policy of liability insurance on such ambulance. The maximum amount of recovery in such policy shall not be less than the following sums:

(1) For injuries to any one person or the death of any one person in any one accident, $50,000;

(2) For injuries to two or more persons, or the death of two or more persons, or for injuries to one person or more, and the death of one person or more in any one accident, $100,000; and

(3) For the injury or destruction of property in any one accident, $5,000. (Ord. 505 § 3. 2002 Code § 6-8.6).

5.08.160 Cancellation of insurance.

The insurance policy required before an ambulance operator's license is issued shall not provide for the cancellation thereof, unless it provides that not less than five days' written notice of such cancellation shall first be given to the director. (Ord. 505 § 3. 2002 Code § 6-8.7).

5.08.170 Notices of cancellation of insurance.

If any city officer, employee, or department is informed of any change or cancellation of any insurance policy, which policy is required as a condition to receiving an ambulance license, such officer, employee, or department shall inform immediately the director and the sheriff's department of such change or cancellation. (Ord. 505 § 3. 2002 Code § 6-8.8).

Article III. Private Patrol Systems

5.08.180 Patrol system defined.

"Patrol system" shall mean any private service or private system which purports to furnish or does furnish to members or subscribers any street patrol service or street patrolman to patrol any territory within the corporate limits of the city. (Ord. 505 § 3. 2002 Code § 6-14.1).

5.08.190 Licenses required for patrol system.

Every person conducting a patrol system shall first procure a city license for the territory to be patrolled in addition to any state license required:

Patrol system license $300.00 first year fee
$150.00 annual renewal fee

(Ord. 505 § 3. 2002 Code § 6-14.2).

5.08.200 Information supplied to the sheriff's department.

When an applicant files an application for a patrol system license with the director, he also shall supply, in writing, the following information to the sheriff's department:

(1) The name and address of the applicant;

(2) If the applicant is a partnership, the names and addresses of all partners;

(3) If the applicant is a corporation, the names and addresses of the corporate officers and manager and a certified copy of the resolution authorizing such application;

(4) The district or territory proposed to be served by the patrol system;

(5) A description of the methods of operation;

(6) The names and addresses of all patrolmen who are or will be owners, officers, or employees of the applicant;

(7) A statement as to what offenses, if any, any person mentioned in subsection (1), (2) or (3) of this section have been convicted and of the time, place, and circumstances thereof; and

(8) Such other information as either the director or the sheriff's department may require. (Ord. 505 § 3. 2002 Code § 6-14.3).

5.08.210 Licenses not to be sold.

The holder of a patrol license shall not sell or offer to sell any transfer or relinquishment of the privilege to operate a patrol system in territory assigned to him or for any consideration whatever agree to advocate or not to oppose the granting of any other patrol system license. (Ord. 505 § 3. 2002 Code § 6-14.4).

5.08.220 Duplication of areas.

Nothing in this chapter shall limit the power of the director to grant a license to more than one patrol system to operate in the same area. (Ord. 505 § 3. 2002 Code § 6-14.5).

5.08.230 Patrolman defined.

"Patrolman" shall mean an individual engaged in the act of guarding property as the owner or member of a patrol system, or as an employee of either a patrol system or any other system, which purports to furnish or does furnish to members or subscribers any watchman or guard, either uniformed or otherwise, to patrol any territory within the corporate limits of the city or to guard or watch any property, including guarding against theft or fire, or both. "Patrolman" shall not include a person who guards the property of a single owner while such property is not open to the public and the entire salary of such person is paid by the owner and there exists only an employer-employee relationship, or a person who, as an employee, only incidentally guards such property but whose main or principal duty is not that of guarding or protecting property. (Ord. 505 § 3. 2002 Code § 6-14.6).

5.08.240 Patrolmen – Licenses required.

Every patrolman shall first procure a license from the director:

Private patrolman's license	$10.00 annual fee

(Ord. 505 § 3. 2002 Code § 6-14.7).

5.08.250 Letters from patrol system.

With every application for a patrolman's license the applicant shall also file a letter from the licensee of a patrol system certifying that such licensee desires to employ such patrolman or that such patrolman is, or will be, an owner or member of such patrol system. (Ord. 505 § 3. 2002 Code § 6-14.8).

5.08.260 Change of employers.

Upon a written application by a licensed patrolman, accompanied by the written application of the patrol system which proposes to employ such patrolman, and upon satisfying the director by competent evidence that such patrolman is, or will be, no longer employed by the patrol system formerly employing such patrolman, the director may modify the patrolman's license so as to designate the new employer and may modify the licenses of the patrol systems by removing such patrolman's name from one license and adding it to the other license. (Ord. 505 § 3. 2002 Code § 6-14.9).

5.08.270 License revocation upon change of employers.

Unless a patrolman applies to have his license modified as provided in CMC 5.08.260, the director shall revoke the license of such patrolman when he is no longer employed by the patrol system named in his license. (Ord. 505 § 3. 2002 Code § 6-14.10).

5.08.280 Illegal activities.

A patrolman shall not, either by himself or through the actions of another, harass, annoy, commit a nuisance against, injure the property of, or unnecessarily enter or otherwise trespass upon the property of any person whose property the patrol

system of such patrolman is not employed to protect. (Ord. 505 § 3. 2002 Code § 6-14.11).

5.08.290 Badges.

The director shall prescribe the size, shape, and inscription upon the badges to be worn by patrolmen. The design shall be such as not to be readily mistaken as an official state or county badge, sheriff's badge, marshal's badge, or official badge of any city within the county or of any state officer. (Ord. 505 § 3. 2002 Code § 6-14.12).

5.08.300 Equipment.

The sheriff's department shall specify the police equipment, including weapons, which a licensee may wear while on duty. Licensees shall not wear any equipment or weapon or carry any weapon not so specified. (Ord. 505 § 3. 2002 Code § 6-14.13).

5.08.310 Uniforms.

A patrolman shall not wear any uniform which is an imitation of, or can be mistaken for, an official sheriff's uniform or an official police uniform of the police force of any city within the county or an official uniform of any state officer. (Ord. 505 § 3. 2002 Code § 6-14.14).

5.08.320 Badges and cap pieces not to be transferred.

No person shall give, deliver, or sell any patrolman's badge or cap piece, or any badge or cap piece of a design the same as, or so similar to, the patrolman's badge or cap piece as to be mistaken therefor, to any private person. (Ord. 505 § 3. 2002 Code § 6-14.15).

5.08.330 Duty to report.

Licensees shall not perform official police or investigation activities but shall immediately report every violation of law and every unusual occurrence to the nearest police or sheriff substation. A licensee shall make a full report of such violation or other occurrence without unnecessary delay to such substation. (Ord. 505 § 3. 2002 Code § 6-14.16).

Article IV. Secondhand Dealers

5.08.340 Definitions.

"Secondhand dealer" shall mean a person, other than a used car dealer or dealer in secondhand books or magazines, engaged in conducting, managing, or carrying on the business of buying, selling, or otherwise dealing in secondhand goods, wares, or merchandise, including gold, silver, platinum, and mercury. "Secondhand dealer" shall include persons who sell, or offer to sell, secondhand goods, wares, or merchandise except such as is received by such person as the payment or part payment for a new article sold by him. (Ord. 505 § 4. 2002 Code § 6-15.1).

5.08.350 Annual fees.

Secondhand dealers	$70.00

(Ord. 505 § 4. 2002 Code § 6-15.2).

Article V. Rental Property Managers

5.08.360 Rental property managers.

(1) Persons who own residential property in the city which is rented to a person other than a member of the immediate family of the owner of the property shall pay a license tax in the sum of $30.00 per unit per year. For purposes of this section, a person is deemed to be a member of the immediate family of another if he or she is a spouse, parent, child, brother, sister, mother- or father-in-law, brother- or sister-in-law, aunt, uncle, cousin, niece or nephew, grandnephew, grandniece, grandparent, or grandchild of that other person.

(2) No person shall be taxed under this section for engaging in the business of renting any trailer for which that person pays tax under CMC 5.08.080.

(3) For purposes of this section, residential property does not include motel or hotel rooms or suites unless such rooms or suites are rented for a period in excess of 30 days at least once during the year for which tax is due.

(4) For purposes of this section, a unit of residential property is deemed to be rented if the unit was rented for at least 31 consecutive days at any time in the calendar year preceding the date the tax is due. (Ord. 505 § 3. 2002 Code § 6-16).

Article VI. Motels and Hotels

5.08.370 Definitions.

(1) "Hotel" shall mean any structure, or portion of a structure, including any lodging house, rooming house, dormitory, Turkish bath, bachelor hotel, studio hotel, public club, or private club, containing four or more guest rooms and which is occupied, or is intended or designed for occupation, by six or more guests, whether rent is paid in money, goods, labor, or otherwise. "Hotel" shall not include any jail, hospital, asylum, sanitation, orphanage, prison, or detention or other building in which human beings are housed or detained under legal restraint.

(2) "Motel" shall mean a building of not more than one story containing four or more guest rooms or apartments, or a combination thereof, each of which has a separate individual entrance leading directly from the outside of the building and is designed, used, or intended wholly or in part for the accommodation of transients traveling by automobile. (Ord. 505 § 5. 2002 Code § 6-18.1).

5.08.380 Annual fees.

(1) Four to 10 units	$30.00
(2) Eleven to 15 units	40.00
(3) Over 15 units	50.00

(Ord. 505 § 5. 2002 Code § 6-18.2).

Article VII. Taxicab Operators

5.08.390 Taxicab defined.

"Taxicab" shall mean a motor vehicle, as that term is defined in the Vehicle Code of the state, used for the transportation of passengers for hire when driven by the owner or by an agent of the owner at rates per mile, per trip, per hour, per day, per week, per month, or per other period of time, which vehicle is routed under the direction of the passenger or other persons hiring such vehicle. (Ord. 505 § 3. 2002 Code § 6-21.1).

5.08.400 Taxicab operator defined.

"Taxicab operator" shall mean a person engaged in the business of running, driving, or operating one or more taxicabs and soliciting or accepting passengers in such taxicabs for hire, either by a taxicab stand or elsewhere, within the corporate limits of the city. (Ord. 505 § 3. 2002 Code § 6-21.2).

5.08.410 Licenses required.

Every taxicab operator shall first procure a license from the city council:

(1) Taxicab operator's license	$60.00 annual fee
(2) Taxicab vehicles, per vehicle	$24.00 annual fee

(Ord. 553 § 2; Ord. 505 § 3. 2002 Code § 6-21.3).

5.08.420 Licenses – Applications.

Every application for a taxicab operator's license shall be signed by the applicant. If the application is for an original license, not a renewal, it shall contain the following information:

(1) The name and address of the applicant;

(2) If the applicant is a corporation, the names and addresses of its directors;

(3) The locations of the taxicab stands requested;

(4) The places on private property, if any, where the applicant intends to park taxicabs while awaiting passengers and, if none, a statement of that fact;

(5) The area within which the applicant proposes to operate;

(6) The kind and amount of public liability and property damage insurance covering each vehicle to be used for the acceptance of passengers for hire within the city;

(7) The taxicab color scheme and insignia;

(8) The owner's trade name and business address;

(9) The number of vehicles to be used for accepting passengers for hire within the city;

(10) The schedule of rates proposed to be charged;

(11) The applicant's estimate of the need of taxicab service in the area which he proposes to serve and the taxicab service in such area being provided by others;

(12) Demonstrate that the applicant has at least 15 vehicles in its fleet to operate as taxicabs within the city;

(13) Written documentation that each driver employed by the applicant has successfully passed a controlled substance and alcohol test which complies with the requirements of Government Code Section 53075.5(b)(3);

(14) Written documentation that each driver employed by the applicant has complied with CMC 5.08.590; and

(15) Such further information as either the sheriff's department or the city council may require. (Ord. 553 §§ 3 – 6; Ord. 505 § 3. 2002 Code § 6-21.4).

5.08.430 Requirements for granting a taxicab license.

The city council may grant a taxicab operator's license if the city council finds that:

(1) After all requests for the modification of existing taxicab operator's licenses have been granted, wholly or in part, or denied, the public convenience and necessity still justify the operation of one or more additional taxicabs in the area applied for;

(2) The applicant is a fit and proper person to possess a taxicab operator's license;

(3) The applicant has complied with all of the provisions of this chapter; and

(4) The applicant has at least 15 vehicles in its fleet to operate as taxicabs within the city.* (Ord. 553 §§ 7, 8; Ord. 505 § 3. 2002 Code § 6-21.5).

* Editor's Note: Section 14 of Ordinance No. 553 provides that existing taxicab operators with a valid license may continue to operate without complying with the provision of subsection (4) of this section.

5.08.440 Licenses – Denial, revocation, suspension, or modification.

In addition to the grounds for denial, revocation, modification or suspension set forth in Chapter 5.04 CMC, any taxicab operator's license may be denied, revoked, suspended, or modified if it is found that the public necessity and convenience do not require the granting or continuance of such license. (Ord. 505 § 6. 2002 Code § 6-21.6).

5.08.450 Affixing licenses.

Upon obtaining a taxicab operator's license, the licensee shall submit to the sheriff's department and bring all of the vehicles licensed thereby to a place designated by the sheriff's department. A sheriff's deputy shall attach and seal a city license plate to the rear of the body of each vehicle covered by the license by means of a city seal and metal screws if such vehicle meets all requirements as specified in this chapter. (Ord. 505 § 3. 2002 Code § 6-21.7).

5.08.460 Substitution of vehicles.

If a taxicab operator desires to substitute one vehicle in place of another, and if such vehicle to be substituted complies with the taxicab operator's license, and the taxicab operator brings both the vehicle under the license and the vehicle to be substituted to a place designated by the sheriff's department, a sheriff's deputy may remove the city license plate from the licensed vehicle and place it on the vehicle to be substituted. If the sheriff's deputy finds that it is impossible or impracticable to bring the licensed vehicle to the place designated, he may permit the licensee to detach the city license plate therefrom by breaking the seal and removing the screws and may waive the requirement that such vehicle be brought to such designated place. Under no circumstances may such seal be broken or removed by anyone but a sheriff's deputy. (Ord. 505 § 3. 2002 Code § 6-21.8).

5.08.470 Change of corporation directors.

A taxicab operator's license which is issued to a corporation shall be valid so long as the directors of such corporation remain the same as shown on the application for such license. (Ord. 505 § 3. 2002 Code § 6-21.9).

5.08.480 Change of license limitations.

The city at any time, either on its own motion or upon the application of any licensee, may cause an investigation to be made and hold a public hearing and, after such hearing, may change the area, number of taxicabs, location, or number of taxicab stands, or both, of any operator. (Ord. 505 § 3. 2002 Code § 6-21.10).

5.08.490 Insurance required.

The city shall not order the issuance of any taxicab operator's license until the applicant first files with the sheriff's department a policy of insurance. (Ord. 505 § 3. 2002 Code § 6-21.11).

5.08.500 Insurance – Amounts.

The policy of insurance required before a taxicab operator's license can be issued shall insure the public against any loss or damage that may result to any person or property from the operation of any taxicab used by the taxicab operator in his business as such. The maximum amount of recovery in such policy shall not be less than the following sums:

(1) For the injuries to any one person or the death of any one person in any one accident, $10,000;

(2) For the injuries to two or more persons, or the death of two or more persons, or for injuries to one person or more, and the death of one person or more in any one accident, $20,000; and

(3) For the injury or destruction of property in any one accident, $5,000. (Ord. 505 § 3. 2002 Code § 6-21.12).

5.08.510 Two policies.

In place of one insurance policy the applicant may file not more than two insurance policies, one a policy of primary insurance and the second a policy of excess insurance, if the total insurance resulting from such policies is equal to, or greater than, that required by CMC 5.08.500. (Ord. 505 § 3. 2002 Code § 6-21.13).

5.08.520 Drivers to operate.

A taxicab operator shall not permit any person to operate a taxicab unless such person is the employee or subcontractor of the taxicab operator and has a taxicab driver's unrevoked badge, permit or license as required by this chapter. If the taxicab driver is a subcontractor of the taxicab operator, then the taxicab operator shall present proof of insurance naming the taxicab driver subcontractor as a named insured in the amount required by this chapter. (Ord. 573 § 1; Ord. 505 § 3. 2002 Code § 6-21.14).

5.08.530 Information required to be updated.

Every taxicab operator issued a license under this chapter is required to notify the city manager of any change in facts or information presented in the application required by CMC 5.08.420 within 10 calendar days after such change. (Ord. 553 § 9. 2002 Code § 6-21.15).

Article VIII. Taxicab Drivers

5.08.540 Taxicab driver defined.

"Taxicab driver" shall mean an individual who drives or operates a taxicab in which passengers are solicited or accepted for hire, either at a taxicab stand or elsewhere, within the corporate limits of the city. (Ord. 505 § 3. 2002 Code § 6-22.1).

5.08.550 State driver's licenses required.

The sheriff's department shall not recommend the issuance of, and the city council shall not issue, a taxicab driver's license to any person who does not possess a valid and current driver's license of the appropriate class issued pursuant to the Vehicle Code of the state. (Ord. 553 § 10; Ord. 505 § 3. 2002 Code § 6-22.2).

5.08.560 Direct routes.

Every taxicab driver shall carry his passengers to their points of destination by the most direct practical route unless specifically directed otherwise by such passengers. (Ord. 505 § 3. 2002 Code § 6-22.3).

5.08.570 Exclusive rights of passengers.

When a taxicab is engaged, the occupants shall have the exclusive right to the full and free use of the passenger compartment. No taxicab operator or taxicab driver may solicit or carry additional passengers unless the taxicab operator's license expressly permits the carrying of additional passengers, and then only to the extent expressly permitted. (Ord. 505 § 3. 2002 Code § 6-22.4).

5.08.580 Licenses required – Fees.

Every taxicab driver who drives a taxicab for which a taxicab operator's license is required or has been issued shall obtain from the city council a taxicab driver's license:

Taxicab driver's license	$10.00 annual fee

(Ord. 553 § 11; Ord. 505 § 3. 2002 Code § 6-22.5).

5.08.590 Photograph and fingerprints.

Every applicant for a taxicab driver's license shall file with a California law enforcement agency, within 10 miles of Cudahy City Hall, a current photograph and set of fingerprints. The appli-

cant shall be required to update the photograph and fingerprints with the California law enforcement agency on a yearly basis and shall provide the city with the address of the location where the photograph and fingerprints are on file and can be viewed. (Ord. 553 § 12. 2002 Code § 6-22.6).

5.08.600 Licenses – Applications.

In addition to any other relevant information that the city council may require, every applicant for a taxicab driver's license shall provide written documentation that the applicant has successfully passed a controlled substance and alcohol test which complies with the requirements of Government Code Section 53075.5(b)(3). (Ord. 553 § 13. 2002 Code § 6-22.7).

Article IX. Contractors

5.08.610 General.

General	$200.00 annual fee

(Ord. 505 § 3. 2002 Code § 6-23.1).

5.08.620 Subcontractors.

Subcontractors	$100.00 annual fee

(Ord. 505 § 3. 2002 Code § 6-23.2).

5.08.630 Semi-annual licenses.

Business licenses for general contractors may be obtained semi-annually. (Ord. 505 § 3. 2002 Code § 6-23.3).

5.08.640 Quarterly licenses.

Business licenses for subcontractors may be obtained quarterly. (Ord. 505 § 3. 2002 Code § 6-23.4).

Article X. Vending Machines

5.08.650 Vending machines.

Every person operating one or more vending machines shall pay a license tax based on the entire gross receipts from all of such machines operated within the corporate limits of the city in accordance with the schedule set forth in Article VI of Chapter 5.04 CMC. (Ord. 505 § 3. 2002 Code § 6-24).

Article XI. Video Games

5.08.660 Annual fees.

(1) Operating and maintenance of video games, per machine	$150.00
(2) Offering video games or displaying video games for public patronage, one or more machines per location	250.00

(Ord. 505 §§ 3, 18. 2002 Code § 6-25.1).

5.08.670 Video game defined.

"Video game" as used in this article shall include all coin- and token-operated amusement and entertainment devices, including, but not limited to, pinball machines, video games, and skee-ball games. (Ord. 505 § 3. 2002 Code § 6-25.2).

5.08.680 Location.

No license shall be issued to operate a video game in any zone other than the C-1, C-3 and C-M zones. (Ord. 505 § 3. 2002 Code § 6-25.3).

5.08.690 Display of license.

No person to whom a license is issued to operate a video game may operate or permit to be operated such video game unless the video game shall have conspicuously stamped upon said video game the license number and the name, address and telephone number of the person to whom the license to operate the video game has been issued. (Ord. 505 § 3. 2002 Code § 6-25.4).

5.08.700 Additional regulations.

Any place open to the public where four or fewer video games are maintained for use by the public shall be subject to the following regulations:

(1) The hours of operation of each video game shall be restricted to 9:00 a.m. to 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to midnight, Friday through Saturday.

(2) Persons under 18 years of age shall not be permitted to use or operate any video game between the hours of 9:00 a.m. to 3:00 p.m., Monday through Friday, when the public schools serving the city are in session.

(3) All video games shall be at least three feet apart.

(4) All video games shall be enclosed within a building.

(5) Such public place shall be provided with adequate soundproofing to avoid any annoyance to or interference with adjacent uses or property.

(6) No alcoholic beverages shall be consumed on any premises that contain a video game. (Ord. 505 § 3. 2002 Code § 6-25.5).

5.08.710 Five or more video games.

Any place open to the public where five or more video games are maintained for use by the public shall be subject to the regulations provided by subsection 20-33.8 of the Cudahy Municipal Code. (Ord. 505 § 3. 2002 Code § 6-25.6).

Article XII. Waste Collection and Hauling Franchises

5.08.720 Annual fees.

The annual collector fee for solid waste and recyclable materials handling services shall be eight percent of gross revenues generated from residential and commercial/industrial premises within the city of Cudahy. (Ord. 532 § 2. 2002 Code § 6-26.1).

Article XIII. Fortune-Telling and Similar Practices

5.08.730 Fortune-telling defined.

"Fortune-telling" shall mean and include telling of fortunes, forecasting of futures, or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, faculty, force, clairvoyance, clairaudience, cartomancy, psychology, psychometric phrenology, spirits, tea leaves or other such readings, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mind-reading, telepathy, or other craft, art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, gypsy cunning or foresight, crystal gazing, oriental mysteries or magic, of any kind or nature. (Ord. 505 § 3. 2002 Code § 6-27.1).

5.08.740 License required.

Every natural person who engages in, conducts, or practices fortune-telling, as defined in this article, within the city for any form of compensation, shall first procure a license from the director:

(1) Fortune-Telling License.

$200.00 first year fee.

$200.00 annual renewal fee.

(Ord. 505 § 3. 2002 Code § 6-27.2).

5.08.750 Violation.

The advertisement, commencement, or practice of any activity mentioned herein, without first having procured such a permit when required to do so or without complying with any and all laws of this city, shall constitute a separate violation of this chapter for each and every day that such business or activity is so advertised or practiced. (Ord. 505 § 3. 2002 Code § 6-27.3).

5.08.760 Application.

Every natural person desiring to practice fortune-telling shall submit an application to the director. The application shall contain the following:

(1) Name, home address and telephone number of the applicant.

(2) Address and telephone number of the proposed business location.

(3) Record of conviction for violations of the law, excluding minor traffic violations.

(4) Two copies of a photograph, one inch by one inch in size, taken within six months of the application.

(5) Fingerprints of the applicant on a form approved by the sheriff's department.

(6) Address, including city and state, and approximate dates when the applicant practiced a similar business, either alone or in conjunction with others. (Ord. 505 § 3. 2002 Code § 6-27.4).

5.08.770 Investigation and approval of license.

(1) Investigation. The director shall make, or cause to be made, an investigation of each application in order to verify facts contained in the application.

(2) Approval. After conducting said investigation, the director shall approve issuance of a fortune-telling license if it is found that:

(a) All the information contained in the application is true;

(b) The applicant has complied with all provisions of this chapter; and

(c) The applicant has not, within the previous six months, been convicted of any violation of this chapter or any crime relating to fraud or moral turpitude.

(3) Issuance of License. Upon approval of said license, the director shall thereafter issue the license when:

(a) The required license fee has been paid; and

(b) A bond is filed with the director in the principal sum of $10,000 executed by a corporate surety authorized to do business in this state, which bond has been approved by the city attorney. Such bond shall be given to ensure good faith and fair dealing on the part of the applicant and as a guarantee of indemnity for any and all loss, damage, injury, theft, or unfair dealing suffered by any patron of the applicant within the city during the term of the license. (Ord. 505 §§ 3, 8, 19. 2002 Code § 6-27.5).

Article XIV. Delivery by Vehicles

5.08.780 Delivery by vehicles.

Every person not having a fixed place of business within the city who delivers goods, wares, or merchandise of any kind by vehicle, or who provides any service by the use of vehicles in the city, shall pay an annual license tax of $50.00 per vehicle. (Ord. 505 § 3. 2002 Code § 6-28).

Article XV. Outside Contractors

5.08.790 Outside contractors.

Every person not having a fixed place of business within the city who engages in the business of contracting within the city shall pay a license tax of $200.00 per year, in the case of a general contractor, and $100.00 per year in the case of a subcontractor. (Ord. 505 § 3. 2002 Code § 6-29).

Article XVI. Other Outside Businesses

5.08.800 Other outside businesses.

Every person not having a fixed place of business within the city who engages in business within the city and who is not otherwise taxed pursuant to this chapter shall pay an annual license tax of $50.00. (Ord. 505 § 9. 2002 Code § 6-30).

Article XVII. Oil Wells – License Fees

5.08.810 Oil wells – License fees.

Every person engaged in the operation of an oil well shall pay two percent of the gross receipts from petroleum and gas and petroleum and gas byproducts. (Ord. 505 § 3. 2002 Code § 6-31).

Article XVIII. Casinos – Certain Gambling Games – Bingo

5.08.820 Definitions.

For the purpose of this article, the words and phrases hereinafter set forth shall have the following meanings ascribed to them unless the context clearly requires to the contrary:

(1) "Commence" shall mean and include commence, begin, initiate, start, open and establish.

(2) "Conduct" shall mean and include conduct, transact, maintain, prosecute, practice, manage, operate and carry on.

(3) "Employee" shall mean every person, either an agent, employee, or otherwise, of the owner, as owner, or under the direction of the owner of any casino.

(4) "Owner" shall mean every person, firm, association, partnership, corporation, or other entity having any interest, legal or equitable, in any casino or casino license.

(5) "Person" shall mean and include a natural person, or any other legal entity which owns any interest in or proposes to own any interest in, operates or proposes to operate a casino in the city. In addition, "person" shall have the meaning set forth in Business and Professions Code Sections 19082(c) and (e) as those sections appear in Chapter 387 of the Statutes of 1995 and as those sections may hereafter be amended.

(6) "Pointholder" shall mean any person, having any interest whatsoever, or at all, in the ownership in a casino, whether legal, equitable, or of

whatsoever kind or character. However, third-party proposition player provider services (also referred to as "banking groups") are exempt from being considered pointholders.

(7) "Purport to commence" and "purport to conduct" shall mean and include any showing, representation, indication or action which:

(a) By means of sign, advertisement, or advertising matter, whether in, upon or about any premises or otherwise, or

(b) By the appearance or arrangement of any premises, or

(c) By acts or statements of any person, or of the agents, servants, or employees of any person; indicates, suggests, holds out, or represents that any person is, would be, or appears to be conducting or in a position to conduct any business referred to in this article within the city.

(8) "Gambling game" or "gambling games" shall mean any game conducted, dealt or carried on with cards, dice, dominos or devices, for money, checks, chips, credit or any representative of value if chance is any determining factor in the result of the game.

(9) "License" shall mean a license or permit for the playing of any gambling game.

(10) "Licensee" shall mean the person authorized to conduct a business hereunder.

(11) "Casino" shall mean a business or enterprise licensed under the provisions of this article for the playing of any gambling game.

(12) "Game room" shall only mean that portion of a casino where gambling games are conducted and does not include portions of a casino where gambling games are not conducted. (Ord. 588 § 1, 2003; Ord. 507 §§ 2, 3; Ord. 505 § 3. 2002 Code § 6-32.1).

5.08.830 Licenses – Required.

It shall be unlawful for any person to commence or conduct, or purport to commence or purport to conduct, within the city any business, activity, enterprise, undertaking or place, where tables or other items or units of furniture are used directly or indirectly for playing a gambling game or games and for the use of which a fee, commission, or compensation is directly or indirectly charged, accepted, or received from players or participants in any such playing of games until such person shall have first obtained a license so to do under and in compliance with the provisions of this article. (Ord. 505 § 3. 2002 Code § 6-32.2).

5.08.840 Licenses – Applications.

Subject to the provisions of this article, any person desiring or proposing to commence or conduct any gaming-related business, activity, enterprise, undertaking, or place named, designated, specified or referred to in this article for any gambling game shall file with the city manager a written application for the license so to do as required by the provisions of this article. Each such application shall contain and clearly and truthfully, under oath or penalty of perjury, set forth and show, in addition to such other information as the city manager shall require, the following information:

(1) The date of the application;

(2) The true name of the applicant;

(3) The status of the applicant as being an individual, firm, association, copartnership, joint venture, or corporation;

(4) If the applicant is an individual, the residence and business address of such applicant;

(5) If the applicant is other than an individual, the name, residence, and business address of each of the copartners or members of the firm, copartnership, or joint venture and the name, residence, and business address of each of the principal officers and directors of the association or corporation applicant;

(6) The type and nature of the gambling game proposed to be played;

(7) The number of tables or other units to be placed, employed, or used;

(8) A description of any other business conducted or proposed to be conducted at the same location;

(9) A description of the building proposed for such usage;

(10) A statement that any building used to conduct gaming-related activity will conform to all the laws of the state and the city for occupancies of the nature proposed;

(11) A statement that all required federal, state, and local government permits and licenses have been obtained for the sale and dispensing of alcoholic beverages. The specific location for the dispensing of alcoholic beverages shall be confined to the bar and cocktail lounge, the restaurant and coffee shop, and the game floor areas;

(12) A statement that the applicant understands that the application shall be considered by the council only after a full investigation and report have been made by the city manager;

(13) A statement that the applicant reasonably understands and agrees that any business or activity conducted or operated under any license issued under such application shall be operated in full conformity with all the laws of the state and the laws and regulations of the city applicable thereto, and that any violation of any such laws or regulations in such place of business, or in connection therewith, shall render any license therefor subject to immediate suspension and revocation;

(14) A statement that the applicant has read the provisions of this article and particularly the provisions of this section and understands the same;

(15) A full and complete financial statement of the applicant, whether an individual, corporation, partnership, or other entity; provided, that the financial statement required by this subsection may be filed with the application, shall be a confidential document and shall not be open to public inspection but shall be available only to the city manager, his staff and the council;

(16) The city manager is authorized to determine that an application filed with the Division of Gambling Control in the California State Department of Justice satisfies the requirements of this section; and

(17) When an act of nonconformity of a state or city law has occurred, casinos are provided a cure period of 30 days for resolution of the situation. In situations where casinos hold that there was not an act of nonconformity of a state or city law, casinos shall be permitted to appeal to the city manager for a complete review of any infractions or fines imposed on the casino. (Ord. 611 § 1, 2010; Ord. 588 §§ 2, 3, 4, 2003; Ord. 537 § 1; Ord. 507 § 4; Ord. 505 § 3. 2002 Code § 6-32.3).

5.08.850 License fees and deposits.

The license fees set forth in this article are for both regulatory and revenue purposes and are levied pursuant to the authority of applicable laws. Each such application for any license shall be accompanied by fees and deposits, payable to the city as follows:

(1) An application fee deposit of $2,500 for payment of the costs of investigation. If the deposit exceeds the costs of investigation, the excess funds will be refunded to the applicant.

(2) A license fee deposit of $3,000 which shall be the property of, and retained by, the city. Said fee shall not be refunded to any such applicant if a license is issued, nor shall such fee be prorated in any manner whatsoever, and in the event of the cessation of the proposed business, whether voluntary or involuntary, no refund of the advance fee shall be made. Notwithstanding the foregoing, in the event the license applied for is issued, such license fee deposit shall be applied as an advance towards the license fee described in CMC 5.08.880(6). In the event the license applied for is not issued, such license fee deposit shall be returned to the applicant. (Ord. 537 § 2; Ord. 505 § 3. 2002 Code § 6-32.4).

5.08.860 Gross gaming revenue license fees.

(1) Schedule of Fees. For purposes of this article, "gross gaming revenue" shall mean and include seat rental fees and any revenues directly derived from gaming operations but shall not include tournament entry fees or that portion of fees charged to players that are returned to the players as tournament or jackpot bonuses or returned collections or any revenues derived from food, beverage, parking, or merchandise sales. Each licensee, licensed pursuant to the provisions of this article, shall pay to the city a monthly license fee based upon the total monthly gross revenue of the gambling game business so licensed, according to the following schedule:

Total Monthly Gross Gaming Revenue	Monthly Fee Based on the Following Percentage of Total Monthly Game Room Revenue
$300,00 or less	$10,000
1. $301,000 but less than $310,000	7.50%
2. $310,000 but less than $320,000	7.60%
3. $320,000 but less than $330,000	7.70%
4. $330,000 but less than $340,000	7.80%
5. $340,000 but less than $350,000	7.90%
6. $350,000 but less than $360,000	8.00%
7. $360,000 but less than $370,000	8.10%

Total Monthly Gross Gaming Revenue	Monthly Fee Based on the Following Percentage of Total Monthly Game Room Revenue
8. $370,000 but less than $380,000	8.20%
9. $380,000 but less than $390,000	8.30%
10. $390,000 but less than $400,000	8.40%
11. $400,000 but less than $410,000	8.50%
12. $410,000 but less than $420,000	8.60%
13. $420,000 but less than $430,000	8.70%
14. $430,000 but less than $440,000	8.80%
15. $440,000 but less than $450,000	8.90%
16. $450,000 but less than $460,000	9.00%
17. $460,000 but less than $470,000	9.10%
18. $470,000 but less than $480,000	9.20%
19. $480,000 but less than $490,000	9.30%
20. $490,000 but less than $500,000	9.40%
21. $500,000 but less than $510,000	9.50%
22. $510,000 but less than $520,000	9.60%
23. $520,000 but less than $530,000	9.70%
24. $530,000 but less than $540,000	9.80%
25. $540,000 but less than $550,000	9.90%
26. $550,000 but less than $560,000	10.00%
27. $560,000 but less than $570,000	10.10%
28. $570,000 but less than $580,000	10.20%
29. $580,000 but less than $590,000	10.30%
30. $590,000 but less than $600,000	10.40%
31. $600,000 but less than $610,000	10.50%
32. $610,000 but less than $620,000	10.60%
33. $620,000 but less than $630,000	10.70%
34. $630,000 but less than $640,000	10.80%
35. $640,000 but less than $650,000	10.90%
36. $650,000 but less than $660,000	11.00%
37. $660,000 but less than $670,000	11.10%
38. $670,000 but less than $680,000	11.20%
39. $680,000 but less than $690,000	11.30%
40. $690,000 but less than $700,000	11.40%
41. $700,000 but less than $710,000	11.50%
42. $710,000 but less than $720,000	11.60%
43. $720,000 but less than $730,000	11.70%
44. $730,000 but less than $740,000	11.80%
45. $740,000 but less than $750,000	12.00%
47. $750,000 but less than $760,000	12.10%
48. $760,000 but less than $770,000	12.20%
49. $770,000 but less than $780,000	12.30%
50. $780,000 but less than $790,000	12.40%
51. $790,000 but less than $800,000	12.50%
52. $800,000 but less than $810,000	12.60%
53. $810,000 but less than $820,000	12.70%
54. $820,000 but less than $830,000	12.80%
55. $830,000 but less than $840,000	12.90%
56. $840,000 but less than $850,000	13.00%
57. $850,000 and over	13.20%

Provided, however, that the license fee shall in no event be less than a minimum of $10,000 per month following the initial commencement of operation of the casino.

(2) Statement of Revenue. Each licensee shall file with the city, before the fifteenth day of each calendar month, a statement showing the true and correct amount of gross revenue derived from the gambling game business operated under the license issued to or held by such licensee for the preceding calendar month. Such statement shall be accompanied by the payment of the correct amount of license fee due and owing in accordance with the provisions of subsection (1) of this section, and such sums correctly reflecting the monthly fees payable for the preceding month shall be accepted by the city, subject, however, to the right of the city to audit and to determine the correctness of the figures set forth in such statement and the amount payable to the city pursuant to the provisions of subsection (1) of this section.

A certification shall be attached to the statement, or included therein, which certification or declaration shall be substantially in the following form:

> I hereby declare under penalty of perjury that the foregoing is true and correct.
>
> _____
>
> Licensee, Managing Partner, General Manager or Owner.
> (Strike out the titles which are not applicable.)

(3) Audit of Reports. The books, records, and accounts of any casino may be audited by the city, such an audit to be performed by a qualified accountant who shall be selected by the council and/or city manager. Any information obtained pursuant to the provisions of this section or any statement filed by the licensees shall be deemed confidential and shall not be subject to public inspection except in connection with enforcement of the provisions of this article. It shall be the duty of the city manager to so preserve and keep such statements that the contents thereof shall not become known except to persons charged by law with the administration of the provisions of this article or pursuant to the order of any court of competent jurisdiction.

(4) Refusal to Display Records. Any failure or refusal of any such licensee to make and file any statements as required within the time required, or to pay such sums by way of license fees when the same are due and payable in accordance with the provisions of this article, or to permit such inspection of such books, records, and accounts of such licensee shall be and constitute sufficient grounds for suspension or revocation of the license of any such licensee. (Ord. 588 §§ 5, 6, 2003; Ord. 505 § 3. 2002 Code § 6-32.5).

5.08.870 Investigation and reports.

(1) Investigations Required. Whenever an application has been filed with the city manager for a license pursuant to the provisions of this article, the city manager and his staff shall immediately and diligently make a full and complete investigation of the applicant and its officers and members, if any, whose names and addresses are shown upon the application.

(2) Reports Required. The city manager shall make such investigations and report to the council with reference thereto with reasonable promptness. He shall make further investigations with reasonable promptness as to all matters within his jurisdiction concerning the public health, welfare, and safety as may be concerned with such application.

(3) Reports Prerequisite to Council Consideration. The council shall not consider any application for a license until such time as the city manager has filed his reports with the council, except as provided in subsection (5) of this section.

(4) Time of Filing Reports. All such reports shall be filed with the council within a period of 180 days after the applications have been referred to the city manager.

(5) Action in Absence of Reports. In the event that any of such reports are not filed within such 180 days, the council may proceed further without such reports and either grant, with or without conditions, or deny the application under the discretion of the council. (Ord. 611 § 2, 2010; Ord. 505 § 3. 2002 Code § 6-32.6).

5.08.880 Granting and denial of application.

(1) Consideration by Council. Whenever an application for a license required under the provisions of this article is presented to the council, and the deposits required by this article in connection therewith have been made with the city manager, the council shall cause to be given in the manner required for public hearings by the council, at least 10 days' notice of a hearing to consider whether such license should be issued. The council shall also cause to be given at least 10 days' mailed notice to the applicant of the time and place of such hearing.

(2) Decision of Council. The council may, in its discretion, either approve the application and grant the license applied for or deny the application and refuse to grant the license applied for.

(3) License Conditions. Any such license granted by the council shall be deemed conditioned so as to require compliance with all of the terms, conditions, and provisions of this chapter, and any other conditions the council may impose as conditions of approval. The license shall provide the location of the casino and the specific gambling game or games authorized to be played pursuant to the license.

(4) Decision of Council Final. The decision of the council to approve any such application and grant the license applied for therein on such conditions as the council may prescribe, or to deny any such application and refuse to grant the license applied for therein, shall be final and conclusive.

(5) Applicant's Acceptance of Council's Decision. The applicant shall agree that the sole and exclusive discretion as to the granting or denial of any such license shall be vested in the council.

(6) License Issuance Fee. It shall be a condition of any license granted by the city council that the

licensee pay a license issuance fee in the amount of $300,000, or such greater sum as the city council may prescribe, under such terms and conditions as the city council may prescribe at the time the license is granted.

(7) Approved games are to be defined only as those games for which the Division of Gambling Control are permitted for play within the city of Cudahy. (Ord. 588 § 7, 2003; Ord. 506 § 1; Ord. 505 § 3. 2002 Code § 6-32.7).

5.08.890 Grounds for denial of application.

The council shall not authorize the issuance of any license under the provisions of this article in any of the following cases:

(1) If the proposed business or activity to be operated is in violation of any state or city law or regulation;

(2) If the gambling game or games for which a license is applied for is unlawful or does not meet the approval of the city council;

(3) If the building and premises will not conform to the building and zoning regulations of the city or is not of sufficient size and a suitable location in the opinion of the city council;

(4) If the granting of the license would increase the number of licenses beyond that permitted in CMC 5.08.950;

(5) When an act of nonconformity of a state or city law has occurred, casinos are provided a cure period of 30 days for resolution of the situation. In situations where casinos hold that there was not an act of nonconformity of a state or city law, casinos shall be permitted to appeal to the city manager for a complete review of any infractions or fines imposed on the casino. (Ord. 588 § 8, 2003; Ord. 507 § 5; Ord. 505 § 3. 2002 Code § 6-32.8).

5.08.900 Hearing officer.

When any application for a license, or amendment to a license or for transfer of a license or for status as a pointholder is submitted pursuant to this article and if, in the opinion of the city attorney, the city manager should disqualify himself from taking the action required by virtue of his position pursuant to this article, such duty shall be performed by a qualified agency designated by the city attorney.

If, on any such matter which requires city council action, the city attorney determines that a conflict of interest exists as to a majority of the council members with regard to such matter, the city council shall refer the matter to a hearing officer for determination. Such hearing officer shall act upon the matter so referred, in the place and stead of the said city council. Such hearing officer shall be a qualified person who shall be designated to act as said hearing officer by the then presiding judge of the superior court of the county of Los Angeles. The hearing officer shall be compensated for such services in an amount or manner suggested by the said presiding judge. (Ord. 505 § 3. 2002 Code § 6-32.9).

5.08.910 Issuance of licenses – License term.

If the council grants an application for a license pursuant to this article, the city manager shall issue the necessary licenses or license renewals upon payment of the required fees. Such a license or license renewal shall remain in effect until the license expires pursuant to CMC 5.08.930, is surrendered by the licensee, or is revoked pursuant to CMC 5.08.980. (Ord. 505 § 3. 2002 Code § 6-32.10).

5.08.920 Amendment of license.

The licensee may request the city council to amend the license or any conditions thereof. In addition, the city council may, on its own motion, initiate proceedings to amend any license or conditions thereof. The procedures for amending a license or conditions thereof shall be the same as those provided in CMC 5.08.880 through 5.08.900. (Ord. 505 § 3. 2002 Code § 6-32.11).

5.08.930 Expiration of licenses.

(1) Any license issued pursuant to this article to a licensee for a casino which had not yet commenced operation pursuant to that license issued or

was most recently renewed shall expire one year from the later of the date of the initial issuance of the license or the most recent renewal of the license, unless extended by the city council upon approval of an application filed pursuant to this article.

(2) Any license issued pursuant to this article to a licensee for a casino which had commenced operation pursuant to that license at the time issued or was most recently renewed shall expire 10 years from later of the date of the initial issuance of the license or the most recent renewal of the license. Renewal shall not be denied unless grounds exist for revocation consistent with this section.

(3) Notwithstanding subsection (2) of this section, any license issued pursuant to this article to a licensee who had commenced operation of a casino pursuant to that license at the time the license issued or was most recently renewed shall automatically expire in the event the licensee ceases to operate the licensed casino for a period of six consecutive months. If the city manager determines that a license has expired under this subsection (3), he or she shall provide written notice of that fact to the licensee by certified mail. Any attempt to exercise the rights conferred by the license on or after the tenth day after such a notice is mailed shall constitute a violation of this code unless the licensee has within that time filed a written request for a hearing before the city council. Such a hearing shall be restricted to the issue of whether the license has or has not expired pursuant to this subsection (3). The decision of the city council shall be final when rendered. Any acts of God or occurrences considered to be totally out of the control of the casino are exempt from causing a license to automatically expire in a period of six months. A reasonable time, as determined by the city, shall be determined for commencing operation after cessation for "acts of God."

(4) For purposes of this section, a licensee is deemed to have commenced operation of a casino if the casino generates monthly gross revenues for at least two consecutive months in an amount that obligates the licensee to pay a license fee pursuant to CMC 5.08.860.

(5) Upon the expiration, revocation, or surrender of a license, no portion of any license deposit or fee shall be refunded. (Ord. 588 § 9, 2003; Ord. 505 § 3. 2002 Code § 6-32.12).

5.08.940 Tournaments.

(1) The conduct of tournaments shall be permitted for those gambling games permitted by this article and approved license and for no others.

(2) The licensee shall submit to the city manager, unless he/she waives this requirement in writing, at least 10 days prior to the commencement of any tournament a full set of rules, regulations, terms and conditions to be used in regulating or otherwise governing the operation and activities of any such tournament.

(3) The licensee must provide documentation to the satisfaction of the city manager that the licensee has been issued a certificate to operate additional tables on a temporary basis by the Division of Gambling Control in accordance with the rules and regulations adopted under the Gambling Control Act, as the same may be amended from time to time.

(4) Nothing contained in the permission granted to a licensee to engage in tournament activities shall permit or be construed to permit a violation of any other section or provision of this article. (Ord. 588 § 10, 2003; Ord. 537 § 4; Ord. 505 § 3. 2002 Code § 6-32.13).

5.08.950 Number of licenses limited.

The total number of current licenses for gambling games in the city authorized and outstanding shall not at any time exceed a total of one such license for each full 10,000 persons residing in the city, as shown by the last available United States Census. If the population of the city should be less than 20,000 persons, two licenses may be authorized and outstanding at any one time. (Ord. 506 § 2; Ord. 505 § 3. 2002 Code § 6-32.14).

5.08.960 Operating requirements.

The following requirements apply to all casinos licensed under the provisions of this article:

(1) Unless otherwise directed by the city council by resolution, a cardroom may operate 24 hours per day, seven days per week. Notwithstanding anything to the contrary in any license issued pursuant to this article or in any ordinance adopted by the city, the city council reserves the right to change the permissible hours of operation, on reasonable notice to the licensee. Hours of operation must be clearly posted at all entrances of the casino

and at any other location that the city manager may designate.

(2) The licensee must comply with the Gambling Control Act (Business and Professions Code Sections 19800 et seq.), as the same may be amended from time to time, and any related state regulations pertaining to local, house, or table wagering limits for gambling games authorized in any licensed casino in the city. At every gambling table, the licensee must display placards with the applicable wagering limits, if any, for the particular game offered at that table. Patrons must also be provided with notice of any rules relating to wagering in the rules of play that are required to be available to casino patrons.

(3) Under no circumstances will the total number of gambling tables in the city exceed 100 for all licensed casinos. If one license only is issued, that license is authorized to operate the full 100 tables. If subsequent additional licenses are issued, the city council shall portion the tables, but at no time shall the original license be authorized for less than 50 tables.

(4) The licensee shall have in effect and shall implement a security plan which shall include measures to ensure the safety of patrons in and around the licensed casino. The plan and any amendments thereto must be approved by the city manager or such other person designated by the city council before operation of the casino commences. The plan must provide that one or more persons charged with the task of patron security is on duty at all times while the licensed casino is open. Notwithstanding anything to the contrary in any license issued pursuant to this article or in any ordinance adopted by the city, the city council reserves the right to require the licensee to modify the security plan to the satisfaction of the city manager or such other person designated by the city council on reasonable notice to the licensee. Moreover, the licensee must comply with all rules and regulations issued by the city manager regarding patron security and safety in and around the licensed casino.

(5) The licensee may extend credit for gambling purposes in accordance with the Gambling Control Act, as the same may be amended from time to time, and any related state regulations pertaining to the extension of credit.

(6) Casinos are permitted to use credit reports obtained from reliable credit reporting agencies in determining if credit should be extended to individuals requesting credit. (Ord. 588 § 11, 2003; Ord. 537 § 3. 2002 Code § 6-32.14A).

5.08.970 Transfer and assignment of licenses.

Any transfer or assignment of any license shall be considered for all purposes in the same manner as a new application for a casino license in the city, and all the provisions of this article applicable to new and original applications shall apply. (Ord. 505 § 3. 2002 Code § 6-32.15).

5.08.980 Revocation of licenses.

(1) General. All licenses issued pursuant to the provisions of this article shall be subject to revocation in the time and manner set forth in this section. When an act of violation of a state or city law has occurred, casinos are provided a cure period of 30 days for resolution of the situation. In situations where casinos hold that there was not an act of nonconformity of a state or city law, casinos shall be permitted to appeal to the city manager for a complete review of any infractions or fines imposed on the casino.

(2) Grounds. Any license issued pursuant to the provisions of this article may be revoked if it is found, in the time and manner hereinafter described:

(a) That a licensee has willfully violated, or permitted, allowed or caused the violation of any provisions of this article; or

(b) That a licensee, or any agent or employee thereof, has permitted, allowed or caused any violation of any condition of approval imposed upon the issuance of such license; or

(c) That a licensee has made any fraudulent statement as to a material fact on an application form, or as to any other information presented as part of the application process.

(3) Action of City Manager. Whenever the city manager has information that a violation constituting a ground for revocation has occurred, he shall forthwith investigate the same. If he determines that such violation has occurred, he shall forthwith set the matter for consideration by the city council at its next most convenient meeting. He shall give notice of the time and the place of the hearing before the city council to the licensee not less than five days in advance of the date set by him for such hearing.

(4) Hearings. At the time set for such hearing, the city council shall hear the evidence presented by the city manager, purporting to show the grounds existing for revocation; thereafter, the city council shall permit the licensee and any other interested person to present such evidence as may be relevant to dispute the existence of such grounds.

(5) Decision of City Council. If, based upon the evidence presented, the city council finds that facts are presented which constitute grounds for revocation, it may revoke the license. If it finds that such facts are not present, it shall dismiss the proceedings. The decision of the city council shall be final and conclusive. (Ord. 588 § 12, 2003; Ord. 505 § 3. 2002 Code § 6-32.16).

5.08.990 Rules and regulations.

(1) Established. The following rules and regulations are hereby established and promulgated with reference to gambling games for which licenses are issued under the provisions of this article. Licensees holding or obtaining licenses under the provisions of this article shall, in writing, agree to be bound by and observe each and all of the provisions of this article relating to such licenses.

(a) Rule No. 1. No licensee shall use, operate or permit the use or operation of more tables or units than those for which such licensee holds then-current and valid licenses to operate or use in the city.

(b) Rule No. 2.

(i) No licensee shall permit any person to play in any gambling game licensed by the provisions of this article at any time while such person objectively appears to be, or is, under the influence of intoxicating liquor or drugs and no person under, or who appears to be under, the influence of intoxicating liquor or drugs shall play in any such gambling game.

(ii) No licensee shall permit any person to enter the premises while such person appears to be, or, in the opinion of the licensee, or a duly authorized agent or employee, is under the influence of intoxicating liquor or drugs.

(c) Rule No. 3. Except in a duly authorized tournament, no licensee shall permit any person playing in any of the gambling games licensed by this article to make any individual bet or wager in excess of the maximum bets set forth for the particular gambling game as specified in the rules.

(d) Rule No. 4. No licensee shall operate or use any table or unit or manage, conduct or carry on any business or activity licensed by this article after the time that such license issued by the city has been or is revoked pursuant to this article.

(e) Rule No. 5. Each and all of the gambling games conducted or operated in the city pursuant to the provisions of this article shall be conducted and operated in full conformity with, and subject to all the provisions of applicable laws.

(f) Rule No. 6. No licensee shall permit or allow any person under the age of 21 years to play in any game licensed hereunder, at any time in any gambling game covered by or referred to in any such license.

(g) Rule No. 7. The only gambling games permitted to be played in a licensed club shall be the gambling game or games provided in the license.

(h) Rule No. 8. The playing of all games provided for in this article shall be confined to the areas designated as "game rooms" which shall be located on the first or ground floor of a licensed card club and no playing of any game provided for or permitted by this article shall be permitted at any other location of such premises. Additionally, the specific location of all "game rooms" shall be first identified to the city manager to ensure compliance with any and all security requirements established by the city for those areas prior to the playing of any gambling games provided for or permitted by this article.

(i) Rule No. 9. A casino shall be open for inspection during all hours to the city manager, or his duly authorized representative, without a search warrant.

(j) Rule No. 10. The minimum size of any building or lot or combination of lots upon which each card club or casino is placed shall be determined by the city planning department and approved by the city council. Required off-street parking for each card club or casino shall be governed by Chapter 20.80 CMC.

(k) Rule No. 11. Notwithstanding the foregoing rules, tournaments shall be permitted; provided, that the time, place and special rules, including minimum and maximum bets for such tournament play, are first submitted to and

approved by the Gambling Control Commission. (Ord. 588 § 13, 2003; Ord. 506 § 3; Ord. 505 § 3. 2002 Code § 6-32.17).

5.08.1000 Work permits for employees of licensed casinos.

(1) Definitions. For the purposes of this section, the words and phrases set forth below have the following meanings:

(a) "Board" shall mean the California Gambling Control Commission.

(b) "Division" shall mean the Division of Gambling Control in the California State Department of Justice.

(c) "Employee work permit" shall mean a permit issued by the city to any natural person in accordance with the requirements of this section.

(d) "Gambling establishment employee" shall mean any natural person employed in the operation of a gambling establishment where gaming activity occurs, including, without limitation, management personnel, dealers, floormen, security employees, countroom personnel, cage personnel, collection personnel, surveillance personnel, data processing personnel, appropriate maintenance personnel, waiters and waitresses, and secretaries, or any other natural person whose employment duties require or authorize access to a game room.

(2) Application. The licensee must require each prospective gambling establishment employee to obtain an employee work permit before that employee commences work. An employee work permit application must be filed with the city manager. Each such application must contain and clearly and truthfully set forth, under oath or penalty of perjury, the following information:

(a) The date of the application.

(b) The true name of the applicant and date of birth.

(c) The applicant's residence and business address.

(d) The name and address of the casino for which the applicant desires an employee work permit.

(e) Whether the applicant has been convicted of any crime punishable as a felony.

(f) Whether the applicant has been convicted for any misdemeanor involving dishonesty or moral turpitude within the 10-year period immediately preceding the submission of the application.

(g) Whether the applicant has been granted relief for any misdemeanor involving dishonesty or moral turpitude within the 10-year period immediately preceding the submission of the application under California Penal Code Sections 1203.4, 1203.4a, or 1203.45 of the Penal Code, as the same may be amended from time to time.

(h) Whether the applicant has been or is associated with criminal profiteering activity or organized crime, as defined by California Penal Code Section 186.2, as the same may be amended from time to time.

(i) Whether the applicant has engaged in contumacious defiance of any legislative investigatory body, or other official investigatory body of any state or of the United States, when that body is engaged in the investigation of crimes relating to gambling, official corruption related to gambling activities or criminal profiteering activity or organized crime, as defined by California Penal Code Section 186.2, as the same may be amended from time to time.

(j) Whether the applicant has been disqualified from holding a state gambling license.

(k) The applicant must submit proof of age, such as a certified birth certificate, passport, or California's driver's license or identification card.

(l) The applicant must submit to fingerprinting and photographing by a law enforcement agency designated by the city manager.

(m) A statement that the applicant understands that the application will be considered by the city manager only after a full investigation and report has been submitted to the city.

(n) A statement that if the applicant is granted an employee work permit, any change in information contained in the application will be submitted to the city manager within 48 hours.

(o) A statement that the applicant understands that the Division may object to the issuance of an employee work permit.

(p) A statement that the applicant understands that the Division or Board may suspend or revoke an employee work permit.

(q) A statement that the applicant understands that the work permit is provisional until the Division has had an opportunity to review the application as set forth in subsection (4) of this section.

(3) Processing Fee. A processing fee in an amount established by resolution of the city council must be paid to the city when the application is submitted.

(4) Objections to Employee Work Permit. The city manager must notify the Division of every application for an employee work permit. The Division will have a reasonable opportunity to object to the issuance of any employee work permit.

(5) Provisional Work Permit. Work permits issued by the city shall be provisional until the Division has had an opportunity to review the application as provided in subsection (4) of this section. Provisional work permits are subject to revocation if the Division objects to issuance of the employee work permit as set forth in the Gambling Control Act (Business and Professions Code Sections 19800 et seq.), as the same may be amended from time to time, and any related state regulations.

(6) Denial of Employee Work Permit. The city manager must deny the employee work permit application for any of the following reasons:

(a) The applicant is under the age of 21.

(b) The applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application.

(c) The applicant has been convicted of any crime punishable as a felony.

(d) The applicant has been convicted of any misdemeanor involving dishonesty or moral turpitude within the 10-year period immediately preceding the submission of the application. An employee work permit will not be denied if the applicant has been granted relief pursuant to California Penal Code Sections 1203.4, 1203.4a, or 1203.45, as the same may be amended from time to time.

(e) The applicant has been or is associated with criminal profiteering activity or organized crime, as defined by California Penal Code Section 186.2, as the same may be amended from time to time.

(f) The applicant has been engaged in contumacious defiance of any legislative investigatory body, or other official investigatory body of any state or of the United States, when that body is engaged in the investigation of crimes relating to gambling, official corruption related to gambling activities or criminal profiteering activity or organized crime, as defined by California Penal Code Section 186.2, as the same may be amended from time to time.

(g) The applicant has been disqualified by the Division from holding a state gambling license.

(h) The Division has objected to the issuance of the employee work permit for any reasonable cause.

(7) Unlawful Activity. It is unlawful for any licensed casino in the city to employ or retain in employment any gambling establishment employee who does not have an employee work permit as required by this section.

(8) Review and Renewal. Employee permits are subject to periodic review by the city and annual renewal. A processing fee in an amount established by resolution of the city council must be paid to the city when the permit is renewed. (Ord. 588 § 14, 2003; Ord. 537 § 5; Ord. 505 § 3. 2002 Code § 6-32.18).

5.08.1010 Pointholders – Applications for sale or transfer of points.

(1) It shall be unlawful for any person having any interest whatsoever or at all in the ownership of a casino, whether legal or equitable, or as trustor or trustee, or of whatsoever kind or character, to transfer such points and/or interest without the consent and permission of the council first had and obtained.

(2) Any person desiring to sell, transfer, assign, or otherwise hypothecate any point or interest in a casino duly licensed pursuant to the provisions of this article shall file with the city manager a written application for permission to transfer such interest as is hereinafter described. Each such application shall contain and clearly and truthfully set forth, under oath and/or penalty of perjury and show, in addition to such other information as the city manager and/or the council may require, the following information:

(a) The date of the application;

(b) The true name of the applicant and proposed transferee;

(c) The status of the transferee as being an individual, corporation, association, copartnership, joint venture, trustor, or trustee;

(d) The residence and business address of the transferee, if an individual;

(e) If the transferee is other than an individual, the name, residence, and business address of each of the copartners or members of the firm, copartnership, trustor, trustee, or joint venture and the names and residences and business addresses of each of the principal officers of the association or corporation applicant;

(f) The name of the licensed casino for which a transfer of interest or point is sought;

(g) The number of points and/or the nature of interest sought to be sold, transferred, assigned, or otherwise hypothecated;

(h) A statement that the applicant will be considered by the council only after a full investigation and report has been made by the city manager and the report of investigation forwarded to the council;

(i) The statement required by this section and the documents containing such information shall be confidential, and shall not be open to public inspection, but shall be available only to those city officials having direct jurisdiction over the provisions of this article and to any court of competent jurisdiction where any matter relating thereto may actually be pending, except that the names and places of residence only of such pointholders shall be open to public inspection, but all other statements and/or documents shall remain confidential.

(3) Investigation Required. Whenever an application pursuant to the provisions of this section has been filed with the city for consent to transfer pursuant to the provisions of this section, the city manager shall promptly and diligently make an investigation as follows:

(a) A full and complete investigation of the transferee;

(b) Concurrently with the filing of the application, the transferee (or if not an individual, each individual officer, stockholder, or partner or member of the transferee) shall be fingerprinted by a duly appointed law enforcement agency;

(c) It shall be the responsibility and duty of the city manager to establish the necessary procedures to administer the provisions of this subsection (3); and

(d) The information received by the city manager pursuant to the provisions of this subsection (3) shall be confidential and shall be accessible only to the city council, city manager and to city officials having the direct jurisdiction over the provisions of this article.

(4) License Fees. Each such transfer application shall be accompanied by a processing fee, payable in advance, as set by the city council, in an amount sufficient to cover the cost of the investigation. The fee set forth in this subsection shall be the property of and be retained by the city, whether the application for transfer is granted or denied.

(5) Granting or Denial of Application.

(a) Consideration by Council. Whenever an application for such a transfer is presented to the council and notice provided to the general manager of a casino, the council shall consider such application on the same basis as is applicable to a new license application.

(b) Decision of the Council. The council may in its discretion either approve, conditionally approve, or deny the application. The decision of the council shall be final and conclusive.

(c) Applicant's Acceptance of Council's Decision. The applicant shall agree as part of the application that the sole and exclusive discretion as to the granting or denial of any such application shall be vested in the council.

(6) Investigations – Updating. All pointholders holding points in any casino, as well as the general partners and/or officers of such casino, whether or not they hold any points in such casino, shall have their background investigations updated annually pursuant to a schedule established by the city council. Such updating shall consist of a check by teletype to Criminal Investigation and Identification in Sacramento, California. A fee in the amount of $3.00 for each pointholder so investigated shall be paid to the city by the respective casino or licensee annually to cover the costs of such investigations.

(7) Application of Provisions to Continuing Pointholders. Any person having any interest whatsoever or at all in the ownership of a casino, whether legal or equitable, or a trustor or trustee, or of whatsoever kind or character, who has not previously submitted to the procedure required under subsection (5) of this section, shall, as a prerequisite to the continued holding of an ownership interest, file an application on the form provided in subsection (2) of this section and pay the fees provided for in subsection (4) of this section. The application shall be investigated and reviewed as provided in this section for persons applying for

new ownership interest. If the council denies any such application, the interest owner, within six months after the receipt of a notice of such denial, shall divest himself or herself of such ownership interest.

(8) Divestment. Any person having any interest whatsoever or at all in the ownership of a casino, whether legal or equitable, or as trustor or trustee, or of whatsoever kind or character, shall divest himself or herself of such ownership interest within 120 days after service of a notice of divestiture served on such person by the city pursuant to such person's final conviction of a misdemeanor involving moral turpitude or a felony. A plea or verdict of guilty, or a conviction following a plea of nolo contendere to a misdemeanor involving moral turpitude or a felony shall be deemed to be a final conviction within the meaning of this subsection, unless the conviction is appealed to a higher court, in which case the judgment of that court shall constitute the final action pursuant to which notice of divestiture shall be served if the conviction is affirmed. Within 30 days after the service of a notice of divestiture, the person or persons subject to such notice (appellant) may request in writing a hearing before the council to appeal the notice and request a waiver of the divestiture requirement, including transfer to a trustee. A hearing shall be scheduled before the council within 30 days after the receipt of the appellant's written request. Upon the conclusion of the hearing, the council may elect not to order divestiture and/or to take other steps if it is found and determined by the council that mitigating circumstances exist and that the public welfare will be adequately protected. In making such determination, the council shall consider the following factors:

(a) The type, nature and extent of the pointholder's interest, including the involvement, if any, in the operations of the casino;

(b) The nature, time and seriousness of the offense;

(c) The circumstances surrounding the conviction;

(d) The age of the person at the time of conviction;

(e) The presence or absence of rehabilitation or efforts at rehabilitation;

(f) Contributing social and environmental conditions;

(g) The record of the proceedings leading to the conviction;

(h) The financial stability of the pointholder, including his or her personal history, reputation, habits, and traits of character and moral background; and

(i) Such other factors as may be deemed relevant by the council in determining the status of the pointholder.

(9) The city manager is authorized to determine that an application filed with the Division of Gambling Control in the California State Department of Justice satisfies the requirements of this section.

The decision of the council shall be final and conclusive.

Failure to comply with the provisions of this section, including the notice of divestiture and/or the final order of council, shall constitute a misdemeanor punishable by a fine of not to exceed $500.00 or imprisonment for not to exceed six months, or by both such fine and imprisonment. Each day of noncompliance shall constitute a separate and complete offense. In addition, the city attorney may invoke appropriate civil remedies available to enforce compliance. (Ord. 588 § 15, 2003; Ord. 537 § 6; Ord. 505 § 3. 2002 Code § 6-32.19).

5.08.1020 Unlawful act.

(1) Unlawful Locations. It shall be unlawful for any person to play or permit the playing of any gambling game at any place within the city, except a place operated and licensed under a permit and licenses held or issued pursuant to the provisions of this article.

(2) Unlawful Gambling Games. It shall be unlawful for any person to play in any gambling game at any place licensed pursuant to this article which gambling game is not permitted by the provisions of this article or applicable license, or in any game played in violation of this article or applicable license. (Ord. 505 § 3. 2002 Code § 6-32.20).

5.08.1030 Presumptions.

The people, in adopting the provisions of this article and establishing the regulation of the businesses operated or to be operated by a licensee who permits the playing of gambling games, hereby declares that the playing of gambling games not

prohibited by statute is conducive to public morals when the same are played and conducted according to all the laws, rules, regulations, and provisions as set forth in this article, and that in any proceeding to annul a license issued pursuant to the provisions of this article, or to abate the business conducted hereunder, or to prosecute the licensee or his employees for any acts authorized hereby, it shall be presumed that such acts are not unlawful and that such business is not a public or private nuisance. (Ord. 505 § 3. 2002 Code § 6-32.21).

5.08.1040 Gambling games not permitted.

Nothing contained in this article shall in any manner whatsoever operate to authorize, permit, or license, or be construed to authorize, permit, or license, in any manner whatsoever, within the city any game prohibited by the laws of the state or the ordinances of the city, and no city license shall be issued therefor. (Ord. 505 § 3. 2002 Code § 6-32.22).

5.08.1050 Violations.

It shall be unlawful for any person to violate any of the provisions of this article. (Ord. 505 § 3. 2002 Code § 6-32.23).

5.08.1060 Amendments.

The city council shall have the right and power, in the exercise of a sound discretion, in the event that it shall determine that certain rules or provisions hereof should be amended or modified to protect or further the public interest or welfare, to amend or modify such rules or provisions from time to time; provided, that such amendments or modifications shall not be contrary to the public purpose expressed by this article. (Ord. 505 § 3. 2002 Code § 6-32.24).

5.08.1070 Bingo.

The city council may, by ordinance adopted pursuant to state law, authorize the playing of bingo in certain establishments operated by nonprofit organizations, subject to the limitations and on the conditions provided by law. (Ord. 505 § 3. 2002 Code § 6-32.25).

5.08.1080 Ordinance 29, partial repeal of.

The provisions of Ordinance No. 29 entitled:

> AN ORDINANCE PROPOSED BY THE CITY COUNCIL OF THE CITY OF CUDAHY PROHIBITING ALL FORMS OF GAMBLING WITHIN THE CITY TO BE SUBMITTED TO THE VOTERS OF THE CITY

are repealed and superseded hereby to the extent that the provisions thereof are inconsistent herewith. (Ord. 505 § 3. 2002 Code § 6-32.26).

5.08.1090 Regulations.

The city council may, by resolution, enact rules and regulations to carry out the purposes of this article and the Gambling Control Act (Business and Professions Code Sections 19800 et seq.), as the same may be amended from time to time, and any related state regulations. (Ord. 537 § 7. 2002 Code § 6-32.27).

5.08.1100 Wagering limits.

The city of Cudahy hereby specifically sets no wagering limit and/or limits for its licensee(s) governed by this code, specifically this article entitled "Casinos – Certain Gambling Games – Bingo." (Ord. 604 § 1, 2007. 2002 Code § 6-32.28).

Article XIX. Massage Establishments and Massage Technicians

5.08.1110 Definitions.

Except where the context otherwise requires, the words and phrases hereinafter set forth shall have the following meanings ascribed to them unless the context clearly requires to the contrary:

(1) "Massage" shall mean any method of treating the external parts of the body for remedial, health, or hygienic purposes. "Massage" includes, but is not limited to, treatment by means of pressure, friction, stroking, kneading, rubbing, tapping, pounding; treatment by means of stimulating the external parts of the body with any mechanical or electrical apparatus or appliances, or with rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations; and treatment by means of baths – including, but not limited to, Turkish, Russian, Swedish, Japanese, vapor, shower, electric or magnetic treatments, alcoholic rubs, or any other type of system for treating or manipulating the human body with or without the character of bath.

(2) "Massage establishment" shall mean any establishment having a fixed place of business where any person engages in, conducts, or carries on, or so licenses, any business of giving massage.

(3) "Massage technician" or "massage trainee" shall mean any person who administers to another person, for any form of consideration, a massage.

(4) "Employee" shall mean any and all persons, other than a massage technician, who renders any service to a massage establishment, and who receives compensation directly from the massage establishment licensee or his agent.

(5) "Recognized school of massage" shall mean:

(a) Any school or institution of learning which has been accredited or certified by the state of California and which teaches the theory, ethics, practice, profession, or work of massage, and which requires for graduation a resident course of study not less than 200 hours to be given in not less than six calendar months.

(b) Any school or institution of learning outside the state of California which teaches the theory, ethics, practice, profession or work of massage, which meets the minimum requirements set forth in Title 3, Division 21 of the California Administrative Code, and which has been approved by its State Board of Education.

Schools which offer a correspondence course not requiring attendance shall not be deemed a "recognized school of massage."

The city shall have the right to confirm that the applicant has actually attended class in and graduated from a recognized school of massage. If the school or institution is located outside of California, the applicant shall include:

(a) A certified transcript of its record, including dates and courses, which shows the applicant completed the appropriate course of study; and

(b) A copy of the school or institution's approval by its State Board of Education.

(6) "Out call massage service" shall mean any business which engages in or carries on massage and which business is not located at a fixed location but at a location designated by the customer or client. (Ord. 505 § 3. 2002 Code § 6-33.1).

5.08.1120 Applicability of article.

The provisions of this article shall not apply to the following classes of person when engaged within the scope of their respective professional duties:

(1) Any person who is duly licensed, certified, registered, or otherwise authorized by the state of California to practice a healing art.

(2) Any person who is duly licensed by the state of California as a barber or cosmetologist. This provision shall apply solely to the massaging of the neck, face, scalp, hair, hands or feet.

(3) The medical staff or hospitals, nursing homes, sanitariums or other health care facilities duly licensed by the state of California.

(4) Coaches and trainers of accredited high schools, junior colleges and of amateur, semi-professional or professional athletes or athletic teams. (Ord. 505 § 3. 2002 Code § 6-33.2).

5.08.1130 Out call massage service – Illegal.

No person shall engage in, conduct, or carry on, or so permit out call massage. (Ord. 505 § 3. 2002 Code § 6-33.3).

5.08.1140 Massage establishments – License required – Minimum qualifications.

(1) Every person who engages in, conducts, or carries on, or so permits, a massage establishment shall first procure a license from the director:

Massage establishment license	$300.00 annual fee

(2) No person shall qualify for a massage establishment license who is not at least 18 years of age.

(3) No lot which is located within 1,000 feet of any other lawfully operating massage establishment or stress relief clinic or residential use shall be an eligible site for such an establishment. (Ord. 505 § 3. 2002 Code § 6-33.4).

5.08.1150 Massage establishments – License applications.

(1) Each applicant for a massage establishment license shall apply under penalty of perjury to the director. An application for such a license shall be accompanied by a nonrefundable application fee of $100.00 to defray, in part, the cost of investigation.

(2) The application fee required under this article shall be in addition to any other fee required under any other section or subsection of this code.

(3) Submission of an application for a license does not authorize the applicant to operate a massage establishment.

(4) Every applicant for a license shall additionally supply the following information in writing to the sheriff's department, accompanied by a nonrefundable fee of $50.00 to defray, in part, the cost of investigation:

(a) The date of the application.

(b) The applicant's full true name, any other names used, date of birth, sex, height, weight, color of hair, color of eyes, California driver's license number or California identification number, Social Security number, present residence address, and present residence telephone number. Additionally, the applicant shall, upon the request of the sheriff's department, permit the sheriff's department to take identifying photographs of the applicant and to record impressions of the fingerprints of the applicant.

(c) The applicant's residences, and the dates thereof, for the five years preceding the date of the application.

(d) The applicant's business, occupation, and employment history, and the dates thereof, for the five years preceding the date of application.

(e) The applicant's entire license and license history, and the dates and types thereof, including any license or licenses issued by any agency, board, city, county, territory, or state. The applicant shall indicate whether any such license was revoked or suspended and, if so, the reasons.

(f) The applicant's entire record of criminal convictions (except nonfelony traffic offenses) and ordinance violations, and the dates and places thereof.

(g) The proposed location of the business for which the license is sought.

(h) A complete description of all services to be provided at the massage establishment and any other business to be operated on the same or, when owned or controlled by the applicant, adjoining premises.

(i) The name, address and date of birth of each massage technician, aide, trainee, or employee who is or will be employed in the massage establishment.

(j) The name and address of any massage business or other like establishment owned or operated by any person whose name is required to be given pursuant to this article.

(k) Acceptable written proof that the applicant is at least 18 years of age.

(l) If the applicant is a corporation, its name exactly as shown in its articles of incorporation or charter, its state and date of incorporation, and the names and residence addresses of each of its current officers, directors, and any stockholders holding more than five percent of the corporation's stock.

(m) If the applicant is a partnership, the name and residence address of each of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the Secretary of State. If one or more of the partners is a corporation, the provisions of subsection (4)(l) of this section pertaining to corporate applicants shall apply.

(n) If the applicant is either a corporation or partnership it shall designate on the application one of its officers or general partners as its responsible managing officer. Such person shall complete and sign all applicant forms required of an individual applicant under this article. Only one application fee shall be required.

The corporation's or partnership's responsible managing officer must at all times meet all of the requirements set for licenses by this article. If a violation of this duty should occur, the corporation or partnership license shall be suspended until a responsible managing officer who meets such requirements is designated. If no acceptable person should be found within 90 days of a violation, the corporation or partnership license shall be deemed canceled and a new initial application for license must be filed.

(o) Such other information as the sheriff's department may require in order to discover the truth of the matters herein required to be set forth.

(5) The applicant shall notify and cause the Los Angeles County health department to inspect the premises sought to be licensed to ensure compliance with all applicable health laws.

If the health department determines that the premises are in full compliance, the applicant shall submit a copy of the health department's report to the director. If the director does not receive such a report within 60 days of the date of filing, the appli-

cation shall be deemed void; a new application shall be required with the payment of all associated fees.

All fees charged by the Los Angeles County health department shall be incurred by the applicant separately of any other fees or charges set forth in this article.

(6) The applicant shall submit any change of address which may occur during the procedure of applying for a massage establishment license to the director and to the sheriff's department. (Ord. 505 § 3. 2002 Code § 6-33.5).

5.08.1160 Massage establishments – License nonassignable.

Subject to the exception below for partnerships, no massage establishment license may be sold, transferred, or assigned by the licensee, or by operation of law, to any other person or persons; any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to be a voluntary surrender of the license and it shall thereafter be deemed terminated and void. If the licensee is a corporation, its massage establishment license shall be deemed terminated and void under this article when either any outstanding stock of the corporation is sold, transferred or assigned after the issuance of a license, or any stock authorized but not issued at the time of the granting of a license, is thereafter issued and sold, transferred, or assigned.

Notwithstanding the foregoing, if one or more partners of a partnership which is a licensee dies during the life of the license, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such license; in such case, the licensee shall thereafter be deemed to be the surviving partner(s). (Ord. 505 § 3. 2002 Code § 6-33.6).

5.08.1170 Massage establishments – Operating requirements.

No person shall engage in, conduct, or carry on, or so license, any massage establishment unless each and all of the following requirements are met:

(1) Each person employed or acting as a massage technician shall have a valid license issued by the director. It shall be unlawful for any owner, manager, operator, responsible managing employee, or licensee in charge of or in control of a massage establishment to employ or license a person to act as a massage technician who is not in possession of a valid, unrevoked massage technician license issued pursuant to this article.

The possession of a valid massage establishment license does not authorize the possessor to perform work for which a massage technician license is required.

(2) Massage and bath operations may be carried on or conducted, and the premises may be open, only between the hours of 7:00 a.m. and 10:00 p.m.

(3) A list of available services and the cost of such services shall be posted in an open public place within the premises and shall be described in readily understandable language. No owner, manager, operator, responsible managing employee, or licensee shall license, and no massage technician shall offer or perform, any service other than those posted.

(4) The massage establishment license and a copy of the license of each and every massage technician employed in the establishment shall be displayed in an open and conspicuous place on the premises.

(5) Every massage establishment shall keep a written record of the date and hour of each treatment, the name and address of each customer, the name of the massage technician administering the treatment, and the type of treatment authorized and administered. The records shall be maintained for a period of two years.

Only those officials who are charged with enforcement of this article shall inspect these records and they shall not use any information contained therein for any purpose other than enforcement of this article.

No massage establishment licensee or massage establishment shall utilize the records in any manner or for any purpose which is unrelated to enforcement of this article.

(6) Massage establishments shall at all times be equipped with an adequate supply of clean, sanitary towels, coverings, and linens. Clean towels, coverings, and linens shall be stored in cabinets. Towels and linens shall not be used on more than one customer or client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one customer or client. Soiled linens and paper towels

shall be deposited in separate, approved receptacles.

(7) If male and female customers or clients are to be treated at the same time at a massage establishment, a separate massage room or rooms, separate dressing facilities and separate toilet facilities shall be provided for male and female customers. Each such separate facility or room shall be clearly marked as such.

(8) In any establishment in which massage services are rendered only to members of the same sex at any one time, the operators of the massage establishment may elect either to place such persons of the same sex in separate rooms or booths or in a single separate room. In either case, there shall be adequate ventilation to an area outside said room or booth while massage services are being performed.

(9) Wet heat rooms, dry heat rooms, steam rooms, vapor rooms, showers, bathrooms, cabinet rooms, and pools shall be thoroughly cleaned and disinfected as often as needed and at least once each day the premises are open with a disinfectant approved by the health department.

Bath tubs shall be thoroughly cleaned with a disinfectant approved by the health department after each use.

All walls, ceilings, floors, and other physical facilities for the establishment shall be maintained in good repair and in a clean and sanitary condition.

(10) Instruments utilized in performing massage shall not be used on more than one patron unless they have been properly sterilized.

(11) All employees, including massage technicians, shall at all times while on the premises of the massage establishment be clean and shall wear clean, nontransparent outer garments covering the body from knee to neck; the use of such garment shall be restricted to the massage establishment. Separate dressing rooms for each sex, equipped with individual lockers for each employee, shall be available on the premises.

(12) No persons shall enter, be, or remain in any part of a massage establishment while in the possession of, consuming, or using alcoholic beverages or drugs, except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, manager, or licensee shall not license any person in violation of this section to enter or remain upon the premises.

(13) No massage establishment may operate as a school of massage, or use the same facilities as that of a school of massage.

(14) No massage establishment granted a license under this article may place, publish, or distribute, or so direct or license, any advertising matter which either depicts any portion of the human body or includes matter in its text which could be reasonably construed as suggesting to prospective customers or clients that any service is available other than massage or any other service which the massage establishment licensee is legally authorized to provide on the premises.

(15) No massage shall be given in a massage establishment within any cubicle, room, booth, or other area which is fitted with a door capable of being locked.

(16) All exterior doors shall remain unlocked during business hours from the interior side.

(17) No massage may be given unless the patron wears clothing which fully covers the patron's genitals and, if the patron is female, breasts.

(18) No massage establishment may be open for business unless there is at least one massage technician holding a current, unrevoked license on the premises at all times.

(19) No persons other than the person receiving a massage and the administering massage technician may be within a room in a massage establishment wherein a massage is being given.

(20) The holder of a massage establishment license shall notify the director and sheriff's department, in writing, of any change in information concerning the original application within 30 days of such change.

(21) The holder of a massage establishment license shall notify the director and sheriff's department, in writing, of the name and address of each person employed as a massage technician subsequent to the issuance of the license within five business days of that person being employed. (Ord. 505 § 3. 2002 Code § 6-33.7).

5.08.1180 Massage establishments – Facilities.

In addition to any other requirements set forth in this code the facilities of every massage establishment shall meet the following requirements:

(1) At least one artificial light of not less than 40 watts shall be provided in each room or enclosure where massage services are performed.

(2) Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided.

(3) Hot and cold running water shall be provided at all times.

(4) Closed cabinets shall be provided for storage of clean linens.

(5) Adequate bathing, dressing, locker, and toilet facilities shall be provided for patrons. This shall include a minimum of one tub or shower, a dressing room containing a separate locker (capable of being locked) for each patron, and a minimum of two toilets and two wash basins, one for males and one for females, located in separate rooms.

(6) A minimum of one separate wash basin shall be provided in each massage establishment for the use of employees.

(7) A minimum of one separate wash basin which provides soap or detergent, and hot and cold running water at all times shall be provided in each massage establishment for the use of employees. Such basin shall be located within, or as close as practicable to, the area devoted to performing of massages services. Sanitary towels shall be provided at each basin.

(8) Pads used on massage tables shall be covered with a durable washable plastic or other waterproof material acceptable to the Los Angeles County health department. (Ord. 505 § 3. 2002 Code § 6-33.8).

5.08.1190 Massage establishment – Inspection.

The director and representatives of the Los Angeles County health department shall have the right to periodically enter and inspect any massage establishment for the purpose of enforcing compliance with all applicable regulations and laws. (Ord. 505 § 11. 2002 Code § 6-33.9).

5.08.1200 Massage establishments – Change of location or name.

(1) No holder of a massage establishment license may relocate a massage establishment to another location within the city without first submitting to the director separate written statements signed by the city planner and a representative of the Los Angeles County health department which state that the proposed location and facilities comply with the provisions of this article.

(2) No holder of a massage establishment license may operate under any name not specified in the original license without first securing from the director a license which has been amended to record the change. (Ord. 505 § 3. 2002 Code § 6-33.10).

5.08.1210 Massage establishments – Renewal of licenses.

A licensee shall pay a renewal fee of $50.00 to the director to defray, in part, the cost of the investigation required by this article. (Ord. 505 § 12. 2002 Code § 6-33.11).

5.08.1220 Massage technicians – License required – Minimum qualifications.

(1) Every person who engages in the business of a massage technician shall first procure a license from the director:

Massage technician license $150.00 annual fee

(2) No person shall engage in the business of a massage technician who has not graduated from a recognized school of massage.

(3) No person shall engage in the business of a massage technician who is not at least 18 years of age. (Ord. 505 §§ 3, 13. 2002 Code § 6-33.12).

5.08.1230 Massage technicians – License application.

(1) Each applicant for a massage technician license shall apply under penalty of perjury to the director. An application for such a license shall be accompanied by a nonrefundable application fee of $100.00 to defray, in part, the cost of investigation.

(2) The application fee required under this article shall be in addition to any other fee for a license or permit required under any other section or subsection of this code.

(3) Submission of an application for a license does not authorize the applicant to engage in the business of a massage technician.

(4) Every applicant for a massage technician license shall additionally supply the following information in writing to the sheriff's department,

accompanied by a nonrefundable application fee of $50.00 to defray, in part, the cost of investigation:

(a) The date of the application.

(b) Each and every fact set forth in CMC 5.08.1150(4). If certain required information is not applicable, the applicant shall so indicate.

(c) A diploma or certificate of graduation from a recognized school of massage.

(d) The full name, address and telephone number of the massage establishment at which the applicant will be employed. If, subsequent to the original application, the applicant seeks employment at a massage establishment other than that indicated thereon, the applicant shall submit another application stating the change. In such event, the applicant shall pay an additional application fee.

(e) Such other information as the sheriff's department may require in order to discover the truth of the matters herein required to be set forth. (Ord. 505 § 3. 2002 Code § 6-33.13).

5.08.1240 Massage technicians – Prohibited conduct.

(1) Massage technicians shall at all times on the premises of the massage establishment be clean and wear nontransparent outer garments covering the body from knee to neck.

(2) No massage technician may perform any massage services in any location other than at a massage establishment holding a valid massage license.

(3) No massage technician may perform any massage services at any location other than that location specified on the massage technician's license. (Ord. 505 § 3. 2002 Code § 6-33.14).

5.08.1250 Massage technicians – Renewal of licenses.

Every person who engages in the business of a massage technician shall first procure a license from the director:

Massage technician license renewal	$50.00 annual fee

(Ord. 505 § 3. 2002 Code § 6-33.15).

Article XX. Stress Relief Establishments and Stress Relief Therapists

5.08.1260 Definitions.

Except where the context otherwise requires, the words and phrases hereinafter set forth shall have the following meanings ascribed to them unless the context clearly requires to the contrary.

(1) "Stress" shall mean any physical, mental, emotional, or spiritual condition or state to which a person fails to satisfactorily adapt, causing adverse physiologic reaction(s). Symptoms of such reaction include, but are not limited to, nervousness, anxiety, headaches, insomnia, depression, dizziness, digestion problems and aches and pains.

(2) "Stress relief therapy" shall mean any method administered through written, verbal, or other nonphysical communication whose stated or advertised purpose is the diagnosis, prevention, treatment, or amelioration of stress and its ill effects.

(3) "Stress relief establishment" shall mean any establishment having a fixed place of business where any person engages in, conducts, or carries on, or so permits, any business of given stress relief therapy.

(4) "Stress relief therapist" shall mean any person who administers stress relief therapy to another person for any form of consideration.

(5) "Employee" shall mean any person, other than a stress relief therapist, who renders any service to a stress relief establishment, and who receives compensation directly from the stress relief establishment licensee or his agent.

(6) "Out call stress relief therapy" shall mean any business which engages in or carries on stress relief therapy and which business is not located at a fixed location but at a location designated by the customer or client.

(7) "Massage" shall mean any method of treating the external parts of the body for remedial health, or hygienic purposes as further defined in CMC 5.08.1110. (Ord. 505 § 3. 2002 Code § 6-34.1).

5.08.1270 Applicability of section.

The provisions of this article shall not apply to the following classes of persons when engaged within the scope of their respective professional duties:

(1) Any person who is duly licensed, certified, registered, or otherwise authorized by the state of California to practice a healing art.

(2) The medical staff of hospitals, nursing homes, sanitariums, or other health care facilities duly licensed by the state of California. (Ord. 505 § 3. 2002 Code § 6-34.2).

5.08.1280 Out call stress relief therapy – Illegal.

No person shall engage in, conduct, or carry on, or so permit, out call stress relief therapy. (Ord. 505 § 3. 2002 Code § 6-34.3).

5.08.1290 Massage – Massage license required.

No stress relief establishment licensee shall cause or permit any stress relief therapist to utilize any technique of massage when administering stress relief therapy unless such licensee additionally possesses a massage license for the premises issued by the city and such stress relief therapist possesses a massage technician license issued by the city. (Ord. 505 § 3. 2002 Code § 6-34.4).

5.08.1300 Stress relief establishment – License required – Minimum qualification.

(1) Every person who engages in, conducts, or carries on, or so permits, a stress relief establishment shall first procure a license from the director:

Stress relief establishment license	$300.00 annual fee

(2) No person shall qualify for a stress relief establishment license who is not at least 18 years of age.

(3) No lot which is located within 1,000 feet of any other lawfully operating stress relief clinic shall be an eligible site for such an establishment. (Ord. 505 §§ 3, 14. 2002 Code § 6-34.5).

5.08.1310 Stress relief establishment – License application.

(1) Each applicant for a stress relief establishment license shall apply under penalty of perjury to the director. The application for such a license shall be accompanied by a nonrefundable fee of $50.00 to defray, in part, the cost of investigation. This fee shall be in addition to any other fee required under any other chapter or section of this code.

(2) Submission of an application for a license does not authorize the applicant to operate a stress relief establishment.

(3) Every applicant for a license shall additionally supply the following information in writing to the sheriff's department, accompanied by a nonrefundable fee of $50.00 to defray, in part, the cost of investigation:

(a) The date of the application.

(b) The applicant's full true name, any other names used, date of birth, sex, height, weight, color of hair, color of eyes, California driver's license number or California identification number, Social Security number, present residence address, and present residence telephone number. Additionally, the applicant shall submit two photographs of the applicant to be taken by the sheriff's department and, if required by the director, the applicant must furnish their fingerprints.

(c) The applicant's residences, and the dates thereof, for the five years preceding the date of the application.

(d) The applicant's business, occupation, and employment history, and the dates thereof, for the five years preceding the date of application.

(e) The applicant's entire permit and license history, and the dates and types thereof, including any permit or license issued by any agency, board, city, county, territory, or state. The applicant shall indicate whether any such permit or license was revoked or suspended and, if so, the reasons for such revocation or suspension.

(f) The applicant's entire record of criminal convictions (except nonfelony traffic offenses) and ordinance violations, and the dates and places thereof.

(g) A complete description of all services to be provided at the stress relief establishment and of any other business to be operated on the same, or when owned or controlled by the applicant, adjoining premises.

(h) The name, address, and date of birth of each stress relief therapist and each employee who is or will be employed in the stress relief establishment.

(i) The name and address of any stress relief establishment or other like establishment, including, but not limited to, massage establishments,

owned or operated by any person whose name is required to be given pursuant to this article.

(j) Acceptable written proof that the applicant is at least 18 years of age.

(k) If the applicant is a corporation, its name exactly as shown in its articles of incorporation or charter, its state and date of incorporation, and the names and residence addresses of each of its current officers, directors, and any stockholders holding more than five percent of the corporation's stock.

(l) If the applicant is a partnership, the name and residence addresses of each of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the Secretary of State. If one or more of the partners is a corporation, the provisions of subsection (3)(k) of this section pertaining to corporate applicants shall apply.

(m) If the applicant is either a corporation or partnership it shall designate on the application one of its officers or general partners as its responsible managing officer. Such person shall complete and sign all application forms required of an individual applicant under this article. Only one application fee shall be required.

The corporation's or partnership's responsible managing officer must at all times meet all of the requirements set for licensees by this article. If a violation of this duty should occur, the corporation or partnership license shall be suspended until a responsible managing officer who meets such requirements is designated. If no acceptable person should be found within 90 days of a violation, the corporation or partnership license shall be deemed canceled and a new initial application for license must be filed.

(4) The applicant, or, if the applicant is a partnership or corporation, its designated responsible managing officer, shall personally appear at the sheriff's department and produce proof that the application fee has been paid and shall present the application containing the information as required by this article.

(5) The applicant shall notify and cause the Los Angeles County health department to inspect the premises sought to be licensed to ensure compliance with all applicable health laws.

If the department determines that the premises are in full compliance, the applicant shall submit a copy of the department of health's report to the sheriff's department. If the sheriff's department does not receive such a report within 60 days of the date of filing, the application shall be deemed void and a new application, including the payment of all associated fees, shall be required for a license.

(6) The applicant shall submit any change of address which may occur during the procedure of applying for stress relief establishment license. (Ord. 505 §§ 3, 21. 2002 Code § 6-34.6).

5.08.1320 Stress relief establishment – License nonassignable.

Subject to the exception below for partnerships, no stress relief establishment license may be sold, transferred, or assigned by the licensee, or by operation of law, to any other person or persons; any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to be a voluntary surrender of the license and it shall thereafter be deemed terminated and void. If the licensee is a corporation, its stress relief establishment license shall be deemed terminated and void under this article when either any outstanding stock of the corporation is sold, transferred or assigned after the issuance of a license, or any stock authorized but not issued at the time of the granting of a license, is thereafter issued and sold, transferred, or assigned.

Notwithstanding the foregoing, if one or more partners of a partnership which is a licensee dies during the life of the license, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such license; in such case, the licensee shall thereafter be deemed to be the surviving partner(s). (Ord. 505 § 3. 2002 Code § 6-34.7).

5.08.1330 Stress relief establishment – Operating requirements.

No person shall engage in, conduct, or carry on, or so permit, any stress relief establishment unless each and all of the following requirements are met:

(1) Each person employed or acting as a stress relief therapist shall have a valid license issued by the director. It shall be unlawful for any owner, manager, operator, responsible managing employee, or licensee in charge of or in control of a

stress relief establishment to employ or permit a person to act as a stress relief therapist who is not in possession of a valid, unrevoked stress relief therapist license issued pursuant to this article.

The possession of a valid stress relief establishment license does not authorize the possessor to perform work for which a stress relief therapist license is required.

(2) Stress relief therapy may be carried on or conducted, and the premises may be open, only between the hours of 7:00 a.m. and 10:00 p.m.

(3) A list of available services and the cost of such services shall be posted in an open public place within the premises and shall be described in readily understandable language. No owner, manager, operator, responsible managing employee, or licensee shall permit, and no stress relief therapist shall offer or perform, any service other than those posted.

(4) The stress relief establishment license and a copy of the license of each and every stress relief therapist employed in the establishment shall be displayed in an open and conspicuous place on the premises.

(5) Every stress relief establishment shall keep a written record of the date and hour of each treatment, the name and address of each customer, the name of the stress relief therapist administering the treatment, and the type of treatment authorized and administered. The records shall be maintained for a period of two years.

Only those officials who are charged with enforcement of this article shall inspect these records and they shall not use any information contained therein for any purpose other than enforcement of this article.

No stress relief establishment licensee or stress relief establishment employee shall utilize the records in any manner or for any purpose which is unrelated to enforcement of this article.

(6) All employees, including stress relief therapists, shall at all times while on the premises of the stress relief establishment be clean and shall wear clean nontransparent outer garments covering the body from knee to neck; the use of such garment shall be restricted to the stress relief establishment. Separate dressing rooms for each sex, equipped with individual lockers for each employee, shall be available on the premises.

(7) No persons shall enter, be, or remain in any part of a stress relief establishment while in the possession of, consuming, or using alcoholic beverages or drugs, except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, manager, or licensee shall not permit any person in violation of this section to enter or remain upon the premises.

(8) No stress relief establishment licensee may place, publish, or distribute, or so direct or permit, any advertising matter which either depicts any portion of the human body or includes matter in its text which could be reasonably construed as suggesting to prospective customers or clients that any service is available other than those stress relief therapy and any other services which stress relief establishment licensee is legally authorized to provide on the premises.

(9) No stress relief therapy shall be given in a stress relief establishment within any cubicle, room, booth, or other area which is fitted with a door capable of being locked.

(10) All exterior doors shall remain unlocked during business hours from the interior side.

(11) No stress relief therapy may be administered unless the patron wears clothing which fully covers the patron's genitals, and if the patron is female, breasts.

(12) No stress relief establishment may be open for business unless there is at least one stress relief therapist holding a current, unrevoked license on the premises at all times.

(13) No persons other than the person receiving stress relief therapy and the administering stress relief therapist may be within a room in a stress relief establishment wherein stress relief therapy is being administered.

(14) The holder of a stress relief establishment license shall notify the director, in writing, of any change in information concerning the original application within 30 days of such change.

(15) The holder of a stress relief establishment license shall notify the director, in writing, of the name and address of each person employed as a stress relief therapist subsequent to the issuance of the license within five business days of that person being employed. (Ord. 505 § 3. 2002 Code § 6-34.8).

5.08.1340 Stress relief establishment – Inspection.

The director and representatives of the Los Angeles County health department shall have the right to periodically enter and inspect any stress relief establishment for the purpose of enforcing compliance with all applicable regulations and laws. (Ord. 505 § 15. 2002 Code § 6-34.9).

5.08.1350 Stress relief establishment – Change of location or name.

(1) No holder of a stress relief establishment license may relocate a stress relief establishment currently within the city to another location within the city without first securing separate written statements signed by the director and by the city planner which state that the proposed location and facilities comply with the provisions of this article.

(2) No holder of a stress relief establishment license may operate under any name not specified in the original license without first securing from the director a license which has been amended to record the change. (Ord. 505 § 3. 2002 Code § 6-34.10).

5.08.1360 Stress relief establishment – Renewal of licenses.

A licensee shall pay a renewal fee of $25.00 to the director to defray, in part, the cost of investigation required by this article. (Ord. 505 § 3. 2002 Code § 6-34.11).

5.08.1370 Stress relief therapist – License required.

(1) Every person who engages in, conducts, or carries on the business of a stress relief therapist shall first procure a license from the director:

Stress relief therapist license $150.00 annual fee

(2) No person shall qualify for a stress relief therapist license who is not at least 18 years of age. (Ord. 505 §§ 3, 16. 2002 Code § 6-34.12).

5.08.1380 Stress relief therapist – License application.

(1) Each applicant for a stress relief therapist license shall apply under penalty of perjury to the director. The application for such a license shall be accompanied by a nonrefundable application fee of $50.00 to defray, in part, the cost of investigation. This application fee shall be in addition to any fee required under any other section or subsection of this code.

(2) The application for a license does not authorize the applicant to engage in the business of a stress relief therapist until such license has been granted.

(3) Every applicant for a license shall additionally supply the following information in writing to the sheriff's department, accompanied by a nonrefundable fee of $50.00 to defray, in part, the cost of investigation:

(a) The date of the application.

(b) Each and every fact set forth in CMC 5.08.1310(3). If certain required information is not applicable, the applicant shall so indicate.

(c) Whether the applicant currently possesses or has applied for a massage technician license.

(d) The full name, address and telephone number of the stress relief establishment at which the applicant will be employed. If, subsequent to the original application, the applicant seeks employment at a stress relief establishment other than that indicated thereon, the applicant shall submit another application stating the change. In such event, the applicant shall pay an additional application fee.

(e) Such other information as the sheriff's department may require in order to discover the truth of the matters herein required. (Ord. 505 § 3. 2002 Code § 6-34.13).

5.08.1390 Stress relief therapist – Prohibited conduct.

(1) Stress relief therapists shall at all times on the premises of the stress relief establishment be clean and wear nontransparent outer garments covering the body from knee to neck.

(2) No stress relief therapist may perform any stress relief therapy services in any location other than at a stress relief establishment holding a valid stress relief therapy license.

(3) No stress relief therapist may administer stress relief therapy at any location other than that location specified on the stress relief therapist's license. (Ord. 505 § 3. 2002 Code § 6-34.14).

5.08.1400 Stress relief therapist – Renewal of licenses.

A licensee shall pay a renewal fee of $25.00 to the director to defray, in part, the cost of investigation required by this article. (Ord. 505 § 3. 2002 Code § 6-34.15).

Article XXI. Aerosol Spray Paint and Dye – Sale, Distribution, and Possession

5.08.1410 Regulations of the sale and distribution of aerosol spray paint and dyes.

No person shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned, any pressurized can containing any substance commonly known as paint or dye to anyone under the age of 18 years, unless such person be the parent or legal guardian of said minor. No person under the age of 18 years of age shall purchase any pressurized can containing paint or dye. (Ord. 505 § 3. 2002 Code § 6-35.1).

5.08.1420 Display.

Any person who maintains a place of business shall store and display any pressurized cans containing any substance commonly known as paint or dye in a locked cabinet or display case, behind a counter, or in a separate room or enclosure not accessible to minors. (Ord. 505 § 3. 2002 Code § 6-35.2).

5.08.1430 Possession – Public recreation areas.

No person shall have in his possession any pressurized can containing any substance commonly known as paint or dye while in any park, playground, swimming pool, or recreation facility (other than a highway, street, alley or way) except authorized employees of the city, or an individual or company under contract with the city. (Ord. 505 § 3. 2002 Code § 6-35.3).

5.08.1440 Streets and other public places.

No person under the age of 18 years of age shall have in his possession any pressurized can containing any substance commonly known as a paint or dye while on any public highway, street, alley or way, or other public place, whether such person is or is not in any automobile, vehicle, or other conveyance. (Ord. 505 § 3. 2002 Code § 6-35.4).

5.08.1450 Violations.

Any violation of this article shall be deemed to be an infraction punishable pursuant to CMC 1.36.010(2). (Ord. 505 § 17. 2002 Code § 6-35.5).

Article XXII. Public Telephones

5.08.1460 Definitions.

(1) "Director" shall mean the director of community development of the city of Cudahy or the director's designee.

(2) "Public property" shall mean any public highway, public street, public way or public parcel either owned by the city or dedicated to the public for the purpose of travel. The term includes all or any part of the entire width of a right-of-way, and above and below the same, whether or not such entire area is actually used for highway purposes.

(3) "Public telephone" shall mean a telephone into which money may be deposited, or through which a credit card or telephone calling card number may be entered, for purposes of obtaining a telecommunications link to communicate with another who receives the communication by any telephone, pager, or other telecommunication device.

(4) "Public telephone vendor" shall mean any person or entity authorized to sell, lease, install or otherwise contract for the sale, use, maintenance or installation of a "public telephone."

(5) "Sidewalk" shall mean that portion of "public property" between the curb lines or traversable roadway and the adjacent property line, whether or not that area is paved for pedestrian use.

(6) "Unimproved property" shall mean any vacant lot, land or other real property that lacks any building or other structure. (Ord. 505 § 3; Ord. 497 § 1. 2002 Code § 6-36.1).

5.08.1470 Public telephones – Prohibited locations – Encroachment permit.

(1) No public telephone shall be installed, located, or maintained on unimproved property.

(2) No public telephone shall be installed, located, or maintained on public property or in such a way that it protrudes or encroaches onto or over any sidewalk, or other public property located

within the city, unless a telephone encroachment permit is first obtained pursuant to the provisions of this chapter.

(3) No public telephone shall be located such that the user thereof must be physically situated on public property in order to use the telephone, unless a telephone encroachment permit is first obtained pursuant to the provisions of this chapter.

(4) Any existing public telephone located or maintained in violation of subsection (1), (2) or (3) of this section shall be removed by February 2, 1995, unless a telephone encroachment permit is first obtained pursuant to the provisions of this chapter.

(5) It is unlawful to (a) install, place, locate or maintain a public telephone for which an encroachment permit is required without first obtaining said permit; or (b) otherwise violate any other provision of this article. Any violation of this article shall be punishable as set forth in CMC 1.36.010(1). (Ord. 505 § 3; Ord. 497 §§ 1, 4. 2002 Code § 6-36.2).

5.08.1480 Contents of a public telephone encroachment permit application.

Every application for an encroachment permit for a public telephone shall be made in writing to the director on forms provided by the city, and accompanied by a filing fee as set by resolution of the city council. An application shall include the following information:

(1) Name and address of the applicant;

(2) Name and address of the public telephone vendor;

(3) Name and address of the individual, individuals, or entity that owns the lot or parcel upon which the public telephone is to be located;

(4) Permission of the landowner to place a public telephone on the lot or parcel, if not owned by the applicant;

(5) A plot and development plan drawn fully dimensioned and scaled in sufficient detail, to clearly describe the following:

(a) The location and physical dimensions of the lot or lots proposed for such use; and

(b) The location of existing and proposed buildings or structures on the site for which the telephone is proposed, and the locations of other public telephones within 500 feet of the proposed public telephone location; and

(6) A current list of the names and addresses of the owners of real property located within 300 feet of the exterior boundary of the proposed site, as shown on the latest available assessment roll. (Ord. 505 § 3; Ord. 497 § 1. 2002 Code § 6-36.3).

5.08.1490 Issuance of an encroachment permit.

Upon receipt of the filing fee and a completed application as determined by the director, he or she shall issue an encroachment permit for a public telephone, with or without conditions of approval, unless the director makes one or more of the following findings:

(1) The public telephone is to be located in an area in which there exists evidence of an unusually high level of crime, and in which there is no demonstrable shortage of public telephones for emergency purposes; or

(2) There is a proliferation of public telephones in the area in which the telephone is to be located; or

(3) The proposed location poses a hazard to pedestrians or vehicular traffic; or

(4) A public telephone in the proposed location would pose a danger to, or otherwise adversely affect, the public health, safety or welfare. (Ord. 505 § 3; Ord. 497 § 1. 2002 Code § 6-36.4).

5.08.1500 Appeal.

Notice of the director's decision to grant or deny an encroachment permit shall be in writing and mailed via first class mail to the applicant, to the owners of real property located within 300 feet of the exterior boundary of the proposed site, as shown on the latest available assessment roll, and to any other person who makes written request for the notice. Any interested person may appeal from the decision of the director to the city council. The appeal shall be in writing, shall state the grounds for appeal, and shall be accompanied by a fee in an amount established by resolution of the city council, and shall be received and filed with the city clerk within 10 days of the mailing of the director's decision. The determination on appeal shall be made by the city council after a public hearing on the matter. The city clerk shall give 10 days' written notice of the hearing via first class mail to every person entitled to notice of the director's decision. The city council shall make its decision on the

appeal within 45 days of the date on which the appeal was filed. Within 10 days of the city council's decision, the city clerk shall provide written notice of that decision to the applicant and the appellant. The decision of the city council shall be final and conclusive in all cases. (Ord. 505 § 3; Ord. 497 § 1. 2002 Code § 6-36.5).

Article XXIII. Pushcarts

5.08.1510 Definitions.

For purposes of this article, the following terms have the following respective meanings:

(1) "Pushcart" shall mean any wagon, cart, or similar wheeled container, not a "vehicle" as defined in the Vehicle Code of the state of California, from which food, beverage or product is offered for sale to the public.

(2) "Vend" or "vending" shall mean offering food, beverage or product of any kind for sale from a pushcart on any sidewalk, street, alley, highway or unenclosed place open to the public, whether publicly or privately owned, including the movement or standing of a pushcart for the purpose of searching for, obtaining or soliciting retail sales of products.

(3) "Person" shall mean any natural person, firm, partnership, association, corporation, stockholder, including, but not limited to, owners and operators.

(4) "Owner" shall mean any person who owns or controls one or more pushcarts and:

(a) Conducts or permits or causes the operation of such pushcart(s) vending food, beverage or product;

(b) Owns, operates, controls or manages such pushcart(s); or

(c) Contracts with persons to vend food, beverage or product from such pushcart(s).

(5) "Operator" shall mean any person who operates a pushcart for the purpose of vending food, beverage or product therefrom.

(6) "Owner's permit" shall mean a permit issued by the city of Cudahy authorizing the holder to engage in the business of vending food, beverage or product from a pushcart.

(7) "Operator's permit" shall mean the permit issued to any person who operates a pushcart for the purpose of soliciting, vending or offering for sale any food, beverage or product from a pushcart on any sidewalk, street, alley, highway or public place within the city of Cudahy.

(8) "Uniform" shall mean, at a minimum, a collared shirt containing the logo, insignia, name or other identifying characteristic of the owner.

(9) "Director" shall mean the city manager or his/her designee. (Ord. 572 § 1. 2002 Code § 6-37.1).

5.08.1520 General prohibitions.

(1) No person shall sell or offer for sale any food, beverage or product from any portable box, stand, bag or similar container other than a pushcart, on any street, parkway or sidewalk, or in any unenclosed area open to the public.

(2) No person shall employ, direct or otherwise cause any other person to vend or offer to vend any food, beverage or product in violation of any provision of this chapter. (Ord. 572 § 1. 2002 Code § 6-37.2).

5.08.1530 Permit required.

(1) No person shall operate as an owner without an owner's permit issued pursuant to the provisions of this chapter, or without any other business tax, license or permit required under any other chapter of this code for each and every pushcart such person is operating or causing to be operated in the city of Cudahy.

(2) No person shall operate or vend from a pushcart in violation of any permit restriction placed upon the pushcart owner's permit pursuant to this code.

(3) No person shall vend from a pushcart without having first obtained a valid operator's permit issued pursuant to the provisions of this chapter.

(4) No person shall vend from a pushcart without having upon his/her person a valid operator's permit in his/her own name.

(5) No person shall employ or retain any person to operate a pushcart for the purpose of vending unless the person so employed or retained has an operator's permit issued pursuant to the provisions of this chapter. (Ord. 572 § 1. 2002 Code § 6-37.3).

5.08.1540 Prohibited conduct.

(1) No person shall operate or vend from a pushcart which is located within 50 feet of any other pushcart.

(2) No person shall operate or vend from a pushcart within 200 feet of any property utilized for school uses or church uses.

(3) No person shall operate or vend from a pushcart within 10 feet of any intersection, driveway, building entrance, or in any space designated for vehicular parking.

(4) Pushcarts shall not remain stationary except for the purpose of conducting a sales transaction.

(5) No person shall operate or vend from a pushcart before 9:00 a.m. or later than 6:00 p.m. during periods of standard time.

(6) No person shall operate or vend from a pushcart before 9:00 a.m. or later than 8:00 p.m. during periods of daylight savings time.

(7) No person shall operate or vend from a pushcart in violation of any standards set forth in CMC 5.08.1550. (Ord. 572 § 1. 2002 Code § 6-37.4).

5.08.1550 Pushcart standards.

(1) Each pushcart shall have affixed to it in plain view the owner's permit and any permit required by this code.

(2) The maximum dimensions of any pushcart shall be six feet in length and four feet in width.

(3) The only signs used in conjunction with a pushcart shall be signs affixed to or painted on the pushcart or its canopy.

(4) The operator of a pushcart, if such a person is an employee, contractee, or lessee of an owner, shall be required to wear a uniform as defined in CMC 15.08.1510 and shall carry his operator's permit upon his person.

(5) No artificial lighting of any pushcart is permitted.

(6) A refuse bin of at least one cubic foot shall be provided in or on the pushcart.

(7) No noise-making devices shall be used in conjunction with pushcart vending except one bell with a maximum diameter of two inches. (Ord. 572 § 1. 2002 Code § 6-37.5).

5.08.1560 Relation to zoning laws.

Nothing in this chapter shall be construed to authorize the grantee of any owner's permit or operator's permit to vend from a pushcart in a manner which violates the zoning regulations set forth in the zoning ordinance of this code. (Ord. 572 § 1. 2002 Code § 6-37.6).

5.08.1570 Conducting as a nuisance.

Any pushcart operated contrary to the provisions of this article shall be and the same is hereby declared to be unlawful and a public nuisance, and the city attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal or enjoinment thereof, in the manner provided by law, and may take such other steps and may apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating a pushcart contrary to the provisions of this article. (Ord. 572 § 1. 2002 Code § 6-37.7).

5.08.1580 Impounding pushcarts.

A pushcart may be impounded by any person authorized to enforce this chapter pursuant to this code, in the course of an arrest of the operator for a violation of this code when the pushcart is to be used as evidence of the violation. The pushcart shall be held in a secured city facility for a period not to exceed 60 days. Within five working days of impoundment by the city, the city shall issue a written notice to the owner of the pushcart as set forth on the pushcart as required by this chapter. If the owner cannot be identified or if the owner does not respond to the notice of impoundment, then the pushcart shall be disposed of in a manner most economically expeditious to the city.

If the owner retrieves the pushcart from the city, then the owner shall pay a fine and storage and administrative costs as determined by resolution of the city council. No pushcart shall be released without proper proof of identity and ownership as determined by the city manager or his/her designee.

Unhealthful perishable foods posing a danger to the public may be disposed of at the discretion of the city code enforcement officer. All other foods or goods should be returned to the owner/operator prior to impounding the cart with the exception that one nonperishable item may be retained for evidentiary purposes. Items retained shall be duly identified and tagged in a secure city storage location. Any contraband confiscated by the city shall be returned to the owner after disposition of the matter provided that owner pays for the storage and

administrative costs as set by resolution of the city council. (Ord. 572 § 1. 2002 Code § 6-37.8).

5.08.1590 Owner and operator permits – Revocation and appeal.

Applicants for owner and operator permits shall follow the procedures set forth at Article III of Chapter 5.04 CMC with the exception that no permit shall be issued without a county of Los Angeles health department permit for each pushcart to be utilized by the applicant. Procedures for modification, suspension or revocation shall be conducted pursuant to Article IV of Chapter 5.04 CMC. Appeals to decisions by the director shall be conducted pursuant to CMC 5.04.290. (Ord. 572 § 1. 2002 Code § 6-37.9).

Article XXIV. Wireless Digital Communications Franchises

5.08.1600 Annual fees.

Private entities doing business within the jurisdiction of the city of Cudahy by installing and utilizing wireless digital communications radios in the public right-of-way may be granted by the city a nonexclusive franchise requiring the payment of five percent gross revenues to the city on an annual basis. The city shall have the right to audit financial books to verify gross revenue.

"Gross revenues" means the gross dollar amount accrued on the financial books for services provided to a franchisee's customers with billing addresses in the city, excluding (1) the franchise fee; (2) local, state, or federal taxes collected by the franchisee that have been billed to the subscribers and separately stated on subscribers' bills; and (3) revenue uncollectible from subscribers with billing addresses in the city that was previously included in gross revenues. (Ord. 586 § 2, 2003; Ord. 569 § 1. 2002 Code § 6-38.1).

Article XXV. Medical Marijuana Dispensaries and Cultivation Facilities

5.08.1710 Medical marijuana dispensaries and cultivation facilities prohibited.

(1) No person(s) may operate a medical marijuana dispensary or medical marijuana cultivation facility within the city of Cudahy.

(2) Any person who owns or manages real property located within the city of Cudahy may not allow such property to be used for the operation of a medical marijuana dispensary or cultivation facility.

(3) No person(s) may be issued a business license or business permit to operate a medical marijuana dispensary or cultivation facility within the city of Cudahy.

(4) The following entities shall supplement any application for a business license or business permit with valid evidence of licensure under the laws of the state of California: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice; or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code. Failure to provide such evidence shall render any application for a business license or business permit incomplete. (Ord. 621 § 2, 2012).

5.08.1720 Separate offense for each day.

Any person who violates any provision of this article shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly. (Ord. 621 § 2, 2012).

5.08.1730 Public nuisance – Civil injunction.

The violation of any provision of this article or CMC 20.12.150 shall constitute, and is declared to be, a public nuisance and contrary to the public interest and shall, at the discretion of the city, create a cause of action for interim injunctive relief. (Ord. 621 § 2, 2012).

5.08.1740 Criminal penalties.

Any violation of the provisions of this article or CMC 20.12.150 shall be deemed a misdemeanor

subject to the criminal penalties set forth in CMC 1.36.010. (Ord. 621 § 2, 2012).

5.08.1750 Administrative remedies.

In addition to the civil remedies and criminal penalties set forth in this article, any violation of the provisions of this article may be subject to administrative remedies as set forth under CMC 1.36.020. (Ord. 621 § 2, 2012).

5.08.1760 Definitions.

The following words or phrases, whenever used in this chapter, shall be given the following definitions:

"Medical marijuana cultivation" means the planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof.

"Medical marijuana dispensary" means any facility or location, whether fixed or mobile, where medical marijuana is made available to or distributed by or distributed to one or more of the following: a primary caregiver, a qualified patient, or a person with an identification card. The terms "primary caregiver," "qualified patient" and "person with an identification card" as used within this definition and under this chapter shall be identified in strict accordance with California Health and Safety Code Section 11362.5 et seq., inclusive of California Health and Safety Code Section 11362.7. A medical marijuana dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by the Cudahy Municipal Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such use complies strictly with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq.

"Person" means and includes, but is not limited to, any natural person, individual, firm, association, organization, sole proprietorship, general partnership, limited partnership, corporation, limited liability company, limited liability partnership, business trust, living trust, joint venture or any other legal entity. The term "person" as applied under this article is to be given the broadest possible meaning. (Ord. 621 § 2, 2012).

5.08.1770 Findings.

The city council adopts this article and amends CMC 20.08.010 to add the definitions for "medical marijuana dispensary" and "medical marijuana cultivation" set forth under CMC 20.08.010 based on the testimony, reports and/or other supporting materials presented to the city council during the first and/or second reading of the ordinance adopting those provisions. The city council also makes the following findings in support of its decision to adopt this article and amend CMC 20.08.010 to include the definitions for "medical marijuana dispensary" and "medical marijuana cultivation" set forth under CMC 20.08.010:

(1) The voters of the state of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 et seq., and entitled "The Compassionate Use Act of 1996").

(2) The intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to be able to obtain and use marijuana without fear of state criminal prosecution under limited, specified circumstances.

(3) The California legislature enacted S.B. 420 in the year 2004 in an effort to clarify the scope of the Compassionate Use Act of 1996 and to assist cities and other governing bodies in the adopting and enforcement of rules and regulations consistent with S.B. 420.

(4) Neither Proposition 215 nor S.B. 420 expressly authorize "medical marijuana dispensaries" or "cultivation facilities" as defined under this chapter.

(5) The Federal Controlled Substances Act, 21 U.S.C. Section 841, makes it unlawful to manufacture, distribute, dispense or possess marijuana.

(6) The United States Supreme Court in Gonzales v. Raich (2005) 125 S.Ct. 2195 ruled that the Controlled Substances Act applies even in states such as California which have medical marijuana

laws. In March of 2007, the Ninth Circuit Court of Appeals, in revisiting the Raich matter on remand from the United States Supreme Court's 2005 decision, found that the use of medical marijuana was not a fundamental right protected under the Fifth and Ninth Amendments of the United States Constitution.

(7) Accordingly, medical marijuana dispensaries and cultivation facilities are illegal under federal law.

(8) The illegality of medical marijuana dispensaries and cultivation facilities under federal law notwithstanding, such operations also generate serious negative secondary impacts which unduly burden the communities in which they are located; threaten public peace; and otherwise undermine efforts to safeguard the health, safety and welfare of the public at large. These negative secondary impacts outweigh whatever medical benefits may reasonably be attributed to the use of marijuana by the limited number of patients who reside in Cudahy: (a) who are legitimately prescribed marijuana under legitimate circumstances by bona fide physicians; and (b) who might actually patronize such an establishment.

(9) The negative secondary impacts referenced above include burglaries, robberies, violence, increased vandalism, illegal sales of marijuana to, and use of marijuana by, minors and other persons without medical need in the areas immediately surrounding such medical marijuana dispensaries and cultivation facilities. (Ord. 621 § 2, 2012).

Title 6

ANIMALS

Chapters:

6.04 Adoption of Title 10 of Los Angeles County Code

Chapter 6.04

ADOPTION OF TITLE 10 OF LOS ANGELES COUNTY CODE

Sections:

6.04.010 Adoption by reference.
6.04.020 Definitions.
6.04.030 Violations and penalties.

Prior legislation: Ords. 271, 288 and 347.

6.04.010 Adoption by reference.

Except as hereinafter amended, Title 10 of the Los Angeles County Code, entitled "Animals," as that title was effective on July 29, 2004, is hereby adopted by reference as the animal control ordinance of the city of Cudahy and may be cited as such.

Three copies of Title 10 of the Los Angeles County Code are on deposit 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. References to section numbers and amendments to this chapter are declared to be references to the section numbers contained in Title 10 of the Los Angeles County Code. (Ord. 595 § 1, 2005; Ord. 570 § 1; Ord. 461 § 1; Ord. 427 § 1; Ord. 411. 2002 Code § 4-1.1).

6.04.020 Definitions.

Whenever any of the following terms are used in Title 10 of the Los Angeles County Code, each such name or term shall be deemed or construed to have the meaning indicated below; unless the context requires otherwise:

(1) "County," "county of Los Angeles," "Los Angeles County," and "unincorporated territory of the county of Los Angeles" shall mean the city of Cudahy.

(2) "Board of supervisors" shall mean the city council of the city of Cudahy. (Ord. 595 § 1, 2005; Ord. 570 § 1; Ord. 427 § 1; Ord. 411. 2002 Code § 4-1.2).

6.04.030 Violations and penalties.*

(1) Except as provided in subsection (2) of this section, every person who violates any provision of the animal control ordinance of the city of Cudahy is guilty of an infraction and may be punished as provided in CMC 1.36.010(2).

(2) Every person who violates any of the following provisions of the animal control ordinance of the city of Cudahy shall be guilty of a misdemeanor and may be punished as provided in CMC 1.36.010(1):

Section 10.12.190;
Section 10.12.200;
Section 10.12.280;
Section 10.12.310;
Section 10.28.060;
Section 10.28.280(C);
Section 10.32.020;
Section 10.32.070;
Section 10.32.080;
Section 10.37.030;
Section 10.37.050(C);
Section 10.37.050(F);
Section 10.40.010;
Section 10.40.016;
Section 10.40.040;
Section 10.86.010.

(3) A person shall be guilty of a separate offense for each and every day during any portion of which a violation of any provision of the animal control ordinance of the city of Cudahy is committed, continued, or permitted by such person and may be punished accordingly. (Ord. 595 § 1, 2005; Ord. 570 § 1; Ord. 427 § 1. 2002 Code § 4-1.3).

* Editor's Note: Former 2002 Code subsection 4-1.3, Passage and Publication of Chapter, containing portions of Ordinance No. 411 was repealed by Ordinance No. 427.

Title 7

(Reserved)

Title 8

HEALTH AND SAFETY

Chapters:

8.04 Adoption of Health Code
8.08 Fire Code
8.12 Solid Waste Handling and Recycling Services
8.16 Abatement of Nuisances
8.20 Bathhouses and Similar Commercial Establishments
8.24 Abandoned Vehicles
8.28 Capping of Wells
8.32 Excavations, Bodies of Water
8.36 Vector Control and Management
8.52 Fireworks

Chapter 8.04

ADOPTION OF HEALTH CODE

Sections:

8.04.010 Adoption by reference.
8.04.020 Definitions.
8.04.030 Amendments.
8.04.040 Enforcement.
8.04.050 Violations and penalty.

Editor's Note: Prior ordinances codified herein include portions of Ordinance No. 117.

8.04.010 Adoption by reference.

Division 1, Health Code, of Title 11 and Division 1, Public Health Licenses, of Title 8 of the Los Angeles County Code, as amended and in effect on March 1, 1998, are hereby adopted by reference as the health code of the city of Cudahy. A copy of the health code has been deposited in the office of the city clerk of the city of Cudahy and shall be at all times maintained by the clerk for use and examination by the public. (Ord. 529 § 1; Ord. 443 § 1. 2002 Code § 15-1.1).

8.04.020 Definitions.

Whenever any of the following names or terms are used in the health code, each such name or term shall be deemed or construed to have the following meaning, unless the context otherwise requires:

(1) "County," "county of Los Angeles," or "unincorporated area" shall mean the city of Cudahy.

(2) "Board of supervisors" shall mean the city council.

(3) "Unincorporated territory of the county of Los Angeles" shall mean the incorporated territory of the city. (Ord. 443 § 1. 2002 Code § 15-1.2).

8.04.030 Amendments.

(1) Sections 11.02.340. Notwithstanding the provision of CMC 8.04.010, Section 11.02.340 of the health code is amended to read as follows:

> a. Section 11.02.340. Temporary refreshment stand. "Temporary refreshment stand" means any food preparation or dispensing operation conducted in connection with a fair, circus, or public exhibition or gathering, or offering food for sale or gift to the general public for a temporary period of time in one (1) location.
>
> A temporary refreshment stand shall not operate for more than thirty (30) days. A temporary refreshment stand shall only operate in locations approved by the Director. The Director shall make an investigation of the premises, equipment, and facilities to be used in the operation of the refreshment stand and shall, when he or she deems it necessary for the protection of the public health, restrict the operation to the preparation and servicing of those foods which in his or her opinion would not be injurious to the public health when prepared and served with such facilities as the operator intends to use.

(Ord. 443 § 1. 2002 Code § 15-1.3).

8.04.040 Enforcement.

All the provisions of this chapter shall be carried out and enforced by the director or his duly authorized representative. (Ord. 443 § 1. 2002 Code § 15-1.4).

8.04.050 Violations and penalty.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon conviction is punishable as provided by Chapter 1.36 CMC. (Ord. 529 § 1; Ord. 443 § 1. 2002 Code § 15-1.5).

Chapter 8.08

FIRE CODE

Sections:

8.08.010 Adoption of the 2013 California Fire Code as amended by Title 32 of the 2014 Los Angeles County Fire Code.
8.08.020 Responsibility.
8.08.030 *Repealed.*
8.08.040 Penalty.
8.08.050 List of infractions.
8.08.060 Definitions.

Editor's Note: Prior ordinances codified herein include portions of Ordinance Nos. 358, 366, 436, 457, 467, 470, 508-U, 508 and 546U.

8.08.010 Adoption of the 2013 California Fire Code as amended by Title 32 of the 2014 Los Angeles County Fire Code.

(1) The 2013 California Fire Code as amended by Title 32 of the 2014 Los Angeles County Fire Code, together with their appendices, are hereby adopted by reference, and conflicting ordinances are hereby repealed.

(2) All of the regulations, provisions, conditions, and terms of said codes, together with their appendices, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted and made part of this chapter as if fully set forth in this chapter with exceptions, deletions, additions, and amendments thereto as set forth in this chapter. (Ord. 639 § 16, 2014; Ord. 546 § 5. 2002 Code § 16-1.1).

8.08.020 Responsibility.

Any person who personally or through another willfully, negligently, or in violation of laws sets a fire, allows a fire to be set, allows a fire kindled or attended by such person to escape from his or her control, allows any hazardous material to be handled, stored or transported in a manner not in accordance with the fire code or with nationally recognized standards, allows any hazardous material to escape from his or her control, neglects to properly comply with any written notice of the fire chief, or willfully or negligently allows the continuation of a violation of the fire code shall be liable for the expense of fighting the fire, or for all costs associated with the control and mitigation of a hazardous materials incident, or for the expenses incurred while obtaining compliance with the written order of the fire chief, or for the expenses incurred in obtaining compliance with the continuing violation of the fire code, and such expenses shall be a charge against that person. (Ord. 546 § 5. 2002 Code § 16-1.2).

8.08.030 Fireworks regulation.

Repealed by Ord. 641. (Ord. 548 § 1; Ord. 548U; Ord. 546 § 6. 2002 Code § 16-1.3).

8.08.040 Penalty.

Every person violating any provision of the 2013 California Fire Code as amended by Title 32 of the 2014 Los Angeles Fire Code and appendices, adopted by reference by CMC 8.08.010 or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed $1,000 or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense. (Ord. 639 § 17, 2014; Ord. 546 § 7. 2002 Code § 16-1.4).

8.08.050 List of infractions.

In accordance with CMC 8.08.010, violations, as set forth in Chapter 51 of Title 32 of the Los Angeles Code, shall be deemed infractions. (Ord. 639 § 18, 2014; Ord. 546 § 7. 2002 Code § 16-1.5).

8.08.060 Definitions.

Whenever any of the names or terms defined in this section are used in the fire code adopted in CMC 8.08.010, each name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

(1) "Board of appeals" shall mean the planning commission.

(2) "Building department" shall mean the building division of the city of Cudahy.

(3) "City" shall mean the city of Cudahy.

(4) "County," "county of Los Angeles," or "unincorporated territory of the county of Los Angeles" shall mean the city of Cudahy.

(5) "County engineer" shall mean the city engineer of the city of Cudahy.

(6) "Electrical code" shall mean the electrical code adopted by CMC 15.08.010.

(7) "Fire code" shall mean the fire code adopted by CMC 8.08.010.

(8) "General fund" shall mean the city treasury of the city of Cudahy.

(9) "Green building standards code" shall mean the green building standards code adopted by CMC 15.32.010.

(10) "Health code" or "Los Angeles County Health Code" shall mean the health code adopted by CMC 8.04.010.

(11) "Mechanical code" shall mean the mechanical code adopted by CMC 15.16.010.

(12) "Plumbing code" shall mean the plumbing code adopted by CMC 15.12.010.

(13) "Residential code" shall mean the residential code adopted by CMC 15.29.010. (Ord. 639 § 19, 2014).

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Chapter 8.12

SOLID WASTE HANDLING AND RECYCLING SERVICES

Sections:

Article I. Title – Findings – Intent

8.12.010 Title.
8.12.020 Findings and intent.

Article II. Definitions

8.12.030 Definitions.

Article III. Collection Agreement

8.12.040 Authorization by city council – Contract requirement.
8.12.050 Contents.
8.12.060 Reserved.
8.12.070 Collector fee.
8.12.080 Resolution of conflicts.
8.12.090 Permits and licenses.
8.12.100 Transfer of collection agreement.
8.12.110 Revocation of permit or collection agreement.
8.12.120 Interim suspension.
8.12.130 Notice of hearing – Revocation.
8.12.140 Appeals.
8.12.150 Council action.

Article IV. Rates

8.12.160 Rates.
8.12.170 Billing and collection of rates, fees and charges.

Article V. Vehicles

8.12.180 Vehicle identification.
8.12.190 Vehicle standards.
8.12.200 Operation of equipment.
8.12.210 Compliance with vehicle standards.

Article VI. Exclusions

8.12.220 Residential householder exclusion.
8.12.230 Gardener's exclusion.
8.12.240 Commercial/industrial exclusions.
8.12.250 Contractors' exclusions.
8.12.260 Document destruction service.
8.12.270 Self-haul exclusion.
8.12.280 General requirement.

Article VII. General Requirements

8.12.290 Mandatory service.
8.12.300 Litter.
8.12.310 Transfer of loads on public streets.
8.12.320 Unauthorized removal from containers.
8.12.330 Hours of collection.
8.12.340 Resource recovery.
8.12.350 Ownership.
8.12.360 Disposal.
8.12.370 Trespass.
8.12.380 Required reports.
8.12.390 Annual report.
8.12.400 Worker's compensation insurance.
8.12.410 Collector's liability insurance.
8.12.420 City to be free from liability.
8.12.430 Office for inquiries and complaints.
8.12.440 Building contractors to leave area clean.
8.12.450 Accumulation of solid waste declared nuisance.
8.12.460 Unauthorized containers.

Article VIII. Residential Collection and Recycling

8.12.470 Residential collection – Disposal.
8.12.480 Residential collection – Frequency.
8.12.490 Residential collection – Solid waste containers.
8.12.500 Residential collection – Recycling containers.
8.12.510 Residential collection – Placement and removal of containers.
8.12.520 Residential collection – Care of containers.
8.12.530 Residential collection – Special collection services.

Article IX. Commercial/Industrial Collection

8.12.540 Commercial/industrial – Disposal and status of solid waste.

8.12.550 Commercial/industrial – Frequency of collection.
8.12.560 Commercial/industrial – Containers.
8.12.570 Commercial/industrial – Maintenance and placement of containers.
8.12.580 Commercial/industrial – Care of containers.
8.12.590 Reserved.
8.12.600 Commercial/industrial – Special circumstances.

Editor's Note: Prior ordinance history includes portions of Ordinance Nos. 60, 136, 150, 182, 253, 265, 269, 280, 396, 399, 460-U, 460, 478-U, 478, 493-U, 493, 502-U, 502, 513, 526-U and 526.

Article I. Title – Findings – Intent

8.12.010 Title.

This chapter shall be known and may be cited as the "solid waste handling and recycling services ordinance" of the city of Cudahy. (Ord. 532 § 1. 2002 Code § 12-1).

8.12.020 Findings and intent.

(1) The city council finds and determines as follows:

(a) In order to meet the requirements of the California Integrated Waste Management Act of 1989 (Public Resources Code Sections 40000, et seq.), including source reduction of the solid waste stream, diversion of solid waste from landfills, and conservation of natural resources, it is necessary to regulate the collection of solid waste from commercial, industrial and residential premises, and to encourage recycling of solid waste materials.

(b) The mandates of the Environmental Protection Agency, the Southern California Air Quality Management District, and other regulatory agencies, concerning air pollution and traffic congestion management, require the regulation and, where possible, reduction in the number, of waste collection vehicles and vehicle trips which cause the discharge of air contaminants and create air pollution.

(c) A reduction in the number of waste collection vehicles using the city streets daily will reduce traffic hazards and congestion and promote safety.

(d) The storage, accumulation, collection and disposal of solid waste, including without limitation garbage, trash, debris and other discarded materials is a matter of substantial public concern in that improper control of these matters may create a public nuisance, air pollution, fire hazard, rat and insect infestation and other problems adversely affecting the public health, safety and welfare.

(e) Regulation of the collection of solid waste and other discarded materials from all residential, commercial and industrial properties within the city will provide the most orderly and efficient solution to these problems and will promote the public health, safety and welfare.

(f) The regulation of solid waste and recyclable materials handling services in the city will also promote the public health, safety and welfare by requiring the use of newer and safer vehicles, the regular maintenance of those vehicles, and the reduction of spillage and litter on the public streets, by establishing responsibility for the cleaning of solid waste and recyclable materials bins and containers, and by providing for accountability to the public.

(g) The public health, safety and welfare will best be served by providing for one or more contracts for residential, commercial and industrial solid waste and recyclable materials collection services.

(2) This chapter is enacted by the city council pursuant to, inter alia, the following statutory authorization and in order to accomplish the objectives set forth in this chapter:

(a) Public Resources Code Section 40059 authorizes the city to determine: (i) all aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location and extent of providing solid waste handling services; and (ii) whether the services are to be provided by means of nonexclusive contract, contract, license, permit, or otherwise, either with or without competitive bidding, or if, in the opinion of its governing body, the public health, safety and well-being so require, by partially exclusive or wholly exclusive contract, contract, license, permit, or otherwise, either with or without competitive bidding.

(b) Public Resources Code Section 49300 provides that the city may, pursuant to terms and

conditions as may be prescribed by its legislative body, contract for the collection or disposal, or both, of solid waste and other discarded materials.

(c) Public Resources Code Section 49501 provides that the city may take action, whether by franchise, contract, license, permit, or otherwise, whereby the city itself, or one or more other local agencies or solid waste enterprises, is authorized or permitted to have the exclusive right to provide solid waste handling services of any class or type within all or any part of the territory of the city.

(d) It is the intent of this chapter to set forth terms and conditions pursuant to which authorization may be granted by the city council to provide solid waste handling services, and to promote the public health, welfare and safety of the community by establishing reasonable regulations relating to the storage, accumulation, collection and disposal of solid waste and other discarded matter, goods and material. (Ord. 532 § 1. 2002 Code § 12-1.1).

Article II. Definitions

8.12.030 Definitions.

(1) For the purposes of this chapter, the words, terms and phrases as defined in this section shall be construed as hereinafter set forth, unless it is apparent from the context that a different meaning is intended:

(a) "Bulky goods" shall mean oversized or overweight household articles placed curbside by a residential householder or owner, which oversized or overweight household articles have weights, volumes or dimensions which cannot be accommodated by solid waste containers for residential premises, such as stoves, refrigerators, water heaters, washing machines, furniture, sofas, mattresses, box springs, and large rugs.

(b) "City manager" shall mean the city manager of the city of Cudahy or the city manager's designee.

(c) "Collection" shall mean the operation of gathering together within the city, and transporting by means of a motor vehicle to the point of disposal or processing, any solid waste or recyclable materials.

(d) "Collection agreement" shall mean a contract between the city and a solid waste enterprise for the provision of solid waste and recyclable materials handling services in the city.

(e) "Collector" shall mean any solid waste enterprise who, pursuant to the provisions of this chapter, has been authorized by the city council or city manager to provide residential or commercial/industrial solid waste or recyclable materials handling services in the city.

(f) "Commercial/industrial business owner" shall mean any person, firm, corporation or other enterprise or organization holding or occupying, alone or with others, commercial/industrial premises, whether or not that person or entity is the holder of the title or the owner of record of the commercial/industrial premises.

(g) "Commercial/industrial collector" shall mean a collector who collects solid waste and recyclable materials from commercial/industrial premises.

(h) "Commercial/industrial premises" shall mean all occupied real property in the city, except property occupied by federal, state or local governmental agencies which do not consent to their inclusion, and except residential premises as defined in subsection (1)(cc) of this section, and shall include, without limitation, wholesale and retail establishments, restaurants and other food establishments, bars, stores, shops, offices, industrial establishments, manufacturing establishments, service stations, repair, research and development establishments, professional, services, sports or recreational facilities, construction and demolition sites, a multiple dwelling that is not a residential premises, and any other commercial or industrial business facilities, structures, sites, or establishments in the city.

(i) "Construction or demolition site" shall mean any real property in the city in, on or from which a building or structure is being fabricated, assembled, erected or demolished, and which produces construction or demolition solid waste which must be removed from the property, and which site requires the use of commercial solid waste containers.

(j) "Construction or demolition waste" shall mean any solid waste or debris generated as the result of construction or demolition, including, without limitation, discarded packaging or containers and waste construction materials, whether brought on site for fabrication or used in construction or resulting from demolition, excluding liquid waste and hazardous waste.

(k) "Control" shall mean, for purposes of CMC 8.12.100, the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a corporation, partnership, joint venture, or other association.

(l) "Disposal" shall mean the complete operation of treating and disposing of solid waste after the collection thereof.

(m) "Exclusive solid waste and recyclable materials handling services" shall mean any action by the city council, whether by franchise, contract, license, permit, or otherwise, whereby the city itself, or one or more other local agencies or solid waste enterprises, has the exclusive right to provide solid waste and recyclable materials handling services of any class or type within all or any part of the territory of the city.

(n) "Green waste" or "yard waste" shall mean leaves, grass clippings, brush, branches and other forms of organic materials generated from landscapes or gardens, separated from other solid waste.

(o) "Hazardous waste" shall mean and include waste defined as hazardous by Public Resources Code Section 40101 as it now exists or may subsequently be amended, namely, a waste or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics, may do either of the following: (i) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; (ii) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed. "Hazardous waste" includes extremely hazardous waste and acutely hazardous waste, and any other waste as may hereafter from time to time be designated as hazardous by the Environmental Protection Agency ("EPA") or other agency of the United States Government, or by the California Legislature or any agency of the state of California empowered by law to classify or designate waste as hazardous, extremely hazardous or acutely hazardous.

(p) "Holiday" shall mean:

New Year's Day;
President's Day;
Memorial Day;
Independence Day;
Labor Day;
Thanksgiving Day;
Christmas Day.

"Holiday" shall also mean any other day designated as such in a contract between a collector and the labor union serving as the exclusive representative of that collector's employees, provided the holiday is established or recognized by resolution of the city council.

(q) "In the city" or "within the city" shall mean within the limits of the city as such limits exist on the effective date of this chapter* or may thereafter exist by virtue of the annexation of territory to, or detachment of territory from, the limits of the city.

(r) "Manure" shall mean waste droppings from any animal.

(s) "Multi-unit residential buildings" shall mean multiple-unit residential complexes of six units or more, such as rental housing projects, condominiums, apartment houses, mixed condominiums and rental housing and mobile home parks.

(t) "Person" shall have the meaning set forth in CMC 1.12.010.

(u) "Processing" shall mean the reduction, separation, recovery and conversion of solid waste.

(v) "Public agency" shall mean any governmental agency or department thereof, whether federal, state, or local.

(w) "Recyclable materials" shall mean those materials that are suitable for recycling, as determined by resolution of the city council, or as set forth in a collection agreement.

(x) "Recycling" shall mean the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. "Recycling" does not include transformation as defined in Public Resources Code Section 40201.

(y) "Recycling container" shall mean a container which is provided to residential premises for use in collecting and moving recyclable materials to curbside for collection by a collector, or a container which is provided to commercial/industrial premises for use by the collector in collecting and moving recyclable materials.

(z) "Residential collector" shall mean a collector who collects solid waste and recyclable materials from residential premises.

(aa) "Residential householder" shall mean any person or persons holding or occupying residential premises in the city, whether or not the owner of the residential premises.

(bb) "Residential owner" shall mean the owner of any residential premises within the city.

(cc) "Residential premises" shall mean any residential dwelling unit within the city, including, without limitation, units within multiple-unit residential complexes of five units or less, such as rental housing projects, condominiums, apartment houses, mixed condominiums and rental housing, and mobile home parks.

(dd) "Resource recovery" shall mean any use of solid waste collected pursuant to this chapter, except for landfill disposal or transfer for landfill disposal. "Resource recovery" shall include, but is not limited to, transformation, composting, and multi-material recycling.

(ee) "Solid waste" shall mean all putrescible and nonputrescible solid and semisolid wastes, generated in or upon, related to the occupancy of, remaining in or emanating from, residential premises or commercial/industrial premises, including, but not limited to, garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid or semisolid wastes, and other solid and semisolid wastes, as defined in Public Resources Code Section 49503, excluding liquid wastes and abandoned vehicles; provided, however, that "solid waste" shall not include hazardous waste.

(ff) "Solid waste container" shall mean any vessel, tank, receptacle, box or bin permitted to be used for the purpose of holding solid waste for collection.

(gg) "Solid waste enterprise" shall mean any person regularly engaged in the business of providing solid waste and recyclable materials handling services.

(hh) "Solid waste and recyclable materials handling services" shall mean the collection, transportation, storage, transfer, or processing of solid wastes or recyclable materials from residential or commercial/industrial users or customers.

(ii) "Standard commercial/industrial solid waste container" shall mean a state-of-the-art bin or solid waste container used in connection with commercial/industrial premises with a capacity of between one and eight cubic yards, designed for mechanical pick-up by collection vehicles and equipped with a lid, or where appropriate for the commercial/industrial premises served, a 15-, 25-, 30-, 40-, or 50-cubic-yard roll-off or drop box or compactor, and shall include other types of containers suitable for the storage and collection of commercial/industrial solid waste which have been approved in writing by the city manager for use in the city.

(jj) "Standard residential solid waste container" shall mean a standardized rollaway container with a locking lid, made of metal, hard rubber or plastic and having an approximate capacity of 90 gallons, and of a design, color and durability as approved by the city manager.

(kk) "Vacant property" shall mean any real property in the city which, for a period of 30 days or longer, shows no activity on the water meter.

(2) Nothing contained in this section shall be deemed to preclude the city and any solid waste enterprise from incorporating into any agreement for solid waste and recyclable materials handling services definitions relating to their respective contractual rights and obligations which may differ from or augment those set forth herein. (Ord. 540, §§ 1, 2; Ord. 532 § 1. 2002 Code § 12-2.1).

* Editor's Note: This chapter was adopted May 5, 1998, by Ord. No. 532.

Article III. Collection Agreement

8.12.040 Authorization by city council – Contract requirement.

(1) The city council may authorize, by written contract, a solid waste enterprise to provide solid waste and recyclable materials handling services for residential and commercial/industrial users or customers. In the sole discretion of the city council, the solid waste and recyclable materials handling services may be authorized on an exclusive or nonexclusive basis, and with or without competitive bidding, and may relate to any class or type of solid waste and recyclable materials within all or any part of the territory of the city.

(2) No person shall provide solid waste and recyclable materials handling services in the city unless that person has entered into a collection agreement with the city for exclusive solid waste and recyclable materials handling services, except as otherwise specifically provided in this chapter.

(3) Solid waste enterprises providing solid waste and/or recyclable materials handling services from commercial/industrial premises in the city on the effective date of the ordinance codified in this chapter under a permit or a nonexclusive collection agreement may continue to provide such services only until the rights thereunder are terminated or revoked, or until such rights expire pursuant to the provisions of Section 49520 of the Public Resources Code, so long as such collectors comply with the provisions of this chapter. These limited continuation rights shall expire on February 9, 2000, as to multi-unit residential buildings, and on October 31, 2003, as to commercial/industrial premises that are not multi-unit residential buildings.

(4) Any collection agreement shall be in addition to any business license or permit otherwise required by this code. Except as otherwise specifically provided in this chapter, no permit issued by any other governmental agency authorizing collection of solid waste or recyclable materials shall be valid in the city, unless the permit holder has entered into a collection agreement. (Ord. 540 § 3; Ord. 532 § 1. 2002 Code § 12-3.1).

8.12.050 Contents.

The terms and provisions of any collection agreement for solid waste and recyclable materials handling services may relate to or include, without limitation, the following subject matters:

(1) The nature, scope and duration of the agreement.

(2) The collection schedule, including the frequency, days and hours of collection.

(3) The applicable collector fee, including the amount, method of computation, and time for payment.

(4) The applicable rates, fees and charges for regular, special and emergency collection services, including the method of setting and adjusting same, and the responsibility for billing and collecting same.

(5) Collection vehicles, including the permissible size and color, and any required identification, safety equipment, maintenance, inspection, and operational requirements.

(6) The receipt, processing and reporting of customer inquiries and complaints.

(7) The collection of solid waste from property and facilities owned by public agencies.

(8) Performance standards for the collector's personnel and equipment.

(9) Solid waste and recycling containers, including size, repair or replacement, handling, placement, obligations of the collector to provide such containers, and permissible charges therefor.

(10) Standards and procedures for periodic performance reviews by the city.

(11) Noise attenuation policies and procedures.

(12) The maintenance by the collector of an office for the conduct of business.

(13) Policies and procedures relating to the noncollection of solid waste, the composting of green waste, the collection of recyclable materials, and resource recovery.

(14) Requirements relating to comprehensive liability insurance and workers' compensation insurance.

(15) Requirements relating to the dissemination of information to the public concerning regular and special solid waste collection and recycling services.

(16) Actions or omissions constituting breaches or defaults, and the imposition of applicable penalties, liquidated damages, and other remedies, including suspension, revocation or termination.

(17) Requirements relating to performance bonds and indemnification.

(18) Requirements relating to equal opportunity and nondiscrimination programs.

(19) Requirements relating to record keeping, accounting procedures, reporting, periodic audits, and inspection of records.

(20) Requirements relating to the assignment, transfer and renewal of the agreement.

(21) Requirements relating to compliance with and implementation of state and federal laws, rules or regulations pertaining to solid waste and recyclable materials handling services, and to the implementation of state-mandated programs, including, without limitation, the city's "source reduction and recycling element" and the city's "household hazardous waste element."

(22) Such additional requirements, conditions, policies and procedures as may be mutually agreed upon by the parties to the collection agreement and which will, in the judgment and discretion of the city council, best serve the public interest and protect the public health, safety and welfare. (Ord. 532 § 1. 2002 Code § 12-3.2).

8.12.060 Reserved.

(2002 Code § 12-3.3).

8.12.070 Collector fee.

Each collector shall pay to the city a collector fee pursuant to Article XII of Chapter 5.08 CMC. (Ord. 532 § 1. 2002 Code § 12-3.4).

8.12.080 Resolution of conflicts.

In the event of any conflict between the provisions of a collection agreement which is authorized and approved by the city council and the provisions of this chapter, the provisions of the collection agreement shall control. (Ord. 532 § 1. 2002 Code § 12-3.5).

8.12.090 Permits and licenses.

Every collector shall obtain and maintain at all times during the collector's operations a business license issued by the city, and all applicable permits and licenses required by any public agency having jurisdiction. (Ord. 532 § 1. 2002 Code § 12-3.6).

8.12.100 Transfer of collection agreement.

No permit or collection agreement which is authorized by, subject to, or issued under the provisions of this chapter shall be transferred, delegated, sublet, subcontracted to or assigned to another person without the prior approval of the city council. This restriction includes the transfer of ownership or the majority of the ownership or control in the collector, and the transfer of a majority of stock in collector to another person. (Ord. 532 § 1. 2002 Code § 12-3.7).

8.12.110 Revocation of permit or collection agreement.

After a hearing pursuant to this chapter, the city manager may revoke or suspend any collector's permit or collection agreement for violation of a provision of this chapter, of the terms of the permit or agreement, or any other applicable law, ordinance, or regulation of any public agency. (Ord. 532 § 1. 2002 Code § 12-3.8).

8.12.120 Interim suspension.

The city manager, without a hearing, may suspend a collector's permit or collection agreement permit for not more than 60 days, if the city manager finds that continued operation by the collector will constitute an immediate and serious threat to the public health, safety, or general welfare. (Ord. 532 § 1. 2002 Code § 12-3.9).

8.12.130 Notice of hearing – Revocation.

The city manager shall mail notice of a hearing to revoke a collection agreement to the collector not less than 15 days prior to such hearing. In the event of the revocation of a collection agreement or a permit, the city manager shall notify the collector in writing of the reasons therefor. Notification may be made in person or by mail. (Ord. 532 § 1. 2002 Code § 12-3.10).

8.12.140 Appeals.

Within 15 calendar days after notice by the city manager has been sent to the collector, the collector may file with the city clerk an appeal to the city council of the revocation of a collector's permit or collection agreement. (Ord. 532 § 1. 2002 Code § 12-3.11).

8.12.150 Council action.

The city council may either affirm the action of the city manager, remand the matter to the city manager for further consideration, or set the matter for hearing by the city council. If the city council sets the matter for hearing, it shall base its action upon the standards set forth in CMC 8.12.110. Notice of such hearing shall be mailed or personally delivered to the collector not less than 15 days prior to the hearing. (Ord. 532 § 1. 2002 Code § 12-3.12).

Article IV. Rates

8.12.160 Rates.

The city council may, by resolution or an approved collection agreement, place a limit on the rates collectors may charge to residential householders or owners and to commercial/industrial

business owners for solid waste and recyclable materials handling services.

No collector shall charge any rate or fee which is greater than the maximum rate permitted by the city council, unless otherwise authorized in this chapter. Every commercial/industrial business owner and residential householder or owner shall pay the rates for collection services rendered pursuant to this chapter in the manner set forth in CMC 8.12.170. The city council may establish such rate categories as may be appropriate for services provided by any commercial/industrial collector. (Ord. 532 § 1. 2002 Code § 12-4.1).

8.12.170 Billing and collection of rates, fees and charges.

(1) The billing and collection of the rates, fees and charges imposed by collectors for solid waste and recyclable materials handling services shall be the responsibility of the collector, and the city shall have no liability or responsibility therefor.

(2) The city may collect fees for residential solid waste and recyclable materials handling services by causing fees to be placed on the Los Angeles County tax rolls through procedures established by the Los Angeles County tax collector. In that event, no charge shall be made directly to a residential householder by the residential collector, except as otherwise specifically authorized by the city council.

(3) The city council shall be authorized to establish, by resolution, administrative charges and penalties for the collection of delinquent rates, fees and charges for solid waste and recyclable materials handling services.

(4) The collection of rates, fees and charges, and any related penalties authorized by this chapter may be enforced by the city by causing the delinquent fees to be placed on the Los Angeles County tax rolls through procedures established by the Los Angeles County tax collector, or in any other lawful manner provided by the laws of the state of California. (Ord. 540 § 4; Ord. 534 § 1; Ord. 534-U; Ord. 532 § 1. 2002 Code § 12-4.2).

Article V. Vehicles

8.12.180 Vehicle identification.

No person may operate any vehicle for the collection of solid waste or recyclable materials other than a collector who has a valid business license and who has paid all required license, permit or other city charges or payments and who, except where a collection agreement is expressly not required by this chapter, has entered into a collection agreement with the city. Each vehicle used by the collector shall have an identification number printed or painted in legible numbers not less than five inches in height in plain sight on all four sides of the vehicle. (Ord. 532 § 1. 2002 Code § 12-5.1).

8.12.190 Vehicle standards.

Any vehicle utilized for the collection, transportation or disposal of solid waste or recyclable materials shall comply with the following standards:

(1) Each vehicle shall be constructed and used so that no solid waste, oil, grease, or other substance will blow, fall or leak from the vehicle.

(2) A broom and shovel shall be carried on each vehicle at all times.

(3) Each vehicle shall comply with all applicable statutes, laws, or ordinances of any public agency.

(4) Each vehicle must be under seven years of age unless specifically authorized in writing by the city manager.

(5) Routine inspections by the California Highway Patrol shall be conducted biannually and certificates for the inspection shall be filed biannually with the city manager.

(6) All vehicles shall at all times be kept clean and sanitary, in good repair and well and uniformly painted to the satisfaction of the city manager.

(7) Each vehicle shall be equipped with watertight bodies fitted with close-fitting metal covers.

(8) The collector's name and telephone number shall be printed or painted in legible letters not less than five inches in height on both sides of all of the collector's vehicles used in the city.

(9) High intensity lamps shall be maintained on any vehicle 80 inches or wider, which shall consist of two red tail lamps in addition to the standard tail lamps. The high intensity lamps shall be used when visibility is less than 50 feet.

(10) All equipment shall be maintained at all times in a manner to prevent unnecessary noise during its operation.

(11) As the collector replaces existing equipment, the type and make of the new equipment

shall be subject to prior approval by the city manager. (Ord. 532 § 1. 2002 Code § 12-5.2).

8.12.200 Operation of equipment.

All persons operating solid waste collection and transportation equipment shall do so in compliance with all applicable federal, state and local laws and ordinances. Such vehicles shall not be operated in a manner which results in undue interference with normal traffic flows. No such vehicle shall be parked or left unattended on public streets. No such vehicle shall be parked overnight on a public street or thoroughfare in the city. (Ord. 532 § 1. 2002 Code § 12-5.3).

8.12.210 Compliance with vehicle standards.

Any vehicle used in the collection or transportation of solid waste in the city shall, at all times, be maintained in accordance with all the standards set forth in CMC 8.12.190. The use of a vehicle which fails to comply with each of the standards set forth in CMC 8.12.190 is hereby prohibited. A collector shall immediately remove any vehicle from service which fails, at any time, to conform to any of the standards recited in CMC 8.12.190 and shall not use that vehicle until it is repaired. Should the city manager give notification at any time to a collector that any of the collector's vehicles is not in compliance with the standards of this chapter, the vehicle shall be immediately removed from service by the collector. The vehicle shall not again be utilized in the city until it has been inspected and approved by the city manager. The collector shall maintain its regular collection schedule regardless of the unavailability of any vehicle. (Ord. 532 § 1. 2002 Code § 12-5.4).

Article VI. Exclusions

8.12.220 Residential householder exclusion.

No provision of this chapter shall prevent residential householders from collecting and disposing of occasional loads of solid waste generated in or on their residential premises, or from composting green waste, or from selling or disposing of recyclable materials generated in or on their residential premises; provided, however, that no residential householder shall employ or engage any solid waste enterprise, other than a residential collector with a collection agreement, to haul or transport such materials. (Ord. 532 § 1. 2002 Code § 12-6.1).

8.12.230 Gardener's exclusion.

No provisions of this chapter shall prevent a gardener, tree trimmer or person engaged in a similar trade from collecting and disposing of grass cuttings, prunings, and similar material not containing other solid waste when incidental to providing such gardening, tree trimming or similar services. (Ord. 532 § 1. 2002 Code § 12-6.2).

8.12.240 Commercial/industrial exclusions.

(1) Source-Separated Recyclable Materials.

(a) No provision of this chapter shall prevent a commercial/industrial business owner from selling to a buyer, for monetary or other valuable consideration, any source-separated recyclable materials, including, without limitation, any saleable scrap, discard, reject, byproduct, ferrous or nonferrous metal, worn-out or defective part, junk, pallet, packaging material, paper or other similar item generated in, on or by a commercial/industrial premises or business, and no longer useful to such commercial/industrial business owner but having market value, whether such buyer is a recycler, junk dealer, or other enterprise engaged in the business of buying and marketing such materials; provided, however, that such buyer is not engaged in the business of collecting solid waste for a fee or other charge or consideration, and that no such materials are transported for disposition to a landfill or transfer station (as defined in Public Resources Code Section 40200). "Source-separated recyclable materials" within the meaning of this article shall mean recyclable materials separated on a commercial/industrial premises from solid waste for the purpose of sale, not mixed with or containing more than incidental or minimal amounts of solid waste, and having a market value.

(b) No provision of this chapter shall prevent a recycler, junk dealer or other enterprise engaged in the business of buying and marketing such materials and which is not engaged in the business of collecting solid waste or providing solid waste collection services for a fee or other charge or consideration from buying any materials referenced in this subsection (1) for monetary or other valuable consideration, and which buys such materials for marketing and not for disposition in a landfill or

transfer station (as defined in Public Resources Code Section 40200); nor shall any provision of this chapter prevent such recycler, junk dealer or enterprise which buys such materials from removing and transporting such materials to a destination for marketing. No such buyer shall buy or transport such materials without prior authorization from the city, as required by this code, whether in the form of a business license, a business permit, or a collection agreement.

(2) Renovation, Rebuilding, Repairs. No provision of this chapter shall prevent a commercial/industrial business owner from arranging for any worn, spent, or defective equipment, or part thereof, used in such commercial/industrial business and requiring renovation, rebuilding, recharging, regeneration or repair, to be picked up, renovated, rebuilt, recharged, regenerated or otherwise restored and repaired and returned to such commercial/industrial business owner; nor shall any provision of this chapter prevent any person engaged in the business of renovating, rebuilding, recharging, regenerating, or otherwise restoring or repairing such equipment or part thereof, from transporting the same from or returning it to the commercial/industrial business, or from removing, transporting or disposing of any such equipment, or part thereof, replaced in connection with an equipment repair or service contract. (Ord. 532 § 1. 2002 Code § 12-6.3).

8.12.250 Contractors' exclusions.

No provision of this chapter shall prevent a licensed contractor having a contract for the demolition or reconstruction of a building, structure, pavement, or concrete installation from marketing any saleable items salvaged from such demolition or reconstruction, or from causing such salvageable items or construction or demolition waste to be removed and transported from the premises on which such waste is generated pursuant to the provisions of the demolition or construction contract. If a subcontractor is to be engaged to remove such construction or demolition waste, the commercial/industrial collector with a collection agreement shall have the right of first refusal to provide such services. If that collector cannot guarantee that such services will be provided within a period of 24 hours, for a per-bin charge that does not exceed the maximum permitted by the collection agreement, the city manager may authorize the licensed contractor or the owner of the premises to utilize the services of another collector. (Ord. 532 § 1. 2002 Code § 12-6.4).

8.12.260 Document destruction service.

No provision of this chapter shall prevent any person engaged in the business of destroying or disposing of secret, confidential or sensitive documents from transporting or disposing of such documents by shredding, lumping, incinerating, or other means, as a part of such document destruction or disposal service. (Ord. 532 § 1. 2002 Code § 12-6.5).

8.12.270 Self-haul exclusion.

Notwithstanding CMC 8.12.290(3), and in addition to the authority granted by CMC 8.12.220, nothing in this chapter shall prevent a commercial/industrial business owner or residential householder from, on a regular basis, collecting and disposing of solid waste generated in or on their premises, in lieu of availing themselves of the services of the collector. No residential householder or commercial/industrial business owner shall employ or engage any solid waste enterprise, other than a collector authorized by the city, to haul or transport such materials to a transfer station or landfill; provided, however, that any residential householder or commercial/industrial business owner who, pursuant to this section, seeks to collect and dispose of solid waste generated in or on their premises on a regular basis, must first obtain a self-haul permit from the city, and must comply with procedures for self-hauling adopted by the city council by resolution. (Ord. 532 § 1. 2002 Code § 12-6.6).

8.12.280 General requirement.

In all cases where the right to an exclusion pursuant to CMC 8.12.220 through 8.12.270 is exercised, disposal shall be made at a disposal or processing facility which meets all applicable regulatory requirements. Any such disposal by a person exempted under this article shall not relieve such person from any obligation or liability imposed by this chapter or any other city ordinance, resolution, rule or regulation for the payment of the minimum solid waste and recyclable materials disposal rates imposed pursuant to this

chapter, or of any other applicable rates or fees. Notwithstanding the foregoing, the following shall be exempt from the payment of the solid waste collection rates imposed for use of the services provided by a collector: (a) any person with a valid self-haul permit obtained pursuant to CMC 8.12.270 who does not use the solid waste collection services offered by a collector; and (b) any owner of vacant property who does not use the solid waste collection services offered by a collector, for the period of time the property is vacant. (Ord. 532 § 1. 2002 Code § 12-6.7).

Article VII. General Requirements

8.12.290 Mandatory service.

(1) All solid waste and recyclable materials collected from residential or commercial/industrial premises for a fee, service charge, or other consideration shall be collected by a collector authorized by the city, subject only to the exclusion set forth in CMC 8.12.220 through 8.12.280.

(2) No person, firm, corporation or solid waste enterprise shall negotiate or contract for, undertake to receive, collect or transport solid waste or recyclable materials from within the city for a fee, service charge or other consideration therefor, except as specifically provided herein.

(3) Except as otherwise provided in this chapter, each residential householder and commercial/industrial business owner shall utilize the services of a collector authorized by the city for the collection of solid waste from the residential or commercial/industrial premises held or occupied by such owner or householder and shall pay the fees for such services set by the collector and authorized by the city council. No residential or commercial/industrial business owner shall enter into an agreement for solid waste and recyclable materials handling services with any person, firm, or corporation other than a collector authorized by the city, except as otherwise provided in this chapter. (Ord. 540 § 5; Ord. 532 § 1. 2002 Code § 12-7.1).

8.12.300 Litter.

Any person who deposits or causes to be deposited any solid waste or recyclable materials on the public right-of-way or on private property within public view, except in a container provided therefor as herein specified, shall immediately clean up, contain, collect and remove same. (Ord. 532 § 1. 2002 Code § 12-7.2).

8.12.310 Transfer of loads on public streets.

No person shall transfer solid waste or recyclable materials from one collection vehicle to another on any public street or road within the city unless such transfer is essential to the method of operation and is approved by the city manager, or is necessary owing to mechanical failure or accidental damage to a vehicle. (Ord. 532 § 1. 2002 Code § 12-7.3).

8.12.320 Unauthorized removal from containers.

No person shall remove from or tamper with any solid waste or recyclable material in any solid waste or recyclable materials container, other than a collector authorized by the city, an authorized employee of the city or the owner or occupant of the property served by such bin, receptacle or recyclable container. (Ord. 532 § 1. 2002 Code § 12-7.4).

8.12.330 Hours of collection.

(1) In residential zones as defined in CMC Title 20, and commercial/industrial areas that are contiguous to residential zones, no collection, delivery, or removal of containers shall be made between the hours of 6:00 p.m. and 7:00 a.m. Monday through Saturday or at any time on Sunday.

(2) In commercial/industrial areas that are not residential zones as defined in CMC Title 20, and are not contiguous to residential zones, no collection or delivery/removal of containers shall be made between the hours of 6:00 p.m. and 5:00 a.m. Monday through Saturday or at any time on Sunday.

(3) The city manager may waive the requirements of this article when necessitated by conditions beyond the control of a collector. (Ord. 532 § 1. 2002 Code § 12-7.5).

8.12.340 Resource recovery.

Every collector shall, at all times, comply with city policies and programs with regard to solid waste recovery, reduction of solid waste and recycling. (Ord. 532 § 1. 2002 Code § 12-7.6).

8.12.350 Ownership.

At such time as the solid waste or recyclable materials are placed for collection at the usual place of collection, the materials become the property of the collector who serves the premises on which the materials are placed. (Ord. 532 § 1. 2002 Code § 12-7.7).

8.12.360 Disposal.

(1) It shall be unlawful at any time for any person, including a collector, to burn any solid waste or recyclable materials within the city.

(2) It shall be unlawful at any time for any person, including a collector, to bury or dump any solid waste or recyclable materials within the city. (Ord. 532 § 1. 2002 Code § 12-7.8).

8.12.370 Trespass.

No person authorized to collect or transport solid waste or recyclable materials shall enter onto private property beyond the extent necessary to collect the solid waste or recyclable materials properly placed for collection or beyond the extent necessary to provide any agreed upon special collection service. (Ord. 532 § 1. 2002 Code § 12-7.9).

8.12.380 Required reports.

(1) Each collector shall compile and keep the following information for each month during the quarter and shall deliver a written report thereon, signed by an officer of the collector, to the city manager on a quarterly basis within 30 days after the end of each calendar quarter:

(a) Total amount of solid waste removed from the city.

(b) The name, address and telephone number of each solid waste disposal or recycling facility used by the collector.

(c) In the event that a collector adds or deletes one or more collection service customers, the report shall include a revised collection service identification list.

(d) The complaint log described in CMC 8.12.430(2).

(2) Each report shall be signed by an officer of the collector. If a collector has more than one collection route, it shall submit a separate report for each collection route. Each report shall be submitted to the city on the last day of each month following the month for which the report is filed. Reports must be received by the city manager by 5:00 p.m.

(3) The collector shall maintain, but is not required to submit unless requested by the city manager, monthly copies of waste disposal facility weight tickets or invoices which indicate the net amount of all waste disposed, transferred or recycled during each month that collection services are provided. (Ord. 532 § 1. 2002 Code § 12-7.10).

8.12.390 Annual report.

Every collector shall furnish an annual report to the city detailing the quantity and nature of all solid waste or recyclable materials removed from the city. Reports shall be delivered to the city on or before July 31st of each year, for the immediately preceding period of July 1st through June 30th. This report shall identify waste disposal facilities where the collector has disposed or transferred all solid waste removed from the city. This report shall also include a compilation of monthly tonnage reports, copies of tipping receipts, or both. The report shall include a customer service identification list which identifies the name and address of each customer receiving collection service from a collector. The timely filing of a complete annual report is hereby made a condition of any permit or collection agreement awarded by the city subsequent to the effective date of the ordinance* which adopts this chapter. (Ord. 532 § 1. 2002 Code § 12-7.11).

* Editor's Note: This chapter was adopted on May 5, 1998, by Ordinance No. 532.

8.12.400 Worker's compensation insurance.

Each collector shall at all times maintain, at its own expense, workers' compensation insurance coverage for all employees in the amounts required by law. Each collector shall file and maintain certificates with the manager showing the insurance to be in full force and effect at all times the collector is authorized by the city to provide services within the city. (Ord. 532 § 1. 2002 Code § 12-7.12).

8.12.410 Collector's liability insurance.

Each collector shall furnish the city a policy of comprehensive general and automobile liability insurance insuring the collector against bodily injury, property damage and automobile liability in

the amounts established by the city council by resolution or in a collection agreement. These limits shall be subject to annual review by the city for the purpose of reasonably adjusting to current insurance conditions and requirements. A greater amount may be required in a collection agreement. The insurance shall: (1) provide that the coverage is primary and that any insurance maintained by the city shall be excess insurance, (2) be procured from an insurer authorized to do business in the state of California, (3) name the city of Cudahy and its officers, employees and agents as additional insureds, and (4) provide that it may not be canceled or modified without 30 days' prior written notice to the city. (Ord. 532 § 1. 2002 Code § 12-7.13).

8.12.420 City to be free from liability.

Any person who provides solid waste or recyclable materials handling services within the city shall indemnify, defend, and hold harmless the city and its officers, employees, and agents against any and all claims, demands, losses, costs, expenses, obligations, liabilities, damages, recoveries, and deficiencies, including interest, penalties and reasonable attorney's fees, that the city shall incur or suffer, which arise, result from or relate to the provision of solid waste or recyclable materials handling services by that person. (Ord. 532 § 1. 2002 Code § 12-7.14).

8.12.430 Office for inquiries and complaints.

(1) Any collector with a collection agreement shall maintain an office at some fixed location and shall maintain a telephone at the office, listed in the current telephone directory in the name under which it conducts business in the city, and shall at all times during the hours between 7:00 a.m. and 6:00 p.m. of each weekday and between 7:00 a.m. and 6:00 p.m. on Saturday, have an employee or agent at that office to answer inquiries and receive complaints. The telephone number shall be toll-free from all portions of the city.

(2) The collector shall maintain at the office required by subsection (1) of this section a written log of all complaints and inquiries received. Such log shall contain the date of each inquiry or complaint, the caller's name, address and telephone number, the nature of the complaint or inquiry, the action taken or the reason for nonaction, and the date such action was taken or a decision not to act was made. All inquiries and complaints shall be promptly resolved to the satisfaction of the city. Such log of complaints and other records pertaining to solid waste and recyclable materials handling services shall be open to the inspection of the city at all reasonable times and shall be maintained for a period of one year. Compliance with the requirements of this article is hereby made a condition of any permit or collection agreement awarded by the city after the effective date of the ordinance which adopts this chapter. (Ord. 532 § 1. 2002 Code § 12-7.15).

8.12.440 Building contractors to leave area clean.

All owners, contractors and builders shall, upon the completion of any construction, renovation, or remodeling of a structure, gather up and haul away from the site of the structure, at their sole cost and expense, all solid waste of every nature, description or kind including all lumber scrap, shingles, plaster, brick, stone, concrete and other building material, and shall place the site and all other premises utilized in such construction in a sightly condition. (Ord. 532 § 1. 2002 Code § 12-7.16).

8.12.450 Accumulation of solid waste declared nuisance.

The accumulation of solid waste by any person beyond the period of one week or in any manner other than specified in this chapter is hereby declared to be a nuisance pursuant to Section 38771 of the Government Code of the state. (Ord. 532 § 1. 2002 Code § 12-7.17).

8.12.460 Unauthorized containers.

Except as expressly authorized by this chapter, no person other than a collector may place a solid waste or recycling container within the city. Any container placed in violation of this section is hereby declared to be a nuisance, and is subject to abatement pursuant to Chapter 8.16 CMC. (Ord. 532 § 1. 2002 Code § 12-7.18).

Article VIII. Residential Collection and Recycling

8.12.470 Residential collection – Disposal.

All solid waste and recyclable materials collected by a collector shall be disposed of in accordance with all applicable federal, state and local laws and regulations and the controlling permit or collection agreement. (Ord. 532 § 1. 2002 Code § 12-8.1).

8.12.480 Residential collection – Frequency.

A residential collector shall collect all solid waste, recyclable materials, and green waste placed for collection in compliance with this chapter from each residential premises once a week in accordance with a schedule which has been approved by the city manager. The schedule shall identify the routes and days of collection for each collection route established within the city. Unless otherwise approved by the city council, collection of solid waste, recyclable materials and green waste shall take place no less than once each calendar week, on the same day of each week. (Ord. 532 § 1. 2002 Code § 12-8.2).

8.12.490 Residential collection – Solid waste containers.

Subject to the prior approval of the city manager, the collector shall provide a standard residential solid waste container to each residential householder, and such additional containers as the residential householder may request, and may recover the cost thereof via the collection rate. No cardboard box, paper bag, or other similarly fragile container may be used as a container for solid waste. Except as expressly provided otherwise herein, upon the commencement of automated collection in the city only containers provided by the collector may be used for residential solid waste. (Ord. 532 § 1. 2002 Code § 12-8.3).

8.12.500 Residential collection – Recycling containers.

The collector shall provide each residential premises with at least one recycling container. If one recycling container is inadequate, the collector shall provide one or more additional recycling containers upon request, and at no charge to the residential householder. For the purposes of this article, "recycling containers" includes containers for green waste. (Ord. 532 § 1. 2002 Code § 12-8.4).

8.12.510 Residential collection – Placement and removal of containers.

Every residential householder shall place each solid waste container and recycling container for collection at the curb adjacent to the premises. No person shall place any such container for collection more than 24 hours before scheduled collection, or leave any such container at the place of collection after 10:00 p.m. on the day of collection, or more than two hours after actual collection, whichever is later. Such containers shall be removed to a storage location which is not visible from any public right-of-way other than an alley. (Ord. 532 § 1. 2002 Code § 12-8.5).

8.12.520 Residential collection – Care of containers.

Upon collection, all solid waste containers shall be replaced, by the collector, upright, where found, with the lids replaced, and all recycling containers shall be replaced in an upright or upside-down position, at the location where found by the collector. (Ord. 532 § 1. 2002 Code § 12-8.6).

8.12.530 Residential collection – Special collection services.

Upon request from a residential householder, the residential collector shall provide special collection of solid waste, at such rates as may be authorized by the city and at such times as may be agreed upon by the collector and the person requesting the service. If no agreement is reached between the residential householder and the residential collector, such special collections shall be provided as determined by the city manager. Such special collection may include carryout service, or any other service beyond that required by this chapter or an applicable collection agreement. (Ord. 532 § 1. 2002 Code § 12-8.7).

Article IX. Commercial/Industrial Collection

8.12.540 Commercial/industrial – Disposal and status of solid waste.

A commercial/industrial collector shall collect and dispose of all solid waste generated and pre-

sented for collection at each commercial/industrial premises in conformity with the provisions of this chapter. Any such collection and disposal shall be in accordance with all applicable federal, state, and local laws and regulations and any controlling permit or collection agreement between the collector and the city. All solid waste collected by a commercial/industrial collector shall be the exclusive property of the collector. (Ord. 532 § 1. 2002 Code § 12-9.1).

8.12.550 Commercial/industrial – Frequency of collection.

The commercial/industrial collector shall collect solid waste from commercial/industrial premises on a schedule which is agreed upon between the commercial/industrial business owner and the collector. In no event shall such collection schedule permit the accumulation of solid waste in quantities detrimental to public health, safety, or welfare. (Ord. 532 § 1. 2002 Code § 12-9.2).

8.12.560 Commercial/industrial – Containers.

(1) Every commercial/industrial business owner served by a collector shall have the option to:

(a) Provide a standard commercial/industrial solid waste container(s) or other containers compatible with the collector's collection equipment, sufficient to accommodate the solid waste generated from the commercial/industrial business; or

(b) Use the standard commercial/industrial solid waste container or other containers provided by the commercial/industrial collector.

(2) Every collector who provides any container or other equipment used for the storage of commercial/industrial solid waste or recyclable materials shall:

(a) Place and maintain on the outside of such container, bin or other equipment, in legible letters and numerals not less than one inch in height, the collector's business name and telephone number, in a color contrasting with the background color of the container; and

(b) Provide containers on casters or with hasps or locks upon request by a commercial/industrial business owner. (Ord. 532 § 1. 2002 Code § 12-9.3).

8.12.570 Commercial/industrial – Maintenance and placement of containers.

Solid waste containers provided by the collector shall be maintained in a clean and sanitary condition by the collector. Solid waste containers which are not provided by the collector shall be maintained in a clean and sanitary condition by the commercial/industrial business owner. Every commercial/industrial business owner shall provide a solid waste container location on the commercial/industrial premises and shall keep the area in good repair, clean and free of litter. Every collector shall remove any solid waste or litter that is spilled or deposited on the ground as a result of the collector's activities. (Ord. 532 § 1. 2002 Code § 12-9.4).

8.12.580 Commercial/industrial – Care of containers.

Upon collection of solid waste or recyclable materials by the collector, all containers shall be replaced, upright, where found, with lids closed. No person, other than the owner thereof, shall in any manner break, damage, roughly handle or destroy containers placed on the premises of a commercial/industrial business owner. (Ord. 532 § 1. 2002 Code § 12-9.5).

8.12.590 Reserved.

(2002 Code § 12-9.6).

8.12.600 Commercial/industrial – Special circumstances.

If particular commercial/industrial business premises require collections at times, frequencies or in a manner such that the collector is unable to perform the collection in the normal course of business, or where unusual quantities or special types of solid waste or recyclable materials are to be collected and disposed of, or where special methods of handling are required, or where more than three containers are required, the collector and the commercial/industrial business owner may make arrangements for such collection on mutually agreeable terms. If the commercial/industrial business owner and the collector do not agree as to the methods for the service provided for in this article, the city manager shall determine the method of service. If the collector is unable or unwilling to provide such service, the city manager may authorize

the commercial/industrial business owner to use another solid waste enterprise for such special service until the collector can provide such service. (Ord. 532 § 1. 2002 Code § 12-9.7).

Chapter 8.16

ABATEMENT OF NUISANCES

Sections:

8.16.010 Definition.
8.16.020 Duty of owner or possessor of property.
8.16.030 Notice to abate nuisance.
8.16.040 Contents of notice.
8.16.050 Hearing and decision.
8.16.060 Abatement by city manager – Notice of charge.
8.16.070 Lien.
8.16.080 Charges to be billed on tax bill.
8.16.090 Court action.
8.16.100 Summary abatement.
8.16.110 Violation.

8.16.010 Definition.

As used in this chapter:

"Nuisance" shall mean anything which is injurious to health or safety, or is indecent or offensive to the senses, or an obstruction to the free use of property or injurious to the stability of real property so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any street and affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Notwithstanding any provisions of this chapter, the city council may define by ordinance any particular condition constituting a nuisance. (Ord. 497 § 2. 2002 Code § 3-10.1).

8.16.020 Duty of owner or possessor of property.

Every person who shall own or be in possession of any property, place or area within the boundaries of the city shall, at his or her own expense, maintain that property, place or area free from any nuisance. (Ord. 497 § 2. 2002 Code § 3-10.2).

8.16.030 Notice to abate nuisance.

Whenever the city manager or his or her designee (all references hereafter to the city manager shall include his or her designee) determines that a

nuisance exists upon any property, place or area within the boundaries of the city of Cudahy, the city manager may notify in writing the owner or person in possession of the property, place or area to abate the nuisance within 10 days from the day of the notice, or such other shorter or greater period of time as the city manager shall require. The notice shall be given by registered or certified mail addressed to the owner or the person in possession of the property, place or area as shown on the latest equalized tax assessment roll, at his or her last known address. (Ord. 497 § 2. 2002 Code § 3-10.3).

8.16.040 Contents of notice.

The notice shall set forth the conditions constituting the nuisance, describe the property involved, offer any suggested methods of correcting the nuisance and shall require that if the nuisance is not abated to the satisfaction of the city manager within 10 days from the date thereof, or such other reasonable period of time as the city manager may stipulate, a hearing shall be held before the city council to hear any protest of the owner, possessor or other interested person. The notice shall specify the time, date and place of the hearing, which shall be set for the regular meeting of the council next following the expiration of the period stipulated by the city manager. (Ord. 497 § 2. 2002 Code § 3-10.4).

8.16.050 Hearing and decision.

If the nuisance is not abated within the time set forth in CMC 8.16.030, the city council shall conduct a hearing at the time and place fixed in the notice at which evidence may be submitted by interested persons. Upon consideration of the evidence, the council may: (1) terminate the proceedings, (2) confirm the action and decision of the city manager and declare the condition to constitute a public nuisance, or (3) modify the decision of the city manager. If the proceedings are not terminated, the council shall take action by resolution and such resolution shall declare the condition to be a public nuisance, and order the abatement of the conditions constituting the nuisance within 30 days of notice of the council's decision, or such other appropriate period of time as the council may stipulate, by having such conditions abated, repaired or cured in the manner and means specifically set forth in the resolution. The city council shall also order the city manager to abate the public nuisance in the event that the violator fails to comply with the abatement order. Any abatement order of the council may include conditions governing the future maintenance of the property, place or area to prevent the recurrence of the nuisance. Violation of any such condition shall itself constitute a public nuisance. The decision of the city council shall be final. The city clerk shall notify all owners and possessors of the subject property, place or area of the decision of the council. The city clerk may file with the county recorder for recordation a declaration of substandard property declaring that by resolution of the city council certain property has been found to be a nuisance in accordance with this chapter and that the conditions constituting the nuisance must be abated. The declaration shall be released upon abatement of the nuisance. (Ord. 497 § 2. 2002 Code § 3-10.5).

8.16.060 Abatement by city manager – Notice of charge.

(1) Upon failure, neglect or refusal by a person notified pursuant to CMC 8.16.050 to abate a nuisance within the stipulated time period after the date of notice, the city manager is authorized to cause the abatement of the nuisance.

(2) The city manager shall keep an account of the costs of abating such nuisance on each separate property, place or area where the work is done and shall render an itemized report in writing to the city council showing the cost of abatement of the conditions determined to constitute a nuisance, less any salvage value relating thereto. The costs shall include reimbursement of all of the expenses incurred by the city in connection with the abatement of the nuisance, including without limitation all time expended by city staff, and all related administrative costs. Costs and expenses for which the city may be reimbursed begin to accrue at the time the city first receives a complaint regarding a problem on the property, place or area. Costs and expenses may be recovered once it has become necessary for the city to conduct an abatement hearing.

(3) The city manager shall notify, in writing, the owner or possessor of the property, place or area upon which a nuisance has been abated by the city, of the cost of the abatement in accordance

with Section 38773.1 of the Government Code or any successor to that statute. The notice shall be given in the same manner as required by CMC 8.16.030. Within 10 days of the mailing of the notice, any party concerned and any other person having any right, title or interest in the property, place or area or part thereof may file with the city clerk a written request for a hearing on the correctness and reasonableness of the claim of abatement costs. The city manager shall then give notice of the time and place of the hearing before the city council to the owners and possessors of the property, place and area upon which the nuisance was abated, and to any other interested person requesting notice, by United States mail, postage prepaid, addressed to the person at his or her last known address at least five days in advance of the hearing.

(4) At the time and place fixed for the hearing, the city council shall hear and pass upon the report of the city manager together with any objections or protests raised by any of the persons liable for the cost of abating the nuisance. The city council shall then make any revision, correction or modification to the report as it deems just, after which the report as submitted, or as revised, corrected or modified, shall be confirmed. The decision of the city council is final. (Ord. 497 § 2. 2002 Code § 3-10.6).

8.16.070 Lien.

If the total cost of the abatement of the nuisance by the city is not paid to the city in full within 10 days after the date of the notice of the cost of the abatement, the city clerk shall record, in the office of the county recorder, a statement of the total balance due to the city, a legal description of the property, place or area involved, and the name of the owner or possessor concerned. From the date of such recording, the balance due will constitute a lien on the property. The lien will continue in full force and effect until the entire amount due, together with interest at the maximum legal rate accruing from the date of the completion of the abatement, is paid in full. (Ord. 497 § 2. 2002 Code § 3-10.7).

8.16.080 Charges to be billed on tax bill.

Alternatively, the city may, in accordance with the provisions of the laws of the state of California, cause the amount due to the city by reason of its abating a nuisance together with interest at the maximum legal rate, accruing from the date of the completion of the abatement, to be charged to the owners of the property, place or area on the next regular tax bill. All laws of the state of California applicable to the levy, collection and enforcement of city taxes and county taxes are hereby made applicable to the collection of these charges. (Ord. 497 § 2. 2002 Code § 3-10.8).

8.16.090 Court action.

The city council may bring appropriate actions, in a court of competent jurisdiction, to collect any amounts due by reason of the abatement of a nuisance by the city and to foreclose any existing liens for those amounts. Notwithstanding the provisions of this chapter, the city may bring the appropriate civil and criminal action in a court of competent jurisdiction for abatement of any nuisance within the city pursuant to any other provision of the law. Upon entry of a second or subsequent civil or criminal judgment within a two-year period, finding that the owner or possessor of a property, place or area is responsible for a condition that may be abated in accordance with this chapter, except for conditions abated pursuant to Section 17980 of the Health and Safety Code, the court may order the owner or possessor to pay treble the costs of the abatement. (Ord. 497 § 2. 2002 Code § 3-10.9).

8.16.100 Summary abatement.

Notwithstanding any provision of this chapter, the city council may cause a nuisance to be summarily abated if the city manager determines that the nuisance creates an emergency condition involving an immediate threat to public health or safety. Prior to abating the nuisance, the city manager shall attempt to notify the owner or possessor of the property, place, or area involved of the nuisance and request him or her immediately to abate the nuisance. If the owner or possessor of the property, place or area containing the nuisance which creates an emergency condition fails to take immediate and meaningful steps to abate the nuisance, the city may abate the nuisance, and charge the cost of abating such nuisance to the owner or possessor of the property, place or area involved. The city shall notify in writing the owner or possessor of the property, place or area upon which a nuisance has been abated by the city, of the cost of the abatement. Such notification shall be given in the same

manner as required by CMC 8.16.030. The provisions of CMC 8.16.060, 8.16.070, 8.16.080 and 8.16.090 shall thereafter be applicable. (Ord. 497 § 2. 2002 Code § 3-10.10).

8.16.110 Violation.

Any person causing, permitting or maintaining any condition subject to abatement pursuant to the provisions of this chapter to exist on any property, place or area within the city shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable as provided in Chapter 1.36 CMC. (Ord. 497 § 2. 2002 Code § 3-10.11).

Chapter 8.20

BATHHOUSES AND SIMILAR COMMERCIAL ESTABLISHMENTS

Sections:

8.20.010 Findings.
8.20.020 Definitions.
8.20.030 Public nuisance.
8.20.040 Abatement.

8.20.010 Findings.

Acquired Immune Deficiency Syndrome (AIDS) is a fatal disease of epidemic proportions. Evidence exists that certain commercial establishments knowingly allow, and provide facilities for, their patrons to engage in sexual contact which poses a significant risk for the transmission of the human immunodeficiency virus (HIV), which has been associated with AIDS. Such conduct poses an unacceptable public health risk which must be eliminated. (Ord. 383 § 1. 2002 Code § 15-2.1).

8.20.020 Definitions.

The following terms as used in this chapter shall have the following meanings:

(1) "Bathhouse or similar commercial establishment" shall mean any business that charges a fee for admission and for that fee offers the use of one or more of the following:

(a) A swimming pool.

(b) A spa or whirlpool.

(c) A communal bath.

(d) Movies or videos for viewing on the premises.

Excluded from the definition of bathhouse or similar commercial establishment shall be any hotel or motel as defined in subsection (4) of this section.

(2) "Restricted activity" shall mean anal or vaginal intercourse or oral copulation.

In recognition that medical information about AIDS and how it is transmitted continues to develop, the health officer may amend the definition of restricted activity, when in his or her opinion such a change is supported by the then-available scientific information. Any such change shall be effective only after notice of such change is given to the city council and is published once a

week for three weeks in a newspaper of general circulation in the city of Cudahy.

(3) "Private room" shall mean any enclosed space large enough for more than one person to enter with a door capable of being locked from the inside, unless one or more of the following applies:

(a) There is an opening no less than five feet nor more than six feet above the floor through which the full interior of the enclosure is viewable from the exterior; or

(b) The enclosure is not made available for use by patrons of the establishment; or

(c) No more than one person at a time is allowed to enter the enclosure and there are no openings between any adjoining enclosures through which physical contact between persons in such adjoining enclosures is possible.

(4) "Hotel" or "motel" shall mean a commercial establishment meeting all of the following requirements:

(a) The establishment holds itself out as being primarily in the hotel or motel business.

(b) The establishment is licensed by all applicable jurisdictions as a hotel or motel.

(c) The establishment complies with any applicable occupancy tax ordinance.

(d) The establishment complies with all applicable state, city, and county statutes, ordinances, and regulations controlling the operation of motels or hotels. (Ord. 383 § 1. 2002 Code § 15-2.2).

8.20.030 Public nuisance.

Any bathhouse or similar commercial establishment which maintains any private room or which admits patrons who engage in any restricted activity anywhere on the premises is declared to be a public health nuisance. (Ord. 383 § 1. 2002 Code § 15-2.3).

8.20.040 Abatement.

The health officer shall take all actions he deems necessary to abate any public health nuisance described in CMC 8.20.030. The action of the health officer may include, but is not limited to, an order that the bathhouse or similar commercial establishment cease all operation and not reopen without the specific written approval of the health officer. Any operator of any such public health nuisance who fails to comply with any order of the health officer shall be subject to all penalties provided in the health code of the city or otherwise provided by law. (Ord. 383 § 1. 2002 Code § 15-2.4).

Chapter 8.24

ABANDONED VEHICLES

Sections:

8.24.010 Findings and determinations.
8.24.020 Definitions.
8.24.030 Exceptions.
8.24.040 Effect on other laws.
8.24.050 Administration and enforcement.
8.24.060 Right of entry of certain persons.
8.24.070 Administrative costs.
8.24.080 Authority to abate or remove vehicles.
8.24.090 Notices of intention.
8.24.100 Requests for hearings – Notices.
8.24.110 Hearings – Determinations.
8.24.120 Appeals.
8.24.130 Removal.
8.24.140 Removal – Notices.
8.24.150 Assessment of costs.

8.24.010 Findings and determinations.

In addition to and in accordance with the determination made and the authority granted by the state pursuant to the provisions of Section 22660 of the Vehicle Code of the state to remove abandoned, wrecked, dismantled, or inoperative vehicles, or parts thereof, as public nuisances, the council hereby makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, on private or public property, not including highways, is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety, and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled, or inoperative vehicle, or part thereof, on private or public property, not including highways, except as expressly permitted by the provisions of this chapter, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter. (Ord. 140 § 1. 2002 Code § 3-3.1).

8.24.020 Definitions.

As used in this chapter, unless otherwise apparent from the context, certain words and phrases shall have the following meanings:

(1) "Highway" shall mean a way or place of whatever nature, publicly maintained and open to the use of the public for the purpose of vehicular travel. "Highway" shall include street.

(2) "Public property" shall not include highway.

(3) "Vehicle" shall mean a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

(4) "Owner of the land" shall mean the owner of the land on which the vehicle, or part thereof, is located, as shown on the last equalized assessment roll.

(5) "Owner of the vehicle" shall mean the last registered owner and legal owner of record. (Ord. 140 § 1. 2002 Code § 3-3.2).

8.24.030 Exceptions.

The provisions of this chapter shall not apply to:

(1) A vehicle, or part thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

(2) A vehicle, or part thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

The provisions of this chapter shall not authorize the maintenance of a public or private nuisance defined pursuant to provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code of the state and this chapter. (Ord. 140 § 1. 2002 Code § 3-3.3).

8.24.040 Effect on other laws.

The provisions of this chapter are not the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles within the city. The provisions of this chapter shall supplement and be in addition to the other regulatory codes, statutes, and laws heretofore or hereafter enacted by the

city, the county, the state, or any other legal entity or agency having jurisdiction. (Ord. 140 § 1. 2002 Code § 3-3.4).

8.24.050 Administration and enforcement.

Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the director of building and public services. In the enforcement of the provisions of this chapter, such officer and his deputies may enter upon private or public property to examine a vehicle, or parts thereof, or obtain information as to the identity of a vehicle, and to remove or cause the removal of a vehicle, or parts thereof, declared to be a nuisance pursuant to the provisions of this chapter. (Ord. 396 § 3; Ord. 140 § 1. 2002 Code § 3-3.5).

8.24.060 Right of entry of certain persons.

When the council has contracted with or granted a franchise to any person, such person shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle, or parts thereof, declared to be a nuisance pursuant to the provisions of this chapter. (Ord. 140 § 1. 2002 Code § 3-3.6).

8.24.070 Administrative costs.

The council shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle, or part thereof) for the purposes of administering the provisions of this chapter. (Ord. 140 § 1. 2002 Code § 3-3.7).

8.24.080 Authority to abate or remove vehicles.

Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof, on private property or public property within the city, the director of building and public services shall have the authority to cause the abatement and removal thereof in accordance with the procedure set forth in this chapter. (Ord. 396 § 3; Ord. 140 § 1. 2002 Code § 3-3.8).

8.24.090 Notices of intention.

A 10-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE, OR PARTS THEREOF, AS A PUBLIC NUISANCE.

_____

(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned, pursuant to the provisions of Chapter 8.24 of the Cudahy Municipal Code, has determined that there exists upon such land an (or parts of an) abandoned, wrecked, dismantled, or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of Chapter 8.24 of the Municipal Code.

You are hereby notified to abate such nuisance by the removal of such vehicle, or parts of a vehicle, within ten (10) days from the date of mailing of this notice, and, upon your failure to do so, the same will be abated and removed by the city and the costs thereof, together with administrative costs, assessed to you as owner of the land on which such vehicle, or parts of a vehicle, is located.

As owner of the land on which such vehicle, or parts of a vehicle, is located, you are hereby notified that you may, within ten (10) days after the mailing of this notice of intention, request a public hearing and, if such request is not received by the Director of Building and Public Services within such ten (10) day period, the Director of Building and Public Services shall have the authority to abate and remove such vehicle, or parts of a vehicle, as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit

a sworn written statement within such ten (10) day period denying responsibility for the presence of such vehicle, or parts of a vehicle, on such land, with your reasons for denial, and such statement shall be construed as a request for a hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice mailed _____ s/ _____
(Date) Director of Building and Public Services

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE, OR PARTS THEREOF, AS A PUBLIC NUISANCE.

_____
(Name and address of last registered and/or legal owner of record of vehicle; notice should be given to both if different)

As last registered (and/or legal) owner of record of (description of vehicle – make, model, license, etc.), you are hereby notified that the undersigned, pursuant to the provisions of Chapter 8.24 of the Cudahy Municipal Code, has determined that such vehicle, or parts of a vehicle, exists as an abandoned, wrecked, dismantled, or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Chapter 8.24 of said Municipal Code.

You are hereby notified to abate such nuisance by the removal of such vehicle, or parts of a vehicle, within ten (10) days from the date of mailing of this notice.

As registered (and/or legal) owner of record of such vehicle, or parts of a vehicle, you are hereby notified that you may, within ten (10) days after the mailing of this notice of intention, request a public hearing, and, if such a request is not received by the Director of Building and Public Services within such ten (10) day period, the Director of Building and Public Services shall have the authority to abate and remove such vehicle, or parts of a vehicle, without a hearing.

Notice mailed _____ s/ _____
(Date) Director of Building and Public Services

(Ord. 396 § 3; Ord. 140 § 1. 2002 Code § 3-3.9).

8.24.100 Requests for hearings – Notices.

Upon request by the owner of the vehicle or owner of the land received by the city clerk within 10 days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the planning commission on the question of the abatement and removal of the vehicle, or parts thereof, as an abandoned, wrecked, dismantled, or inoperative vehicle and the assessment of the administrative costs and the costs of removal of the vehicle, or parts thereof, against the property on which it is located.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such 10-day period, such statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least 10 days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within such 10 days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle, or parts thereof, as a public nuisance without holding a public hearing. (Ord. 140 § 1. 2002 Code § 3-3.10).

8.24.110 Hearings – Determinations.

All hearings held pursuant to the provisions of this chapter shall be held before the planning commission which shall hear all facts and testimony it deems pertinent. Such facts and testimony may

include testimony on the condition of the vehicle, or part thereof, and the circumstances concerning its location on private property or public property. The planning commission shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing, or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The planning commission may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purposes of this chapter. It may delay the time for the removal of the vehicle, or part thereof, if, in its opinion, the circumstances so justify. At the conclusion of the public hearing, the planning commission may find that a vehicle, or part thereof, has been abandoned, wrecked, dismantled, or is inoperative on private or public property, order the same removed from the property as a public nuisance and disposed of as provided in this chapter, and determine the administrative costs and the costs of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle, or part thereof, and the correct identification number and license number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the planning commission shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the planning commission but does not appear, he shall be notified in writing of the decision. (Ord. 140 § 1. 2002 Code § 3-3.11).

8.24.120 Appeals.

Any interested person may appeal the decision of the planning commission by filing a written notice of appeal with the planning commission within five days after its decision.

Such appeal shall be heard by the council which may affirm, amend, or reverse the order or take any other action deemed appropriate.

The city clerk shall give written notice of the time and place of the hearing to the appellant and those persons set forth in CMC 8.24.080.

In conducting the hearing the council shall not be limited by the technical rules of evidence. (Ord. 140 § 1. 2002 Code § 3-3.12).

8.24.130 Removal.

Five days after the adoption of the order declaring the vehicle, or parts thereof, to be a public nuisance, or five days from the date of mailing of the notice of the decision, if such notice is required by the provisions of CMC 8.24.110, or 15 days after such action for the council authorizing removal following an appeal the vehicle, or parts thereof, may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable. (Ord. 140 § 1. 2002 Code § 3-3.13).

8.24.140 Removal – Notices.

Within five days after the date of removal of the vehicle, or part thereof, notice shall be given to the Department of Motor Vehicles of the state identifying the vehicle, or part thereof, removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title, and license plates. (Ord. 140 § 1. 2002 Code § 3-3.14).

8.24.150 Assessment of costs.

If the administrative costs and the costs of removal which are charged against the owner of a parcel of land pursuant to the provisions of CMC 8.24.110 are not paid within 30 days from the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to the provisions of Section 38773.5 of the Government Code of the state and shall be transmitted to the tax collector for collection. Such assessment shall have the same priority as other city or county taxes. (Ord. 140 § 1. 2002 Code § 3-3.15).

Chapter 8.28

CAPPING OF WELLS

Sections:

8.28.010 Definitions.
8.28.020 Capping or filling abandoned wells.
8.28.030 Owner fails to act – City to enforce.

8.28.010 Definitions.

As used in this chapter:

(1) "Person" shall mean any individual, firm, corporation, copartnership, joint venture, association, social club, fraternal organization, estate, trust, business trust, receiver, syndicate, city, or any other group or combination acting as a unit, and the plural as well as the singular number.

(2) "Shall" shall be mandatory, and "may" shall be permissive. (2002 Code § 17-1.1).

8.28.020 Capping or filling abandoned wells.

Every person who digs, drills, excavates, constructs, owns, or controls any abandoned water well or abandoned oil well, and every person owning or having possession of any premises on which any such abandoned well exists, shall cap or otherwise close the mouth of or entrance to such well in such manner as to prevent persons from falling therein and in such a manner that such capping or covering cannot be removed by accident or inadvertence, or such person shall fill such a well. (2002 Code § 17-1.2).

8.28.030 Owner fails to act – City to enforce.

Whenever any person fails or refuses to perform any act required by this chapter, the city may itself cap, cover or fill such well. It is not necessary to follow the provisions of this chapter as a condition precedent to any criminal prosecution. In the event the city caps, covers, or fills such well the cost and expense thereof shall be paid to the city by the owner or possessor of such property and a civil action may be brought by the city to recover the same. In such action the city shall be entitled to recover reasonable attorney's fees. (2002 Code § 17-1.3).

Chapter 8.32

EXCAVATIONS, BODIES OF WATER

Sections:

8.32.010 Preamble.
8.32.020 Exceptions.
8.32.030 Fence around excavation or covering excavation required.
8.32.040 Fence or wall required.
8.32.050 Regulations for gates or doors.
8.32.060 Maintenance of oil well shaft.
8.32.070 Exceptions.
8.32.080 Fence required around bodies of water.
8.32.090 Owner fails or refuses to comply.
8.32.100 Filing of protest – Council to determine action required.

8.32.010 Preamble.

The city council finds that there are a number of privately owned swimming pools within the city, and that the maintenance of either private or public swimming pools without supervision or protective measures constitutes a severe hazard to the safety of the inhabitants, and particularly to the small children of the city. Numerous small children have fallen into private swimming pools and drowned. Many of such drownings would not have occurred had such pools been protected by fences as required by this chapter. (2002 Code § 17-2.1).

8.32.020 Exceptions.

Should any exception to the provisions of this chapter be held invalid, such exception shall be eliminated from this chapter. The city council declares that it intends this chapter to apply to every excavation which, by reason of constitutional limitations, cannot be excepted from its provisions. (2002 Code § 17-2.2).

8.32.030 Fence around excavation or covering excavation required.

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 places, 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 45-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 No. 9 gauge wire and of not greater than two-inch mesh. The posts supporting such fence shall be set 36 inches in a concrete base and shall be spaced approximately 10 feet apart. Tension wires of at least No. 9 gauge coil spring wire, or equivalent, shall be stretched at the top and bottom of the fence fabric and fastened to the fabric at 24-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 the fence. (2002 Code § 17-2.3).

8.32.040 Fence or wall required.

Every person who shall own or be in possession of any premises on which there is situated a swimming pool, fish pond, wading pool, or any other outside body of water created by artificial means, designed or used for swimming or other immersion purposes, by men, women, or children, any portion of which is two feet deep or more and the surface area of the water in which does not exceed 10,000 square feet shall maintain on the lot or premises upon which such swimming pool, fish pond, wading pool or other artificial body of water is located and completely surrounding such body of water, lot, or premises, a fence, wall, or other structure not less than five feet in height with no openings, except doors or gates, with an area greater than 50 square inches, except that a rectangular opening having no horizontal dimension exceeding four inches may have a greater area, constructed as follows:

(1) Wood Fences. Wood fences shall have posts not less than three inches by three inches, spaced not over 10 feet on centers, and embedded at least 18 inches into the ground. Posts, other than redwood, shall be treated with a preservative. Fencing shall be at least one-half inch in thickness and fastened securely to at least two rails not less than two inches by three inches in cross section.

(2) Wire Fences. Wire fences shall be constructed of wire mesh of not less than 11 gauge galvanized steel wire supported on one-and-one-fourth-inch diameter galvanized pipe spaced not over 10 feet on centers. Posts shall be embedded at least 12 inches into concrete fill-in holes not less than six inches in diameter and 18 inches in depth.

(3) Masonry Fences. Masonry fences shall be supported on a foundation of concrete extending at least 12 inches below grade, at least 12 inches in width, and at least six inches in thickness. Wall steel, when required, shall be embedded 16 diameters into the footing.

(4) Approved Alternate. If the city engineer finds that any other type of construction has resulted in, or will result in, a fence in all respects the equivalent in strength and durability to a fence constructed as provided in subsection (1), (2) or (3) of this section, such type of construction may be used. All fences or walls six feet in height or more shall comply with the provisions of the building code of the city of Cudahy.

(5) Supervision. In lieu of maintaining a fence, such persons may provide a competent person who shall keep the pool under observation at all times while water is kept in the pool. In the event the pool is not under the observation of a competent person, a pool cover or other protective device approved by the city engineer may be used.

(6) This chapter does not apply to a portable swimming pool. (2002 Code § 17-2.4).

8.32.050 Regulations for gates or doors.

(1) All gates or doors opening through the fence or structure protecting a swimming pool as required by this chapter shall be equipped with self-closing and self-latching devices not less than four feet above grade capable of keeping such gate or door securely closed at all times when not in actual use.

(2) All doors or gates shall be of such size as to completely fill any opening in the fence or wall. The owner or person in possession of the premises on which such swimming pool exists shall keep such doors and gates closed and securely latched at all times when such swimming pool is not in use. (2002 Code § 17-2.5).

8.32.060 Maintenance of oil well shaft.

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 90 days for the operation of, or the drilling of, such well or any other well in the vicinity to be cleaned out and all oil, rotary mud and rubbish removed therefrom. (2002 Code § 17-2.6).

8.32.070 Exceptions.

CMC 8.32.030 does not apply to:

(1) An oil sump constantly and immediately attended while drilling operations are continuously proceeding.

(2) An excavation covered by Section 24400, 24401 or 24402 of the Health and Safety Code.

(3) An excavation more than one-quarter mile from the nearest highway and within one-half mile of which excavation there are less than 20 residences.

(4) An excavation for the installation of a public utility, if not abandoned.

(5) An excavation in connection with the construction of a private residence, if not abandoned.

(6) A swimming pool, fish pond, wading pool or other outside body of water created by artificial means, designed or used for swimming or other immersion purposes by men, women or children, if it is protected as required by CMC 8.32.040.

(7) An excavation not more than one-half mile in length which becomes a portion of a natural watercourse.

(8) Portable swimming pools. (2002 Code § 17-2.7).

8.32.080 Fence required around bodies of water.

Whenever any body of water, whether natural, manmade, or partially natural and partially manmade, is a hazard to children because of its size, depth, vegetable growth therein, nature of soil, or for any other reason and the city council so finds, within 10 days after such finding, every person owning or in possession of any premises on which the whole of such body of water exists, shall erect and thereafter continuously maintain completely around such body of water a fence which shall comply with either CMC 8.32.030 or 8.32.040 and 8.32.050.

(1) If such a body of water occupies more than one premises, the owner or person in possession of each such premises, within such 10 days shall erect that portion of the fence on his premises, so that there will be completely around such body of water a fence which shall comply with either CMC 8.32.030 or 8.32.040 and 8.32.050.

(2) Gates shall be kept locked when not attended by an adult. (2002 Code § 17-2.8).

8.32.090 Owner fails or refuses to comply.

Where Article 9 of Chapter 1 of Division 1 of Title 5 of the Government Code applies, the city council shall proceed as provided in the said article. In all other cases whenever any person fails or refuses to perform any act required by CMC 8.32.030, 8.32.040, 8.32.060, 8.32.080 or this section, the sheriff 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 10 days after the service of such notice, shall either:

(1) Comply with this chapter, or

(2) 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.

(3) If any such person cannot be found, the sheriff shall post such notice in a conspicuous place at or near the excavation, sump, cellar, ditch, or body of water.

Compliance with this chapter is not a condition precedent to a criminal prosecution for a violation of any provision of this chapter. (2002 Code § 17-2.9).

8.32.100 Filing of protest – Council to determine action required.

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, this chapter requires the person filing such protest to perform.

Upon the hearing of any such protest the city council shall determine what acts, if any, this chapter requires the person filing such protest to perform. It shall notify in writing such person of its decision. (2002 Code § 17-2.10).

Chapter 8.36

VECTOR CONTROL AND MANAGEMENT

Sections:

8.36.010 Purpose and authority.
8.36.020 Definitions.
8.36.030 Apiaries prohibited.
8.36.040 Infested building or structure declared a public nuisance.
8.36.050 Vector control measures.
8.36.060 Abatement of vectors.
8.36.070 Repayment by property owner of abatement costs.
8.36.080 Expenditures as lien on property.
8.36.090 Recording of notice of lien.
8.36.100 Release of property from lien – Subordination.
8.36.110 Time to commence foreclosure action.
8.36.120 Action to be brought in name of city.
8.36.130 Disposition of sale.
8.36.140 Summary abatement of mosquito breeding sources.

8.36.010 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. 563 § 1. 2002 Code § 9-8.1).

8.36.020 Definitions.

For purposes of this chapter, the following words and phrases are defined and shall be construed to have the following meaning:

"Authorized city representative" shall mean an officer, director, employee, or agent of the city of Cudahy, or an officer, director, employee, or agent of a licensed private pest control company that the city has previously entered into a contractual agreement with for the control and abatement of vectors.

"Beehive" (managed bees) or "nest" (feral bees) shall mean a colony of bees.

"District" shall mean the Greater Los Angeles County vector control district.

"Emergency situation" shall mean the presence of vectors, including but not limited to "killer

bees," on private property within the city that pose an imminent threat to the health, safety or welfare of the community.

"Feral bee" shall mean any wild honey bee, including, but not limited to, the Africanized honey bee, also known as the "killer bee."

"Infestation" shall mean a colony or an established swarm of bees forming a colony.

"Public nuisance" shall mean any condition that endangers public health, safety and/or welfare.

"Swarm" shall mean a number of bees, including a queen, leaving a hive to start a new colony.

"Vector," for the purposes of this chapter, shall mean 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 honey bees, mosquitoes, midges (chironomids), and black flies (simulids). (Ord. 563 § 1. 2002 Code § 9-8.2).

8.36.030 Apiaries prohibited.

See subsections 20-10.3c and 20-12.3c, respectively, of this code, regarding the prohibition of apiaries in the city of Cudahy. (Ord. 563 § 1. 2002 Code § 9-8.3).

8.36.040 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 (1) the property owner or (2) the district or authorized city representatives, as set forth in CMC 8.36.060, 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. 563 § 1. 2002 Code § 9-8.4).

8.36.050 Vector control measures.

(1) 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 the 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.

(2) It shall be unlawful for any property owner or tenant to maintain an established beehive, nest or swarm to exist. This includes a commercially managed European beehive that has become Africanized.

(3) The prohibitions regarding maintenance of beehives, nests or swarms shall not restrict the activities of a professional beekeeper if otherwise not prohibited under the county's code. For purposes of this section, 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. 563 § 1. 2002 Code § 9-8.5).

8.36.060 Abatement of vectors.

(1) The district is authorized (pursuant to Subsection 2270(f), California Health and Safety Code), and provided, that it has a reasonable, good faith basis to believe that an emergency situation exists, to enter upon any property in the city without hindrance or notice, for any of the following purposes:

(a) To inspect to ascertain the presence of vectors or their breeding places.

(b) To abate public nuisances either directly or by giving notice to the property owner to abate a nuisance.

(c) To ascertain if a notice to abate vectors has been complied with.

(d) 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.

(2) 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, and provided that such city representative has a reasonable, good faith basis to believe that an emergency situation exists, an authorized city representative may enter upon said

private property in the city without hindrance or notice, for any of the following purposes:

(a) To inspect to ascertain the presence of vectors or their breeding places.

(b) To abate public nuisances either directly or by giving notice to the property owner to abate a nuisance.

(c) To ascertain if a notice to abate vectors has been complied with.

(d) To treat property with appropriate physical, chemical, or biological control measures. (Ord. 563 § 1. 2002 Code § 9-8.6).

8.36.070 Repayment by property owner of abatement costs.

Provisions for repayment by the 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, and 2290.

This and subsequent sections of this chapter pertain solely to the repayment by the property owner of all or part of the abatement costs to the city, and collection thereof, incurred pursuant to enforcement of CMC 8.36.060(2).

All or part of the cost of abating a nuisance pursuant to CMC 8.36.060(2) shall be repaid to the city by the owner of the property. 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. (Ord. 563 § 1. 2002 Code § 9-8.7).

8.36.080 Expenditures as lien on property.

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 as provided in CMC 8.36.090. However, if the property has been conveyed prior to the recordation of the lien, the lien shall not attach to the real property, but shall remain the debt of the person who owned the land at the time the costs were incurred, and the debt may be recovered in a civil action by the city against the debtor. (Ord. 563 § 1. 2002 Code § 9-8.8).

8.36.090 Recording of notice of lien.

Notice of the lien, particularly identifying the property on which the nuisance was abated and the amount of such lien, and naming the owner of record of such property, shall be recorded by the city in the office of the Los Angeles county recorder, within one year after the first item of expenditure by the city or within 90 days after the completion of the work, whichever first occurs. Upon such recordation, such lien shall have the same force, effect and priority as if it had been a judgment lien imposed upon real property described in such notice, and shall continue for 10 years from the time of the recording of such notice unless sooner released or discharged. (Ord. 563 § 1. 2002 Code § 9-8.9).

8.36.100 Release of property from lien – Subordination.

The city may at any time release all or any portion of the property subject to a lien imposed pursuant to CMC 8.36.080 and 8.36.090 from the lien or subordinate such a lien to other liens and encumbrances if it determines that the amount owed is sufficiently secured by a lien on other property or that the release or subordination of such lien will not jeopardize the collection of such amount owed. A certificate by the city to the effect that any property has been released from such lien or that such lien has been subordinated to other liens and encumbrances shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in such certificate. (Ord. 563 § 1. 2002 Code § 9-8.10).

8.36.110 Time to commence foreclosure action.

An action to foreclose the lien shall be commenced by the city within six months after the filing and recording of the notice of lien. (Ord. 563 § 1. 2002 Code § 9-8.11).

8.36.120 Action to be brought in name of city.

The action shall be brought by the city in the name of the city. (Ord. 563 § 1. 2002 Code § 9-8.12).

8.36.130 Disposition of sale.

When the property is sold, enough of the proceeds to satisfy the lien and the costs of foreclosure shall be paid to the city, and the surplus, if any, shall be paid to the owner of the property if known, and if not known, shall be paid into the court in which the lien was foreclosed for the use of the owner when ascertained. (Ord. 563 § 1. 2002 Code § 9-8.13).

8.36.140 Summary abatement of mosquito breeding sources.

(1) Any standing water on private property which has become a breeding source for mosquitoes is hereby declared to be a public nuisance and an immediate threat to the public health, safety and welfare of the citizens of Cudahy.

(2) When the city manager, or officers under his direction, acting under any authority vested in him or her finds any standing water on private property which has become a breeding source for mosquitoes, said officer may issue a written order to abate the standing water or other condition within the city of Cudahy that endangers the public health, safety and welfare of the citizens of Cudahy. The owner or other persons or person responsible for the private property where the breeding source was found shall have 72 hours to abate or eliminate the condition which created the breeding source for mosquitoes. Any owner or responsible person who fails to comply with a 72-hour nuisance abatement order issued pursuant to this chapter shall be guilty of a misdemeanor pursuant to this chapter.

(3) If any officer as described in this code who is lawfully on private property finds a nuisance as described above and is unable to contact the owner or other person or persons responsible for the private property in question within 24 hours, said officer may summarily abate the nuisance at no cost to the owner or responsible person. If a nuisance has been abated without the knowledge or permission of the owner or other responsible person, then the abating officer shall post a notice on the property in a prominent place that explains exactly where and what steps were taken to abate the nuisance.

(4) If an owner or responsible person who has been cited to abate a nuisance within 72 hours fails to do so, any officer described herein may then summarily abate the nuisance. All costs incurred to abate the nuisance pursuant to this chapter shall be a personal obligation against the owner or person or persons responsible for the creation or maintenance of the nuisance. In the event said costs exceed $100.00, they shall be recovered in accordance with the procedures set forth in this chapter. (Ord. 596 § 1, 2005. 2002 Code § 9-8.14).

Chapter 8.52

FIREWORKS

Sections:

8.52.010 Definitions.
8.52.020 Type and time.
8.52.030 Use.
8.52.040 Prohibitions on discharge.
8.52.050 Storage and sale.
8.52.060 Prerequisites to issuance of sales permits.
8.52.070 Issuance of sales permits.
8.52.080 Approval of location of sales stands.
8.52.090 Operation of sales stands.
8.52.100 General requirements for fireworks stands.
8.52.110 Administrative fines – Purpose.
8.52.120 Issuance of administrative citations – Contents.
8.52.130 Administrative fines.
8.52.140 Right to an administrative hearing.
8.52.150 Administrative hearing – Procedures.
8.52.160 Hearing decision – Right of appeal.

8.52.010 Definitions.

(1) For the purpose of this chapter, the most current adopted version of Section 12500 et seq. of the California Health and Safety Code (the "State Fireworks Law") will define the terms used unless otherwise noted.

(2) With regard to the administrative fine procedure delineated in this chapter, the following definitions shall apply:

(a) "Citee" means any person served with an administrative citation charging him or her as a responsible person for violation.

(b) "Citation" means an administrative citation issued pursuant to this section to remedy a violation.

(c) "Code" means the Cudahy Municipal Code.

(d) "Issuance" or "issued" means any of the following:

(i) The preparation and service of an administrative fine citation to a citee in the same manner as a summons in a civil action in accordance with Article III (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the California Code of Civil Procedure; or

(ii) Mailing of an administrative fine citation to the citee by certified mail, with return receipt, to the address shown on the official records of the county assessor; or

(iii) By personally serving the responsible party by personal delivery of the administrative fine citation or by substituted service, which may be accomplished by leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household, and thereafter mailing by first class mail, postage prepaid, a copy to the recipient at the address where the copy was left.

(e) "Hearing officer" means the person appointed by the city manager to serve as the hearing officer for administrative hearings hereunder.

(f) "Person" means a natural person or a legal entity that is also an owner, tenant, lessee, and/or other person with any right to possession or control of the property where a violation of this code occurred.

(g) "Responsible person" means a person who causes a code violation to occur or allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee or independent contractor causes a violation to occur or allows a violation to exist or continue. There is a rebuttable presumption that the record owner of a residential parcel, as shown on the county's latest equalized property taxes assessment rolls, and a lessee of a residential parcel has a notice of any violation existing on said property. For purposes of this chapter, there may be more than one responsible person for a violation. Any person, irrespective of age, found in violation of any provision of this chapter may be issued a citation in accordance with the provisions of this chapter. Every parent, guardian, or other person having the legal care, custody, or control of any person under the age of 18 years, who knows or reasonably should know that a minor is in violation of this chapter, may be issued a citation in accordance with the provisions of this chapter, in addition to any citation that may be issued to the offending minor.

(h) "Violation" or "violates" refers to any violation of any provision of this chapter as well as the failure to comply with any additional requirement imposed on any license and/or approval issued to a person pursuant to this chapter. (Ord. 641 § 3, 2014).

8.52.020 Type and time.

(1) "Safe and sane fireworks" shall only be discharged within the city boundaries between 3:00 p.m. and 10:00 p.m. on July 4th. It shall be unlawful to discharge fireworks at any other time or date of the year.

(2) The only exception to subsection (1) of this section shall be for displays presented by licensed pyrotechnicians with appropriate permits issued by the fire department as verified by the city manager. (Ord. 641 § 3, 2014).

8.52.030 Use.

The discharge of "safe and sane fireworks" shall be only in the presence of a responsible adult (minimum 18 years of age). Possession of fireworks by anyone under the age of 18 is a violation of this chapter. The transfer or sale of fireworks from unlicensed individuals is strictly prohibited. (Ord. 641 § 3, 2014).

8.52.040 Prohibitions on discharge.

No person shall discharge any "safe and sane fireworks" upon any city property or public right-of-way without the approval of the fire chief. (Ord. 641 § 3, 2014).

8.52.050 Storage and sale.

Except as hereinafter provided, it shall be unlawful for any person to store any fireworks or to offer for sale, display for sale, or sell at any retailer any fireworks within the city without a valid permit. (Ord. 641 § 3, 2014).

8.52.060 Prerequisites to issuance of sales permits.

The following qualifications shall be met each year by each applicant for a sales permit for fireworks:

(1) Permits may be issued only to a nonprofit association, as defined by Section 21000 of the Corporations Code, including any association set forth in Section 21200 of such code, or a nonprofit corporation formed and conducted in accordance with Part 3 of Division 2 of Title 1 of the Corporations Code; provided, that such association or corporation has its principal and permanent meeting place situated within the city, has for more than two years continuously maintained a local unit, branch, lodge or club with a bona fide membership of at least 25 members within the city, has a valid and current certificate of tax exemption, as provided in Section 214 of the Revenue and Taxation Code, and is subject to charitable exemptions, as provided in Article 3 of Chapter 4 of Part 9 of Division 2 of the Revenue and Taxation Code.

(2) No city employee organization may be granted such permit.

(3) Unless otherwise authorized by the city manager or designee, completed applications for fireworks sales will be submitted to the community development director or designee no later than April 1st each year.

(4) A financial statement signed by the treasurer or financial officer of the applicant setting forth the total gross receipts from each stand from which fireworks were sold, all expenses incurred and paid in connection with the purchase of fireworks and the sale thereof, and to whom and for what purpose the net proceeds were disbursed, along with the most recent report filed by the applicant to the State Board of Equalization shall be filed with the community development director or designee by September 1st.

(5) The filing of such financial statement shall be a condition precedent to the granting of any subsequent permit to any such permittee.

(6) Organizations licensed to sell fireworks shall obtain a temporary sales permit for fireworks sales in the city from the State Board of Equalization. (Ord. 641 § 3, 2014).

8.52.070 Issuance of sales permits.

(1) No one organization may receive more than one permit for fireworks sales during any one calendar year. This limitation shall not apply to groups which have separate charters from parent organizations. The number of such permits which may be issued pursuant to this chapter during any one calendar year shall not exceed two.

(2) The city shall conduct a lottery for the selection of fireworks sales permittees if the number of applications exceeds the maximum number of permits allowed. Otherwise, the permits shall be awarded to the eligible applicants.

(3) Previous applicants found in violation of this chapter or any fireworks related code provisions will not be eligible for a fireworks sales permit the following year. (Ord. 641 § 3, 2014).

8.52.080 Approval of location of sales stands.

(1) A minimum distance of 500 feet shall be required between fireworks stands. No more than two stands shall be permitted on any single parcel of property.

(2) Previous applicants found in violation of this chapter or any fireworks related code provisions shall not be eligible for a fireworks sales permit the following year. (Ord. 641 § 3, 2014).

8.52.090 Operation of sales stands.

It shall be unlawful for any person or group to operate a fireworks stand without complying with all of the following:

(1) No person other than the permittee organization shall operate the stand for which the permit is issued or share or otherwise participate in the profits of the operation of such stand.

(2) No person other than the individuals who are adult members of the permittee organization, or the spouses or adult children of such members, shall sell or otherwise participate in the sale of fireworks at such stands. In the event a permit is issued to an organization whose members are physically incapable of carrying on the sales activities, such activities may be performed by volunteers approved by the community development director or designee.

(3) Fireworks may be sold at approved stands only.

(4) No person shall be allowed in the interior of the stands, except those directly employed in the sales of fireworks or those conducting bona fide business within.

(5) All persons engaged in the selling of fireworks shall be age 18 years or older.

(6) Each stand shall have an adult watchperson in attendance and in charge thereof when the stand is not being used for the sale and dispensing of fireworks. No person shall be permitted within the stand from 10:00 p.m. to 10:00 a.m., except on July 4th when the stand may be occupied until 12:00 a.m. midnight.

(7) The sale of fireworks shall only be allowed between the hours of 12:00 p.m. noon and 10:00 p.m. on July 1st and July 2nd, 10:00 a.m. and 10:00 p.m. on July 3rd, and 8:00 a.m. and 8:00 p.m. on July 4th.

(8) All unsold stock and accompanying litter shall be removed from the location by 5:00 p.m. on July 5th.

(9) No fireworks shall be sold to any person under the age of 18 years. (Ord. 641 § 3, 2014).

8.52.100 General requirements for fireworks stands.

It shall be unlawful for any person to sell or otherwise distribute fireworks without complying with all of the following provisions:

(1) All stands shall be inspected by the building department and found to meet the adopted codes of the city before any sales transactions may occur.

(2) All stands shall be erected according to the provisions of all applicable city codes and laws, except for fire resistive structural requirements which may be waived by the building official.

(3) If, in the judgment of the building official, the construction of the stands or the conduct of the operations therein do not conform to the provisions of this chapter or there exists an immediate hazard to the public health and safety, such officers, or either of them, may order the stands immediately closed.

(4) The front of the fireworks stands shall be completely enclosed from the counter to the roof with hardware wire cloth, the openings of which shall not exceed one-fourth inch in size, except for openings to permit the delivery of the merchandise to the prospective customer, which openings shall not be larger than 12 inches by 18 inches in size.

(5) All merchandise shall be stored or displayed at a distance of not less than one foot from the front and side walls of the stands.

(6) Approval shall be obtained from the building department for each stand prior to its construction. Portable electrical supplies shall require additional approvals.

(7) No stand shall be constructed which has a depth of more than 12 feet.

(8) Each stand up to 30 feet in length shall have at least two exits, and each stand in excess of 30 feet in length shall have at least three exits spaced approximately equal distance apart; provided, however, in no case shall the distance between exits exceed 24 feet.

(9) Exit doors shall swing in the direction of egress.

(10) Exits shall be so arranged that there will be egress available in at least two directions from any place within the stands, and exists shall be located at opposite ends of the stands.

(11) All stands shall be equipped with two water pressure type fire extinguishers in good working order and easily accessible for use in case of fire.

(12) No stand shall be placed closer than 10 feet to a public right-of-way, unless permission is first obtained from the community development department.

(13) No stand shall be placed closer than 20 feet to a side or rear property line, nor closer than 30 feet to any other building or structure, nor closer than 100 feet to a gasoline service station or other occupancy which stores or uses flammable liquids.

(14) All weeds and combustible material shall be cleared from the location of the stand for a distance of at least 20 feet surrounding the stand.

(15) Fireworks stands shall not be erected prior to June 24th and shall be removed from location by 12:00 p.m. noon on July 11th, and all accompanying litter shall be cleared from such location by such time and date.

(16) "No smoking" signs shall be prominently displayed on the exterior of each stand and no smoking shall be permitted within 10 feet of each stand.

(17) Approved rubbish containers in accordance with city standards shall be provided at each stand location. (Ord. 641 § 3, 2014).

8.52.110 Administrative fines – Purpose.

(1) This chapter authorizes the imposition of administrative fines on any person who violates any provision of this chapter in order to encourage and obtain compliance with its provisions for the benefit and protection of the entire community. This chapter governs the imposition, enforcement, and collection and administrative review of all administrative fines related to the possession, use, storage, sale, and/or display of those fireworks classified as "dangerous fireworks," with the exception of a pyrotechnic licensee when operating pursuant to that license, and the use of "safe and sane fireworks" on or at dates, times, and/or locations other than those permitted in this chapter. Such administrative fines are imposed under the authority of California Government Code Section 53069.4, Health and Safety Code Section 12557, and the city's police power.

(2) The issuance of citations imposing administrative fines may be performed at the discretion of the city officials authorized hereunder, and the issuance of a citation to any person constitutes but one city remedy to redress violations of this chapter by any person.

(3) The imposition of fines related to "dangerous fireworks" under this chapter shall be limited to persons who possess, sell, use, and/or display, or the seizure of, 25 pounds or less (gross weight) of such dangerous fireworks.

(4) Fines collected pursuant to this chapter related to "dangerous fireworks" shall not be subject to Health and Safety Code Section 12706, which section provides that certain fines collected by a court of the state be deposited with and disbursed by the county treasurer. However, the city shall provide cost reimbursement to the State Fire Marshal pursuant to the regulations to be adopted by the State Fire Marshal addressing the State Fire Marshal's cost for the transportation and disposal of "dangerous fireworks" seized by the city, which costs will be part of any administrative fine imposed. Unless and until said regulations have been adopted by the state of California, the city shall hold in trust $250.00 or 25 percent of any fine collected, whichever is greater, to cover the cost reimbursement to the State Fire Marshal for said cost of transportation and disposal of the "dangerous fireworks."

(5) Because of the serious threat of fire or injury posed by the use of "dangerous fireworks," this chapter imposes strict civil liability upon the owners of residential real property for all violations of this chapter existing on their residential real property. Each contiguous use, display, and/or possession shall constitute a separate violation and shall be subject to separate administrative fine. (Ord. 641 § 3, 2014).

8.52.120 Issuance of administrative citations – Contents.

(1) Whenever a city code enforcement officer determines that a violation of this chapter has occurred, the code enforcement officer may issue an administrative citation on a city-approved form listing the violation and the amount of the administrative fine required to be paid by the responsible

persons in accordance with the provisions of this chapter.

(2) Each administrative citation shall contain the following information:

(a) The name, mailing address, date of birth, California driver's license number, and home and/or business telephone number of the responsible person charged with any violation of this chapter;

(b) The address or description of the location of the violation;

(c) The date or dates on which the person violated this chapter;

(d) The section or sections that were violated;

(e) A description of the violation(s);

(f) The amount of the administrative fine for each violation, the procedure in place to pay the fines, and any late fee and interest charge(s) if not timely paid, and notice that if the city is required to take action to collect such fines, the responsible person may be charged costs and attorneys' fees;

(g) Notice of the procedure to request an administrative hearing to contest the citation (including the form to be used, how to obtain the form, and the period within which the request must be made in order for it to be considered timely);

(h) The names, addresses, and telephone numbers of any witnesses to the violation(s);

(i) The name and signature of the code enforcement officer who issued the citation and the name and signature of the citee, if he or she is physically present and will sign the citation at the time of its issuance. The refusal of a citee to sign a citation shall not affect its validity or any related subsequent proceedings, nor shall signing a citation constitute an admission that a person is responsible for a violation of this chapter; and

(j) Any other information deemed necessary by the community development director or designee. (Ord. 641 § 3, 2014).

8.52.130 Administrative fines.

(1) Each person who violates any provision of this chapter as it relates to the possession, use, storage, sale and/or display of "dangerous fireworks" shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of offense in 1-year period	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty Plus Late Charge
First	$1,000	$250	$1,250
Second	$2,000	$500	$2,500
Third	$3,000	$1,000	$4,000

(2) Each person who uses "safe and sane fireworks" on or at dates, times, and/or locations other than those permitted by this chapter shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of offense in 1-year period	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty Plus Late Charge
First	$250	$75	$325
Second	$500	$150	$650
Third	$750	$300	$1,050

(3) In the case of a violation of any of the provisions listed above, the administrative fine(s) shall be due and payable within 30 calendar days from the issuance of the administrative fine citation, and the citee shall be required to abate the violation, and surrender all dangerous fireworks to the code enforcement officer immediately. For penalties not paid in full within such time, a late charge

in the amount set forth above is hereby imposed and must be paid to the city by the citee. Fines not paid within the time established by this chapter shall accrue interest at the prevailing established rate. On the second and each subsequent time that a person is issued a citation for the same violation in a 12-month period, the fine is increased as indicated above and the citee shall be liable for the amount of the new fine until it is paid, in addition to being responsible for payment of previous fines.

(4) All administrative fines and any late charges and interest due shall be paid to the city at such a location or address as stated on the citation or as may otherwise be designated by the community development director. Payment of any fine or fines shall not excuse the citee from complying with the provisions of this chapter so violated. The issuance of the citation and/or payment of any fine shall not bar the city from employing any other enforcement action or remedy to obtain compliance with the provisions of this chapter so violated, including the issuance of additional citations and/or criminal prosecution.

(5) Upon confirmation of the citation or when the citation is deemed confirmed, all unpaid administrative fines, late fees, and/or interest shall constitute a judgment which may be collected in any manner allowed by law for collection of judgments including, but not limited to, recordation to create a lien on any real property owned by the responsible person. The city shall be entitled to recover its attorneys' fees and cost incurred in collecting any administrative fines, charges, and/or interest.

(6) Payment of the administrative fine shall not excuse or discharge a citee from the duty to immediately abate and correct a violation of this chapter nor from any other responsibility or legal consequences for a continuation or a repeated occurrence(s) of a violation of this chapter. (Ord. 641 § 3, 2014).

8.52.140 Right to an administrative hearing.

(1) Any citee may contest the violation(s), or that he or she is a responsible person, by filing a request for an administrative hearing with the city clerk within 30 calendar days from the issuance date of the citation. If the city clerk does not receive the request in the required time period, the citee shall have waived the right to a hearing and the citation shall be deemed confirmed and final.

(2) Citees must deposit the full amount of the penalty listed on the citation on or before the request for a hearing is filed. Failure to deposit the full amount of all penalties within the required time period, or the tender of a nonnegotiable check, shall render a request for an administrative hearing incomplete and untimely. Penalties that are deposited with the city shall not accrue interest. Penalties deposited shall be returned to the person who deposited them if the citation is overturned.

(3) A request for a hearing shall contain the following:

(a) The citation number;

(b) The name, address, telephone, and any facsimile numbers and e-mail addresses of each person contesting the citation;

(c) A statement of the reason(s) why the citation is being contested; and

(d) The date and signature of the citee(s).

(4) The city will notify all persons who filed a request for a hearing in writing by first class mail of the date, time, and place set for the hearing at least 10 calendar days prior to the date of the hearing. Service of this notice is deemed complete at time of mailing. The failure of a citee to receive a properly addressed notice shall not invalidate the citation or any hearing, city action, or proceeding conducted pursuant to this chapter.

(5) The hearing shall be conducted within 60 calendar days of the date a timely and complete hearing request is received by the city clerk.

(6) If the code enforcement officer submits an additional written report concerning the citation to the city for consideration at the hearing, the city enforcement officer shall also serve a copy of such report by first class mail on the person requesting an administrative hearing no less than seven calendar days prior the date of the hearing. Failure to receive said report shall not invalidate the citation or any hearing, city action, or proceeding pursuant to this chapter. (Ord. 641 § 3, 2014).

8.52.150 Administrative hearing – Procedures.

(1) Administrative hearings are informal and formal rules of evidence and discovery do not apply. The city bears the burden of proof to establish a violation and responsibility therefor by a pre-

ponderance of the evidence. The citation is prima facie evidence of the violation, however, and the code enforcement officer who issued the citation is not required to attend or participate at the hearing. The citee(s) and code enforcement officer, if present, shall have an opportunity to present evidence and witnesses and to cross-examine witnesses. A citee may bring an interpreter to the hearing. The hearing officer may question any person who presents evidence or who testifies at any hearing.

(2) A citee may appear at the hearing in person or by written declaration executed under penalty of perjury. Said declaration and any documents in support thereof shall be tendered to and received by the city at least seven business days prior to the hearing. If the citee fails to attend or does not submit a written declaration in a timely manner, he or she shall be deemed to have waived the right to a hearing. In such an instance, the hearing officer shall cancel the hearing and not render a decision. In such instances, the citation shall be deemed confirmed.

(3) Hearings may be continued once at the request of a citee or the code enforcement officer who issued the citation. The hearing officer may also continue the hearing for cause. (Ord. 641 § 3, 2014).

8.52.160 Hearing decision – Right of appeal.

(1) After considering all the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or overturn the citation and shall state the reasons therefor.

(2) The hearing officer shall serve citee(s) by first class mail with a copy of the written decision. The date the decision is deposited with U.S. Postal Service shall constitute the date of its service. The failure of a citee to receive a properly addressed decision shall not invalidate any hearing, city action, or proceeding conducted pursuant to this chapter.

(3) Decisions of the hearing officer may be appealed to the city council within 30 days after the date of their service. Each decision shall contain a statement advising the citee of this appeal right and the procedure for its exercise. A citee shall file a notice of appeal with the city clerk within 20 calendar days after the date of service of the hearing officer's decision.

(4) If a hearing officer's decision is not appealed in a timely manner, the decision shall be deemed confirmed.

(5) If a responsible person prevails on appeal, the city shall reimburse his or her fine deposit within 30 calendar days of the city council's decision on appeal. (Ord. 641 § 3, 2014).

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04 Criminal Code
9.08 Alcoholic Beverages
9.12 Graffiti Prevention and Abatement

Chapter 9.04

CRIMINAL CODE

Sections:

Article I. Disorderly Conduct and Nuisances

9.04.010 Disorderly conduct.
9.04.020 Unnecessary noises.
9.04.030 Obstruction of public ways.
9.04.040 Loitering.
9.04.050 Gates.
9.04.060 Gates – Obstruction of public rights-of-way.
9.04.070 Aircraft.
9.04.080 Horses – Speed of.
9.04.090 Registration under false names.
9.04.100 Obscene publications.
9.04.110 Illegal dumping.
9.04.120 Flowing mud or water on highways.
9.04.130 Damaging private property.
9.04.140 Damaging public property.
9.04.150 Gate-crashing.
9.04.160 Capping – Impersonation.
9.04.170 Wearing a mask or disguise for a criminal purpose.
9.04.180 Radios receiving police calls.
9.04.190 Trespassing.
9.04.200 City parks – Rules and regulations – Adoption by resolution.
9.04.210 City parks – Rules and regulations – Posting.
9.04.220 City parks – Violations and penalties.
9.04.230 Throwing missiles.
9.04.240 Parades.
9.04.250 Sound amplifying equipment.
9.04.260 Vehicles – Commercial advertising permits.
9.04.270 Vehicles, commercial advertising permits – Applications.
9.04.280 Vehicles – Operation on private property.
9.04.290 Distribution of handbills.
9.04.300 Disorderly houses.
9.04.310 Solicitations.
9.04.320 Unsightliness.
9.04.330 Solicitation in public ways.
9.04.340 Aggressive solicitation.
9.04.350 Leaf and debris blowers.
9.04.360 Parking of vehicles for sale.
9.04.370 Public lodging regulations.
9.04.380 Burglar alarms.
9.04.390 Commercial parties.
9.04.400 Controlled substances.
9.04.410 Hearings.
9.04.420 Fees for the use of police personnel at loud or unruly assemblages.
9.04.430 Curfew for minors.
9.04.440 Disturbance of nighttime residential privacy.
9.04.450 Loitering by criminal street gangs.
9.04.460 Public skate park facilities.

Article II. Firearms

9.04.470 Purpose and findings.
9.04.471 Definitions.
9.04.472 Possession of large-capacity ammunition magazines prohibited.
9.04.473 Sale of firearms and/or ammunition on city property prohibited.
9.04.474 Possession of firearms and/or ammunition on city property prohibited.
9.04.475 Discharge of firearms prohibited.
9.04.476 Safe storage of firearms.
9.04.477 Duty to report theft or loss of firearms.
9.04.478 Ammunition sales.

Article III. Registration of Felons

9.04.490 Registration of felons.
9.04.500 Change of address.
9.04.510 Records.
9.04.520 Paroled persons.
9.04.530 Sex offender registration.

Article IV. Abandoned Chests

9.04.540 Removal of latch required.

Article V. Drug Dealing – Evictions

9.04.550 Eviction.
9.04.560 Notification.
9.04.570 Legal proceedings.
9.04.580 Failure to institute action.

Prior legislation: Ords. 323, 332 and 453. Code 2002 §§ 3-4.1 and 3-4.2.

Article I. Disorderly Conduct and Nuisances

9.04.010 Disorderly conduct.

No person shall engage in any disorderly or boisterous conduct, or disturb the peace by assaulting, striking, or fighting, or be found in an intoxicated or drunken condition upon any premises within the city, or expose his person or any part thereof in a lewd and offensive manner in any place in the city where there are other persons to be offended or annoyed thereby, or make in any place, or suffer to be made on his premises or upon premises under his control, any disorder or tumult to the disturbance of the public peace, or utter in the presence of two or more persons any bawdy, lewd, or obscene words or epithets, or address another by any word, language, or expression having a tendency to create a breach of the peace, or utter or use within the hearing of one or more persons any seditious language. (2002 Code § 3-1.1).

9.04.020 Unnecessary noises.

(1) No person shall make, or cause or permit to be made upon any premises owned, occupied, or controlled by him any unnecessary noises or sounds which are annoying to persons of ordinary sensitiveness or which are so harsh or so prolonged or unnatural or unusual in their use, time, or place as to occasion physical discomfort to the inhabitants of any neighborhood.

(2) No person shall play, use or operate or permit to be played, used, or operated any radio, receiving set, T.V. set, musical instrument, phonograph, jukebox or other machine or device for producing or reproducing sound in a manner which disturbs the peace and quiet of any residentially zoned neighborhood.

(3) No person shall play, use, operate or permit to be played, used or operated any radio, receiving set, television set, musical instrument, phonograph, jukebox or other machine or device for producing or reproducing sound between the hours of 10:00 p.m. and 7:00 a.m. when audible on property located in any residential zone and audible at a distance of 50 feet or more from the building, structure, property or vehicle where the sound is produced. (Ord. 342 § 1; Ord. 340 § 1. 2002 Code § 3-1.2).

9.04.030 Obstruction of public ways.

(1) No person shall stand, sit, lie or sleep in or upon any public street, greenbelt, median island, parking lot, alley, sidewalk, or other public place or way open for pedestrian or vehicular travel so as to hinder or obstruct the free passage of persons or vehicles. The provisions of this section shall not prohibit a person from sitting upon a public street, greenbelt, median island, parking lot, alley, sidewalk, or other public place or way open for pedestrian or vehicular travel if:

(a) Necessitated by a physical disability of such person; or

(b) Such person is viewing a legally conducted parade; or

(c) Such person is seated on a bench lawfully installed for that purpose.

(2) No person shall leave or permit to remain on any public street, greenbelt, median island, parking lot, alley, sidewalk, or other public place or way open for pedestrian or vehicular travel any merchandise, baggage or other article of personal property except pursuant to a valid permit issued by the city. (Ord. 496 § 1. 2002 Code § 3-1.3).

9.04.040 Loitering.

(1) It shall be unlawful for any person to loiter or to stand or sit in or at the entrance of any church, hall, theater, or place of public assemblage so as in any manner to obstruct such entrance.

(2) It shall be unlawful for any minor, under the age of 18, who is subject to compulsory education or to compulsory continuation education to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, places of amusement and eating places, vacant lots or any unsupervised place during the hours of 8:30 a.m. and 1:30 p.m. on days when school is in session. The provisions of this section do not apply when the minor is accompanied by his or her parents, guardian or other adult person having the care and custody of the minor, or when the minor is on an emergency errand directed by his or her parent or guardian or other adult person having the care and custody of the minor or when the minor is going or coming directly to or

from his or her place of gainful employment or to and from a medical appointment or to students who have permission to leave campus for lunch and have in their possession a valid, school-issued, off-campus permit. Each violation of the provisions of this section shall constitute a separate offense and shall be a misdemeanor. (Ord. 500 § 1. 2002 Code § 3-1.4).

9.04.050 Gates.

It shall be unlawful to construct or maintain any gate in any fence in such a manner that such gate may be opened outward over any portion of any

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public highway open for either pedestrians or vehicular traffic. (2002 Code § 3-1.5).

9.04.060 Gates – Obstruction of public rights-of-way.

It shall be unlawful to cause or permit any gate in any fence to be or remain opened outward over any portion of any public highway open for either pedestrian or vehicular traffic. (2002 Code § 3-1.6).

9.04.070 Aircraft.

It shall be unlawful for any person to drive, or cause to be driven, or to conduct, or cause to be conducted, any aircraft, as defined in this section, in the air at a distance of less than 1,000 feet from the ground, except when such aircraft is ascending from or descending to the ground and except at prescribed landing places or in cases of emergency.

For the purposes of this section, "aircraft" shall mean and include all balloons, whether fixed or free, airships, and flying machines. (2002 Code § 3-1.7).

9.04.080 Horses – Speed of.

No person shall drive or ride any horse or other animal upon any public highway or thoroughfare within the city beyond a moderate gait or in such a manner as to endanger the safety of persons on such highways or thoroughfares. (2002 Code § 3-1.8).

9.04.090 Registration under false names.

It shall be unlawful for any person to register at any rooming house, lodging house, hotel, inn, or other place in the city under the name of any other person, or in a fictitious name, or in any name other than the true and correct name of the person so registering or so giving or signing or causing his name to be signed. (2002 Code § 3-1.9).

9.04.100 Obscene publications.

No person shall write, compose, stereotype, print, publish, possess, sell, distribute, keep for sale, or exhibit any obscene or indecent writing, paper, or book, or design, copy, draw, engrave, paint, or otherwise prepare any obscene or indecent picture or print, or mold, cut, cast, or otherwise make any obscene or indecent figure. (2002 Code § 3-1.10).

9.04.110 Illegal dumping.

No person shall place, deposit, throw, or dump, or cause to be placed, deposited, thrown, or dumped, any garbage, swill, can, bottle, paper, ashes, dirt, sand, rock, cement, glass, metal, carcass of any dead animal, offal, refuse, plants, cuttings, trash, or rubbish of any nature whatsoever or any nauseous, offensive matter in or upon any public or private road, highway, street, alley, public way, or public or private property of any kind whatsoever. The fine imposed for the violation of this section shall not be less than $50.00 for each separate violation. (Ord. 178 § 1; Ord. 175 § 1. 2002 Code § 3-1.11).

9.04.120 Flowing mud or water on highways.

It shall be unlawful for any person to deposit, drain, wash, allow to run, or divert into or upon any street, drainage ditch, storm drain, or flood control channel owned by, or controlled by, any public agency within the city any water, mud, sand, oil, or petroleum. (2002 Code § 3-1.12).

9.04.130 Damaging private property.

No person shall willfully or maliciously break or destroy any window, window sash, door, blind, or pane of glass or any occupied or unoccupied house or outhouse in the city, or enter any unoccupied house or outhouse and commit any nuisance therein, or break, destroy, or injure anything therein or any part of such house or outhouse or any fence or improvement whatever, or aid, abet, or assist anyone to commit such nuisance or injury on such property. (2002 Code § 3-1.13).

9.04.140 Damaging public property.

(1) Prohibited. No person shall mar, injure, damage, destroy, or deface, or aid in marring, injuring, damaging, destroying, or defacing, any public building, structure, or property, or cause to be posted or stuck any handbill or placard upon any public building, or mar, injure, damage, destroy, or deface, or cause to be marred, damaged, destroyed, injured, or defaced, any bridge, fence, tree, street sign, lamp post, electric light post, or apparatus, or any other public property.

(2) Rewards. A reward of $100.00 shall be paid for information leading to the determination of the identity of, the apprehension of, and the conviction of any person who willfully mars, injures, dam-

ages, destroys, or defaces, or aids in the marring, injuring, damaging, destroying, or defacing of any building or structure which is the property of the city.

(3) Rewards – Liability. Any person who has willfully committed an act for which a reward is offered shall be liable for the amount of any reward paid pursuant to the provisions of this chapter, and, if he is a minor, his parent or guardian shall also be liable for the amount. (Ord. 170 § 1. 2002 Code § 3-1.14).

9.04.150 Gate-crashing.

No person, with intent gratuitously to avail himself of the entertainment or recreation furnished or the privileges conferred therein, shall enter any theater, stadium, athletic club, ball park, golf course, golf club, tennis club, or other place of amusement, entertainment, or recreation, admission to which an admission fee or membership fee is charged, without first paying such admission fee or membership fee. Any person who is a bona fide guest of a member of any club may enter such club in accordance with the rules thereof. Any person may enter any place which is within the purview of this section with the consent of the owner or manager thereof. This section shall not be deemed to apply to the entry into any such place by a law enforcement officer acting within the scope and course of his official duties. (2002 Code § 3-1.15).

9.04.160 Capping – Impersonation.

No person shall act as a lookout for a gambling game, house of prostitution, or other illegal act. (2002 Code § 3-1.16).

9.04.170 Wearing a mask or disguise for a criminal purpose.

No person shall wear a mask or disguise for the purpose of committing a fraud or public offense. A mask or disguise may be worn upon obtaining a permit from the sheriff. (2002 Code § 3-1.17).

9.04.180 Radios receiving police calls.

No person shall equip a vehicle with a radio capable of receiving police, sheriff, state highway patrol, forester, or fire wardens' calls except those expressly authorized by the council. (2002 Code § 3-1.18).

9.04.190 Trespassing.

No person shall trespass in, upon, or across the property of another without the permission and consent of the person in charge or control thereof, provided such person shall have posted at each of the corners of the property a notice, in writing, upon either a metallic or wood sign, or other substantial material, which sign shall be at least one square foot in area, and which shall be placed three feet above the normal level of the ground, and upon which sign there appear in legible letters, at least two inches in height, the words, "Private Property – No Trespassing," and other words as may be desired indicating that trespassers shall be subject to prosecution. The sign shall have either a white or black base. In the event a white base is used, the letters shall be in black, and if a black base is used, the letters shall be in white. In the event the property exceeds a total area of one acre, in addition to the posting of such notices at the corners thereof, there shall be posted at intervals of 300 feet or less, on or near the boundary lines of the property, notices of similar character.

The provisions of this section shall have no application to a trespass committed by an officially authorized peace officer or law enforcement agent when such trespass is committed in the lawful execution of such officer or agent's official duty, nor to any person visiting or calling at the residence or place of business of any person for the purpose of transacting any legitimate business. (2002 Code § 3-1.19).

9.04.200 City parks – Rules and regulations – Adoption by resolution.

The city council may establish by resolution rules and regulations governing use and operation of city parks. (Ord. 498 § 1. 2002 Code § 3-1.20).

9.04.210 City parks – Rules and regulations – Posting.

A copy of the rules and regulations governing the use and operation of city parks adopted by the city council shall be posted in the three public places and in the manner designated for the posting of ordinances and shall be permanently posted at all entrances of each city park. (Ord. 498 § 1; Ord. 98 § 1. 2002 Code § 3-1.21).

9.04.220 City parks – Violations and penalties.

Violation of rules and regulations governing the use and operation of city parks shall, in addition to any other remedies contained therein or in this code, constitute a misdemeanor and shall be punishable as set forth in CMC 1.36.010(1). Any person violating any of the rules and regulations governing the use and operation of city parks adopted by the city council shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the park rules and regulations is committed, continued, or permitted. (Ord. 498 § 1; Ord. 98 § 1. 2002 Code § 3-1.22).

9.04.230 Throwing missiles.

It shall be unlawful for any person to throw upon, along, or across any public highway, road, street, alley, or sidewalk any missile capable of causing personal injury or damage to personal property at or towards any person or any vehicle. (2002 Code § 3-1.25).

9.04.240 Parades.

No person shall hold, manage, conduct, carry on, or participate in any parade, march or procession of any kind or any other similar activity or bear or play any drum, triangle, tambourine or any wind or string instrument upon any public street or alley in the city without first having applied for and obtained a permit therefor from the chief law enforcement officer with the approval of the director of community services as provided in this section.

(1) Application for Permit. Any person desiring to do any of the acts specified in the paragraph above shall file an application with the director of community services upon a form to be supplied by the city without charge to the applicant setting forth the following information in regard to the proposed event:

(a) The name and address of the applicant;

(b) The purpose;

(c) The date and time;

(d) The place and/or route.

(2) All applications filed pursuant to subsection (1) of this section shall be acted upon by the director of community services within a reasonable time from the date of filing.

Should the director of community services after an investigation of the applicant and the facts contained in the application determine that the applicant has stated true facts in his application and the event as proposed will not interfere unduly with the use of the streets and will not tend to cause a breach of the public peace, he shall issue a permit, with the approval of the chief law enforcement officer endorsed thereon, designating the time, place and route of such event.

(3) In the event the application is denied, applicant may file with the director a statement and the reasons why it is believed the director of community services or sheriff acted improperly. The city council, at its next regular meeting held after the date on which such appeal is filed with the director of community services, shall hear the appeal and determination of the city council thereon shall be final. (Ord. 396 § 2. 2002 Code § 3-1.26).

9.04.250 Sound amplifying equipment.

The words "sound amplifying equipment" as used herein shall mean any machine or device for the amplification of the human voice, music, or any other sound. "Sound amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and intended to be heard only by the occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

(1) No person shall use or cause to be used a sound truck with its sound amplifying equipment in operation for any noncommercial purpose in the city without filing a registration statement with the director of community services in writing.

(2) Registration Statement. A registration statement shall be filed in duplicate and shall state the following:

(a) Name and home address of the applicant;

(b) Address of place of business of applicant;

(c) License number and motor number of each sound truck to be used by applicant;

(d) Name and address of person who owns each sound truck to be used by applicant;

(e) Name and address of person having direct charge of each sound truck to be used by applicant;

(f) Names and addresses of all persons who will use or operate any sound truck;

(g) The purpose for which the sound truck or trucks will be used;

(h) A general statement as to the section or sections of the city in which each sound truck will be used;

(i) The proposed hours of operation of the sound trucks;

(j) The number of days of proposed operation of each sound truck;

(k) A general description of the sound amplifying equipment which is to be used;

(l) The maximum sound producing power of the sound amplifying equipment which is to be used in or on each sound truck; state the following:

(i) The wattage to be used;

(ii) The approximate maximum distance for which sound will be thrown from each sound truck.

(3) Registration Statement Amendment. All persons using or causing to be used any sound truck for noncommercial purposes shall amend any registration statement duly certified by the director of community services as a correct copy of the application. The certified copy of the application shall be in the possession of any person operating any sound truck at all times while the sound truck's sound amplifying equipment is in operation and the copy shall be displayed and shown to any policeman of the city upon request.

(4) Regulations for Use. Noncommercial use of sound trucks in the city with the sound amplifying equipment in operation shall be subject to the following regulations:

(a) The only sounds permitted are music or human speech;

(b) Operations are permitted for three hours per day, except Saturdays, Sundays, and legal holidays when no operations are authorized. The permitted three-hour operation shall be between the hours of 11:00 a.m. and 12:00 noon and 3:00 p.m. and 5:00 p.m.;

(c) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least 10 miles per hour, except when such truck is stopped or impeded by traffic. Where stopped by traffic, the sound amplifying equipment shall not be operated for longer than one minute at each such stop; and

(d) Sound shall not be issued within 500 feet of hospitals, schools, churches, courthouses, courtrooms, county buildings, or the City Hall. (Ord. 396 § 2. 2002 Code § 3-1.27).

9.04.260 Vehicles – Commercial advertising permits.

No person at any time shall operate, drive, or park, or cause to be operated, driven, or parked, upon any street, sidewalk, or public property within the city, without first obtaining written permission therefor from the director of finance, any advertising vehicle, sound truck, or commercial vehicle with its sound amplifying equipment in operation or with any sound or signaling device in operation for the purpose of advertising goods, wares, or merchandise sold at or from such vehicle or for the purpose of attracting or calling attention to such vehicle.

Applications for the permission required by the provisions of this section shall be made to the director of finance in accordance with such rules and regulations as he may prescribe therefor, and such permission shall be given only for during the hours from 8:00 a.m. through 8:00 p.m. and only if the operation of any such advertising vehicle, sound truck, or commercial vehicle shall not be inimical to the public welfare, health, or safety or cause such sounds or noises to be emitted or created as will disturb the peace of the citizens of the city. (Ord. 396 § 1. 2002 Code § 3-1.28).

9.04.270 Vehicles, commercial advertising permits – Applications.

The director of finance shall refer the application to the chief law enforcement officer and may in his discretion rely on the decision of the chief law enforcement officer whether the same will be inimical to the public welfare, health, or safety or will disturb the peace. (Ord. 396 § 1. 2002 Code § 3-1.29).

9.04.280 Vehicles – Operation on private property.

No person shall operate any motor-driven vehicle on private property, or elsewhere within the city, in such a manner that a reasonable person of normal sensitiveness residing in the area where the

vehicle is being operated is caused discomfort or annoyance. (Ord. 195 § 1. 2002 Code § 3-1.30).

9.04.290 Distribution of handbills.

(1) Distribution upon Residential Property. No person shall drop, throw, scatter, or cast upon any residential property in the city without the consent of the owner or occupant thereof any newspaper, handbill, pamphlet, circular, leaflet, or any other advertising sheet or matter devised or intended to promote any commercial or money-making activity. This subsection shall not be construed as preventing the delivery of newspapers, handbills or other materials which are secured in such a way so as to eliminate the hazards of litter.

(2) Distribution upon Public Property and Vehicles. No person shall drop, throw, scatter, or cast upon any public street or sidewalk, or place on any vehicle parked in or upon any public way, any newspaper, handbill, pamphlet, circular, leaflet, or any other advertising sheet or matter devised or intended to promote any commercial or money-making activity.

(3) Applicability of Section. The provisions of this section shall not be construed as preventing the giving away or sale of newspapers or written or graphic material to any person willing to acquire the same, or the display of newspapers or written or graphic material placed on racks which prevent their being blown about by the wind. (Ord. 452 § 2; Ord. 286 § 1; Ord. 88 § 1. 2002 Code § 3-1.31).

9.04.300 Disorderly houses.

No person shall permit any riotous or disorderly conduct in his house, yard, or premises connected with his house, or be guilty of any riotous or disorderly conduct in any house, yard, or premises whereby the peace or quiet enjoyment of the neighborhood of such house or of any person may be disturbed. (2002 Code § 3-1.32).

9.04.310 Solicitations.

(1) Definitions. For purposes of this section:

"Charitable purpose" shall mean and include any patriotic, political, philanthropic, welfare, benevolent, educational, religious, cultural, civic or fraternal purpose or function, or any other purpose or function exempt from taxation pursuant to Article I of Chapter 4 of the California Revenue and Taxation Code.

"Charitable organization" shall mean and include any organization, whether or not incorporated, that is organized and operated exclusively for a charitable purpose, as defined in this section, and which has been determined by the Franchise Tax Board to be exempt from taxation, or which has established its exemption under Section 501(c)(3) of the Internal Revenue Code.

"City manager" shall mean the city manager of the city of Cudahy, or his or her designee.

"Contribution" shall mean and include alms, food, clothing, or any other property, money, credit or any other financial assistance, or other thing of value; or subscriptions, pledges, or donations given or solicited either directly or indirectly, or under the guise of a loan of money or property.

"Identification card" shall mean a card issued pursuant to this section.

"Solicit" or "solicitation" shall mean a request, direct or indirect, for a contribution, which request is made door-to-door, in any place of public accommodation, in any place of business open to the public generally, on city streets and sidewalks, in public parks, or in any other public places.

"Solicit" or "solicitation" shall also mean and include the following methods of obtaining such a contribution: any verbal or written request; the local distribution, circulation, posting or publishing of any handbill, written advertisement or other publication; and the sale of, or taking orders for, any goods, services, merchandise, wares or other tangible items.

An individual engaged in solicitation for future delivery solely as an incident to engaging in a business otherwise licensed under CMC Title 5 and for which the individual or the individual's employer has a current, valid business license shall not be deemed to be engaged in the business of solicitation.

A solicitation, as defined in this section, shall be deemed completed when made, whether or not the solicitor receives any contribution or makes any sale.

(2) Exemptions. The provisions of this section shall not apply to:

(a) Payments required by law to be collected or paid; or

(b) Payments to or from governmental agencies; or

(c) Solicitations made upon premises owned or occupied by the organization on whose behalf such solicitation is made; or

(d) Solicitations made within a business open to the public generally and with the express permission of the owner or lessee of such business; or

(e) Solicitations by an organization or its authorized agents and employees of the members and employees of that organization.

(3) Permit Required. No person shall conduct solicitations within the city without having first obtained a permit from the city manager authorizing such solicitation, except that where a solicitation permit has been issued to any applicant, the individual agents and solicitors for such applicant, identified pursuant to subsection (4) of this section, shall not be required to obtain individual permits.

(4) Application Requirements. An application for a solicitation permit shall be filed with the city manager and shall include the following information:

(a) If the applicant is not an individual, the applicant's correct legal name, taxpayer identification number (if any), address of its principal office, and the names, addresses and telephone numbers of the applicant's principal officers and executives;

(b) A copy of the applicant's current, valid business license, or a statement that such a license is not required by CMC Title 5;

(c) The name, address, and telephone number of the person or persons who will be in direct charge of conducting the solicitation, and the names of all fundraisers or solicitors connected with, or to be connected with, the proposed solicitation;

(d) A description of the method or methods to be used in conducting the solicitation;

(e) The time when such solicitation will be made, giving the preferred dates and hours of the day for the commencement and termination of the solicitation;

(f) A statement to the effect that, if a permit is granted, it will not be used or represented in any manner as an endorsement by the city or by any department or officer thereof;

(g) An explanation of the reasons why any information required herein is not available if the applicant is unable to provide any of the foregoing information; and

(h) The signature of the applicant if the applicant is an individual; the signature of a managing or general partner if the applicant is a partnership; or the signature of an officer if the applicant is a corporation or an association. At the time the individual signs the application, said individual shall swear before the city clerk or another officer authorized to administer oaths that he or she has carefully read the application and that all the information contained therein is true and correct.

(5) Additional Application Requirements – Charitable Solicitations. In addition to the requirements set forth in subsection (4) of this section, an application for a permit to conduct solicitations for a charitable purpose shall include the following information:

(a) If the applicant is a charitable organization, as defined in this section, or if the applicant is engaged or is to be engaged by a charitable organization, documents which evidence the tax-exempt status of the charitable organization and its relationship, if any, to the applicant;

(b) A statement of the nature and extent of the charitable work being performed by the applicant within the city;

(c) The purpose for which the solicitation is to be made, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of any receipts therefrom;

(d) A financial statement for the last preceding fiscal year setting forth all funds collected for charitable purposes by the applicant, including the amount of money raised, the costs of raising it, and the ultimate distribution thereof; and

(e) A projected schedule of salaries, wages, fees, commissions, or other compensation, expenses and costs to be expended or paid in connection with the solicitation or in connection with the disbursement of funds solicitated, and an estimated percentage of the total projected collections which the costs of solicitation will comprise.

(6) Permit Issuance or Denial.

(a) The city manager shall examine all applications for solicitation permits. The applicant shall make available for inspection all of the applicant's financial books, records, and papers at any reasonable time. If, while any application is pending, there is any change in any fact, policy, or method that would alter the information set forth in the application, the applicant shall notify the city man-

ager in writing thereof within 24 hours after such change.

(b) The city manager shall either approve, conditionally approve, or deny the requested permit within 10 calendar days of the date a complete application is submitted. In the event the city manager fails to act upon an application within the time prescribed herein, the permit shall be deemed granted.

(c) The city manager shall issue a permit for solicitation unless the applicant is required to and has failed to obtain a current and valid business license pursuant to CMC Title 5, the applicant has failed to provide any information required in this section, or any statement made in the application is false.

(d) If the city manager denies the permit, the city manager shall notify the applicant by registered or certified mail of the reasons for the denial within five business days of the denial.

(e) Nothing in this section shall be construed to grant the city manager, or to any other person, the authority to grant, deny, revoke, renew or suspend any permit by reason of either approval or disapproval of the philosophy, opinions, or beliefs of the applicant, the permittee, or the person such applicant or permittee represents, or for any other reason not specifically set forth in this section.

(7) Permit Form, Duration, Assignability.

(a) Any permit issued under this section shall be signed by the city manager and shall bear the name and address of the person to whom the permit is issued, the number of the permit, the date issued, the dates during which the permit is valid, a statement that the permit does not constitute an endorsement by the city or any of its departments, officers or employees of the purpose of, or of the person conducting, the solicitation, and a brief statement describing by approximate percentage the proposed disbursement of all funds to be solicited under the permit.

(b) Any permit issued under this section shall be valid for three months unless renewed, revoked, or suspended pursuant to the provisions of this section. The permittee shall make available for inspection all of the permittee's financial books, records, and papers at any reasonable time during the time a permit is in effect. If, during the term of any permit, there is any change in any fact, policy, or method that would alter the information set forth in the permit application, the permittee shall notify the city manager in writing thereof within 24 hours after such change.

(c) No permit issued under this section may be transferred or assigned. Any effort to transfer or assign a permit issued under this section shall be a violation of this code and of no effect.

(8) Identification Cards. All persons conducting solicitations shall obtain an identification card from the city which shall include the permit number, the name and street address of the permittee, a statement describing the permittee's purpose and activity, the signature of the permittee or the permittee's chief executive officer, the name and signature of the solicitor to whom the card is issued, the specific period of time during which the solicitation is authorized, and a statement printed prominently on the card which shall state: "This identification card is not an endorsement of the solicitation by the City of Cudahy or any of its departments, officers or employees."

A sample copy of the identification card shall be filed with the city manager at the time the application for a permit is filed and shall be approved or rejected by the city manager as conforming or not conforming to the requirements of this section at the time of permit issuance or denial. Identification cards shall be issued automatically to fundraisers or solicitors whose names were provided pursuant to subsection (4) of this section.

No person shall alter an identification card issued or approved by the city without the express approval of the city manager.

If a permit issued under this section is revoked, all identification cards issued to persons conducting solicitations shall be canceled and such cards shall be returned to the city manager within 48 hours from the time of receipt of such notification.

(9) Solicitation Procedures.

(a) No person shall solicit any contributions without a valid permit issued pursuant to this section;

(b) No person shall solicit any contributions without a valid business license, where required by CMC Title 5;

(c) No person shall solicit any contributions unless an identification card of a form approved by the city manager is exhibited and presented for perusal by the person solicited;

(d) No person shall solicit any contributions at any dwelling or commercial establishment where there is a sign indicating "No Solicitors," "Do Not Disturb," or otherwise indicating that the occupants or owners do not wish to be solicited or have their privacy disturbed;

(e) No person shall touch, come into physical contact with, or affix any object to another person without first receiving express permission therefor from such person;

(f) No person shall solicit contributions from any person after such person expresses a desire not to be solicited or declines to make a purchase or contribution;

(g) No person shall intentionally and deliberately obstruct the free movement of any person on any street, sidewalk or other place generally open to the public;

(h) No person shall threaten any injury or damage to any person who declines to be solicited or who declines to make a purchase or contribution;

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

(j) No person shall solicit any contributions using a name, symbol, or statement so closely related to, or similar to, that used by another person, organization or governmental agency, that the use thereof would tend to confuse or mislead the public;

(k) No person shall solicit any contributions using statements or materials indicating that contributions are being raised for any organization which has not given its explicit written consent for the solicitation of such contributions;

(l) No person shall solicit any contributions for any purpose other than the purpose(s) specified in the application upon which the license was issued;

(m) No person shall solicit any contributions without maintaining a system of accounting whereby all receipts and disbursements are entered upon the official books or records of such person's treasurer or other financial officer;

(n) Any person receiving money or anything having a value of $5.00 or more from any contributor under a solicitation made pursuant to a permit issued hereunder shall give to the contributor a written receipt, signed by the solicitor, showing plainly the name and permit number of the person under whose permit the solicitation is conducted, the date of the solicitation, and the amount received; provided, however, that this requirement shall not apply to any contributions collected by means of a closed box or receptacle used in solicitation with the written approval of the city manager, where it is impractical to determine the amount of each such contribution; and

(o) No person shall solicit any contributions inside any building owned or controlled by the city.

(10) Permit Renewal. A permit shall be renewed within 10 calendar days of a written request for renewal if the factual information upon which the original application was granted remains unchanged and no violation of this section or code has been committed. If any factual information upon which the original application was granted has changed in one or more material respects, the city manager shall require a new application subject to the provisions of this section.

(11) Permit Suspension and Revocation. Whenever it is shown that any person to whom a permit has been issued under this section has violated any of the provisions hereof, the city manager shall immediately suspend the permit by serving notice upon the permittee of the suspension by registered or certified mail or by personal service. The suspension shall become effective on the third calendar day after service by mail of the notice, or immediately upon personal service of the notice. The notice shall state the reasons for the suspension with specificity.

The permittee may request a hearing upon the suspension within five calendar days after the suspension becomes effective. Failure to request a hearing within such time shall result in automatic revocation of the permit. Notice of the revocation shall be served in the same manner as notice of the suspension.

A timely appeal shall be set for hearing before the city manager within three business days of a written request for such a hearing. The city manager shall, based upon the evidence presented at the hearing, render a decision within one business day

by either revoking or reinstating the permit. Notice of the decision of the city manager shall be served in the same manner as notice of the suspension.

The city manager shall notify the sheriff of the suspension or revocation of any permit issued under this section.

(12) Appeal of Permit Denial or Revocation. An applicant or permittee may appeal any decision of the city manager to deny or revoke a permit. A written notice of appeal, setting forth the grounds for the appeal, shall be filed with the city clerk, within five calendar days after the effective date of a notice of denial or revocation. The city council shall hear the appeal of the applicant or the permittee or a designated representative, receive relevant information and documents, and act on the appeal at its next regularly scheduled meeting occurring not less than one calendar week after the notice of appeal is filed. The city council's decision shall be final.

(13) Report Required. Every permittee hereunder shall, within 90 days after the expiration of the permit, file with the city manager a report and a financial statement setting forth the amount raised by the solicitation and the amount expended in conducting such solicitation, including a report of the wages, fees, commissions, and expenses paid to any person in connection with such solicitation, and the disposition of the balance of any funds collected during the solicitation. The permittee shall make available for inspection all financial books, records and other documents whereby the accuracy of the report may be verified. (Ord. 484 § 2. 2002 Code § 3-1.33).

9.04.320 Unsightliness.

Any person who owns or has the care or management of any real property and willfully permits any part of the property to become so unsightly as to detract from the appearance of the immediate neighborhood, and who fails to remedy the condition within 30 days after being ordered to do so by the council, shall be guilty of a misdemeanor. (2002 Code § 3-1.34).

9.04.330 Solicitation in public ways.

(1) For purposes of this section, the following meanings shall apply:

(a) "Solicit" shall mean and include any request, offer, enticement, or action which announces the availability for or of employment, goods, money, property or any other thing or action; or any request, offer, enticement or action which seeks to purchase or secure employment, goods, money, property or any other thing or action. As defined herein, a solicitation shall be deemed complete when made whether or not an actual employment relationship is created, a transaction is completed, or an exchange takes place.

(b) "Employment" shall mean and include services, industry, or labor performed by a person for wages or other compensation or under any contract of hire, written, oral, express or implied.

(2) It shall be unlawful for any person, while standing in any portion of the public right-of-way, including but not limited to public streets, sidewalks and driveways, to solicit, or attempt to solicit, any person traveling in a vehicle along a public right-of-way, including but not limited to public streets, sidewalks or driveways. (Ord. 496 § 3; Ord. 452 § 3; Ord. 313. 2002 Code § 3-1.35).

9.04.340 Aggressive solicitation.

(1) No person shall coerce, threaten, hound, or intimidate another person for the purpose of solicitation on the street or other place that is open to the public, whether publicly or privately owned.

(2) For purposes of this section, "solicitation" shall mean and include any request, offer, enticement, or action which announces the availability for or of employment, goods, money, property or any other thing or action; or any request, offer, enticement or action which seeks to purchase or secure employment, goods, money, property or any thing or action. As defined herein, a solicitation shall be deemed complete when made whether or not an actual employment relationship is created, a transaction is completed, or an exchange takes place.

(3) For purposes of this section "coerce, threaten, hound, or intimidate" shall mean that:

(a) The solicitor's conduct is such that it would cause a reasonable person in the position of the person solicited to fear for his or her safety; or

(b) The solicitor intentionally blocks the path of the other person solicited; or

(c) The solicitor follows the person solicited and demands money or something of value after the person solicited informs the solicitor by words or conduct that he or she does not want to be the

subject of a solicitation. (Ord. 496 § 4. 2002 Code § 3-1.36).

9.04.350 Leaf and debris blowers.

It is unlawful for any person to operate any type of mechanical blower to blow leaves, cuttings, refuse, or any other debris onto a neighboring property or into a street, gutter or drain. For purposes of this section, "mechanical blower" shall include any device used, designed or operated to produce a current of air by fuel, electricity or other means to push, propel or blow leaves, cuttings, refuse, or any other debris. (Ord. 466 § 1. 2002 Code § 3-1.37).

9.04.360 Parking of vehicles for sale.

(1) It shall be unlawful to display a sign or placard on a vehicle which is located on any city street or city property when it appears that because of the sign or placard, the primary purpose of parking the vehicle at the location is to advertise to the public the sale of that vehicle.

(2) In addition to the grounds for removal specified in the California Vehicle Code, and pursuant to California Vehicle Code Section 22651.9, a vehicle shall be subject to removal by the city or its authorized agent if all the following requirements are satisfied:

(a) Because of a sign or placard on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to advertise to the public the sale of that vehicle;

(b) Within the past 30 days a notice of parking violation was issued for the vehicle under the Cudahy Municipal Code which contains a notice of all of the following:

(i) A warning that an additional parking violation may result in the impoundment of the vehicle;

(ii) A warning that the vehicle may be impounded pursuant to Vehicle Code Section 22651.9, even if moved to another street, so long as the signs or placards offering the vehicle for sale remain on the vehicle; and

(iii) A statement that all the city streets are subject to this chapter. (Ord. 528 § 2. 2002 Code § 3-1.38).

9.04.370 Public lodging regulations.

(1) Public Lodgings – Registration Required. Every person conducting any motel, lodging house or hotel in the city shall at all times keep and maintain therein a register, in which shall be inscribed with ink or indelible pencil the name and home street and town address of each and every guest or person renting or occupying a room therein. Such register shall be signed by the person renting or occupying a room, and the proprietor of such motel, lodging house, trailer court, or hotel or his or her agents shall thereupon write opposite such name or names so registered the number of each room assigned to or occupied by each such guest, together with the time when such room is rented; and until all of such entries shall have been made in such register, no such guest shall be suffered or permitted to occupy privately any room in such house. When the occupants of each room so rented shall quit and surrender the same, it shall be the further duty of the proprietor or his or her agent to enter the time thereof in such register opposite the name of such occupants.

(2) Alterations – Inspection of Register. Erasures or alterations on the register required by subsection (1) of this section shall not be permitted or made for any purpose, and it shall be unlawful to erase a name or names or address or addresses or to permit such an erasure. Such register shall be at all times open to the inspection of any representative of the city.

(3) Registering under Fictitious Name Prohibited. No person shall write or cause to be written, or knowingly permit to be written in any register in any motel, lodging house or hotel, any other or different name or designation than the true name of the person registering therein, or the name by which such person is generally known.

(4) Repeated Use Prohibited. No person conducting any motel or other public lodging shall permit more than one occupancy of any room in said motel or other public lodging to commence between the hours of 6:00 a.m. of one day and 5:59 a.m. of the following day.

(5) Subletting Prohibited. No person hiring a room in any motel or other public lodging in the city shall rent or sublet said room to any other person.

(6) Hourly Rates Prohibited. No person conducting any motel or other public lodging or agent thereof shall let any room for sleeping or lodging purposes for hourly or other short-time rates or in any way advertise that any room is available at

hourly or other short-time rates. (Ord. 331 § 1. 2002 Code § 3-1.39).

9.04.380 Burglar alarms.

(1) Definitions. For the purpose of this section the following terms, phrases, and words shall be construed as follows:

(a) "Alarm agent" shall mean any person who owns or operates or is employed by an alarm business whose duties include the installation, altering, maintaining, moving, repairing, selling, servicing, responding to or causing others to respond to an alarm system in or on any building, structure, or facility.

(b) "Alarm business" shall mean the business by an individual, partnership, corporation or other entity of: selling, leasing, maintaining, servicing, repairing, replacing, moving or installing any burglary and/or robbery alarm system or causing the same to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility. "Alarm business" shall not include the sale of alarm systems or alarm components where the seller does not provide installation or other service off of seller's premises.

(c) "Alarm system" shall mean any mechanical, electronic, or electrical device that is designed or used for the detection of intrusion into a building, structure, or facility or for alerting others of an event within a building, structure or facility, or both, which causes a local audible alarm or the transmission of a signal or message. "Alarm system" includes, but is not limited to, direct alarms, direct dial telephone devices, audible alarms, proprietor alarms, and supervised alarm systems. Devices that are not designed or used to evoke a police response, or are not used to register alarms that are intended to be audible, visible or perceptible outside of the protected building, structure or facility are not included within this definition, nor are auxiliary devices installed by a telephone company to protect its systems which might be damaged or disrupted by the use of an alarm system.

(d) "Audible alarm" shall mean a device designed for the detection of an intrusion of a building, structure or facility which generates an audible sound at the building, structure or facility when actuated.

(e) "Direct alarm" shall mean any alarm system installed within the city and connected directly to either the city's police department or an alarm company central monitoring station by either a leased telephone line, digital dialing device, radio frequency, or similar direct means not using a commercial telephone exchange trunk line.

(f) "Direct dial alarm" shall mean any alarm system which is connected to a telephone device or attachment, and when activated automatically selects a commercial telephone exchange trunk line and then transmits a prerecorded message to report a burglary, robbery, intrusion into a building, or other emergency.

(g) "Evaluation of false alarms" shall mean a procedure established by the chief of police to determine whether an alarm is a false alarm.

(h) "False alarm" shall mean the activation of an alarm system by causes other than the commission or attempted commission of an unlawful act the alarm system is designed to detect. "False alarm" shall not include activations determined by the police department to be caused by earthquakes, violent winds, or external causes beyond the reasonable control of the owner or lessee of the alarm system.

(i) "Proprietor alarm" shall mean an alarm that is not regularly serviced by an alarm agent.

(j) "Supervised alarm" shall mean an alarm system monitored at a continuously supervised alarm company or proprietor central station which monitors connected alarm systems for scheduled opening and closing times and does not cause or request a police response to intrusion alarm activations during the alarmed location's normal operating hours.

(k) "Terminal monitor module" shall mean a device installed at the city's police department to which direct alarms are connected by means of a leased telephone line or digital dialing device.

(2) Registration of Alarm Agents. No person shall engage in, conduct, or operate as an alarm agent without registering his name and filing a copy of his state identification card with the chief of police. No fee or application shall be required for such registration.

(3) Permits Required. It shall be unlawful for any person to use, install or cause to be installed an alarm system of any building, structure or facility within the city and under the person's control with-

out applying for and receiving an alarm system permit therefor. A separate alarm system permit shall be required for each building, structure or facility on which an alarm system is used or installed.

(4) Application for Permit. Application for an alarm system permit shall be made to the chief of police. The chief of police shall prescribe the form of the application and request such information as the chief deems necessary to evaluate and act upon the application, which information shall be submitted by the applicant under penalty of perjury. The police chief may establish procedures for the administration of this section and may establish conditions for the issuance of alarm system permits. The application shall be accompanied by the fee set from time to time by the city council.

(5) Fees and Charges – Police Department Response Services Charges. A service charge of $15.00 shall be paid to the city by the alarm system permit holder for a third response made to the location of a false alarm by the police department during the same 12-month period. A service charge of $30.00 shall be paid upon the fourth response made to the same location of a false alarm by the police department during any 12-month period, and a service charge of $45.00 shall be paid to the city upon the fifth and each subsequent response made to the same location of a false alarm by the police department during any 12-month period.

(6) Alarm Business Permit – Grounds for Denial. An application for any alarm business permit shall be denied if:

(a) The applicant knowingly made any false, misleading or fraudulent statement of a material fact in an application for the permit or in any report or record required to be filed with the city, pursuant to the provisions of this section;

(b) The applicant has been convicted of a felony or any crime involving theft or embezzlement; and

(c) The applicant has had an alarm system permit revoked by the police department for good cause within the past year and the applicant is unable to show a material change in the circumstances causing the revocation.

(7) Terminal Alarm Module.

(a) Authorization. The city manager may, with the approval of the city council, enter into appropriate agreements with an alarm agent, or agents, to provide a terminal monitor module at the police department. No exclusive contract will be entered into for the provision of a monitor module unless the monitor module will be accessible to all alarm systems desiring to utilize the system and will not be compatible only with the contractor's system. No other direct alarm receiving mechanisms or systems shall be installed in the police department of the city unless specifically authorized by the city manager.

(b) Connection Module. Every direct alarm system shall be allowed a direct connection to the terminal monitor module upon payment of fees, submission of required emergency data, adherence to all provisions of this section, hold harmless agreement and such other requirements as may be established by the police chief.

(8) General Alarm Requirements.

(a) Delay Device. All alarm systems, other than those set forth in subsections (8)(a)(i) through (iv) of this section, that transmit a signal directly to the city's police department or an alarm company central station through either a terminal monitor module or a telephone dialer with a pre-recorded message shall include a device which will provide a minimum 20-second delay between detection of the intrusion and the original transmission. Such a system must also activate a signal immediately in such a manner as to be perceptible to a person lawfully, entering, leaving, or occupying the premises. The audible device is intended to provide an opportunity for the person having lawful control of the alarm system to terminate its operation after activation, but prior to the transmission of a false alarm. All alarm systems shall be required to include a delay device as described herein within six months after the adoption of the ordinance codified in this section. The following alarm systems shall not be required to include a delay device:

(i) Those interior alarm systems which are activated as a "silent" alarm to announce an actual robbery in progress (commonly known as a 211 silent).

(ii) Those alarm systems installations which have been certified by Underwriters Laboratories (UL) and which are required to instantly transmit an activation in order to maintain their UL certification. Proof of such certification and requirement shall be provided to the city upon request.

(iii) That portion of any alarm system connected to windows, including display windows, skylights or other perimeter appurtenances not a normal means of entry or exit.

(iv) Supervised alarm systems.

(b) Response to Location. Whenever an alarm system has been activated, the owner or other person in control of the facility wherein such system is located shall arrive at such facility within one hour after being requested to do so by the police department. Such person shall then inspect, or cause to be inspected, the alarm system to ensure its proper operation. The city of Cudahy, its elected and appointed officers and each and every employee shall be held harmless for any malfunction of such alarm system or for failure to respond to an activation of the alarm system for whatever reason.

(9) Audible Alarm Requirements.

(a) No audible alarm system shall generate audible sound for longer than 15 minutes after activation where the alarm system is protecting a residential structure and not longer than 30 minutes where the alarm system is protecting a commercial structure.

(b) No person shall install or maintain any audible alarm system which creates a sound similar to that of an emergency vehicle siren or a civil defense warning system.

(c) Every person maintaining an audible alarm system shall post a notice containing the names and telephone numbers of the persons to be notified to render repairs or service and secure the premises during any hour of the day or night that the alarm is activated. Such notice shall be posted near the alarm in such a position as to be legible from the ground level adjacent to the building, structure or facility where the alarm system is located.

(10) Direct Dialer Restrictions. No person shall use, permit, or cause to be used any telephone device or telephone attachment that automatically selects any city or its police or fire department telephone number on other than a specific telephone line reserved for that purpose. Any such approved system may transmit the following message:

> A (type of alarm) has activated at (name and address of business or residence). Please contact (name and telephone number of person or alarm agency who will respond to location). Repeat message 3 times.
>
> "A 459 audible alarm has activated at the John Jones residence, 1234 East Main Street, Apartment B. Please contact Sam Jones at 3322344... A 459 audible alarm... etc." (repeated twice more).

(11) False Alarm Prevention. The police department shall be notified prior to any service, test, repair, maintenance, adjustment alteration, or installation of a system which would normally result in a police response constituting a false alarm. Any alarm activated when such prior notice has been given shall not constitute a false alarm.

(12) Permit Revocation. An alarm system permit may be revoked by the chief of police for any of the following reasons:

(a) The failure to observe any of the regulations or provisions of this section.

(b) False representations knowingly made upon an application or notice of change required by the provisions of this section.

(c) Six false alarms from any system or systems at one premises, whether from more than one building, structure or facility during any 12-month period.

(13) Permit Revocation and Reinstatement.

(a) Notice of Effective Date. A written notice of revocation, stating the reason for such revocation, shall be personally served upon or mailed to the owner or lessee of the alarm system by certified mail at the address shown on the application or the latest notice of change on file with the city. In the event the notice of revocation is mailed, service shall be deemed complete upon deposit in the United States mail. The effective date of the revocation of an alarm system permit shall be 15 days after service of a notice of revocation. Said notice shall state that an informal hearing may be requested prior to the effective date of revocation. If such hearing is requested, the chief of police shall schedule a meeting at the earliest possible time which is mutually convenient to the parties. At the hearing, the chief of police shall make his decision within five days after the hearing, and shall, within 10 days of his decision, give written notice to the owner or lessee. Such notice shall include a statement of the reasons for the decision,

and the effective date of the decision. The decision of the chief shall be final.

(b) Reinstatement of Police Response. In those cases where the permit has been revoked as set forth in subsection (13)(a) of this section, the prior permit holder may request a subsequent hearing to show proof that actions have been taken to correct the grounds for revocation of the permit. Such requests shall be submitted in writing to the chief of police. Upon receipt of such letter, the chief of police shall set the matter for an informal hearing as soon as practicable and provide the alarm owner and/or lessee with written notice of the time, date, and place of said hearing. The chief of police shall give the alarm owner and/or lessee at said hearing an opportunity to show proof that corrective actions have been taken. Based on the information presented, the chief of police may reinstate the permit, with or without conditions, refuse to reinstate the permit, or recommend additional corrective actions that are likely to result in reinstatement of the permit. The chief of police shall verbally advise the applicant for reinstatement of his determination and the reasons therefor at the conclusion of the hearing and provide written notice within five days thereafter.

(c) Refiling for Permit. After revocation of a permit, an applicant may refile for a permit if the applicant can show a material change in the circumstances that resulted in the revocation.

(d) Surrender of Permit. Whenever revocation of an alarm system permit becomes effective, the permit shall be surrendered forthwith to the chief of police, and the alarm system shall forthwith be removed or deactivated.

(e) Appeal. The owner and/or lessee of an alarm system who has received a notice of determination by the chief of police that the permit has not been reinstated, as provided by subsection (13)(b) of this section, may appeal said determination to the city manager within 15 days after receipt of said notice of determination from the chief of police. Said appeal shall be in writing, briefly stating therein the basis for such appeal. Upon receipt of such letter of appeal, the city manager shall give the appealing party and any other interested party a reasonable opportunity to be heard. In all cases, the burden of proof to show that the action of the chief of police was arbitrary or in excess of his authority shall be upon the appealing party. The determination of the city manager shall be final and conclusive.

(14) Authority to Inspect Installations. For the purpose of enforcing the provisions of this section, the chief of police, or his designee, shall have the authority to enter upon any premises within the city to inspect the installation and operation of an alarm system.

(15) Infractions. Violations of this section shall be deemed an infraction and shall be punishable by:

(a) A fine not exceeding $50.00 for a first violation;

(b) A fine not exceeding $100.00 for a second violation within one year;

(c) A fine not exceeding $250.00 for each additional violation within one year. (Ord. 333 § 1. 2002 Code § 3-1.40).

9.04.390 Commercial parties.

It shall be unlawful for any person to conduct or hold on property located in any residentially zoned district or partially or entirely used for residential purposes any dance or party which is open to the general public, and:

(1) For which brochures, posters, or handbills advertising the dance or party are distributed; or

(2) At which music, either live or recorded, is provided; or

(3) For which a charge or donation is required or solicited for admission.

This section shall not apply to dances or parties held on property owned or leased by a church or religious organization. (Ord. 343 § 1. 2002 Code § 3-1.41).

9.04.400 Controlled substances.

(1) The city council of the city of Cudahy as the legislative authority finds and declares that every and any building or place used for the purpose of unlawfully selling, serving, storing, keeping, or giving away of any controlled substance as defined under Sections 11000 et seq. of the Health and Safety Code is a nuisance, whether public or private.

(2) The city attorney of the city of Cudahy pursuant to Section 731 of the Code of Civil Procedure is directed to abate, prevent and enjoin the unlawful selling, serving, storing, keeping, or giving

away of any controlled substance within any building or place in the city of Cudahy.

(3) Upon receiving notice through service of a certified copy of the ordinance codified in this section and CMC 9.04.410 and an order of abatement provided for in CMC 9.04.410(2)(d), any and every person who shall own, legally or equitably, lease, maintain, manage, conduct, or operate a building or place in the city of Cudahy which is declared to be a public or private nuisance as set forth and stated in subsection (1) of this section is deemed to be a person who has knowledge of such nuisance for the purpose of this section and is, thereafter, responsible for its maintenance, and shall be liable therefor. (Ord. 372 § 1. 2002 Code § 3-1.42).

9.04.410 Hearings.

(1) The city council may, upon its own motion, or upon written charges filed with council by the chief of police or the city attorney, set a public hearing before the council to determine if a nuisance as set forth in CMC 9.04.400(1) and any other appropriate state or local laws, exists. At the hearing, the persons described in CMC 9.04.400(3) shall be given an opportunity to appear, either personally or by counsel, to be heard, to defend themselves, and they may call witnesses on their behalf.

(2) Upon a specific finding that a nuisance, as defined in CMC 9.04.400(1) and any other appropriate state or local laws, exists in the city of Cudahy, the city council, in applying provisions of CMC 9.04.400 and this section to such nuisance, shall provide for the following by resolution:

(a) Declare the fact that such nuisance exists.

(b) Set forth the description or legal description and street address or location of the real property or place which constitutes a nuisance.

(c) Set forth evidentiary facts considered by the city council in arriving at its factual determination that a nuisance exists, as defined in CMC 9.04.400(1).

(d) Order all persons named in CMC 9.04.400(3) to summarily abate such nuisances immediately, by terminating the unlawful selling, serving, storing, keeping or giving away of any controlled substance as defined under the Health and Safety Code within the specified building or place.

(e) Order the city attorney to proceed as directed in CMC 9.04.400(2) and do all things necessary to abate, prevent or enjoin such nuisance, as defined in CMC 9.04.400(1), through judicial proceedings.

(f) Order that a certified copy of said resolution and a certified copy of the ordinance codified in CMC 9.04.400 and this section be delivered by personal service or first class mail to all persons of record having legal or equitable interest in the building or place where the nuisance exists and to any person who shall lease, maintain, manage, conduct or operate the building or place where the nuisance exists. (Ord. 372 § 2. 2002 Code § 3-1.43).

9.04.420 Fees for the use of police personnel at loud or unruly assemblages.

When any loud or unruly assemblage occurs or is held, and the sheriff's department is required to respond to the scene in response to citizen complaints and the handling sheriff's deputy at the scene determines that there is a threat to the public peace, health, safety, or general welfare, then that handling sheriff's deputy shall notify the owner of the property where the assemblage exists and/or the person responsible for the said assemblage, that such person or persons, or in the case of a minor, the parents and/or guardians of such minor, will be held personally liable for the cost of providing additional sheriff personnel on special security assignment over and above the normal services provided by the sheriff's department in response to such assemblage. Such person or persons shall be given a first warning, in the form of written notification by the said handling sheriff's deputy as above described, that the first sheriff response as above described shall be deemed to be the normal police services provided. The sheriff personnel necessarily utilized within a 24-hour period of such first warning to control the threat to the public peace, health, safety or general welfare shall be deemed to be on special security assignment over and above the normal services provided and the owner of the property and/or the person in charge of the property where such assemblage occurs, and/or the person responsible for such assemblage, shall be personally responsible for the cost of such special security assignment in an amount determined upon a cost accounting basis by the city. The cost of such special security assignment shall

include damage to city or county property and/or injuries to city or county personnel. (Ord. 512 § 1; Ord. 479 § 1; Ord. 479-U § 1; Ord. 373 § 1. 2002 Code § 3-1.44).

9.04.430 Curfew for minors.

(1) Nighttime Curfew. Unless the minor meets one or more of the exceptions set forth in subsection (3) of this section, it is an infraction for any minor to be present between the hour of 10:00 p.m. and the time of sunrise of the following day in or upon any of the following places: (a) any public or private street, road, drive, alley, or trail; (b) any public or community park or recreation area; (c) any public ground, place, or building; (d) any vacant lot or abandoned or vacant building; or (e) any establishment, as defined in subsection (7) of this section.

(2) Daytime Curfew. Unless the minor meets one or more of the exceptions set forth in subsection (3) or (4) of this section, it is an infraction for any minor subject to compulsory education or compulsory continuation education to be present between the hours of 8:30 a.m. and 3:00 p.m. of the same day on days when the minor's school is in session, in or upon any of the following places: (a) any public or private street, road, drive, alley, or trail; (b) any public or community park or recreation area; (c) any public ground, place, or building; (d) any vacant lot or abandoned or vacant building; or (e) any establishment, as defined in subsection (7) of this section.

(3) General Exemptions. This section shall not apply if the minor is:

(a) Accompanied by a custodial person;

(b) On an errand directed by, and in possession of a written excuse from, a custodial person;

(c) Engaged in, going directly to or returning directly from a school-approved activity or one that is supervised by school personnel, a medical appointment, a religious activity, other lawful educational or recreational activity supervised by adults and sponsored by the school, the city, a civic organization, or by a similar entity that takes responsibility for the child;

(d) Engaged in a lawful employment activity or in a place in connection with or as required by a business, trade, profession, or occupation in which the minor is lawfully engaged, or going directly to or returning directly from such activity;

(e) Engaged in or going directly to or returning directly from any other lawful activity with written permission from a custodial person;

(f) Involved in an emergency or seeking medical assistance;

(g) Exercising rights protected by the First Amendment of the United States Constitution or Article I of the California Constitution, including but not limited to: free exercise of religion, freedom of speech and freedom of assembly;

(h) In the right-of-way abutting the minor's residence;

(i) In a motor vehicle involved in interstate travel;

(j) Emancipated pursuant to state law and California Family Code Sections 7000, et seq., including but not limited to emancipation for the following reasons: married or in the military service;

(k) Homeless.

(4) Exemptions for Daytime Curfew. Subsection (2) of this section shall not apply where:

(a) The minor is in possession of a valid school-issued, off-campus permit giving permission to leave campus;

(b) The minor is receiving home or private school instruction pursuant to Education Code Section 48222;

(c) The minor is receiving instruction by a qualified tutor pursuant to Education Code Section 48224;

(d) The minor is otherwise exempt by law from attendance at a public or private full-time day school; or

(e) The minor is authorized to be absent from school pursuant to the provisions of Education Code Section 48205, or any other applicable state or federal law.

(5) Parental Responsibility. Every custodial person who allows or permits a minor in his or her custody to violate any provision of this section is guilty of an infraction.

(6) Community Service or Parenting Classes for First Offense. On a first offense, the court may order community service or parenting classes instead of a fine, as may be appropriate.

(7) Definitions.

(a) "Custodial person" as used in this section shall mean any parent or legal guardian of the minor, or any person 18 years of age or older who

is authorized by a parent or legal guardian to take care and custody of the child.

(b) "Emergency" as used in this section shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(c) "Establishment" as used in this section shall mean any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

(d) "Minor" as used in this section shall mean a person under the age of 18 years.

(e) "Public place" shall mean any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(8) Enforcement Procedures. A police officer shall ask the age of an apparent offender and his or her reason for being on the premises or property. The officer shall not issue a citation or make an arrest unless the officer reasonably believes that an offense has occurred and that none of the exceptions set forth in this section apply.

(9) Power of Law Enforcement Officers. Nothing in this section shall be construed as limiting in any way the power or right of law enforcement officers to make investigations, detentions or arrests as would have been permitted had this section not been enacted.

(10) Penalties. A violation of this section or any provision thereof is punishable pursuant to CMC 1.36.010(1). (Ord. 602 § 1, 2007; Ord. 545 § 1; Ord. 527 § 1; Ord. 405. 2002 Code § 3-1.45).

9.04.440 Disturbance of nighttime residential privacy.

It shall be unlawful for any person to knock at the door of, to ring the bell of, or otherwise to call upon more than one residence, without invitation, between the hours of 10:00 p.m. and 8:00 a.m. of the following day. This section shall not be interpreted to grant any person permission to enter upon private property. (Ord. 484 § 3. 2002 Code § 3-1.46).

9.04.450 Loitering by criminal street gangs.

(1) Definition of Public Place. For purposes of this section, a "public place" shall mean the public way and any other location open to the public, whether publicly or privately owned, including, but not limited to, any street, sidewalk, avenue, highway, road, curb area, alley, park, playground or other public ground or public building, any common area of a school, hospital, apartment house, office building, transport facility, shop, privately owned place of business, to which the public is invited, including any place of amusement, entertainment, or eating place. Any "public place" also includes the front yard area, driveway and walkway of any private residence, business, or apartment house.

(2) Prohibited Acts. It is unlawful for any person who is a member of a "criminal street gang" as that term is defined in California Penal Code Section 186.22(f) or who is in the company of or acting in concert with a member of a criminal street gang to loiter or idle in a public place as defined in subsection (1) of this section under any of the following circumstances:

(a) With the intent to publicize a criminal street gang's dominance over certain territory in order to intimidate nonmembers of the gang from entering, remaining in, or using the public place or adjacent area;

(b) With the intent to conceal ongoing commerce in illegal drugs or other unlawful activity.

(3) Powers of Law Enforcement Officers Not Limited. Nothing in this section shall be construed in any way to limit the power or right of a law enforcement officer to make any investigation, detention or arrest as such law enforcement officer would be permitted to make in absence of this section.

(4) Parental Control. Any parent(s), legal guardian(s), or other adult person(s) authorized by said parent(s) or guardian(s) to have the care and custody of a minor, who knowingly permits or by insufficient control allows a minor to violate the provisions of this section, is guilty of a misdemeanor.

(5) Penalty. Violation of this section shall be punishable by a fine not to exceed $500.00 or by imprisonment not to exceed six months, or both. (Ord. 554 § 2. 2002 Code § 3-1.47).

9.04.460 Public skate park facilities.

(1) Statement of Purpose. The purpose of this section is to establish a comprehensive set of rules and regulations for the use of public skate park facilities in the city of Cudahy.

(2) Definitions. For the purpose of carrying out the intent of this section, words, phrases and terms used herein shall have their ordinary meaning, unless otherwise indicated as follows:

(a) "Department" shall mean the city of Cudahy community services and recreation department;

(b) "Director" shall mean the city manager, or his or her designee;

(c) "Public skate park facility" shall mean any facility, structure or area in which skateboarding, in-line skating and/or roller skating is permitted pursuant to the provisions of this section, which is owned, operated and maintained by the city;

(d) "Roller skates" or "in-line skates," including roller blades, shall mean any shoe, boot or other footwear to which one or more wheels are attached;

(e) "Skateboard" shall mean any platform of any composition or size to which two or more wheels are attached and which is intended to be ridden or propelled by one or more persons standing or kneeling upon it and to which there is not affixed any seat or any other device or mechanism to turn and control the wheels;

(f) "Skate activity" shall mean the use of a skateboard, roller skates or in-line skates, including roller blades;

(g) "Skater" shall mean any person participating in skate activity.

(3) Hours of Operation. Public skate park facilities shall be open weekdays from 3:00 p.m. until 8:00 p.m. and weekends 12:00 p.m. to 6:00 p.m., or as otherwise posted by the director. It shall be unlawful for any person to use or remain in such facilities in violation of this section without written consent of the department. Public skate park facilities shall close in the event of rain, rainy conditions or otherwise wet areas.

(4) Prohibited Conduct. While in skate park facilities:

(a) No person shall ride or use any nonmotorized personal transportation other than roller skates, in-line skates or skateboards, including, but not limited to, bicycles, scooters, unicycles, go-carts and wagons, within the skating surface of any public skate park facility, or to cause nonmotorized personal transportation to be ridden or used within the skating surface of any public skate park facility;

(b) No food or drink is permitted at the skate park;

(c) No person shall possess any can, bottle or other receptacle containing any alcoholic beverage;

(d) No person shall allow or cause graffiti or tagging in, on or around any part of the public skate park facility;

(e) No person shall ride or use any roller skates, in-line skates or skateboards at a public skate park facility in a reckless manner or with willful disregard for the safety of persons or property, or to cause anyone using roller skates, in-line skates or skateboards to ride or use them in such a reckless manner;

(f) All skaters must skate safely and responsibly. No skater may enter the skate park when it is already being used to capacity;

(g) No person shall deposit or leave garbage, cans, bottles, papers, waste or refuse of any kind in a location other than a receptacle provided for such purpose or cause such items to be deposited or left in such a manner. If no receptacle is provided, each person shall be responsible for removing and disposing of such items from the public skate park facility;

(h) No person shall allow or cause any animal of any kind to be brought into a public skate park facility;

(i) No person shall allow or cause glass containers of any kind to be brought into any public skate park facility;

(j) No person, other than a skater, is permitted within the skating surface of a public skate park facility, except that spectators may sit or stand in areas designated for that purpose;

(k) No person shall place or utilize obstacles or other materials within a public skate park facility that are not affixed to a public skate park facility by the city for recreational purposes;

(l) No person shall use a public skate park facility while under the influence of alcohol or drugs that would impair that person's judgment or motor skills;

(m) No person shall conduct organized activities, events or competitions without prior written permission from the director;

(n) No skate activity is permitted on the walkways, other boundary structures or seating areas immediately surrounding or adjoining a public skate park facility;

(o) Use of profanity or abusive language is strictly prohibited and shall result in automatic expulsion from the skate park and penalties provided for in this section;

(p) No loud music shall be permitted at the skate park;

(q) All children under age 11 who wish to utilize the skate park must be accompanied by an adult.

(5) City Immunity from Liability. All skate activity within any public skate park facility is deemed a hazardous recreational activity within the meaning of Section 831.7 of the Government Code and the city of Cudahy may not be held liable for injuries sustained or incurred by persons who participate in any such hazardous recreational activity.

(6) Protective Gear Requirement. All skaters must wear a safety helmet, elbow pads and kneepads while participating in skate activity within a public skate park facility. Skaters using skateboards must wear shoes (no bare feet or sandals). All such protective gear must be functional and protective, properly sized and designed for their intended use at the public skate park facility.

(7) Other Regulations. The director may set forth any other rules and regulations for the use of a public skate park facility, which he or she deems appropriate; provided, that signs describing such rules and regulations are placed and posted pursuant to this section.

(8) Signage and Posting Requirements. In order to provide reasonable notice to the public, the director shall place and post signs in one or more conspicuous and visible area(s) of a public skate park facility designating the facility, structure or area as a public skate park facility, specifying the rules and regulations established pursuant to this section, and prohibiting the activities described herein.

(9) Penalties. Any violation of this section, or the Article hereby adopted, shall constitute an infraction and shall be punishable as set forth in CMC 1.36.010(2).

(10) Additional Enforcement. The director or his or her designee shall have the authority to eject and expel from the skate park any person who is in violation of any provision of this section. (Ord. 583. 2002 Code § 3-1.48).

Article II. Firearms*

* Editor's Note: Prior ordinances codified herein include portions of Ordinance Nos. 73, 74 and 394.

9.04.470 Purpose and findings.

(1) According to the National Center for Injury Prevention and Control's Web-Based Injury Statistics Query and Reporting System Injury Mortality Reports, in 2010, guns took the lives of 31,076 Americans in homicides, suicides, and unintentional shootings, which is the equivalent of more than 85 deaths each day and more than three deaths each hour.

(2) According to the United States Federal Bureau of Investigation 2012 Uniform Crime Reports, of the 1,879 murders that took place in California in 2012, 1,304 were caused by firearms.

(3) The city council finds that the measures provided in this chapter provide some relief from the violence and harm caused by and resulting from both the intentional and accidental misuse of guns and the purpose of such measures is to promote the health, safety, and welfare of all its residents.

(4) The provisions of this chapter are not intended to contradict or duplicate any applicable state or federal law. (Ord. 637 § 2, 2014).

9.04.471 Definitions.

(1) "Firearm" includes all devices described in California Penal Code Section 12001, including, but not limited to, any gun, pistol, revolver, rifle or any device, designed or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion.

(2) "Ammunition" is any ammunition as defined in California Penal Code Section 12316(b)(2).

(3) "Peace officer" is any person who is a peace officer as defined in California Penal Code Section 830, et seq.

(4) "Person" means a natural person, association, partnership, firm, corporation, or other entity.

(5) A "sale" is any transaction, with or without the exchange of consideration, which transfers ownership, title, possession, or control of any firearm, or gives, loans, leases, or delivers a firearm. A "sale" includes the act of placing an order for any of the aforementioned transfers. The act of displaying a firearm shall not constitute a sale for purposes of this title. (Ord. 637 § 2, 2014).

9.04.472 Possession of large-capacity ammunition magazines prohibited.

(1) No person may possess a large-capacity magazine in the city of Cudahy whether assembled or disassembled. For purposes of this section, "large-capacity magazine" means any detachable ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

(a) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds; or

(b) A .22 caliber tubular ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

(2) Any person who, prior to the effective date of this section, was legally in possession of a large-capacity magazine shall have 90 days from such effective date to do either of the following without being subject to prosecution:

(a) Remove the large-capacity magazine from the city of Cudahy; or

(b) Surrender the large-capacity magazine to the city of Cudahy for destruction; or

(c) Lawfully sell or transfer the large-capacity magazine in accordance with Penal Code Section 12020.

(3) This section shall not apply to the following:

(a) Any federal, state, county, or city agency that is charged with the enforcement of any law, for use by agency such agency employees in the discharge of their official duties;

(b) Any government officer, agent, or employee, member of the armed forces of the United States, or peace officer, as defined in the California Penal Code Section 830 et seq., to the extent that such person is otherwise authorized to possess a large-capacity magazine and does so while acting within the course and scope of his or her duties;

(c) A forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her duties;

(d) Any entity that operates an armored vehicle business pursuant to the laws of the state, and an authorized employee of such entity, while in the course and scope of his or her employment for purposes that pertain to the entity's armored vehicle business;

(e) Any person who has been issued a license or permit by the California Department of Justice pursuant to Penal Code Sections 18900, 26500 et seq., 31000, 32315, 32650, 32700 et seq., or 33300, when the possession of a large-capacity magazine is in accordance with that license or permit;

(f) A licensed gunsmith for purpose of maintenance, repair, or modification of the large-capacity magazine;

(g) Any person who finds a large-capacity magazine, if the person is not prohibited from possessing firearms or ammunition pursuant to federal or state law, and the person possesses the large-capacity magazine no longer than is reasonably necessary to deliver or transport the same to the law enforcement agency;

(h) Any person lawfully in possession of a firearm that the person obtained prior to January 1, 2000, if no magazine that holds fewer than 10 rounds of ammunition is compatible with the firearm and the person possesses the large capacity magazine solely for use with that firearm; or

(i) Any retired peace officer holding a valid, current carry concealed weapons (CCW) permit issued pursuant to Penal Code Section 26510. (Ord. 637 § 2, 2014).

9.04.473 Sale of firearms and/or ammunition on city property prohibited.

(1) The sale of firearms and/or ammunition on city property is prohibited.

(2) For purposes of this section, "city property" includes real property owned, leased, subleased, or otherwise assigned by the city, or real property subject to the use and control of the city.

(3) This section shall not apply to:

(a) The sale of any firearm by a peace officer, as defined in the California Penal Code Section 830 et seq., when on duty and the sale of such firearm is within the scope of his or her duties; or

(b) The public administrator in the distribution of a private estate or to the sale of firearms by its auctioneer to fulfill its obligations under state law. (Ord. 637 § 2, 2014).

9.04.474 Possession of firearms and/or ammunition on city property prohibited.

(1) Every person who brings onto or possesses on city property a firearm, loaded or unloaded, or ammunition for a firearm is guilty of a misdemeanor.

(2) This section shall not apply to:

(a) A peace officer, as defined in the California Penal Code Section 830 et seq.;

(b) A guard or messenger of a financial institution, a guard of a contract carrier operating an armored vehicle, a licensed private investigator, patrol operator, or alarm company operator, or uniformed security guard as these occupations are defined in Penal Code Section 12031(d) and who holds a valid certificate issued by the Department of Consumer Affairs under Penal Code Section 12033, while actually employed and engaged in protecting and preserving property or life within the scope of his or her employment;

(c) A person holding a valid, current carry concealed weapons (CCW) permit issued pursuant to Penal Code Section 26510;

(d) An authorized participant in a motion picture, television, video, dance, or theatrical production or event, when the participant lawfully uses the firearm as part of such production or event; provided, that when such firearm is not in the actual possession of the authorized participant, it is secured to prevent unauthorized use;

(e) A person lawfully transporting firearms or ammunition in a motor vehicle on city roads;

(f) A federal criminal investigator or law enforcement officer; or

(g) A member of the military forces of the state of California or the United States. (Ord. 637 § 2, 2014).

9.04.475 Discharge of firearms prohibited.

(1) No person shall discharge any firearm within the city.

(2) This section shall not apply to the discharge of any firearm:

(a) By any peace officer, as defined in California Penal Code Section 830 et seq., when acting in his or her official capacity;

(b) When necessary to protect life or property, to the extent authorized by law; or

(c) At any target in or on any pistol, rifle, or target range, provided such range is so installed, constructed, safeguarded, equipped, and used as to adequately prevent any arrow, bullet, or shot from being projected beyond the confines of such range. (Ord. 637 § 2, 2014).

9.04.476 Safe storage of firearms.

Except when carried on his or her person, or in his or her immediate control and possession, no person shall keep a firearm in any residence owned or controlled by that person unless the firearm is stored in a locked container, or the firearm is disabled with a trigger lock that is listed on the California Department of Justice's list of approved firearms safety devices. (Ord. 637 § 2, 2014).

9.04.477 Duty to report theft or loss of firearms.

Any person who owns or possesses a firearm shall report the theft or loss of such firearm to the community development department within 48 hours of the time he or she knew or reasonably should have known that the firearm had been stolen or lost, whenever: (1) the person resides in the city; or (2) the theft or loss of firearm occurs in the city. (Ord. 637 § 2, 2014).

9.04.478 Ammunition sales.

(1) It is unlawful for any person to engage in the business of selling, leasing, or otherwise transferring ammunition within the city except in compliance with this section.

(2) Every ammunition vendor shall maintain an ammunition sales log which records all ammunition sales by the vendor. The transferee shall provide, and the ammunition vendor shall record on the ammunition sales log, at the time of sale, all of the following information for each sale of firearms ammunition:

(a) The name, address, and date of birth of the transferee;

(b) The date of the sale;

(c) The transferee's driver's license number, state identification card number, passport number, or other valid government-issued photographic identification;

(d) The brand, type, and quantity of firearms ammunition transferred;

(e) The identity of the person transferring the firearms ammunition on behalf of the ammunition vendor;

(f) The transferee's signature and right thumbprint.

(3) The ammunition sales log shall be recorded on a form approved by the community development director. All ammunition sales logs shall be kept at the location of the ammunition sale for a period of not less than two years from the date of the sale.

(4) No person shall knowingly provide false, inaccurate, or incomplete information to an ammunition vendor, and no ammunition vendor shall knowingly make a false, inaccurate, or incomplete entry in any ammunition sales log. (Ord. 637 § 2, 2014).

Article III. Registration of Felons

9.04.490 Registration of felons.

Every person who has been convicted in any federal court or state court within 10 years prior to the effective date of this code, or who subsequently to the effective date of this code is convicted of the crime of counterfeiting, grand larceny, embezzlement, forgery, obtaining money or property by false pretenses, burglary, felonious assault, rape, robbery, arson, murder, kidnapping, extortion, violation of any law prohibiting the carrying or possession of deadly weapons, taking or enticing any person for the purpose of obtaining ransom or violation of any provisions of any national or state law relating to the possession, sale or transportation of any narcotic, who resides in the city, shall report to the sheriff of Los Angeles County, or such law enforcement officer designated by said city as the officer responsible for law enforcement within said city, within 48 hours after his arrival within the boundaries of said city, and shall furnish to the sheriff of Los Angeles County, or such law enforcement officer designated by the city as the officer responsible for law enforcement within the city, a written statement signed by such person, the true name of such person and each other name or alias by which such person is or has been known, a full and complete description of himself, the name of each crime hereinabove in this section enumerated, of which he shall have been convicted, together with the name of the place where each such crime was committed, the name under which he was convicted and the date of the conviction thereof, the name, if any, and the location of each prison, reformatory or other penal institution in which he shall have been confined as punishment therefor, together with the location or address of his residence, stopping place or living quarters in the city, and each one thereof, if any, or the address or location of his intended residence, stopping place, or living quarters therein, and each one thereof, with a description of the character of each such place, whether a hotel, apartment house, dwelling house, or otherwise, giving the street number thereof, if any, or such description of the address or location thereof, as will so identify the same as to make it possible of location, and the length of time for which he expects or intends to reside within the city.

At the time of furnishing such information, said person shall be photographed and fingerprinted by said sheriff of Los Angeles County, or such law enforcement officer designated by said city as the officer responsible for law enforcement within the city, and the photograph and fingerprints shall be made a part of the permanent record herein provided for. (2002 Code § 3-6.1).

9.04.500 Change of address.

In the event that any person specified in CMC 9.04.490 shall change any such place of residence, stopping place, or living quarters to any new or different place or places within the city other than the place last shown in such report to said sheriff of Los Angeles County, or such law enforcement officer designated by said city as the officer responsible for law enforcement within said city, he shall, within 24 hours after making such change, notify said sheriff of Los Angeles County, or such law enforcement officer designated by said city as the officer responsible for law enforcement within the city, in a written and signed statement, of such

change of address, and shall furnish in such written statement to said sheriff of Los Angeles County, or such law enforcement officer designated by said city as the officer responsible for law enforcement within the city, his new address, and each one thereof.

It shall be unlawful for any person required by any provision of this code to furnish any such report, to furnish in such report any false or fictitious address, or any address other than a true address or intended address, or to furnish in making any such report any false, untrue, or misleading information or statement relating to any information required by any provision of this code to be made or furnished. (2002 Code § 3-6.2).

9.04.510 Records.

The sheriff of Los Angeles County or such law enforcement officer designated by the city as the officer responsible for law enforcement within the city shall cause to be made a permanent record of all information, photographs and fingerprints required by the provisions of CMC 9.04.490 and 9.04.500 to be furnished to or by him, and to forthwith furnish a copy of these records, photographs and fingerprints to the district attorney of Los Angeles County; and these records, photographs and fingerprints shall at all reasonable times be open to the inspection of any peace officer having jurisdiction within the boundaries of the city. (2002 Code § 3-6.3).

9.04.520 Paroled persons.

The provisions of this code relating to the registering of felons shall not apply to any person who has received a full pardon for each such crime whereof he shall have been convicted, nor to any person who is on parole or probation under the laws of the state or whose parole or probation period under such laws has expired without any revocation of such parole or probation having been made. (2002 Code § 3-6.4).

Chapter 9.08

ALCOHOLIC BEVERAGES

Sections:

Article I. Alcoholic Beverages

9.08.010 Drinking in public places.
9.08.020 Setups.
9.08.030 Alcoholic beverages on school grounds.
9.08.040 Drinking in vehicles.
9.08.050 Consuming liquor on streets or highways.
9.08.060 Consuming liquor in vehicles on streets.

Article II. Alcoholic Beverage Containers Adjacent to Off-Sale Alcoholic Beverage Sales Locations

9.08.070 Prohibition.
9.08.080 Posting of signs.
9.08.090 Penalties.

Article I. Alcoholic Beverages

9.08.010 Drinking in public places.

No person shall consume any malt, spirituous or vinous liquor containing more than one-half of one percent of alcohol, by volume, while he is upon any public street, alleyway, sidewalk or parkway, or in any public building, public park, public lavatory, auto park, or lobby or entranceway to any building within the city.

A violation of this section shall be an infraction and, upon a conviction thereof, shall be punishable by a fine of $65.00 per offense, plus assessment fees to be determined by the court. (Ord. 401 § 1. 2002 Code § 5-1).

9.08.020 Setups.

No person shall serve "setups" between the hours of 2:00 a.m. and 6:00 a.m. if they are to be used with distilled spirits. (2002 Code § 5-2).

9.08.030 Alcoholic beverages on school grounds.

No person shall consume any alcoholic beverage on the grounds of any public school or in any stadium or athletic field while being used by a public school. (2002 Code § 5-3).

9.08.040 Drinking in vehicles.

No person shall enter or remain in a vehicle while any other occupant is consuming any alcoholic beverage while such vehicle is on a public street. (2002 Code § 5-4).

9.08.050 Consuming liquor on streets or highways.

Every person who goes upon or remains upon any part of a public street or highway while he is consuming any alcoholic beverage shall be guilty of a misdemeanor. (2002 Code § 5-5).

9.08.060 Consuming liquor in vehicles on streets.

Every person who enters or remains in any vehicle while such vehicle is on any part of a public street or highway when such person or any other occupant of such vehicle is consuming any alcoholic beverage shall be guilty of a misdemeanor. (2002 Code § 5-6).

Article II. Alcoholic Beverage Containers Adjacent to Off-Sale Alcoholic Beverage Sales Locations

9.08.070 Prohibition.

No person having in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or seal broken, or the contents of which have been partially removed, shall enter, be or remain on the premises, including any immediately adjacent parking area or public sidewalk, of any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code. The provisions of this section shall apply to locations where the prohibitions of this section are posted and visible to persons utilizing the establishment and adjacent parking lot and public sidewalk. (Ord. 324 § 1. 2002 Code § 3-8.1).

9.08.080 Posting of signs.

Every person owning or operating a retail package off-sale alcoholic beverage establishment within the city of Cudahy licensed pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code shall post a notice or notices visible to the patrons of such establishment and persons utilizing the adjacent parking area and public sidewalk informing them it shall be unlawful for any person having in his or her possession a bottle, can or other receptacle containing any alcoholic beverage which has been opened, or the seal broken, or the contents of which have been partially removed to enter, be, or remain on the premises of the establishment and adjacent parking area and public sidewalk. (Ord. 324 § 1. 2002 Code § 3-8.2).

9.08.090 Penalties.

Violation of CMC 9.08.070 shall constitute an infraction and violation of CMC 9.08.080 shall constitute a misdemeanor and shall be punishable as provided in Chapter 1.36 CMC. (Ord. 324 § 1. 2002 Code § 3-8.3).

Chapter 9.12

GRAFFITI PREVENTION AND ABATEMENT

Sections:

9.12.010 Purpose and intent.
9.12.020 Definitions.
9.12.030 Nuisance declared.
9.12.040 Graffiti prohibition.
9.12.050 Possession of graffiti implement.
9.12.060 Display for sale.
9.12.070 Standards for graffiti removal.
9.12.080 Graffiti removal.
9.12.090 Reward.
9.12.100 Minor and parental responsibility for graffiti violations.
9.12.110 Lien assessment procedure.
9.12.120 Alternate procedure/special assessment against land.
9.12.130 Misdemeanor criminal offense.
9.12.140 Administrative fines.
9.12.150 Civil liability of parents.
9.12.160 Recovery of attorneys' fees.
9.12.170 Alternate actions.
9.12.180 Community service.
9.12.190 Suspension or delay of driving privileges.
9.12.200 Land use permits.

9.12.010 Purpose and intent.

The purpose of this chapter is to provide a program to prevent the spread of graffiti, establish a process for the removal of graffiti from both real and personal, public and private property, and to assess and recover costs related to such removal. The city council finds and determines that graffiti is obnoxious and a public nuisance which must be abated in order to prevent blight, the deterioration of property and business values, and the spread of criminal gang activity. Government Code Section 53069.3 authorizes the city to enact an ordinance to provide for the use of city funds to remove graffiti or other inscribed material from public or privately owned real or personal property located within the city and to replace or repair public or privately owned property within the city that has been defaced with graffiti or other inscribed material that cannot be removed cost effectively. (Ord. 632 § 2, 2013).

9.12.020 Definitions.

"Aerosol paint container" means any aerosol container, regardless of the material from which it is made, which is adapted or made for the purposes of spraying paint or other substances capable of being permanently affixed to public or private property in a manner that defaces the property.

"Etching cream" means any caustic cream, gel, liquid, or solution capable, by means of a chemical action, of defacing, damaging, or destroying hard surfaces in a manner similar to acid.

"Etching tool" means any tool or instrument that is capable of etching or marking glass, plastic, wood, metal, or concrete surfaces, including, but not limited to, picks, scribes, awls, chisels, markers, and etchers, or any masonry or glass drill bit, carbide drill bit, glass cutter, grinding stone, etching cream or acid etching.

"Felt tip marker" means any broad-tipped marker pen with a tip exceeding three-eighths of one inch in width, or any similar implement containing an ink that is not water soluble.

"Graffiti" means any unauthorized inscription, word, figure, or design that is marked, etched, scratched, drawn, or painted on any real or personal property.

"Graffiti implement" means an aerosol paint container, a felt tip marker or marking pen, gum label, paint stick or paint pen, glass etching tool, glass cutters, etching tools, or other similar devices that are commonly used or are likely to be used to scar glass, metal, concrete or wood, or in a manner that defaces property.

"Gum label" means any sheet of paper, fabric, plastic, or other substance with adhesive backing, which, when placed on a surface, is not easily removable.

"Minor" means a person under 18 years of age.

"Paint stick" or "graffiti stick" means a 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, leaving a mark of at least one-sixteenth of one inch in width.

"Responsible party" means: (1) any person, including a minor who has been determined to have placed graffiti on real or personal property of another person in the city; (2) a minor or other person who has confessed to, or admitted to, or pled guilty or no contest to a violation in the city of Section 594, 594.3, 640.5, 640.6, or 640.7 of the Penal Code, or a minor convicted by final judgment of a violation in the city of Section 594, 594.3, 640.5, 640.6, or 640.7 of the Penal Code, or a minor declared a ward of the juvenile court pursuant to Section 602 of the Welfare and Institutions Code by reason of the commission of an act prohibited in the city by Section 594, 594.3, 640.5, 640.6, or 640.7 of the Penal Code; and/or (3) the parents or guardians having custody and control of a minor who is a responsible party. (Ord. 632 § 2, 2013).

9.12.030 Nuisance declared.

The city council declares that graffiti is a nuisance and may be abated pursuant to this chapter, Chapter 15.20 CMC, or as otherwise provided by law. (Ord. 632 § 2, 2013).

9.12.040 Graffiti prohibition.

(1) It is unlawful for any person, regardless of age, to write, mark, etch, draw, label, paste, affix, paint, chalk, or otherwise apply graffiti, as defined in CMC 9.12.020, on publicly or privately owned buildings, walls, signs, structures, surfaces or other property located within the city.

(2) It is unlawful for any person, regardless of age, to aid, abet, or encourage another to paint, etch, or in any other manner apply graffiti upon public or private real or personal property of any kind within the city. (Ord. 632 § 2, 2013).

9.12.050 Possession of graffiti implement.

(1) It is unlawful for any person to have in his or her possession any graffiti implement while in any public park, playground, swimming pool, public recreational facility, public restroom, or any other similar type of public facility within the city. This subsection (1) shall not apply to any person who possesses such implements while in the course and scope of their lawful profession, trade, or occupation.

(2) It is unlawful for any person to have in his or her possession any graffiti implement, for the purpose of applying graffiti, while (a) on any highway, street, alleyway, or sidewalk; (b) in any public right-of-way; or (c) in or upon any underpass, overpass, bridge, abutment, or other similar type of infrastructure within the city.

(3) It is unlawful for any minor to have in his or her possession any graffiti implement while in or

upon any highway, public sidewalk, street, alleyway, public right-of-way, public park, playground, swimming pool, public recreational facility, underpass, overpass, bridge, abutment, storm drain, other similar infrastructure or on private property within the city without the minor having in his or her possession the written consent of the property owner or lessee, whether or not the minor is in a vehicle. The written consent of the property owner or lessee shall include the contact information of the owner or lessee, as appropriate, including, but not limited to, a current phone number and address. This subsection shall not apply to any minor who is accompanied by his or her parent or guardian having custody and control of the minor; or under the immediate supervision of a teacher or instructor employed by a public school, private school, or other similar educational facility licensed by either the state of California or similar public entity. Notwithstanding the foregoing, an emancipated minor shall be subject to the requirements of subsection (1) of this section rather than this subsection.

(4) It is unlawful for any person, other than the parent or guardian having custody and control of a minor, to sell, exchange, give, loan or otherwise furnish, or cause or permit to be sold, exchanged, given, loaned or otherwise furnished, any graffiti implement to a person under the age of 18 years without first obtaining the written consent of the parent or guardian having custody and control of the minor. The prior written consent of the parent or guardian of the minor shall include the contact information of the parent or guardian, including, but not limited to, a current phone number and address.

(5) Except as authorized in this section, the possession of any graffiti implement while in any public park, playground, swimming pool or public recreational facility, while on a public sidewalk, street, alleyway or in any public right-of-way or while in or upon an underpass, overpass, bridge, abutment, storm drain, or other similar type of infrastructure within the city is hereby declared to be a public nuisance. (Ord. 632 § 2, 2013).

9.12.060 Display for sale.

Every person who owns, conducts, operates, or manages a retail commercial establishment selling aerosol paint containers, or felt tip markers, or paint sticks shall store or cause such aerosol paint containers, felt tip markers, or paint sticks to be stored in an area viewable by, but not accessible to, the public in the regular course of business without employee assistance, pending legal sale or disposition of such aerosol paint containers, felt tip markers, or paint sticks. (Ord. 632 § 2, 2013).

9.12.070 Standards for graffiti removal.

Graffiti shall be completely removed or completely covered in a manner that renders it inconspicuous. When graffiti is painted out, the color used to paint it out shall match the original color of the surface, or the surface shall be completely repainted with a new color that is aesthetically compatible with existing colors and architecture. The removal shall not leave shadows and shall not follow the pattern of the graffiti such that the letters or similar shapes remain apparent on the surface after graffiti markings have been removed. If the area is heavily covered with graffiti, the entire surface shall be repainted. (Ord. 632 § 2, 2013).

9.12.080 Graffiti removal.

(1) A responsible party who has applied graffiti in the city shall have the duty to remove the same within 24 hours after notice by the city or the public or private owner of the relevant property.

(2) When the city manager or designee determines that graffiti is located on publicly or privately owned property within the city so as to be capable of being viewed from any public right-of-way or other property in the city, the city manager or designee is authorized to provide for the removal of the graffiti solely at the city's expense, without reimbursement from the property owner upon whose property the graffiti has been applied upon the following conditions:

(a) In removing the graffiti, the painting and/or repair of an area more extensive than where the graffiti is located shall not be authorized, except where the property is city-owned and the city manager or designee determines that a more extensive area is to be repainted and/or repaired, or where the private property owner or other public entity property owner agrees to pay for the costs of repainting and/or repairing a more extensive area.

(b) Where the property is owned by a public entity other than the city, the removal of the graffiti may be authorized only after securing the consent

of the public entity having jurisdiction over the structure and release of the city from liability.

(c) When the property is privately owned, the repainting and/or repairing of the property by city employees, agents, or volunteers or by a private contractor under direction of the city may be authorized only after securing the written consent of the owner or possessor and release of the city from liability by that owner or possessor.

(3) If a private property owner's consent cannot be obtained and/or the owner has not removed the graffiti within five calendar days after notice is given, as set forth below, then the city may remove graffiti that is located on privately owned property located within the city at the owner's expense as a public nuisance pursuant to the following options:

(a) The city manager or designee shall cause written notice to be served upon the owner of the affected premises, as such owner's name and address appears on the last equalized assessment roll or the supplemental roll, whichever is more current, by depositing the notice with the United States Postal Service enclosed in a sealed envelope with first-class postage thereon, fully prepaid. The mailed notice shall be addressed to the owner as stated above, and if there is no known address for such owner, then in care of the property address. Service shall be complete at the time of deposit with the United States Postal Service. The failure of any person to receive such notice shall not affect the validity of any proceeding hereunder. The owner shall have five calendar days after the date of service of the notice to remove the graffiti or be subject to city removal of the graffiti. The costs of such abatement will be assessed upon the owner's property and will constitute a lien upon the land until paid.

(b) The notice shall be on city letterhead in substantially the following form:

NOTICE OF INTENT TO REMOVE GRAFFITI

NOTICE IS HEREBY GIVEN that you are required at your expense to remove or paint over the graffiti located on the property commonly known as (address), Cudahy, which is visible to public view within five (5) calendar days from the date of this notice. The graffiti is visible to public view and therefore constitutes a public nuisance. If you fail to comply with this order, City employees or private City contractors will enter upon your property and abate the public nuisance by the removal or painting over of the graffiti, or other appropriate abatement methods. The costs of such abatement by the City employees or its private contractors, if not paid by you to the City, will be assessed upon your property and such costs will constitute a lien upon the land until paid.

All persons having any objections to, or in interest in, said matters are hereby notified to submit any and all objections to the City Manager or designee within five (5) calendar days from the date of this notice.

At the conclusion of this five (5) day calendar period, the City may proceed with the abatement of graffiti on your property at your expense without further notice.

(c) Service of the notice by the city manager or designee shall be made on the day the notice is dated, the original of which shall be filed with the city clerk.

(d) If any objections are submitted to the city manager within five days after the date appearing on the notice of intent to remove graffiti, the city manager or designee shall hold a hearing regarding such objections. If the city manager or designee overrules such objections, the owner shall have five calendar days from the date of the decision to remove the graffiti. The relevant property owner may appeal the decision of the city manager or designee to the planning commission by filing a written appeal with the city clerk within five calendar days of the decision to have the case reviewed by the planning commission, which shall hold a hearing on such appeal as soon as reasonably practicable. If the relevant property owner is dissatisfied with the planning commission's determination of his or her appeal, the relevant property owner may appeal the decision to the city council by filing a written appeal with the city clerk within five calendar days of the planning commission decision to have the case reviewed by the city council. The city council's decision on such appeal shall be final.

(e) If no objections are submitted as set forth in subsection (3)(d) of this section, or if the objections are overruled following a hearing, and if the

owner fails to remove or fails to cause the graffiti removed by the designated date, or such continued date thereafter as the city manager or designee approves, then the city manager or designee shall cause the graffiti to be abated by city forces or private contract, and the city or its private contractor is expressly authorized to enter upon the premises for such purposes.

(f) Should the city manager or designee be required to abate the graffiti as set forth in this subsection (3), he or she shall follow the procedures set forth in CMC 9.12.110 or 9.12.120 to seek reimbursement for all abatement and related administrative costs or to place a lien against the property or special assessment against the land. (Ord. 632 § 2, 2013).

9.12.090 Reward.

(1) Pursuant to Government Code Section 5309.5, the city may offer a reward as determined by the city manager, after consultation with local law enforcement, for information leading to the arrest and conviction of any person whose willful misconduct results in the damage or destruction of any personal or real property under any provision of this chapter, not to exceed one reward of $500.00 per violation. In the event of multiple contributors of information for a single violation, the reward amount shall be divided by the city in the manner deemed appropriate by the city manager. For the purposes of this section, diversion of the offending violator to a community service program, or a plea bargain to a lesser offense, shall constitute a conviction.

(2) Claims for rewards under this section shall be filed, processed, and paid in accordance with procedures established by the city manager and approved by the city council.

(3) Claims for rewards under this section shall be filed with the city. Each claim shall:

(a) Specifically identify the date, location, and kind of property damaged or destroyed.

(b) Identify, by name, the person who was convicted of or who confessed to the damage or destruction of the property.

(c) Identify the court and the date upon which the conviction occurred or the place and the date of the confession.

(d) No claim for a reward shall be allowed by the city council unless the city manager or designee investigates and verifies the accuracy of the claim and recommends that it be allowed. The investigation must determine that the claimant's information was relevant and directly responsible for the arrest and conviction of the suspect.

(e) Any responsible party who has caused the relevant graffiti shall be liable for the amount of any reward paid pursuant to this section.

(f) No city employee or official shall be eligible for a reward made pursuant to this section. (Ord. 632 § 2, 2013).

9.12.100 Minor and parental responsibility for graffiti violations.

(1) Pursuant to Government Code Section 38772, the city council hereby makes the expense of the city's abatement of graffiti violations of law committed by a minor:

(a) A joint and several personal obligation of both the minor causing the graffiti nuisance and the parent(s) or legal guardian(s) having custody and control of the minor; and

(b) A lien against the property of the parent(s) or legal guardian(s) having custody and control of the minor.

(2) Pursuant to Government Code Section 38772(c), the county probation officer shall report the names and addresses of the parent(s) or legal guardian(s) having custody and control of a minor responsible for a violation of this chapter to the city clerk. (Ord. 632 § 2, 2013).

9.12.110 Lien assessment procedure.

(1) Pursuant to Government Code Sections 38772, 38773, 38773.2, 38773.6, and/or 38773.7, the city shall be legally entitled to recover and collect abatement and related administrative costs incurred in the summary abatement of graffiti nuisances from the property owner maintaining the nuisance, as determined by the last equalized assessment roll or the supplemental roll, whichever is more current, and/or the minor or other person creating, causing, or committing the nuisance. The parent(s) or guardian(s) having custody and control of a minor shall be jointly and severally liable with the minor. (Hereinafter, the property owner maintaining the nuisance, as determined by the last equalized assessment roll or causing, or committing the nuisance and the parent(s) or guardian(s)

having custody and control of a minor shall be referred to as the "nuisance party.")

(a) Should the city manager or designee abate any graffiti as set forth in this chapter, he or she shall thereafter prepare a statement of all abatement and related administrative costs to determine the actual costs of abatement. The statement of abatement and administrative costs shall be sent to the nuisance party via the United States Postal Service, certified mail, postage thereon fully prepaid. Unless appealed as set forth below, the notified nuisance party shall pay to the city the full costs of abatement within 30 calendar days from the mailing of said notice. If the costs of abatement are paid for by the property owner maintaining the nuisance and also by the minor or other person creating, causing, or committing the nuisance and/or the parent(s) or guardian(s) having custody and control of the minor, amounts paid in excess of the actual costs of abatement shall be reimbursed to the property owner liable for maintaining the nuisance.

(b) If the applicable nuisance party desires to appeal the assessment, the party may do so by requesting an informal hearing before the city manager or designee in writing within 10 calendar days from mailing of the statement of abatement and administrative costs. Following the informal hearing, the city manager or designee shall then render a final decision on the assessment in writing within 10 calendar days and mail the same by first class mail, postage prepaid, to the nuisance party.

(c) The affected nuisance party shall then have 10 calendar days from the date of mailing to appeal this decision to the city council. The appeal shall be in writing.

(d) The proposed assessment, if not paid in full, shall be calendared for approval by the city council, whether or not an appeal has been filed.

(e) Notice of the date and time of the city meeting for which the proposed assessment has been calendared for approval and/or appeal shall be sent to the nuisance party via the United States Postal Service, first class mail, postage thereon fully prepaid.

(f) The failure of the city to transmit to any nuisance party or of any nuisance party to receive any notice provided pursuant to this section shall not affect the validity of any proceeding in this section, including the liability of any other notified nuisance party to pay the costs of abatement and related administrative costs.

(2) The city council shall have the authority to adopt a resolution confirming the lien assessment, which, following adoption, shall be recorded by the city clerk in the county recorder's office in which the parcel of land is located, pursuant to Government Code Sections 38773.1(c), 38773.2(c), and/or 38773.6 after the notice of lien has been served on the nuisance party. From the date of recording, the lien shall have the force, effect, and priority of a judgment lien.

(3) Pursuant to Government Code Sections 38773.1(c)(1) and/or 38773.2(d), the resolution confirming the abatement lien shall specify the amount of the lien; the name of the agency on whose behalf the lien is imposed, the date of the abatement order; the street address, legal description, and assessor's parcel number; and the name and address of the record owner of the parcel.

(4) (a) Following the adoption of a resolution by the city council confirming the imposition of a lien upon the nuisance party's property, and prior to the recordation of the lien, the city manager or designee shall cause to be served a notice of lien upon the nuisance party. The notice of lien for purposes of this section shall be in substantially the following form:

NOTICE OF LIEN

(Claim of the City of Cudahy)

Pursuant to Government Code sections 38772, 38773, 38773.1, 38773.2, 38773.5, 38773.6, and/or 38773.7, and the authority of Chapter 9.12 of the Cudahy Municipal Code, the City Manager of Cudahy did on or about the day of (date), (year), cause the abatement of graffiti at the premises hereinafter described in the (date), (year), order to abate a public nuisance on said real property; and the City Council of the City of Cudahy did on the (day) of (month), (year), assess the cost of such abatement upon the real property hereinafter described; and the same has not been paid nor any part thereof; and the City of Cudahy does hereby claim a lien for such costs of abatement in the amount of the assessment, to wit: the sum of _____ Dollars (amount); and the same shall be a

lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land laying and being in the City of Cudahy, County of Los Angeles, State of California, and particular as follows:

(street address, legal description, and assessors parcel number)

The record owner of the real property hereinbefore mentioned is (name), (address of the record owner).

DATED this (day) day of (month), (year)

City of Cudahy, California

(b) The notice of lien shall be served on the nuisance party in the same manner as a summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the person to be served, after diligent search, cannot be found, the notice of lien may be served by posting a copy of the notice upon the property owned by the nuisance party, in a conspicuous place, for a period of 10 calendar days. The notice shall also be published pursuant to Government Code Section 6062 in a newspaper of general circulation that is published in the jurisdiction. The period of notice commences upon the first day of publication and terminates at the end of the tenth day, including therein the first day. Publication shall be made on each day on which the newspaper is published during that period. (Ord. 632 § 2, 2013).

9.12.120 Alternate procedure/special assessment against land.

As an alternate to the lien abatement procedure, the city council also establishes the following nuisance abatement procedure, in accordance with Government Code Section 38773.6, to make the cost of abatement a special assessment against real property owned by a nuisance party. To establish such an abatement special assessment against land, the same procedural steps as set forth in CMC 9.12.110(1) through (4) and the notice requirements of Government Code Section 38773.5, as such section may be periodically amended, shall be followed, except that in any required notices and/or documents, the term "lien" shall be replaced with the term "special assessment." The assessment against the land shall also be collected at the same time and in the same manner as municipal taxes. (Ord. 632 § 2, 2013).

9.12.130 Misdemeanor criminal offense.

In addition to any other administrative, civil, or other fines, and/or penalties provided under this code and/or state law, any violation of this chapter shall be a misdemeanor offense punishable by a fine of not more than $1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment, in accordance with CMC 1.36.010. (Ord. 632 § 2, 2013).

9.12.140 Administrative fines.

(1) In addition to any other administrative, civil, or other fines, and/or penalties provided under this code and/or state law, any person who violates any provision of this chapter shall be subject to the imposition and payment of an administrative fine or fines in the amount of $1,000, per violation, in accordance with Government Code Section 53069.4.

(2) Any recipient of an administrative citation pursuant to this section may contest that there has been a violation of this section or that he or she is responsible by submitting a written request for a hearing to the city clerk within 10 calendar days from the date of issuance of the administrative citation.

(3) A person requesting the hearing shall be notified of the time and place set for the hearing at least 10 calendar days prior to the date of the hearing.

(4) A hearing before a hearing officer shall be set for a date that is not less than 15 days and not more than 60 days from the date that the request for hearing is filed in accordance with the provisions of this section.

(5) At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present oral and documentary evidence concerning the administrative citation.

(6) The hearing officer for such administrative hearing shall demonstrate the qualifications, training and objectivity prescribed by the city manager or designee as necessary and which are consistent with the duties and responsibilities of such hearing officer.

(7) After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the administrative citation and shall list the reasons for that decision. The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision within 10 calendar days of the issuance of such decision.

(8) A person dissatisfied with the decision of the hearing officer, regarding his or her appeal, may appeal the hearing officer's decision to the planning commission by filing a written appeal with the city clerk within 15 calendar days of the issuance of the hearing officer's decision. The planning commission shall hold a hearing on such appeal as soon as reasonably practicable.

(9) A person dissatisfied with the decision of the planning commission, regarding his or her appeal, may appeal the planning commission's decision to the city council by filing a written appeal with the city clerk within 15 calendar days of the issuance of the hearing officer's decision. The city council shall hold a hearing on such appeal as soon as reasonably practicable. The city council's decision on such appeal shall be final. (Ord. 632 § 2, 2013).

9.12.150 Civil liability of parents.

In addition to pursuing administrative fines and/or penalties and/or criminal charges for violations of this chapter, the city attorney may (1) file civil complaints against the parent(s) or legal guardian(s) of a minor who defaces public or private property; and (2) seek recovery for the property damage, cost of graffiti removal, abatement expenses, law enforcement investigative costs, as well as city attorney fees and costs, up to the amount authorized and periodically adjusted pursuant to Civil Code Section 1714.1(a) through (d) for each tort of the minor. Pursuant to that section, any act of willful misconduct of a minor, which results in the defacement of property in violation of this chapter is imputed to the parent(s) or guardian(s) having custody and control of the minor for all purposes of civil damages, including court costs, and attorneys' fees, and the parent(s) having custody and control is jointly and severally liable with the minor for any damages resulting from the willful misconduct of the minor, not to exceed the amount specified above. (Ord. 632 § 2, 2013).

9.12.160 Recovery of attorneys' fees.

Pursuant to Government Code Section 3877.5(b), the city may recover attorneys' fees in any action, administrative proceeding, or special proceeding to abate a violation of this chapter, as such violation constitutes a public nuisance. The recovery of attorneys' fees shall be by the prevailing party and limited to those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to the prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding. (Ord. 632 § 2, 2013).

9.12.170 Alternate actions.

Nothing in this chapter shall be deemed to prevent the city from commencing an administrative, civil and/or criminal proceeding to abate a public nuisance or any violation of this chapter or from pursuing any other means available to it under provisions of applicable ordinances or state law in addition to, or as alternatives to, the proceedings set forth herein. (Ord. 632 § 2, 2013).

9.12.180 Community service.

(1) Upon conviction of any person for violation of CMC 9.12.030, 9.12.040, 9.12.050, or any state law pertaining to vandalism of property with a graffiti implement, the city may petition the sentencing court to impose community service time, pursuant to Penal Code Section 640.6. The sentencing court may require the performance of community service within the city in addition to any monetary penalties imposed. If the sentencing court approves community service, the city may request any adult or emancipated minor convicted of vandalism, as defined by Penal Code Section 594(a)(1), to:

(a) Complete a minimum of 24 hours, but no more than 48 hours, of community service cleaning

up, removing, and repairing property damaged by graffiti for the first conviction; and

(b) Complete 48 hours, but no more than 96 hours, of community service cleaning up, removing, and repairing property damaged by graffiti for each subsequent conviction.

(2) Any person who is under the age of 18 when he or she violates any provision of this chapter or any state law pertaining to vandalism of property with a graffiti implement, and is found to be a person described in Welfare and Institutions Code Section 602 by reason of the commission of vandalism, may be required to perform community service time pursuant to Welfare and Institutions Code Section 729.1. For any minor adjudicated guilty of vandalism, the city may petition the juvenile court and the court may, in addition to any other penalties imposed by the city, require the unemancipated minor to provide the necessary labor to clean up, repair, or replace defaced, damaged, or destroyed property, or otherwise make restitution to the property owner.

(3) If a minor is personally unable to pay any fine levied for violating any provision of this chapter or is otherwise unable to make restitution for damages, the minor's parent or legal guardian shall be liable for payment of the fine or restitution. If the parent or legal guardian cannot make restitution, the sentencing court may waive payment of the fine or community service time by the parent or legal guardian upon finding of good cause. If the sentencing court waives payment of the fine by the parent or legal guardian, the city may petition the sentencing court, and the court, at the court's option, may order the parent or legal guardian to provide the necessary labor, equal to the number of hours assigned to the minor adjudicated guilty of violating any provision of this chapter, to clean up, repair, or replace property damaged by the unemancipated minor. (Ord. 632 § 2, 2013).

9.12.190 Suspension or delay of driving privileges.

For each conviction of a person aged 13 to 21 for violation of CMC 9.12.030, 9.12.040, 9.12.050 or any state law pertaining to vandalism of property with a graffiti implement, the city may petition the sentencing court to suspend existing driving privileges or delay the issuance of driving privileges in accordance with Vehicle Code Section 13202.6. (Ord. 632 § 2, 2013).

9.12.200 Land use permits.

In approving tentative or parcel maps, conditional use permits, variances, or other similar land use entitlements, the city shall impose conditions reasonably related to the mitigation of the impacts of graffiti. Such conditions may include, but are not limited to:

(1) Developer shall apply an anti-graffiti material of a type and nature that is acceptable to the city manager to each surface viewable by the public on the improvements to be constructed on the site deemed by the city manager or designee to be likely to attract graffiti ("graffiti attracting surfaces").

(2) Developer shall grant to city a covenant upon the subject property or properties for the right of ingress and egress to such property upon 48 hours of posting of notice by authorized city employees or agents of the city for the purpose of removing or abating graffiti from graffiti attracting surfaces, and for the right to remove such graffiti.

(3) Developer shall provide the city with sufficient matching paint and/or anti-graffiti material for use in the painting over or removal of designated graffiti attracting surfaces for as long as the developer owns the property.

(4) Developer shall provide, either as part of the conditions, covenants and restrictions, or as separate covenants recorded against individual lots, prior to resale of the same property or land, a covenant to run with the land and be for the benefit of the city, in a form satisfactory to the city, that the owner of the lots shall immediately remove any graffiti placed thereon. (Ord. 632 § 2, 2013).

Title 10

VEHICLES AND TRAFFIC

Chapters:

10.04 Traffic Code
10.08 Parking Citation Processing
10.12 Violations
10.16 Bicycles

Editor's Note: 2002 Code Chapter VIII was amended in its entirety by Ordinance No. 481. Prior ordinances codified herein include portions of Ordinance Nos. 86, 262, 266, 279, 334, 392, 393, 396, 421, 429 and 477.

Chapter 10.04

TRAFFIC CODE

Sections:

10.04.010 Adoption of Title 15 of the Los Angeles County Code.
10.04.015 Regulations for removal or impoundment of vehicles.
10.04.020 Vehicle weight limits.
10.04.030 Vehicle weight limits – Exceptions.
10.04.040 All-night parking – Exceptions.
10.04.050 Municipally owned off-street parking facilities – Restricted parking.
10.04.060 Driving on public property and in parks.
10.04.070 Election day polling place parking.
10.04.080 Curb markings to indicate no stopping and parking regulations.
10.04.090 Unlawful parking – Peddlers, vendors.

10.04.010 Adoption of Title 15 of the Los Angeles County Code.

(1) Except as hereinafter amended, Title 15 of the Los Angeles County Code, entitled "Vehicles and Traffic," as that title was effective on September 1, 1993, is hereby adopted by reference as the traffic and parking ordinance of the city of Cudahy and may be cited as such.

(2) One copy of Title 15 of the Los Angeles County Code is on deposit 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. References to division, chapter and section numbers and amendments to this chapter are declared to be references to the division, chapter and section numbers contained in Title 15 of the Los Angeles County Code unless otherwise specified. References in Title 15 to the "Commissioner" shall be deemed to refer instead to the city manager or the city manager's designee.

(3) Chapter 15.16 of Title 15, entitled "Highway Safety Commission," is hereby repealed.

(4) Section 15.76.130 of Title 15 is hereby amended to read as follows:

> 15.76.130 Washing vehicles in highway. A person shall not dust, wipe, wash, or polish or otherwise clean, use or employ any method of dusting, wiping, washing or otherwise cleaning or polishing any vehicle or portion thereof while on any highway.

(Ord. 481 § 1. 2002 Code § 8-1).

10.04.015 Regulations for removal or impoundment of vehicles.

(1) Pursuant to Section 22655.5(a) of the California Vehicle Code, a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may remove a motor vehicle from the highway or from public or private property within the city and have same stored for a period not to exceed 30 calendar days, if the peace officer has probable cause to believe that the vehicle was being operated or occupied for the purpose of cruising (as prohibited by this chapter).

(2) When a vehicle has been removed and stored "impounded" pursuant to Section 15.78.10 of the Los Angeles County Vehicle Code, the police chief or his designee shall provide the vehicle's registered and legal owners as reflected on the most current Department of Motor Vehicles registration records, or their agents, with the opportunity for a post-storage hearing to determine the validity of the storage, or to consider mitigating circumstances attendant to the impoundment.

(3) A notice of the impoundment shall be mailed (via certified mail, return receipt) at the address listed on the most current Department of Motor Vehicles registration records or personally delivered to the registered and legal owners within 48 hours, excluding weekends and holidays, and shall include all of the following information:

(a) The name, address, and telephone number of the agency providing the notice;

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number and the mileage;

(c) The authority and purpose for the removal of the vehicle, and the time of impoundment not to exceed 30 days; and

(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone to the agency providing the notice or in any other manner required in the notice within 10 days of the date appearing on the notice.

(4) The failure of the registered or legal owners to receive notice properly served in accordance with this section at the addresses listed on the most current Department of Motor Vehicles registration records, or the failure to notify any person with legal interest in the vehicle that is not listed in the most current Department of Motor Vehicles registration records, does not constitute defective service and shall not be a bar to the impoundment procedures set forth in this chapter.

(5) The post-storage hearing shall be conducted by the police chief or his designee within 48 hours of the request excluding weekends and holidays. In no circumstances may the hearing officer be the same person who directed the impoundment of the vehicle.

(6) No vehicle impounded pursuant to this section shall be released without presentation of the registered owner's or agent's currently valid driver's license to operate the vehicle and proof of current registration and liability insurance in the limits as required by law, or upon order of a court.

(7) The registered owner or his or her agent is responsible for all towing and storage charges related to the impoundment in accordance with Section 22650.5 of the California Vehicle Code.

(8) Pursuant to Section 22655.5(d) of the California Vehicle Code, in any prosecution of the crime for which a vehicle was impounded pursuant to this section, the prosecutors may request, and the court may order, the perpetrator of the crime, if convicted, to pay the costs of towing and storage of the vehicle, and any administrative charges in accordance with Section 22859.5 of the California Vehicle Code.

(9) The notice and hearing provisions of this section shall not apply to vehicles impounded for other violations of law and/or other reasons consistent with local or state law. Other administrative procedures are provided for other impoundments. (Ord. 609 § 1, 2009).

10.04.020 Vehicle weight limits.

(1) Notwithstanding the provisions of CMC 10.04.010, no vehicle exceeding 6,000 pounds in gross unladen weight, except a vehicle which is subject to the provisions of Section 1031 through 1036 of the California Public Utilities Code, may be used, operated, towed, driven on or across, or parked on property on or adjacent to the following streets:

(a) Live Oak, Elizabeth, Clara and Santa Ana Streets from the east city limits to the west city limits;

(b) Otis Street from the north city limits to the south city limits;

(c) Cecelia Street from Wilcox Avenue to Ferndale Avenue;

(d) The entire length of Ferndale Avenue;

(e) Cecelia Street and Fostoria Street from Ferndale Avenue to the east city limits;

(f) Wilcox Avenue from the north city limits to Cecelia Street;

(g) Walnut Street from Otis Avenue to the west city limits;

(h) Flower Street from Otis Avenue to the west city limits;

(i) Hartle Street from Atlantic Avenue to Otis Avenue; and

(j) Bear Avenue from the north city limits to Flower Street.

(2) Every person who violates this section shall be punished by a fine equal to the amount specified in California Vehicle Code Section 42030(a); however, in no event shall such fine be less than $100.00 nor more than $500.00. (Ord. 481 § 1. 2002 Code § 8-2).

10.04.030 Vehicle weight limits – Exceptions.

Notwithstanding the provisions of CMC 10.04.010 and 10.04.020, the provisions of CMC 10.04.020 shall not be applicable to the use of the streets therein listed by a vehicle when it is necessary for a vehicle to travel over such streets for the purpose of delivering materials to be used in the actual and bona fide conduct of a business located on such street or repair, alteration, remodeling, or construction of any building or structure located upon such streets and for which a building permit has previously been obtained and is in full force and effect. The provisions of CMC 10.04.020 shall not be effective until appropriate signs have been erected. (Ord. 481 § 1. 2002 Code § 8-3).

10.04.040 All-night parking – Exceptions.

(1) Notwithstanding the provisions of CMC 10.04.010, the operator of any vehicle shall not park such vehicle on any highway, street, alley, or public way or public place between the hours of

3:00 a.m. and 6:00 a.m. on any day, except as otherwise provided in this section.

(2) The prohibitions of this section shall not apply to any vehicle which has attached thereto an all-night parking permit validly issued by the sheriff or director of building and public services. Such permits shall be issued only in the case of genuine emergencies. All-night parking permits shall be issued for a period not to exceed 24 hours; provided, however, upon application therefor, such permits may be extended an additional 24 hours. No more than three such extensions shall be granted. (Ord. 481 § 1. 2002 Code § 8-4).

10.04.050 Municipally owned off-street parking facilities – Restricted parking.

Notwithstanding the provisions of CMC 10.04.010, it shall be unlawful for any person to stop, park or leave standing any vehicle on any municipally owned or operated off-street parking facility at any place, location or stall thereon where a conspicuous sign has been erected indicating that said place, location or stall is reserved for a particular individual, officer, or employee. (Ord. 481 § 1. 2002 Code § 8-5).

10.04.060 Driving on public property and in parks.

Notwithstanding the provisions of CMC 10.04.010, no person shall drive or operate any motor vehicle, motorcycle, motor scooter, or bicycle on the grounds of any public property or park except in an area designated as a parking area. The city manager may issue permits to operate vehicles on such grounds in connection with special events and programs conducted thereon. (Ord. 481 § 1. 2002 Code § 8-6).

10.04.070 Election day polling place parking.

Notwithstanding the provisions of CMC 10.04.010, the operator of any vehicle shall not park such vehicle for a period of time in excess of 20 minutes upon any portion of any highway, street, or public way within 200 feet of a polling place between the hours of 7:00 a.m. and 8:00 p.m. on any election day. (Ord. 481 § 1. 2002 Code § 8-7).

10.04.080 Curb markings to indicate no stopping and parking regulations.

Notwithstanding the provisions of CMC 10.04.010, the following curb markings shall have the meanings as herein set forth unless otherwise specified by appropriate adjacent signage or painted curb legends:

(1) Red shall mean no stopping, standing or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone.

(2) Green shall mean no standing or parking for a period of time longer than 20 minutes.

(3) Yellow shall mean no stopping, standing or parking at any time between 8:00 a.m. and 4:00 p.m. of any day except Sundays and holidays for any purpose other than the loading or unloading of passengers or materials; provided, that the loading or unloading of passengers shall not consume more than three minutes nor the loading or unloading of materials more than 20 minutes.

(4) White shall mean no stopping, standing or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mail box, which shall not exceed three minutes and such restrictions shall apply between 6:00 a.m. and 4:00 p.m. of any day except Sundays and holidays and except as follows:

(a) When such zone is in front of a hotel or in front of a mail box, the restrictions shall apply at all times.

(b) When such zone is in front of a theater, the restrictions shall apply at all times except when such theater is closed. (Ord. 539 § 1; Ord. 481 § 1. 2002 Code § 8-8).

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10.04.090 Unlawful parking – Peddlers, vendors.

Notwithstanding the provisions of CMC 10.04.010:

(1) Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any streets within this city except that such vehicles, wagons or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed 10 minutes at any one place. The provisions of this section shall not apply to persons delivering such articles upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution.

(2) No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the city staff which shall designate the specific location where such vehicle may stand.

(3) No person shall park or stand, on any street or at any curb within this city, any vehicle, wagon or cart upon which has been placed or erected any advertising structure, sign or display for the primary purpose of directing public attention to a place of business, or advertising the sale of services or merchandise at a place of business. (Ord. 481 § 1. 2002 Code § 8-9).

Chapter 10.08

PARKING CITATION PROCESSING

Sections:

10.08.010 Title.
10.08.020 Definitions.
10.08.030 Authority to contract with outside agencies.
10.08.040 Authority to conduct administrative review process – Hearing officer – Procedures.
10.08.050 Process by which parking citations must be issued.
10.08.060 Parking penalties.
10.08.070 Parking penalties received by date fixed – No contest – Request to contest.
10.08.080 Parking penalties not received by date fixed.
10.08.090 Notice of delinquent parking violation – Contents.
10.08.100 Copy of citation upon request by registered owner.
10.08.110 Affidavit of nonliability – Leased or rented vehicle.
10.08.120 Affidavit of nonliability – Sale.
10.08.130 Contesting parking citation – Procedure.
10.08.140 Collection of unpaid parking penalties.
10.08.150 Obligation of processing agency once parking penalty paid.
10.08.160 Deposit of parking penalties with the city.
10.08.170 Filing of annual reports.

10.08.010 Title.

This chapter shall be known as the parking citation processing ordinance of the city of Cudahy. (2002 Code § 8-10.1).

10.08.020 Definitions.

Except where the context otherwise requires, the definitions provided in this section shall govern the construction of this chapter.

(1) "Administrative policy" shall mean a policy which establishes procedures for the implementation of Chapters 10.04 through 10.12 CMC and is approved by the city manager.

(2) "City" shall mean and at all times refer to the city of Cudahy.

(3) "Contestant" shall mean any operator or registered owner as defined in this section who contests a parking citation.

(4) "Department" shall mean the Department of Motor Vehicles.

(5) "Hearing examiner" shall mean any individual selected by the issuing agency's governing body or chief executive officer to adjudicate parking citation contests.

(6) "Issuing agency" shall mean the city or its authorized agent that issues parking citations or any other agency authorized by law to issue parking citations.

(7) "Issuing officer" shall mean any officer who is authorized by law to issue parking citations.

(8) "Operator" shall mean any individual driving or in possession of a vehicle at the time a citation is issued or the registered owner of the vehicle.

(9) "Parking citation" shall mean a notice that is personally given or mailed to the operator, or attached to the operator's vehicle, informing the operator of a parking, equipment or other vehicle violation and the operator's obligation to pay the parking penalty for the violation or to contest the citation.

(10) "Parking penalty" includes, but is not limited to, the parking penalty for the particular violation, as well as late payment penalties, administrative fees, assessments, costs of collection as provided by law, and other related fees.

(11) "Processing agency" shall mean the city or an authorized agent of the city that processes parking citations and issues notices of delinquent parking violations on behalf of the city.

(12) "Registered owner" shall mean the individual or entity whose name is recorded with the Department of Motor Vehicles as having ownership of a particular vehicle.

(13) "Vehicle" shall have the meaning ascribed to that term by Section 670 of the California Vehicle Code as that section now exists or shall hereafter be amended.

(14) "Violation" shall mean any parking, equipment or other vehicle violation as established pursuant to state law or local ordinance.

(15) "Working day" shall mean any business day during which the administrative office of the processing agency is open to the general public for business. (Ord. 488 § 1; Ord. 481 § 1. 2002 Code § 8-10.2).

10.08.030 Authority to contract with outside agencies.

The city may issue and process parking citations and notices of delinquent parking violations, or it may enter into a contract with a private parking citation processing agency or with another city, county, or other public issuing or processing agency so to do.

Any contract entered into pursuant to this section shall provide for monthly distribution of amounts collected between the parties, except amounts payable to the county pursuant to Chapter 12 (commencing with Section 76000) of Title 8 of the California Government Code, or any successor statutes thereto, and amounts payable to the Department pursuant to California Vehicle Code Section 4763, or any successor statute thereto. (Ord. 481 § 1. 2002 Code § 8-10.3).

10.08.040 Authority to conduct administrative review process – Hearing officer – Procedures.

The processing agency may review appeals or other objections to a parking citation pursuant to the procedures set forth in this section.

(1) For a period of 21 days from the issuance of a parking citation, or 10 days from the mailing of a notice of delinquent parking citation, an operator may request initial review by the processing agency. The request for initial review may be made in writing, by telephone, or in person.

(2) The initial review by the processing agency shall consist of those procedures outlined in CMC 10.08.130(1)(a).

(3) If the operator is dissatisfied with the results of the initial review, the operator may contest the parking citation or notice of delinquent parking violation through an administrative hearing review process as outlined in CMC 10.08.130(2)(a).

In order to contest the parking citation, the operator must deposit with the processing agency the full amount of the parking penalty on or before the fifteenth day following the mailing to that operator of the results of the processing agency's initial review. At the same time, the operator must provide a written explanation of the reason or reasons for contesting the parking citation on a form pro-

vided by the processing agency. If the operator is unable to deposit the full amount of the parking penalty, the operator must provide verifiable and substantial proof of an inability to deposit the parking penalty. Upon presentation of such proof, the processing agency shall proceed with the contest procedure despite the operator's failure to deposit the full amount of the parking penalty. If it is ultimately determined that the operator is not liable for the parking violation, then the full amount of the parking penalty deposited shall be refunded.

The contestant may contest the parking citation either by written declaration, on forms provided by the processing agency, or by personal appearance before a hearing examiner.

(4) Notwithstanding the provisions of subsection (3) of this section, if the vehicle has been immobilized or impounded for unpaid parking citations, the processing agency shall permit the registered owner of the vehicle to contest the parking citations upon which the seizure was based, without requiring a deposit of the parking penalty; provided, that the vehicle remains under the control of the immobilizing or impounding agency.

(5) The processing agency shall provide, through the administrative policy, procedures for contesting parking citations and notices of delinquent parking violations. The administrative policy shall be approved by the city manager, notice of its approval shall be posted or published, and a copy thereof shall be available to the public in the office of the city clerk. (Ord. 481 § 1. 2002 Code § 8-10.4).

10.08.050 Process by which parking citations must be issued.

Parking citations shall be issued in accordance with the following procedures:

(1) If a vehicle is unattended at the time that the parking citation is issued for a parking violation, the issuing officer shall securely attach to the vehicle the parking citation setting forth the violation, including reference to the section of the California Vehicle Code, the Cudahy Municipal Code, or other parking regulation violated; the approximate time of the violation; the location of the violation, and the date by which the operator is to deposit the parking penalty or contest the parking citation pursuant to CMC 10.08.130. The citation shall state the amount of the parking penalty and the address of the agent authorized to receive deposit of the parking penalty.

The parking citation shall also set forth the vehicle license number and registration expiration date, if such date is visible; the last four digits of the vehicle identification number, if that number is visible through the windshield; the color of the vehicle; and, if possible, the make of the vehicle.

(2) The parking citation, or copy thereof, shall be considered a record kept in the ordinary course of business of the issuing agency and the processing agency, and shall be prima facie evidence of the facts contained therein.

(3) Once the parking citation is prepared and attached to the vehicle pursuant to subsection (1) of this section, the issuing officer shall file notice of the parking violation with the processing agency.

(4) If during issuance of the parking citation, without regard to whether the vehicle was initially attended or unattended, the vehicle is driven away prior to attaching the parking citation to the vehicle, the issuing officer shall file the notice with the processing agency. The processing agency shall mail, within 15 days of issuance of the parking citation, a copy of the parking citation to the registered owner.

(5) If after a copy of the parking citation is attached to the vehicle, or personally given to the operator, the issuing agency or the issuing officer determines that the issuing officer was in error in issuing the parking citation, the issuing officer or the issuing agency may recommend, in writing, that the parking citation be canceled. The recommendation shall state the reason or reasons for cancellation and shall be filed with the processing agency.

Under no circumstance shall a personal relationship with any public official, officer, issuing officer, or law enforcement agency be grounds for cancellation.

(6) If a processing agency makes a finding that there are grounds for cancellation as set forth in the administrative policy, or pursuant to any other basis provided by law, then the finding or findings shall be filed with the processing agency, and the parking citation shall be canceled pursuant to CMC 10.08.130(1)(a). (Ord. 481 § 1. 2002 Code § 8-10.5).

10.08.060 Parking penalties.

(1) Parking penalties shall be established by ordinance or resolution of the city council.

(2) All parking penalties received by the processing agency shall accrue to the benefit of the city. (Ord. 481 § 1. 2002 Code § 8-10.6).

10.08.070 Parking penalties received by date fixed – No contest – Request to contest.

If the payment of the parking penalty is received by the processing agency and there is no contest by the date fixed on the parking citation, all proceedings as to that parking citation shall terminate.

If the operator contests the parking citation, the processing agency shall proceed in accordance with CMC 10.08.130. (Ord. 481 § 1. 2002 Code § 8-10.7).

10.08.080 Parking penalties not received by date fixed.

If payment of the parking penalty is not received by the processing agency by the date fixed on the parking citation, the processing agency shall deliver to the registered owner a notice of delinquent parking violation pursuant to CMC 10.08.090.

Delivery of a notice of delinquent parking violation may be made by personal service or by first class mail addressed to the registered owner of the vehicle as shown on the records of the Department. (Ord. 481 § 1. 2002 Code § 8-10.8).

10.08.090 Notice of delinquent parking violation – Contents.

A notice of delinquent parking violation shall contain the information required to be included in a parking citation pursuant to CMC 10.08.050. The notice of delinquent parking violation shall also contain a notice to the registered owner that, unless the registered owner pays the parking penalty or contests the citation within 10 days after mailing the notice of delinquent parking violation or completes and files an affidavit of nonliability that complies with CMC 10.08.110 or 10.08.120, the vehicle registration will not be renewed until the parking penalties have been paid. In addition, the notice of delinquent parking violation shall contain, or be accompanied by, an affidavit of nonliability and information of what constitutes nonliability, information as to the effect of executing an affidavit, and instructions for returning the affidavit to the issuing agency.

If the parking penalty is paid within 10 days after the mailing of the notice of delinquent parking violation, no late penalty or similar fee shall be charged to the operator. (Ord. 481 § 1. 2002 Code § 8-10.9).

10.08.100 Copy of citation upon request by registered owner.

(1) Within 15 days of request, made by mail or in person, the processing agency shall mail or otherwise provide to the registered owner, or the registered owner's agent, who has received a notice of delinquent parking violation, a copy of the original parking citation. The issuing agency may charge a fee sufficient to cover the actual cost of copying and/or locating the original parking citation, not to exceed $2.00. Until the issuing or processing agency complies with a request to provide a copy of the parking citation, the processing agency may not proceed to immobilize the vehicle in question merely because the registered owner has received five or more outstanding parking violations over a period of five or more days.

(2) If the description of the vehicle on the parking citation does not substantially match the corresponding information on the registration card for that vehicle the processing agency shall, on written request of the operator, cancel the notice of parking violation. (Ord. 481 § 1. 2002 Code § 8-10.10).

10.08.110 Affidavit of nonliability – Leased or rented vehicle.

A registered owner shall be released from liability for a parking citation if the registered owner files with the processing agency an affidavit of nonliability in a form satisfactory to the processing agency and such form is returned within 30 days after the mailing of the notice of delinquent parking violation together with proof of a written lease or rental agreement between a bona fide rental or leasing company and its customer which identifies the renter or lessee and provides the operator's driver's license number, name and address. The processing agency shall serve or mail to the renter or lessee identified in the affidavit of nonliability a notice of delinquent parking violation. The processing agency shall inform the renter or lessee that

he or she must pay the full amount of the parking penalty or provide notice to the processing agency that he or she intends to contest the parking citation pursuant to CMC 10.08.130 within 15 days of the mailing of the notice of delinquent parking violation. If the processing agency does not receive payment of the parking citation or does not receive notice of an intent to contest within those 15 days, the processing agency may proceed against the renter or lessee pursuant to CMC 10.08.140. (Ord. 481 § 1. 2002 Code § 8-10.11).

10.08.120 Affidavit of nonliability – Sale.

The registered owner of a vehicle shall be released from liability for a parking citation issued with respect to that vehicle if the registered owner served with a notice of delinquent parking violation files with the processing agency, within 30 days of receipt of the notice of delinquent parking violation, an affidavit of nonliability together with proof that the registered owner served with a notice of delinquent parking violation has made a bona fide sale or transfer of the vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged violation. The processing agency shall obtain verification from the Department that the former owner has complied with the requirements necessary to release the former owner from liability pursuant to California Vehicle Code Section 5602 or any successor statute thereto.

If the registered owner has complied with California Vehicle Code Section 5602, or any successor statute thereto, the processing agency shall cancel the notice of delinquent parking violation with respect to the registered owner.

If the registered owner has not complied with the requirements necessary to release the owner from liability pursuant to California Vehicle Code Section 5602, or any successor statute thereto, the processing agency shall inform the registered owner that the citation must be paid in full or contested pursuant to CMC 10.08.130. If the registered owner does not comply, the processing agency shall proceed pursuant to CMC 10.08.140. (Ord. 481 § 1. 2002 Code § 8-10.12).

10.08.130 Contesting parking citation – Procedure.

(1) If an operator or registered owner contests a parking citation or a notice of delinquent parking violation, the processing agency shall do all of the following:

(a) First, either investigate with its own records and staff or request that the issuing agency investigate the circumstances of the citation with respect to the contestant's written explanation of the reason or reasons for contesting the parking citation.

If, based on the results of that investigation, the processing agency is satisfied that the violation did not occur or that the registered owner was not responsible for the violation by virtue of having sold, rented or leased the vehicle, or because legally supportable or mitigating circumstances as set forth in the administrative policy warrant a dismissal, the processing agency shall cancel the parking citation, and make an adequate record of the reason or reasons for canceling the parking citation. The processing agency shall mail the results of the investigation by first class mail to the contestant within 10 days of the decision.

(b) If the contestant is not satisfied with the results of the investigation provided for in subsection (1)(a) of this section, the contestant may, within 15 days of the mailing of the results of the initial investigation, deposit the amount of the parking penalty and other related fees or provide proof of inability to deposit the parking penalty, and request an administrative review.

(c) If the contestant prevails at the administrative hearing, then the full amount of the parking penalty deposited shall be refunded.

(2) The administrative review procedure shall consist of the following:

(a) The contestant shall make a written request for administrative review on a form and in a manner satisfactory to the processing agency and may request to contest the parking citation either in person or by written declaration.

(b) If the contestant is a minor, that person shall be permitted to appear at a hearing or admit responsibility for a parking citation without the necessity of the appointment of a guardian. The processing agency may proceed against the minor in the same manner as if the minor were an adult.

(c) The administrative review shall be conducted before a hearing examiner.

(3) The issuing officer shall not be required to participate in an administrative review. The issuing agency shall not be required to produce any evi-

dence other than the parking citation, or copy thereof, and information received from the Department identifying the registered owner of the vehicle. This documentation in proper form shall be considered prima facie evidence of the violation.

(4) The processing agency's final decision shall be in writing and delivered personally to the contestant or the contestant's agent, or delivered by first class mail within 10 working days following the hearing.

(5) If the contestant is not the registered owner of the vehicle, all notices to the contestant required under this section shall also be given to the registered owner by first class mail.

(6) If the contestant does not prevail at the administrative hearing, the hearing examiner in his or her discretion may permit the performance of community service in lieu of payment of a parking penalty of $110.00 or more in order to avoid undue hardship on the contestant. If community service is not performed within the time allotted by the hearing examiner, the contestant shall be required to pay the parking penalty. If the contestant has deposited the full amount of the parking penalty prior to requesting administrative review, the parking penalty shall be refunded upon completion of the community service required to be performed. (Ord. 538 § 1; Ord. 481 § 1. 2002 Code § 8-10.13).

10.08.140 Collection of unpaid parking penalties.

Except as otherwise provided below, the processing agency shall proceed under subsection (1) or (2) of this section, but not both, in order to collect an unpaid parking penalty:

(1) File an itemization of unpaid parking penalties and administrative and service fees with the Department for collection pursuant to California Vehicle Code Section 4760 or any successor statute thereto.

(2) If more than $400.00 in unpaid parking penalties and other related fees have been accrued by any one registered owner or the registered owner's renter, lessee or sales transferee, proof thereof may be filed with the court with the same effect as a civil judgment. Execution may be levied and such other measures may be taken for the collection of the judgment as are authorized for the collection of unpaid civil judgments entered against a defendant in an action on a debt.

The processing agency shall send notice by first class mail to the registered owner or renter, lessee, or sales transferee indicating that a civil judgment has been filed and the date that the judgment shall become effective. The notice shall also indicate that execution may be levied against that person's assets, that liens may be placed against that person's property, that the person's wages may be garnished, and that other steps may be taken to satisfy the judgment. The notice shall also state that the processing agency will terminate the commencement of a civil judgment proceeding if all parking penalties and other related fees are paid prior to the date set for hearing. If judgment is entered, then the city may file a writ of execution or an abstract with the court clerk's office identifying the means by which the civil judgment is to be satisfied.

If a judgment is rendered for the processing agency, that agency may contract with a collection agency licensed pursuant to Chapter 8 (commencing with Section 6850) of Division 3 of the California Business and Professions Code, or any successor statutes thereto, to collect the judgment.

(3) If the registration of the vehicle has not been renewed for 60 days beyond the renewal date, and the citation has not been collected by the Department pursuant to California Vehicle Code Section 4760, or any successor statute thereto, then the processing agency may file proof of unpaid penalties and fees with the court with the same effect as a civil judgment as provided in subsection (2) of this section.

(4) The processing agency shall not file a civil judgment with the court relating to a parking citation filed with the Department unless the processing agency has determined that the registration of the vehicle has not been renewed for 60 days beyond the renewal date and the citation has not been collected by the Department pursuant to California Vehicle Code Section 4760 or any successor statute thereto. (Ord. 481 § 1. 2002 Code § 8-10.14).

10.08.150 Obligation of processing agency once parking penalty paid.

(1) If the operator or registered owner served with notice of delinquent parking violation, or any other person who presents the parking citation or notice of delinquent parking violation, deposits the

penalty with the person authorized to receive it, the processing agency shall do both of the following:

(a) Upon request, provide the operator, registered owner, or the registered owner's agent with a copy of the citation information presented in the notice of delinquent parking violation. The processing agency shall, in turn, obtain and record in its records the name, address and driver's license number of the person actually given the copy of the citation information.

(b) Determine whether the notice of delinquent parking violation has been filed with the Department or a civil judgment has been entered pursuant to CMC 10.08.140.

(2) If the processing agency receives full payment of all parking penalties and other related fees and the processing agency has neither filed a notice of delinquent parking violation nor entered a civil judgment, then all proceedings for that citation shall cease.

(3) If the notice of delinquent parking violation has been filed with the Department and has been returned by the Department pursuant to the provisions of the California Vehicle Code and payment of the parking penalty has been made, along with any other related fees, then the proceedings for that citation shall cease.

(4) If the notice of delinquent parking violation has been filed with the Department and has not been returned by the Department, and payment of the parking penalty along with any other applicable fees or assessments has been made, the processing agency shall do all of the following:

(a) Deliver a certificate of payment to the operator, or other person making payment;

(b) Within five working days transmit the payment information to the Department in the manner prescribed by the Department;

(c) Terminate proceedings on the notice of delinquent parking violation; and

(d) Deposit all parking penalties and other fees as required by law. (Ord. 481 § 1. 2002 Code § 8-10.15).

10.08.160 Deposit of parking penalties with the city.

All parking penalties collected, including process service fees and costs related to civil debt collection, shall be deposited to the account of the processing agency, and then remitted to the city if the city is not also the processing agency.

If the city is not the processing agency, then the city shall enter into an agreement with the processing agency for monthly distribution of parking citation receipts to the city along with a report setting forth the number of cases processed and the sums received. (Ord. 481 § 1. 2002 Code § 8-10.16).

10.08.170 Filing of annual reports.

The processing agency shall prepare an audited report at the end of each fiscal year setting forth the number of cases processed and all sums received and distributed, together with any other information that may be specified by the city or its authorized issuing agency or the State Controller. The report is a public record and shall be delivered to the city and its authorized issuing agency. (Ord. 481 § 1. 2002 Code § 8-10.17).

Chapter 10.12

VIOLATIONS

Sections:

10.12.010 Violations.

10.12.010 Violations.

Any violation of Chapters 10.04 and 10.08 CMC which is not subject to the administrative procedures of Chapter 10.08 CMC shall constitute an infraction punishable under CMC 1.36.010(2) or by any other means permitted by law. (Ord. 481 § 1. 2002 Code § 8-11).

Chapter 10.16

BICYCLES

Sections:

10.16.010 Registration required.
10.16.020 Display of license plates.
10.16.030 Duration of licenses.
10.16.040 License plates and registration cards.
10.16.050 Buying and selling bicycles.
10.16.060 Reports of sales.
10.16.070 Removing or altering numbers, plates, and cards.
10.16.080 License fee.
10.16.090 License plates – Replacement fees.

10.16.010 Registration required.

No person shall operate or permit to be operated on any highway in the city any bicycle propelled wholly or in part by muscular power, which bicycle is normally kept or stored within the city, unless and until such bicycle is registered with the director of finance, or such other person as may be designated by the council, as provided in this chapter. (Ord. 396 § 1; Ord. 202 § 1. 2002 Code § 3-5.1).

10.16.020 Display of license plates.

No person shall operate or permit to be operated on any highway in the city any bicycle propelled wholly or in part by muscular power, which bicycle is normally kept or stored within the city, unless the license plate issued therefor, as provided in this chapter, shall at all times be maintained on such bicycle. (Ord. 202 § 1. 2002 Code § 3-5.2).

10.16.030 Duration of licenses.

The director of finance, or such other person as may be designated by the council, is hereby authorized and directed to issue, upon a written application therefor, bicycle licenses which shall be effective until December 31, 1978, and which shall be renewed as required by Division 16.7 of the Vehicle Code of the state, and which will entitle such bicycle to be operated upon all the streets, exclusive of the sidewalks thereof, in the city. (Ord. 396 § 1; Ord. 202 § 1. 2002 Code § 3-5.3).

10.16.040 License plates and registration cards.

The city shall provide bicycle license indicia (license plates), together with registration cards, such licenses and registration cards having numbers stamped thereon in numerical order. Such licenses shall be purchased from the Department of Motor Vehicles of the state and shall be suitable for attachment upon the frames of bicycles, and the director of finance, or such other person as may be designated by the council, shall attach one such license to the frame of each bicycle and shall issue a corresponding registration card to the owner thereof upon the payment of the license fee provided for in this chapter. Such license shall remain attached during the existence of such license. The director of finance, or other such person as may be designated by the council, shall also keep a record of the date of issuance of each license, the number thereof, the name and address of the licensee, and the make, type, and model of the licensed bicycle. (Ord. 396 § 1; Ord. 202 § 1. 2002 Code § 3-5.4).

10.16.050 Buying and selling bicycles.

All persons engaged in the business of buying secondhand bicycles are hereby required to make a weekly report to the director of finance, or other such person as may be designated by the council, giving the name and address of the person from whom each bicycle is purchased; the year, make, and serial number of the bicycle; a general description of the bicycle; and the number of the license found thereon, if any. All persons engaged in the business of selling new or secondhand bicycles are hereby required to make a weekly report to the director of finance giving a list of all sales made by such dealers, which list shall include the name and address of each person to whom sold; the year, make, and serial number of the bicycle; a general description of the bicycle; and the number of the license attached thereto, if any. (Ord. 396 § 1; Ord. 202 § 1. 2002 Code § 3-5.5).

10.16.060 Reports of sales.

Every person who sells or transfers the ownership of any bicycle shall report such sale or transfer to the director of finance and return to the director of finance, or such other person as may be designated by the council, the registration card issued to such person, together with the name and address of the person to whom such bicycle was sold or transferred, and such report shall be made and such registration card returned within 10 days after the date of such sale or transfer. The purchaser or transferee of such bicycle shall apply for a transfer within 10 days after such sale or transfer, and a new registration card shall be issued to him. (Ord. 396 § 1; Ord. 202 § 1. 2002 Code § 3-5.6).

10.16.070 Removing or altering numbers, plates, and cards.

No person shall willfully or maliciously remove, destroy, or alter the number of the frame of any bicycle licensed pursuant to this chapter. No person shall remove, destroy, or alter any license or registration card during the time which such license or registration card is valid; provided, however, nothing in this chapter shall prohibit the director of finance, or other such person as may be designated by the council, from stamping numbers on the frames of bicycles on which no serial number can be found or on which such number is illegible or insufficient for identification purposes. (Ord. 396 § 1; Ord. 202 § 1. 2002 Code § 3-5.7).

10.16.080 License fee.

The licensing fee to be paid for each bicycle shall be $2.00 and shall be paid in advance. The fee to be paid for subsequent renewal stickers shall be $1.00 per year and shall be paid in advance. All license fees collected under this chapter shall be paid into the bicycle safety and recreation fund of the city. (Ord. 244 § 1; Ord. 202 § 1. 2002 Code § 3-5.8).

10.16.090 License plates – Replacement fees.

If the license plate is lost, stolen, or mutilated, the person owning such bicycle shall make an application to reregister such bicycle. The license replacement fee to be paid for each bicycle shall be $1.00 per year and shall be paid in advance. The director of finance, or such other person as may be designated by the council, shall cancel the registration of such bicycle and shall reregister such bicycle and provide a replacement bicycle license. (Ord. 396 § 1; Ord. 202 § 1. 2002 Code § 3-5.9).

Title 11

(Reserved)

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.04 Highway Permits
12.08 Shopping Carts
12.12 Newsracks
12.16 Bus Stop Benches on City Streets

Chapter 12.04

HIGHWAY PERMITS

Sections:

12.04.010 Adoption by reference.
12.04.020 Definitions.
12.04.030 Excavation and encroachment permits.
12.04.040 Certificates of insurance.
12.04.050 Amendments, repeal.
12.04.060 Violations and penalty.
12.04.070 Construction without permit.

Editor's Note: Prior ordinances codified herein include portions of Ordinance Nos. 70, 97, 258, 270 and 375.

12.04.010 Adoption by reference.

Title 16, Highways, Division 1, Highway Permits, of the Los Angeles County Code as amended and in effect on July 1, 1991, is hereby adopted by reference as the highway permit ordinance of the city of Cudahy.

A copy of the highway permit ordinance has been deposited in the office of the city clerk of the city of Cudahy, and shall be at all times maintained by the clerk for use and examination by the public. (Ord. 443 § 2. 2002 Code § 13-1.1).

12.04.020 Definitions.

Whenever any of the following names or terms are used in the highway permit ordinance, each such name or term shall be deemed or construed to have the following meaning, unless the context otherwise requires:

(1) "County" or "county of Los Angeles" shall mean city of Cudahy.

(2) "Clerk of the board of supervisors" shall mean the city clerk.

(3) "Board of supervisors" shall mean the city council.

(4) "Superintendent of streets" shall mean the director of building and public services. (Ord. 443 § 2. 2002 Code § 13-1.2).

12.04.030 Excavation and encroachment permits.

Whenever street reconstruction has occurred within the 36 months immediately preceding a permit request, the permittee shall resurface the entire street within the limits of the longitudinal excavation.

Whenever street reconstruction has occurred within the last five years but not less than three years preceding the permit request, permittee shall resurface the half street within the limits of the longitudinal excavation.

Whenever a street is slurry sealed within the past one year immediately preceding a permit request, the permittee shall resurface the entire street within the limits of the longitudinal excavation.

Whenever a street is slurry sealed within the past three years but not less than one year preceding the permit request, permittee shall slurry seal the half street within the limits of the longitudinal excavation.

The above noted provisions may be waived by the city council in cases in which the city engineer has determined that there are exceptional circumstances warranting such a waiver. (Ord. 566 § 2; Ord. 443 § 2. 2002 Code § 13-1.3).

12.04.040 Certificates of insurance.

If an applicant for a building or encroachment permit is required, as a condition for the issuance of such permit, to indemnify the city from liability or responsibility for any damage or injury to persons or property occurring as a proximate result of activities undertaken pursuant to the permit, the applicant may be required to file a certificate of insurance evidencing coverage of the city of not less than $5,000,000 for bodily injury and $1,000,000 for property damage, or such lesser amounts as the city engineer determines is sufficient due to the nature of the risks involved in a particular project. (Ord. 544 § 1; Ord. 443 § 2. 2002 Code § 13-1.4).

12.04.050 Amendments, repeal.

Notwithstanding the provisions of CMC 12.04.010, Chapter 16.24 of Division 1 of Title 16 of the County Code, entitled "News Racks," is repealed. (Ord. 443 § 2. 2002 Code § 13-1.5).

12.04.060 Violations and penalty.

Every person who: (1) performs any work regulated by this chapter without first obtaining a permit therefor from the commissioner or (2) otherwise fails or refuses to comply with any appli-

cable provisions of this chapter or with any condition of the permit; or (3) performs work contrary to any of the general or special requirements or specifications of the permit, is guilty of a misdemeanor, and is guilty of a separate offense for every day during any part of which such violation occurs. Violation of any provision of this chapter shall constitute a misdemeanor and shall be punishable by a fine of not more than $1,000 or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. (Ord. 443 § 2. 2002 Code § 13-1.6).

12.04.070 Construction without permit.

The issuance, plan check, and inspection fees specified in this chapter or as otherwise established by resolution shall be doubled when work requiring a permit pursuant to the terms of this chapter has been started or carried on without first obtaining a permit. A maximum additional fee to be charged pursuant to this chapter for any such permit shall be $500.00. Payment of an additional fee pursuant to this section shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work nor from any other penalties prescribed herein. (Ord. 566 § 1. 2002 Code § 13-1.7).

Chapter 12.08

SHOPPING CARTS

Sections:

12.08.010 Definition.
12.08.020 Impounding shopping carts affixed with signs.
12.08.030 Impounding shopping carts not affixed with signs.
12.08.040 Impeding emergency services.
12.08.050 Impound location.
12.08.060 Notice of impound.
12.08.070 Disposal of unclaimed shopping cart.
12.08.080 Impound fee.
12.08.090 Fine.

Editor's Note: Prior ordinance history includes portions of Ordinance Nos. 169 and 246.

12.08.010 Definition.

For purposes of this chapter "shopping cart" shall mean a basket which is mounted on wheels or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind. (Ord. 523 § 1. 2002 Code § 13-2.1).

12.08.020 Impounding shopping carts affixed with signs.

The city may impound a shopping cart that has a sign affixed to it in compliance with Section 22435 of the California Business and Professions Code, provided both of the following conditions have been satisfied:

(1) The shopping cart is located outside the premises or parking area of a retail establishment. 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.

(2) The shopping cart is not retrieved within three business days from the date the owner of the shopping cart, or his or her agent, receives actual notice from the city of the shopping cart's discovery and location. (Ord. 523 § 1. 2002 Code § 13-2.2).

12.08.030 Impounding shopping carts not affixed with signs.

The city may impound a shopping cart that does not have a sign affixed to it in compliance with Section 22435 of the California Business and Professions Code if the following conditions have been satisfied:

(1) The shopping cart is located outside the premises or parking area of a retail establishment. 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.

(2) The shopping cart is located on private property, and the owner or occupant of the property indicates that he or she does not desire to retain the shopping cart. (Ord. 523 § 1. 2002 Code § 13-2.3).

12.08.040 Impeding emergency services.

In instances where the location of a shopping cart will impede emergency services, the city may immediately impound the shopping cart without complying with the requirements of CMC 12.08.020 and 12.08.030. (Ord. 523 § 1. 2002 Code § 13-2.4).

12.08.050 Impound location.

The city shall hold all impounded shopping carts at a location in the city that is open at least six hours of each business day. (Ord. 523 § 1. 2002 Code § 13-2.5).

12.08.060 Notice of impound.

The city shall provide notice of the impound to the owner of the shopping cart listed on the sign or, if there is no sign, to the person or entity, if any, the city has reason to believe owns the shopping cart. Nothing in this chapter shall require the city to take affirmative steps to ascertain the owner of a shopping cart which is not affixed with a sign identifying the owner of the cart. (Ord. 523 § 1. 2002 Code § 13-2.6).

12.08.070 Disposal of unclaimed shopping cart.

The city may sell or otherwise dispose of any shopping cart that is not reclaimed by the owner of the shopping cart within 30 days of receipt of the notice provided in CMC 12.08.060. If the city provided no notice pursuant to CMC 12.08.060 because the owner could not be ascertained, the city may sell or otherwise dispose of the shopping cart within 30 days of impoundment. (Ord. 523 § 1. 2002 Code § 13-2.7).

12.08.080 Impound fee.

Owners who reclaim impounded carts shall pay a fee to be set by resolution of the city council. The fee shall be equal to the actual costs to the city of operating the shopping cart impound program. (Ord. 523 § 1. 2002 Code § 13-2.8).

12.08.090 Fine.

The owner of a shopping cart shall pay the city a fine of $50.00 for each occurrence in excess of three during any six-month period for failure to retrieve shopping carts in accordance with this chapter. An occurrence includes all shopping carts impounded in accordance with this chapter in a one-day period. (Ord. 523 § 1. 2002 Code § 13-2.9).

Chapter 12.12

NEWSRACKS

Sections:

12.12.010 Purpose – Findings.
12.12.020 Definitions.
12.12.030 Prohibited placement.
12.12.040 Prohibited sales and displays.
12.12.050 Standards.
12.12.060 Identification.
12.12.070 Certificates of insurance.
12.12.080 Removal of newsracks.
12.12.090 Conflicting provisions.

12.12.010 Purpose – Findings.

(1) It is the purpose of the provisions of this chapter to authorize the placement and maintenance of newsracks upon public sidewalks under the limitations set forth in this chapter.

(2) It is found that the maintenance of newsracks on public sidewalks, which newsracks contain newspapers and news periodicals that contain photographs and drawings of nude human bodies which are visible to the public view while in such newsracks, constitutes a public nuisance upon the sidewalks of the city, and the ready availability of such material to children and youth through the use of unattended newsracks creates a condition wherein enforcement of the state laws regarding the sale of harmful matter to such children and youth becomes extremely difficult. (Ord. 189 § 1; Ord. 167 § 1. 2002 Code § 13-3.1).

12.12.020 Definitions.

As used in this chapter:

(1) "Newsrack" shall mean any self-service or coin-operated box, container, storage unit, or other dispenser installed, used, or maintained for the display and sale of newspapers or news periodicals.

(2) "Street" shall mean all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys, and sidewalks.

(3) "Roadway" shall mean that portion of a street improved, designed, or ordinarily used for vehicular travel.

(4) "Parkway" shall mean that area between the sidewalk 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" shall also include any area within a roadway which is not open to vehicular travel.

(5) "Sidewalk" shall mean any surface provided for the exclusive use of pedestrians. (Ord. 167 § 1. 2002 Code § 13-3.2).

12.12.030 Prohibited placement.

(1) No person shall install, use, or maintain any newsrack or other structure 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.

(2) No person shall install, use, or maintain any newsrack 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 site or location is used for public utility purposes, public transportation purposes, or other governmental use, or when such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, 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 such location. (Ord. 167 § 1. 2002 Code § 13-3.3).

12.12.040 Prohibited sales and displays.

(1) No person shall sell, offer for sale, or keep or maintain for sale any harmful matter, as such term is defined in Section 313, Chapter 7.6, Title 9, Part 1, of the Penal Code of the state, in any newsrack on any public sidewalk unless such sale is made, or offer of sale is maintained, in the presence of an adult person authorized to prevent the purchase of such matter by a minor.

(2) No person shall sell, offer for sale, or keep or maintain any newspaper or news periodical in any newsrack located on any public sidewalk in such a manner as to expose to the public view any photograph, cartoon, or drawing contained within such publication which displays any of the following:

(a) 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; or

(b) Any portion of the breast, at or below the areola thereof, of any female person, other than a child under the age of puberty. (Ord. 189 § 2. 2002 Code § 13-3.4).

12.12.050 Standards.

Any newsrack which, in whole or in part, rests upon, in, or over any public sidewalk or parkway shall comply with the following standards:

(1) No newsrack shall exceed five feet in height, 30 inches in width, or two feet in thickness.

(2) Newsracks shall only be placed near a curb or adjacent to the wall of a building. Newsracks placed near the curb shall be so placed that the part of the newsrack nearest the curb shall be no less than 18 inches nor more than 24 inches from the edge of the curb. Newsracks placed adjacent to the wall of a building shall be placed parallel to such wall, and the part of the rack nearest such wall shall be not more than six inches from the wall. No newsrack shall be placed or maintained on the sidewalk or parkway opposite a newsstand or another newsrack.

(3) No newsrack shall be chained, bolted, or otherwise attached to any property not owned by the owner of the newsrack or to any permanently fixed object without the consent of the owner of such property.

(4) Newsracks may be chained or otherwise attached to one another; however, no more than three newsracks may be joined together in this manner, and a space of no less than 18 inches shall separate each group of three newsracks so attached.

(5) Notwithstanding the provisions of CMC 12.12.030(2), no newsrack shall be placed, installed, used, or maintained:

(a) Within three feet of any marked crosswalk;

(b) Within 15 feet of the curb return of any unmarked crosswalk;

(c) Within three feet of any fire hydrant, fire call box, police call box, or other emergency facility;

(d) Within three feet of any driveway;

(e) Within three feet ahead of, or 15 feet to the rear of, any sign marking a designated bus stop;

(f) Within three feet of any bus bench;

(g) At any location whereby the clear space for the passageway of pedestrians is reduced to less than six feet; or

(h) Within three feet of any area improved with lawn, flowers, shrubs, or trees, or within three feet of any display window of any building abutting the sidewalk or parkway, or in such a manner as to impede or interfere with the reasonable use of such window for display purposes.

(6) No newsrack shall be used for advertising signs or publicity purposes other than those dealing with the display, sale, or purchase of the newspaper or news periodical sold therein.

(7) Each newsrack shall be maintained in a clean, neat, and attractive condition and in good repair at all times. (Ord. 167 § 1. 2002 Code § 13-3.5).

12.12.060 Identification.

Every person or other entity which places or maintains a newsrack on the streets of the city shall have his or its name, address, and telephone number affixed thereto in a place where such information may be easily seen. (Ord. 167 § 1. 2002 Code § 13-3.6).

12.12.070 Certificates of insurance.

No person shall install, use, or maintain any newsrack without first having furnished to the city clerk a certificate that such person has then in force a public liability and property damage insurance policy which names the city as an additional insured. The limits of such policy shall be not less than $100,000 for each person, $500,000 for each occurrence, and $10,000 for property damages, and such policy shall also include a provision that no less than 30 days' notice will be given to the city before any cancellation of coverage. (Ord. 184 § 1. 2002 Code § 13-3.7).

12.12.080 Removal of newsracks.

Any newsrack installed, used, or maintained in violation of the provisions of this chapter may be summarily removed and stored in any convenient place by any public body or officer after five days' notice to comply. Notice shall be deemed sufficient if such body or officer takes reasonable steps to notify the owner thereof. Upon the failure of the owner to claim such newsrack and pay the expenses of removal and storage, such newsrack

shall be deemed to be unclaimed property and may be disposed of in accordance with applicable provisions of the law relating to unclaimed property.

The owner of such newsrack may, within five days after notice, demand a hearing before such body or officer to contest the asserted violation, whereupon a hearing shall be held and a determination made as to the existence of a violation before removal of such newsrack is ordered or undertaken. Said owner's failure after such hearing to satisfy within 10 days any order to comply with the provisions of this chapter shall authorize the summary removal, storage and disposition of such newsrack as provided above. (Ord. 167 § 1. 2002 Code § 13-3.8).

12.12.090 Conflicting provisions.

The provisions of this chapter shall control in the event of any conflict between the provisions of this chapter and any other provision of this code. (Ord. 167 § 1. 2002 Code § 13-3.9).

Chapter 12.16

BUS STOP BENCHES ON CITY STREETS

Sections:

12.16.010 Bus stop benches on city streets.

12.16.010 Bus stop benches on city streets.

Except as hereinafter provided, no person shall place, or cause to be placed, in the public streets of the city, including any sidewalk or parkway, any bench or resting device.

(1) Placement of Bus Stop Benches. Bus stop benches may be placed on a sidewalk or parkway provided they are so placed so as not to constitute a hazard or impediment to either vehicular or pedestrian traffic. They should be placed only at designated public bus stops.

(2) Identification of Bus Stop Benches. All bus stop benches shall conspicuously show in letters and numbers not less than two inches in height the name and telephone number of the owner.

(3) Maintenance of Bus Stop Benches. Bus stop benches shall be maintained in a safe and clean condition. They shall be kept in good repair and free from graffiti.

(4) Minimum Penalty. In any case where a fine is imposed for violation of subsection (1), (2) or (3) of this section, such fine shall not be less than $10.00.

(5) Impounding of Bus Stop Benches. Bus stop benches which have not been marked in accordance with subsection (2) of this section or which are placed in any street, sidewalk or parkway in violation of subsection (1) or (3) of this section shall be impounded by the director of building and public services. If a bench constitutes a hazardous condition through dismantling or damage, the director of building and public services shall notify the owner by telephone, and if the condition is not corrected, the bench shall be impounded after 48 hours from the time of such notice. If a bench is defaced by graffiti, the director of building and public services shall notify the owner by telephone, and if the condition is not corrected, the bench shall be impounded after five business days from the time of such notice. (Ord. 396 § 3; Ord. 272 § 1. 2002 Code § 13-4).

Title 13

PUBLIC UTILITIES AND SERVICES

Chapters:

13.04 Sewage and Industrial Waste
13.08 Storm Water and Urban Runoff Pollution Control
13.12 Underground Utility Districts – Conversion of Overhead Lines
13.16 Water Conservation

Chapter 13.04

SEWAGE AND INDUSTRIAL WASTE

Sections:

13.04.010 Adoption of Los Angeles County Code, Title 20, Utilities, Division 2.
13.04.020 Definitions.
13.04.030 Amendments – Section 20.28.050.
13.04.040 Amendments – Sections 20.32.140 and 20.32.290.
13.04.050 Amendments – Section 20.32.150.
13.04.060 Amendments – Section 20.32.320.
13.04.070 Amendments – Section 20.32.280.
13.04.080 Amendments – Section 20.32.690.
13.04.090 Amendments – Section 20.36.440.
13.04.100 Amendments – Section 20.32.200.
13.04.110 Modification and/or enforcement.
13.04.120 Violations and penalties.

Prior legislation: Ord. 242.

13.04.010 Adoption of Los Angeles County Code, Title 20, Utilities, Division 2.

Except as hereinafter amended, Los Angeles County Code, Title 20, Utilities, Division 2, entitled "Sanitary Sewer and Industrial Waste Ordinance," as amended effective July 27, 1984, as published by the department of public works, county of Los Angeles, is hereby adopted by reference as the Cudahy sanitary sewer and industrial waste ordinance and may be cited as such.

Three copies of said Los Angeles County Code, Title 20, Utilities, Division 2, as amended, are on deposit 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. References to section numbers and amendments of the Cudahy sanitary sewer and industrial waste ordinance are declared to be references to the section numbers contained in said volume of the department of public works. (Ord. 367 § 1; Ord. 312 § 1. 2002 Code § 11-1.1).

13.04.020 Definitions.

Whenever any of the following names or terms are used in said Los Angeles County Code, Title 20, Utilities, Division 2, each such name or term shall be deemed or construed to have the following meaning, unless the context otherwise requires:

(1) "County," "county of Los Angeles," or "incorporated area" shall mean the city of Cudahy.

(2) "Building official" shall mean the superintendent of building of the city.

(3) "Building department" shall mean the building department of the city.

(4) "Board of supervisors" shall mean the city council.

(5) "Unincorporated territory of the county of Los Angeles" shall mean the incorporated territory of the city.

(6) "County engineer" shall mean the city engineer.

(7) "County sewer maintenance district" shall mean the county sewer maintenance district except in the instance where the territory concerned either is not within or has been withdrawn from a county sewer maintenance district. In any such instance, "county sewer maintenance district" shall mean the city of Cudahy.

(8) "Ordinance" shall mean an ordinance of the city except in such instances where the reference is to a stated ordinance of the county.

(9) "Public sewer" shall mean all sanitary sewers, and appurtenances thereto, lying within streets or easements dedicated to the city, which streets or easements are under the sole jurisdiction of the city.

(10) "Trunk sewer" shall mean a sewer under the jurisdiction of a public entity other than the city. (Ord. 367 § 1; Ord. 312 § 1. 2002 Code § 11-1.2).

13.04.030 Amendments – Section 20.28.050.

Section 20.28.050 of said Los Angeles County Code, Title 20, Utilities, Division 2 is hereby amended to read as follows:

> Section 20.28.050. The City Engineer may recommend that the Council approve an agreement to reimburse or agree to reimburse a subdivider, school district, an improvement district formed under special assessment procedures, or person for the cost of constructing sanitary sewers for public use where such sewers can or will be used by areas outside of the proposed development; and to establish a reimbursement district and collection rates as

described in the agreement under the provisions of this chapter.

(Ord. 367 § 1; Ord. 312 § 1. 2002 Code § 11-1.3).

13.04.040 Amendments – Sections 20.32.140 and 20.32.290.

Notwithstanding the provisions of CMC 13.04.010, Sections 20.32.140 and 20.32.290 of said sanitary sewer and industrial waste ordinance are hereby repealed. (Ord. 312 § 1. 2002 Code § 11-1.4).

13.04.050 Amendments – Section 20.32.150.

Section 20.32.150 of said Los Angeles County Code, Title 20, Utilities, Division 2 is hereby amended to read as follows:

> Section 20.32.150. In the event the City Engineer determines that the property described in the application for a permit is included within a sewer reimbursement district, which has been formed by the Council in accordance with Section 20.28.050, the charge for connecting to the public sewer shall be as set forth in the agreement.

(Ord. 367 § 1; Ord. 312 § 1. 2002 Code § 11-1.5).

13.04.060 Amendments – Section 20.32.320.

Notwithstanding the provisions of CMC 13.04.010, Section 20.32.320 of said sanitary sewer and industrial waste ordinance is amended to read:

> 20.32.320. Recordkeeping Requirements. The City Treasurer shall keep a permanent record of all applications and a permanent and accurate account of all payments received under Section 20.32.130.

(Ord. 312 § 1. 2002 Code § 11-1.6).

13.04.070 Amendments – Section 20.32.280.

Notwithstanding the provisions of CMC 13.04.010, Section 20.32.280 of said sanitary sewer and industrial waste ordinance is amended by adding the following paragraph to read:

> 20.32.280 ... All monies collected under this Section for sewer maintenance are to be submitted directly to the County Sewer Maintenance District for inclusion in the Maintenance District's Funds.

(Ord. 312 § 1. 2002 Code § 11-1.7).

13.04.080 Amendments – Section 20.32.690.

Notwithstanding the provisions of CMC 13.04.010, Section 20.32.690 of said sanitary sewer and industrial waste ordinance is amended by adding the following paragraph to read:

> 20.32.690 ... In the event the damaged public sewer is not in a Sewer Maintenance District, the violator shall reimburse the City within thirty (30) days after the City Engineer shall render an invoice for the same. The amount paid shall be deposited in the City Treasury.

(Ord. 312 § 1. 2002 Code § 11-1.8).

13.04.090 Amendments – Section 20.36.440.

Notwithstanding the provisions of CMC 13.04.010, Section 20.36.440 of said sanitary sewer and industrial waste ordinance is amended to read:

> 20.36.440: "Cooling Water." No uncontaminated cooling water shall be discharged into a drainage system connected with a public sanitary sewer except by written permission from the Superintendent of Building.

(Ord. 312 § 1. 2002 Code § 11-1.9).

13.04.100 Amendments – Section 20.32.200.

Notwithstanding the provisions of CMC 13.04.010, Section 20.32.200 of said sanitary sewer and industrial waste ordinance is amended to read:

> 20.32.200: Tap Fee. The Superintendent of Building shall collect from the applicant a fee of forty ($40.00) dollars to tap the public sewer which shall include the installation of a saddle furnished by the appli-

cant but no excavation, backfill, or resurfacing.

(Ord. 312 § 1. 2002 Code § 11-1.10).

13.04.110 Modification and/or enforcement.

Sections 20.32.010 through 20.32.690 of said Los Angeles County Code, Title 20, Utilities, Division 2, may be modified and/or enforced by the city without prior consultation with or approval by the county director of public works. (Ord. 367 § 1; Ord. 312 § 1. 2002 Code § 11-1.11).

13.04.120 Violations and penalties.

Every person violating any provision of this chapter or any condition or limitation of a permit issued pursuant thereto is guilty of a misdemeanor, and upon conviction is punishable by a fine not exceeding $500.00 or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each day during which any violation described in this chapter as willful continues shall constitute a separate offense punishable as provided by this chapter. (Ord. 312 § 1. 2002 Code § 11-1.12).

Chapter 13.08

STORM WATER AND URBAN RUNOFF POLLUTION CONTROL

Sections:

13.08.010 Title.
13.08.020 Findings.
13.08.030 Purpose and intent.
13.08.040 Definitions.
13.08.050 Responsibility for administration.
13.08.060 Construction and application.
13.08.070 Elimination of pollutants in storm water.
13.08.080 Prohibited activities.
13.08.090 Requirements for existing properties.
13.08.100 Enforcement.
13.08.110 Standard urban storm water mitigation plan for new developments.
13.08.120 Requirements for construction projects.
13.08.130 Public education.
13.08.140 Inspection.
13.08.150 Disclaimer of liability.
13.08.160 Taking.

13.08.010 Title.

This chapter shall be known as the storm water management and discharge control ordinance of the city. (Ord. 516 § 1. 2002 Code § 11-2.1).

13.08.020 Findings.*

(1) The city of Cudahy storm and surface water drainage system is planned, designed and operated to handle storm water and urban runoff flowing from public and private properties. In order to function effectively, this system requires that all private connections to it be properly constructed, maintained and operated.

(2) Storm water and urban runoff from individual properties flow onto streets, then through storm drains to the Los Angeles River, to Long Beach Harbor. It is therefore in the public interest to ensure that both public and private drainage systems are properly constructed, maintained, and operated in order to facilitate the proper functioning of the city's storm and surface water drainage system and to prevent pollutants from entering the Los Angeles River and Long Beach Harbor.

(3) The city of Cudahy is a co-permittee under the Los Angeles County National Pollutant Discharge Elimination System (NPDES) municipal permit and, as such, is required by federal and state law to implement procedures to prevent and control the entry of pollutants of peak storm water discharge, and non-storm water discharges into the city's storm drain system to the maximum extent practicable.

(4) The most significant pollutants in storm water and urban runoff come from dissolved solids, suspended solids, particulate matter, oil and grease.

(5) In order to control, in a cost-effective manner, the quantity and quality of storm water and urban runoff to the maximum extent practicable, the adoption of reasonable guidelines regulating the use of water, grading operations, the storage of materials, machinery and equipment and the removal of debris and residue is essential.

(6) In order to reduce the quantity and maintain the quality of storm water and urban runoff volume from private and publicly owned properties which will be newly developed, substantially rehabilitated or redeveloped in the future, a program ensuring that the new developments shall incorporate design elements which facilitate control of such storm water and urban runoff is required.

(7) It is in the best interest of the city to establish guidelines and procedures for control of the quantity and quality of storm water and urban runoff from properties within the city including but not limited to single-family hillside residences, automotive repair shops, subdivision of a parcel or parcels into 10 lots or more, commercial developments of 100,000 square feet and greater, industrial, restaurants, and retail gasoline outlets. (Ord. 567 § 1. 2002 Code § 11-2.2).

* Editor's Note: Former 2002 Code subsections 11-2.2 through 11-2.11, previously contained herein and containing portions of Ordinance 516, were amended in their entirety by Ordinance No. 567.

13.08.030 Purpose and intent.

The purpose of this chapter is to protect the health, safety, and general welfare of the citizens by:

(1) Controlling the discharge of materials other than storm water to the municipal separate storm sewer system (MS4) and watercourses, except where such discharges are:

(a) In compliance with a separate or general NPDES permit; or

(b) Identified and excepted under the definition of "illicit discharge" herein.

(2) Reducing pollutants in storm water discharges to the maximum extent practicable.

The intent of this chapter is to protect and enhance the water quality of watercourses, water bodies, wetlands and receiving waters of the United States in a manner pursuant to and consistent with the Federal Clean Water Act. (Ord. 567 § 1. 2002 Code § 11-2.3).

13.08.040 Definitions.

When used in this chapter, the following words and phrases shall have the following meanings:

"Area susceptible to runoff" shall mean any surface exposed to precipitation or in the path of runoff caused by precipitation which leads directly to neighboring properties or to the street.

"Authorized enforcement officer" shall mean the city manager or appropriate designee.

"Automotive repair shops" shall mean and include the following retail businesses and which are identified with a Standard Industrial Code (SIC):

(1) Motor vehicle supplies and new parts as identified by SIC 5013 except if the business has no outside storage of any recycled oil or hazardous materials.

(2) Tires and tubes as identified by SIC 5014, except if the business does not engage in any outside repair.

(3) Gasoline service stations as identified by SIC 5541, except if the business does not engage in outside repair work.

(4) Top, body and upholstery repair shops and paint shops.

(5) Automotive exhaust repair shops.

(6) Tire retreading and repair shops.

(7) Automotive glass replacement shops.

(8) Automotive transmission shops.

(9) General automotive repair.

(10) Automotive repair shops, not elsewhere classified.

"Best management practices (BMPs)" shall mean the schedule of activities, prohibition of practices, general good housekeeping practices,

pollution practices, maintenance procedures and other management practices which prevent or reduce the discharge of pollutants directly or indirectly to waters of the United States. BMPs also include treatment requirements, operating procedures, design specifications and practices to control site runoff, spillage or leaks, sludge or waste disposal, or draining from raw material storage.

"Commercial developments" shall mean any development on private land that is not heavy industrial or residential. This category includes, but is not limited to, hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

"Illicit connection" shall mean any device through or by which illicit discharges are made into the city's storm drain system, including, but not limited to, floor drains, pipes, or any fabricated or natural conduits.

"Illicit discharge" shall mean any discharge of any substance or material to the city's storm drain system that is not composed entirely of storm water runoff, except for the following:

(1) Any discharge regulated under an NPDES permit issued to the discharger and administered by the state of California under the authority of the United States Environmental Protection Agency; provided, that the discharger is in full compliance with all requirements of the permit and other applicable laws or requirements;

(2) Discharges from the following activities, when properly managed: water line flushing, and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation waters, diverted stream flows, rising ground water, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, residential air conditioning condensation, springs, dechlorinated swimming pool discharges, flows from riparian habitats and wetlands, and fire fighting activities.

(3) Other discharges permitted by law.

"MS4" shall mean municipal separate storm sewer system.

"New development," for purposes of this chapter, shall mean and include all construction on unimproved properties as well as construction on improved properties which will result in: (1) an increase of 50 percent or greater in the size of a single-family home; (2) an addition of one or more dwelling units to a multifamily structure; (3) improvements valued at 50 percent or more of the value of existing improvements on nonresidential property.

"New development project" means land-disturbing activities; structural development, including construction or installation of a building or structure; creation of impervious surface; and land subdivision.

"NPDES" shall mean the National Pollutant Discharge Elimination System.

"One-hundred-thousand-square-foot commercial development" shall mean any commercial development that creates at least 100,000 square feet of impermeable area, including parking areas.

"Peak storm runoff rate" shall mean the storm water accumulated and discharged from a property during an average 10-minute period in a 25-year storm.

"Pollutant" shall mean and include, but is not limited to: dredged soil; solid waste; incinerator residue; animal wastes; sewage; gray water; garbage; sewage sludge; chemical wastes; biological materials; radioactive materials; wrecked or discarded equipment; rock; sand; cellar dirt; industrial, municipal and agricultural waste discharge; fertilizers; pesticides; herbicides and fungicides.

"Redevelopment" means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. "Redevelopment" includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land-disturbing activities related to structural or impervious surfaces. "Redevelopment" does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety.

"Restaurant" shall mean a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods for immediate consumption.

"Single-family hillside residence" shall mean any lot or parcel of land, residential zoned and in residential use, which has an average slope of 15 percent or greater.

"Standard Industrial Code (SIC)" shall mean a numbering system developed by the U.S. Government, Office of Management and Budget, for the classification of establishments by the type of activity in which they are engaged.

"Standard Urban Storm Water Mitigation Plan (SUSMP)" shall mean a plan that evaluates the issues of a site development including run on, runoff, vehicle maintenance, land disturbances, erosion, sediment control, and revegetation and establishes BMPs to control or reduce the discharge of pollutants from the site, both during and after construction.

"Storm drain system" shall mean and include, but is not limited to: those facilities within the city by which storm water may be conveyed to the waters of the United States, including flood control channels, any roads with drainage systems, municipal streets, alleys, catch basins, curbs, gutters, ditches, manmade channels or storm drains which are not part of a publicly owned treatment works (POTW) as defined at 40 Code of Federal Regulations (CFR) Section 122.2.

"Storm water runoff" shall mean the flow of rainfall runoff or melted snow.

"Subdivision of 10 lots or more" shall mean a division of land occurring on one or more parcels which results in the creation of 10 or more contiguous parcels which could be developed into buildable pads. (Ord. U589 § 1, 2003; Ord. 567 § 1. 2002 Code § 11-2.4).

13.08.050 Responsibility for administration.

The office of the city manager shall administer this chapter. (Ord. 567 § 1. 2002 Code § 11-2.5).

13.08.060 Construction and application.

Except as specifically provided in this chapter, any term used in this chapter shall be defined as provided in the current municipal NPDES permit or in the current version of the Standard Urban Storm Water Mitigation Plan (SUSMP) approved by the Regional Water Quality Control Board, Los Angeles Region, on file with the city clerk, or if not defined in either the current municipal NPDES permit or the SUSMP, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If any definition contained in this chapter conflicts with the definition of the same term in the current municipal NPDES permit or the SUSMP, then the definition contained in the municipal NPDES permit shall govern and, if not set forth in such permit, the definition set forth in the SUSMP shall govern. (Ord. U589 § 2, 2003; Ord. 567 § 1. 2002 Code § 11-2.6).

13.08.070 Elimination of pollutants in storm water.

(1) Polluting Activities. Any person engaged in activities which will or may result in pollutants entering the city municipal separate storm sewer system (MS4) (e.g., ownership and use of facilities which may be a source of pollutants such as parking lots, gasoline stations, all automobile service related shops, restaurants, stores fronting streets, etc.) shall undertake all practicable measures to eliminate such pollutants.

(2) Sidewalk Maintenance. The occupant or tenant or, in the absence of occupant or tenant, the owner, lessee, or proprietor of any real property in the city in front of which there is a paved sidewalk, shall maintain said sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from said sidewalk shall not be swept or otherwise allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on said real property as required for disposal of the refuse.

(3) Parking Lots and Similar Structures. Persons owning or operating a parking lot, gas station pavement, private street or road or similar road structure shall clean these structures as frequently and thoroughly as practicable in a manner that eliminates the discharge of pollutants to the city storm drain system to the maximum extent practicable.

(4) Construction Activities – New Developments. The city may adopt regulations establishing controls on the volume and rate of storm water runoff from the construction activities and developments, as may be appropriate to minimize the discharge and transport of pollutants. The city manager or his/her designee may require any developer or construction contractor performing work in the city to provide a storm water pollution prevention plan prior to the beginning of such

work. Construction activity does not include routine maintenance to maintain the original line and grade, hydraulic capacity or original purpose of a facility, or emergency construction activities required protecting the public health and safety.

(5) Compliance with Best Management Practices. Where best management practices, guidelines or requirements have been adopted by any federal, state of California, regional and/or local regulation for any activity, operation or facility which may cause or contribute to storm water pollution or illicit discharges to the storm water system, every person undertaking such activity or operation, or owning or operating such facility, shall comply with the guidelines or requirements as may be identified by the director of public works. (Ord. 567 § 1. 2002 Code § 11-2.7).

13.08.080 Prohibited activities.

(1) Illicit Discharges and Connections. No person shall cause or permit illicit discharges to be made into the city's storm drain system, nor shall any person establish, use or maintain or continue to use an illicit connection to the city's storm drain system.

(2) Littering. No person shall throw, deposit, place, leave, maintain or keep or permit to be thrown, deposited, placed, left or maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles or accumulation, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or drainage structure, business place, or upon any public or private plot of land in the city, so that the same might become a pollutant, except in containers, recycling bags or other lawfully established waste disposal waste facilities. It shall be illegal to dump, discard, abandon or otherwise deposit any refuse where the natural flow of storm water might carry the same to any such flood water channel or structure, or in any fountain, pond, lake, stream or any other body of water in a park or elsewhere in the city.

(3) Blowing Debris. No person shall use or operate any mechanical device to blow leaves, dirt or other debris into or upon any street, alley, sidewalk, parkway, or other public right-of-way.

(4) Disposal of Landscape Debris. No person shall intentionally dispose of leaves, dirt or other landscape debris into or upon any street, alley, sidewalk, parkway, storm drain, or other public right-of-way.

(5) Industrial Activities. No person shall conduct any industrial activity in the city without obtaining all permits required by state or federal law, including an NPDES general industrial activity storm water permit, when required. Each industrial discharger associated with construction activity, or other discharger, described in any general storm water permit addressing such discharges, as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the California Regional Water Control Board, Los Angeles Region, shall provide notice of intent, comply with, and undertake all other activities required by any general storm water permit applicable to such discharges. Persons conducting industrial activities within the city shall refer to the most recent edition of the Industrial/Commercial Best Management Practices Handbook, produced and published by the Storm Water Quality Task Force, for specific guidance on selecting best management practices for reducing pollutants in storm water discharges from industrial activities. Each discharger identified in an individual NPDES permit relating to storm water discharges shall comply with and undertake activities required by such permit.

(6) Discharge in Violation of Permit. Any discharge that would result in or contribute to a violation of NPDES Permit No. CA5614001, available for viewing at the city of Cudahy, City Hall, city clerk's office, and any amendment, revision or reissuance thereof, either separately considered or when combined with other discharges, is prohibited. Liability for such discharge shall be the responsibility of the person(s) causing or responsible for the discharge and such person(s) shall indemnify and hold harmless the city in any administrative or judgment, enforcement action relating to such discharge.

(7) The discharge of untreated wash waters to the MS4 when gas stations, auto repair garages, or other types of automotive service facilities are cleaned is prohibited.

(8) The discharge of untreated wastewater to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, pet grooming and other such mobile commercial and industrial operation is prohibited.

(9) To the maximum extent practicable, discharge to the MS4 from areas where repair is taking place of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze is prohibited.

(10) The discharge of untreated runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials is prohibited.

(11) The discharge of commercial/municipal swimming pool filter backwash to the MS4 is prohibited.

(12) The discharge of untreated runoff from washing of toxic materials from paved or unpaved areas to the MS4 is prohibited.

(13) The washing of impervious surfaces in industrial or commercial areas which results in a discharge of untreated runoff to the MS4 is prohibited or shall be controlled to the maximum extent practicable, unless specifically required by state or local health and safety codes.

(14) The discharge from washing concrete trucks to the MS4 is prohibited.

(15) Industrial or commercial motor vehicle parking lots, with more than 25 parking spaces, that are located in areas potentially exposed to storm water shall be swept, or other equally effective measures taken, to remove debris on a regular basis.

(16) The placement of machinery/equipment that is to be repaired or maintained shall be such that leaks, spills and other maintenance-related pollutants are not discharged to the MS4.

(17) Illicit discharges and illicit connections to the MS4 are prohibited. Illicit connections shall be removed.

(18) In order to control spills, dumping or disposal of materials to the MS4, the following are prohibited:

(a) Littering.

(b) The disposal of leaves, dirt, and other landscape material into a storm drain.

(c) The discharge to the MS4 of any pesticide, fungicide, or herbicide.

(d) Improper disposal of food wastes.

(e) The disposal of hazardous wastes into trash containers used for municipal trash disposal so as to cause a discharge to the MS4.

(f) In areas exposed to storm water, the removal of and unlawful disposal of all fuels, chemicals, fuel and chemical wastes, garbage, batteries, and other materials which have potential adverse effects on water quality. (Ord. 567 § 1. 2002 Code § 11-2.8).

13.08.090 Requirements for existing properties.

Any owner or occupant of property within the city shall comply with the following requirements:

(1) Use of Water. Runoff of water used for irrigation purposes shall be minimized to the maximum extent practicable. In addition, washing down of paved surfaces is prohibited unless necessary for health or safety purposes as determined by the director of public works, and is not in violation of any other provision of this code. Runoff of water from the permitted washing down of paved areas shall be minimized to the maximum extent practicable.

(2) Storage of Materials, Machinery and Equipment.

(a) Objects, such as motor vehicle parts containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.

(b) Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed on a pad of absorbent material to contain leaks, spills or small discharges.

(3) Gray Water.

(a) The discharge of gray water to the street or storm drain is prohibited. (Ord. 567 § 1. 2002 Code § 11-2.9).

13.08.100 Enforcement.

(1) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an authorized enforcement officer has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this chapter, the officer may, upon consent or upon obtaining an inspection warrant, enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the officer by this chapter.

(2) Routine or area inspections shall be based upon such reasonable selection process as may be deemed necessary to carry out the objectives of this chapter, including, but not limited to, random sampling and/or sampling in areas with evidence of storm water contamination, discharges of non-storm water into the city's storm drain system, discharges which are not pursuant to an NPDES permit or similar factors.

(3) For the first failure to comply with any provisions of this chapter, the director of public works, or his or her designee, shall issue to the person believed to be the violator a written notice which includes the following:

(a) A statement specifying the violation committed.

(b) A specified time period within which the affected person shall correct the failure or file a written notice disputing the notice of violation.

(c) A statement of the penalty for continued noncompliance.

(4) Each subsequent failure to comply with any provision of this chapter following written notice issued pursuant to subsection (3) of this section shall constitute an infraction punishable as provided in Chapter 1.36 CMC. Each day during which a person fails to comply with the provisions of this chapter following written notice shall constitute a separate offense.

(5) A violation of any provision of this chapter is declared a public nuisance, and the city attorney is authorized to abate such violation by means of a civil action.

(6) The penalties and remedies established by this chapter shall become accumulative. (Ord. 567 § 1. 2002 Code § 11-2.10).

13.08.110 Standard urban storm water mitigation plan for new developments.

(1) An applicant for a new development plan shall submit a standard urban storm water mitigation plan to the director of public works concurrent with submitting an application to the planning department.

(2) The standard urban storm water mitigation plan shall be designed to reduce the projected runoff for a project through incorporation of design elements or principles which address each of the goals as set forth below in subsection (3) of this section. Developers should refer to the most recent edition of the Municipal Best Management Practices Handbook, produced and published by the Storm Water Quality Task Force, for specific guidance on selecting best management practices for reducing pollutants in storm water discharges from urbanized areas.

(3) The standard urban storm water mitigation plan shall address the following goals in connection with both construction and long-term operation of the site:

(a) Implement, to the maximum extent practicable, requirements established by the appropriate agencies under CEQA, Section 404 of the Clean Water Act, local ordinances and other legal authorities intended to minimize impacts from storm water runoff on the biological integrity of natural drainage systems and water bodies.

(b) Maximize, to the maximum extent practicable, the percentage of permeable surfaces to allow more percolation of storm water into the ground.

(c) Minimize, to the maximum extent practicable, the amount of storm water directed to impermeable areas and to the separate storm sewer system (MS4).

(d) Minimize, to the maximum extent practicable, parking lot pollution through the use of appropriate BMPs such as infiltration and good housekeeping.

(e) Establish reasonable limits on the clearing of vegetation from the project site including, but not limited to, regulation of the length of time during which soil may be exposed and, in certain sensitive cases, the prohibition of bare soil.

(f) Provide for the appropriate permanent controls to reduce storm water pollutant load produced by the development site to the maximum extent practicable.

(4) The city's evaluation of each standard urban storm water mitigation plan will ascertain how well the proposed plan meets the combined objectives set forth in subsection (3) of this section. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed.

(5) The director of public works shall review the plan within 14 business days of submittal, or within 14 business days of approval of the development project by the planning commission, where

such approval is required. If the plan is found deficient, the reasons for the deficiency shall be given in writing to the developer. Any plan found deficient by the director of public works, or his or her designee, shall be revised by the developer and resubmitted for review. A resubmitted plan will be reviewed within 14 business days of submission. No building permit shall be issued until the director of public works has found the standard urban storm water mitigation plan sufficient.

(6) Full or partial waivers of compliance with this section may be obtained by persons who apply on forms supplied by the city and show that incorporation of design elements that address the objectives set forth in subsection (2) of this section is an economic and physical impossibility due to the particular configuration of the site or due to irreconcilable conflicts with other city requirements. Requests for waivers must be approved in writing by the planning department, the public works department, and the building and safety department and approval of the State Water Resources Control Board.

(7) Compliance with an approved standard urban storm water mitigation plan shall be a condition of any required planning approval.

(8) Failure to comply with an approved standard urban storm water mitigation plan after receiving any required planning approval shall be a misdemeanor. (Ord. 567 § 1. 2002 Code § 11-2.11).

13.08.120 Requirements for construction projects.

(1) No grading permit shall be issued for developments with disturbed areas of five acres or greater unless the applicant can show that (a) a notice of intent (NOI) to comply with the state construction activity storm water permit has been filed and (b) a storm water pollution prevention plan (SWPPP) has been prepared.

Prior to issuing a grading permit for all projects less than five acres requiring coverage under a statewide general construction storm water permit, proof of a waste discharger identification (WDID) number for filing a notice of intent (NOI) for permit coverage and a certification that a SWPPP has been prepared by the project developer shall be required. A local SWPPP may substitute for the state SWPPP if the local SWPPP is at least as inclusive in controls and BMPs as the state SWPPP.

(2) The following requirements shall apply to all projects undergoing construction in the city. The requirements set forth below shall apply at the time of demolition of an existing structure or commencement of construction until receipt of a certificate of occupancy.

(a) Sediment, construction waste and other pollutants from construction sites and parking areas, including runoff from equipment and vehicle washing at construction sites, shall be retained on the site to the maximum extent practicable.

(b) Any sediment or other materials that are not retained on the site shall be removed the same day as they leave the site. Where determined by the director of public works or his or her designated representative, a temporary sediment barrier shall be installed.

(c) On an emergency basis only, plastic covering may be utilized to prevent erosion of an otherwise unprotected area, along with runoff devices to intercept and safely convey the runoff.

(d) Excavated soil shall be located on the site in a manner that minimizes the amount of sediments running into the street or adjoining properties. Soil piles shall be covered until the soil is used or removed.

(e) No washing of construction or other industrial vehicles shall be allowed adjacent to a construction site. No water from washing of vehicles on a construction site is allowed to run off into the city's storm drain system.

(f) Drainage controls shall be utilized as needed, depending on the extent of proposed grading and topography of the site, including but not limited to the following:

(i) Detention ponds, sediment ponds, or infiltration pits.

(ii) Dikes, filter berms or ditches.

(iii) Down drains, chutes or flumes.

(3) The city may, as a condition of granting a construction permit, set forth reasonable limits on the clearing of vegetation from construction sites, including, but not limited to, regulating the length of time during which soil may be bare, and in certain cases, prohibiting bare soil.

(4) Owners and developers of construction sites should refer to the most recent edition of the Construction Best Management Practices Handbook,

produced and published by the Storm Water Quality Task Force, for specific guidance on selecting best management practices for reducing pollutants in storm water discharges from construction activities.

(5) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an authorized enforcement officer has reasonable cause to believe that there exists on any construction site any condition which constitutes a violation of the provisions of this chapter, the officer may, upon consent or upon obtaining an inspection warrant, enter such construction site at all reasonable times to inspect the same or perform any duty imposed upon the officer by this chapter.

(6) The following projects for new development and redevelopment shall require a storm water mitigation plan (SWMP) that complies with the most recent SUSMP and the current NPDES permit:

(a) Ten or more unit homes (including single-family homes, multifamily homes, condominium, and apartments);

(b) Industrial/commercial projects that disturb one acre or more of surface area;

(c) Automotive service facilities (SIC 5013, 5014, 5541, 7532 through 7534, and 7536 through 7539);

(d) Retail gasoline outlets;

(e) Restaurants (SIC 5812);

(f) Parking lots (5,000 square feet or more of surface area or with 25 or more parking spaces);

(g) Redevelopment projects in subject categories that meet redevelopment thresholds; and discharging directly into an environmentally sensitive area where the development will (i) discharge storm water and urban runoff that is likely to impact a sensitive biological species or habitat and (ii) create 2,500 square feet or more of impervious surface area.

(7) Project Plans to Address SUSMP.

(a) An applicant for a new development or redevelopment project identified in subsection (1) of this section shall incorporate into the project plans a SWMP, which includes BMPs necessary to control storm water pollution from construction activities and facility operations, as set forth in the SUSMP applicable to the applicant's project. Structural or treatment control BMPs (including, as applicable, post-construction treatment control BMPs) set forth in project plans shall meet design standards set forth in the SUSMP and the current municipal NPDES permit.

(b) Applicants shall design and provide for implementation of post-construction treatment controls to mitigate storm water pollution for the following categories of projects:

(i) Ten or more unit homes (including single-family homes, multifamily homes, condominium, and apartments);

(ii) Industrial/commercial projects that disturb one acre or more of surface area;

(iii) Automotive service facilities (SIC 5013, 5014, 5541, 7532 through 7534, and 7536 through 7539) [5,000 square feet or more of surface area];

(iv) Retail gasoline outlets [5,000 square feet or more of impervious surface area and with projected average daily traffic (ADT) of 100 or more vehicles]. Subsurface treatment control BMPs which may endanger public safety are considered not appropriate;

(v) Restaurants (SIC 5812) [5,000 square feet or more of surface area];

(vi) Parking lots (5,000 square feet or more of surface area or with 25 or more parking spaces);

(vii) Projects located in, adjacent to or discharging directly to an environmentally sensitive area that meet threshold conditions identified in paragraph (g)(7); and

(viii) Redevelopment projects in subject categories that meet redevelopment thresholds.

(c) For new developments or redevelopments projects not requiring SUSMPs, but which may potentially have adverse impacts on post-development storm water quality, a site-specific plan including post-construction treatment controls to mitigate storm water quality, a site-specific plan including post-construction treatment controls to mitigate storm water pollution shall be required where one or more of the following project characteristics exist:

(i) Vehicle or equipment fueling areas;

(ii) Vehicle or equipment maintenance areas, including washing and repair;

(iii) Commercial or industrial waste handling or storage;

(iv) Outdoor handling or storage of hazardous materials;

(v) Outdoor manufacturing areas;

(vi) Outdoor food handling or processing;

(vii) Outdoor animal care, confinement, or slaughter; or

(viii) Outdoor horticulture activities.

(d) A SWMP or site-specific plan, including post-construction storm water mitigation, shall be required for all projects that undergo significant redevelopment in their respective categories. Where redevelopment results in an alteration to more than 50 percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-development storm water quality control requirements, the entire project must be mitigated. Where redevelopment results in an alteration to less than 50 percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-development storm water quality control requirements, only the alteration must be mitigated, and not the entire development. Existing single-family structures are exempt from the redevelopment requirements.

(e) No discretionary permit may be issued for any new development or redevelopment project until the director finds that the project plans comply with the applicable SUSMP requirements. As a condition for issuing a certificate of occupancy for a new development or redevelopment project, the director shall require the applicant, facility operators and/or owners, as appropriate, to construct all storm water pollution control BMPs and structural or treatment control BMPs shown on the approved project plans and submit a signed certification stating that the project site and all structural or treatment control BMPs will be maintained in compliance with the SUSMP and other applicable regulatory requirement until responsibility for such maintenance is legally transferred. The applicant, facility operators and/or owners shall also provide, as requested by the director, any other legally enforceable agreement that assigns responsibility for the maintenance of post-construction structural or treatment control BMPs.

(f) Transfer of Properties Subject to Structural and Treatment Control BMP Maintenance.

(i) The transfer or lease of a property subject to a requirement for maintenance of structural and treatment control BMPs shall include conditions requiring the transferee and its successors and assigns to either (A) assume responsibility for maintenance of any existing structural or treatment control BMP; or (B) to replace any existing structural or treatment control BMP with new control measures or BMPs meeting the then-current standards of the city and the SUSMP. Such requirement shall be included in any sale or lease agreement or deed for such property. The condition of transfer shall include a provision that the successor property owner or lessee conduct maintenance inspections of all structural or treatment control BMPs at least once a year and retain proof of such inspections.

(ii) Conditions, covenants and restrictions for residential properties where structural or treatment control BMPs are located that are to be maintained by a homeowners' association shall provide for maintenance of the structural or treatment control BMPs by a homeowners' association; if such BMPs are to be maintained by individual property owners, a written explanation of the maintenance responsibility shall be included with any deed transferring title to said individual property as well as being attached to the conditions, covenants and restrictions for the property.

(iii) If property on which structural or treatment control BMPs are located is to be dedicated to a public agency, the public agency shall provide a signed statement that the agency assumes responsibility for such BMPs and that the BMPs meet all local agency design standards.

(8) Routine or area inspections shall be based upon such reasonable selection process as may be deemed necessary to carry out the objectives of this chapter, including, but not limited to, random sampling and/or sampling in areas with evidence of storm water contamination, discharges of non-storm water to the city's storm drain system, discharges which are not pursuant to an NPDES permit or similar factors.

(9) The violation of this section shall constitute an infraction punishable as provided in Chapter 1.36 CMC. Each day that a violation occurs shall constitute a separate offense.

(10) A violation of any provision of this section is declared a public nuisance, and the city attorney is authorized to abate such violation(s) by means of a civil action.

(11) The penalties and remedies established by this section shall be cumulative. (Ord. U589 §§ 3, 4, 2003; Ord. 567 § 1. 2002 Code § 11-2.12).

13.08.130 Public education.

(1) Storm Water and Urban Runoff Pollution Educational Program. The department of public works, along with other city departments, shall conduct an informational program to educate the public about the dangers of storm water runoff pollution and the means of controlling such pollution. The program shall educate residents and businesspersons that operate within the city about the contents of this chapter. (Ord. 567 § 1. 2002 Code § 11-2.13).

13.08.140 Inspection.

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever any officer authorized by the city manager to enforce this chapter has reasonable cause to believe that there exists in any building or upon any premises a condition which constitutes a violation of the provisions of this chapter, the officer may, in a manner prescribed by law, enter such building or premises at all reasonable times to inspect the same or perform any duty necessary to enforce this chapter. (Ord. 567 § 1. 2002 Code § 11-2.14).

13.08.150 Disclaimer of liability.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific, engineering and other relevant technical considerations. The standards set forth herein are minimum standards and this chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This chapter shall not create liability on the part of the city, any officer or employee thereof, and for damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 567 § 1. 2002 Code § 11-2.15).

13.08.160 Taking.

The provisions of this chapter shall not operate to deprive any property owner of any constitutionally protected right. If a property owner claims that the application of this chapter to a specific project would deprive the property owner of a constitutionally protected right, then such property owner shall make application to the city and the city may allow additional land uses, but only to the extent necessary to avoid depriving the property owner of a proven constitutionally protected right. In any such application the burden shall be on the property owner to demonstrate that strict application of this chapter would cause the deprivation of a constitutionally protected right. Such additional land uses shall be consistent with and carry out the purposes of this chapter as set forth herein, and shall not be inconsistent with any other federal, state, or local laws, including, but not limited to, the city's general plan. (Ord. 567 § 1. 2002 Code § 11-2.16).

Chapter 13.12

UNDERGROUND UTILITY DISTRICTS – CONVERSION OF OVERHEAD LINES

Sections:

13.12.010 Definitions.
13.12.020 Public hearings by council.
13.12.030 Report by the city manager.
13.12.040 Council may designate underground utility districts by resolution.
13.12.050 Unlawful acts.
13.12.060 Exceptions – Emergencies or unusual circumstances.
13.12.070 Other exceptions.
13.12.080 Notices to property owners and utility companies.
13.12.090 Responsibility of utility companies.
13.12.100 Responsibility of property owners.
13.12.110 Responsibility of city.
13.12.120 Extension of time.
13.12.130 Violations – Penalties.

13.12.010 Definitions.

As used in this chapter:

(1) "Commission" shall mean the Public Utilities Commission of the state.

(2) "Underground utility district" or "district" shall mean that area in the city within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of CMC 13.12.040.

(3) "Person" shall mean and include individuals, firms, corporations, partnerships, and their agents and employees.

(4) "Poles, overhead wires, and associated overhead structures" shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments, and appurtenances located above ground within a district and used or useful in supplying electric, communication, or similar or associated service.

(5) "Utility" shall include all persons or entities supplying electric, communication, or similar or associated service by means of electrical materials or devices. (Ord. 76 § 1. 2002 Code § 18-1.1).

13.12.020 Public hearings by council.

The council may from time to time call public hearings to ascertain whether the public necessity, health, safety, or welfare requires the removal of poles, overhead wires, and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication, or similar associated service. The director of community development shall notify all affected property owners, as shown on the last equalized assessment roll, and utilities concerned by mail of the time and place of such hearings at least 10 days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive. (Ord. 396 § 4; Ord. 76 § 1. 2002 Code § 18-1.2).

13.12.030 Report by the city manager.

Prior to holding such public hearing, the city manager shall consult with all affected utilities and shall prepare a report for submission at such hearing containing, among other information, the extent of such utilities' participation and estimates of the total costs to the city and affected property owners. Such report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities. (Ord. 76 § 1. 2002 Code § 18-1.3).

13.12.040 Council may designate underground utility districts by resolution.

If, after any such public hearing, the council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. If the proceedings are initiated by the council, the resolution shall include a determination that the city or a public utility has

voluntarily agreed to pay 50 percent of all costs of conversion excluding the costs of users' connections to underground electric or communication facilities. (Ord. 434 § 1; Ord. 76 § 1. 2002 Code § 18-1.4).

13.12.050 Unlawful acts.

Whenever the council creates an underground utility district and orders the removal of poles, overhead wires, and associated overhead structures therein as provided in CMC 13.12.040, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ, or operate poles, overhead wires, and associated overhead structures in the district after the date when such overhead facilities are required to be removed by such resolution, except as such overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in CMC 13.12.100, and for such reasonable time required to remove such facilities after such work has been performed, and except as otherwise provided in this chapter. (Ord. 76 § 1. 2002 Code § 18-1.5).

13.12.060 Exceptions – Emergencies or unusual circumstances.

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed 10 days, without authority of the city manager in order to provide emergency service. The city manager may grant special permission, on such terms as he may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Ord. 434 § 2; Ord. 76 § 1. 2002 Code § 18-1.6).

13.12.070 Other exceptions.

The provisions of this chapter and any resolution adopted pursuant to the provisions of CMC 13.12.040 shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

(1) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the city manager;

(2) Poles or electroliers used exclusively for street lighting;

(3) Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, where such wires originate in an area from which poles, overhead wires, and associated overhead structures are not prohibited;

(4) Poles, overhead wires, and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;

(5) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;

(6) Antennas, associated equipment, and supporting structures used by a utility for furnishing communication services;

(7) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts; and

(8) Temporary poles, overhead wires, and associated overhead structures used or to be used in conjunction with construction projects. (Ord. 76 § 1. 2002 Code § 18-1.7).

13.12.080 Notices to property owners and utility companies.

Within 10 days after the effective date of a resolution adopted pursuant to the provisions of CMC 13.12.040, the director of community development shall notify all affected utilities and all persons owning real property within the district created by such resolution of the adoption thereof. The director of community development shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location subject to the applicable rules, regulations, and tariffs of the respective utility or utilities on file with the Commission.

Notification by the director of community development shall be made by mailing a copy of the resolution adopted pursuant to the provisions of CMC 13.12.040, together with a copy of the provisions of this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (Ord. 396 § 4; Ord. 76 § 1. 2002 Code § 18-1.8).

13.12.090 Responsibility of utility companies.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to the provisions of CMC 13.12.040, the supplying utility shall furnish that portion of the conduits, conductors, and associated equipment required to be furnished by it under its applicable rules, regulations, and tariffs on file with the Commission. (Ord. 76 § 1. 2002 Code § 18-1.9).

13.12.100 Responsibility of property owners.

(1) Every person owning, operating, leasing, occupying, or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in CMC 13.12.090 and the termination facility on or within such building or structure being served. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to the provisions of CMC 13.12.040, the city manager shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within 10 days after receipt of such notice.

(2) The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice shall be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice shall be addressed to the owner thereof as such owner's name appears, and shall be addressed to such owner's last known address as the same appears, on the last equalized assessment roll and, when no address appears, to general delivery, city of Cudahy. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within 48 hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the city manager shall, within 48 hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by 10 inches in size, to be posted in a conspicuous place on such premises.

(3) The notice given by the city manager to provide the required underground facilities shall particularly specify what work is required to be done and shall state that if such work is not completed within 30 days after receipt of such notice, the city manager will provide such required underground facilities, in which case the cost and expense thereof shall be assessed against the property benefited and become a lien upon such property.

(4) If, upon the expiration of the 30-day period, the required underground facilities have not been provided, the city manager shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the city manager, in lieu of providing the required underground facilities, may authorize the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to the property. Upon completion of the work by the city manager, he shall file a written report with the council setting forth the fact that the required underground facilities have been provided and the costs thereof, together with a legal description of the property against which such costs are to be assessed. The council shall thereupon fix a time and place for hearing protests against the assessment of the costs of such work upon such premises, which time shall not be less than 10 days thereafter.

(5) The city manager shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises and a notice in writing thereof to the owner thereof, in the manner provided in this chapter for the giving of the notice to provide the required underground facilities, of the time and place the council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

(6) Upon the date and hour set for the hearing of protests, the council shall hear and consider the

report and all protests, if there be any, and then proceed to affirm, modify, or reject the assessment.

(7) If any assessment is not paid within five days after its confirmation by the council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the city manager, and the city manager is directed to turn over to the assessor and tax collector a notice of lien on each of such properties on which the assessment has not been paid, and the assessor and tax collector shall add the amount of the assessment to the next regular bill for taxes levied against the premises upon which such assessment was not paid. Such assessment shall be due and payable at the same time as property taxes are due and payable and, if not paid when due and payable, shall bear interest at the rate of 10 percent per annum. (Ord. 434 § 3; Ord. 76 § 1. 2002 Code § 18-1.10).

13.12.110 Responsibility of city.

The city shall remove at its own expense all city-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to the provisions of CMC 13.12.040. (Ord. 76 § 1. 2002 Code § 18-1.11).

13.12.120 Extension of time.

In the event any act required by the provisions of this chapter or by a resolution adopted pursuant to the provisions of CMC 13.12.040 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act shall be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. 76 § 1. 2002 Code § 18-1.12).

13.12.130 Violations – Penalties.

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be liable to the penalty stated in Chapter 1.36 CMC. (Ord. 76 § 1. 2002 Code § 18-1.13).

Chapter 13.16

WATER CONSERVATION

Sections:

13.16.010 Water usage prohibitions applying to all persons.

13.16.010 Water usage prohibitions applying to all persons.

(1) Authorization. This chapter establishes water conservation measures to be applied city-wide pursuant to the authority granted to the city under 23 CFR Section 864. This chapter shall remain in effect so long as its provisions are authorized under federal and state law.

(2) Application. The water conservation requirements under this chapter shall apply to all persons within the city of Cudahy.

(3) Prohibitions on Water Usage. To promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by any state or federal governmental agency:

(a) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(b) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(c) The application of potable water to driveways and sidewalks; and

(d) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

(4) Enforcement.

(a) No person within the city of Cudahy shall use or permit the use of water in a manner contrary to subsection (3) of this section. For purposes of this chapter, the term "person" shall mean any natural person, corporation, partnership, sole proprietorship, public or private entity, public or private association, public or private agency, governmental agency or institution, school district, or college university.

(b) Unless otherwise provided, any person who violates any provision of this chapter shall be guilty of an infraction or misdemeanor as hereinafter specified at the city's discretion, and each day or portion thereof such violation is in existence shall be a new and separate offense.

(c) Fines. The following penalty schedule shall apply to violations of this chapter:

(i) Any person who violates any of the prohibitions of this chapter shall be guilty of an infraction and shall be issued a violation notice for the first such offense in a single calendar year.

(ii) Any person who violates any of the prohibitions of this chapter for a second time in a single calendar year shall be guilty of an infraction and shall be subject to a fine of $100.00.

(iii) Any person who violates any of the prohibitions of this chapter for a third time in a single calendar year shall be guilty of an infraction and shall be subject to a fine of $200.00.

(iv) Any person who violates any of the prohibitions of this chapter four or more times in a single calendar year shall be guilty of an infraction and shall be subject to a fine of $500.00.

(5) Additional Penalties. Subsection (4) of this section notwithstanding, a violation under subsection (4) of this section may be charged and prosecuted as a misdemeanor at the city's sole discretion.

(a) In addition to the above penalties, such convicted person may, in the discretion of the court, be ordered to reimburse the city for all necessary costs incurred through investigation, discovery, analysis, inspection, abatement and other actual costs incurred by the city or its agents pertaining to the violation.

(b) The court shall fix the amount of any such reimbursements upon submission of proof of such costs by the city. Payment of any penalty herein provided shall not relieve a person from the responsibility of correcting the condition resulting from the violation. (Ord. 643 § 2, 2014).

Title 14

(Reserved)

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

15.04 Building Code
15.08 Electrical Code
15.12 Plumbing Code
15.16 Mechanical Code
15.20 Property Maintenance – Abatement of Nuisances
15.24 Pre-Sale Housing Inspection
15.28 Homeowners' Associations
15.29 Residential Code
15.32 Green Building Standards Code

Chapter 15.04

BUILDING CODE

Sections:

15.04.010 Adoption of the 2013 California Building Code as amended by Title 26 of the 2014 Los Angeles County Building Code.
15.04.020 Definitions.
15.04.030 Fees.
15.04.040 Amendment – Section 105 – Board of appeals.
15.04.050 Penalty.
15.04.060 *Repealed.*

Editor's Note: 2002 Code Section 9-1 was originally adopted by Ord. No. 96; and amended by Ord. Nos. 121, 133, 160, 194, 204, 210, 221, 231, 245, 310, 338, 416, 456, 508-U and 546U and was amended in its entirety by Ord. Nos. 508 and 546.

15.04.010 Adoption of the 2013 California Building Code as amended by Title 26 of the 2014 Los Angeles County Building Code.

(1) The 2013 California Building Code as amended by Title 26 of the 2014 Los Angeles County Building Code, together with their appendices, which regulate the erection, construction, enlargements, alteration, repair, moving, removal, conversion, demolition, occupancy, use, equipment, height, area, security, abatement, and maintenance of buildings or structures within the city, provide for the issuance of permits and collection of fees therefor, and provide for penalties for violation thereto, are hereby adopted by reference, and conflicting ordinances are hereby repealed.

(2) All of the regulations, provisions, conditions, and terms of said codes, together with their appendices, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted and made part of this chapter as if fully set forth in this chapter with exceptions, deletions, additions, and amendments thereto as set forth in this chapter. (Ord. 639 § 1, 2014; Ord. 625 § 1, 2013; Ord. 581U § 1; Ord. 551 § 1; Ord. 546 § 1. 2002 Code § 9-1.1).

15.04.020 Definitions.

Whenever any of the names or terms defined in this section are used in the building code adopted in CMC 15.04.010, each name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

(1) "Board of appeals" shall mean the planning commission.

(2) "Building department" shall mean the building division of the city of Cudahy.

(3) "City" shall mean the city of Cudahy.

(4) "County," "county of Los Angeles," or "unincorporated territory of the county of Los Angeles" shall mean the city of Cudahy.

(5) "County engineer" shall mean the city engineer of the city of Cudahy.

(6) "Electrical code" shall mean the electrical code adopted by CMC 15.08.010.

(7) "Fire code" shall mean the fire code adopted by CMC 8.08.010.

(8) "General fund" shall mean the city treasury of the city of Cudahy.

(9) "Green building standards code" shall mean the green building standards code adopted by CMC 15.32.010.

(10) "Health code" or "Los Angeles County Health Code" shall mean the health code adopted by CMC 8.04.010.

(11) "Mechanical code" shall mean the mechanical code adopted by CMC 15.16.010.

(12) "Plumbing code" shall mean the plumbing code adopted by CMC 15.12.010.

(13) "Residential code" shall mean the residential code adopted by CMC 15.29.010. (Ord. 639 § 2, 2014; 625 § 2, 2013; Ord. 546 § 1. 2002 Code § 9-1.2).

15.04.030 Fees.

Notwithstanding the provisions of CMC 15.04.010, the building code is hereby amended by increasing the amount of each and every fee set forth in the code, including Sections 107.1, 107.2, 107.4, and 107.5, and Table No. 1-A of said building code, to be the fee set forth in the most current resolution of the city council establishing fees pursuant to said building code. In the event no such resolution has been adopted, said fees shall be two times those set forth in said building code. (Ord. 551 § 2. 2002 Code § 9-1.2.1).

15.04.040 Amendment – Section 105 – Board of appeals.

Notwithstanding the provisions of CMC 15.04.010, Section 105 of the building code is hereby amended to read as follows:

> Sec. 105. Board of Appeals. The Planning Commission of the City of Cudahy shall act as and constitute the Board of Appeals referred to in this chapter. The City Council may, by resolution, provide that the Los Angeles County Board of Appeals may conduct the hearings provided by this chapter, or determine the suitability of alternate materials and types of construction, and provide for reasonable interpretations of the provisions of this Code.

(Ord. 546 § 1. 2002 Code § 9-1.3).

15.04.050 Penalty.

Every person violating any provision of the 2013 California Building Code as amended by Title 26 of the 2014 Los Angeles Building Code and appendices, adopted by reference by CMC 15.04.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed $1,000 or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense. (Ord. 639 § 3, 2014; Ord. 625 § 3, 2013; Ord. 546 § 1. 2002 Code § 9-1.4).

15.04.060 Penalty.

Repealed by Ord. 625. (Ord. 581U § 2; Ord. 546 § 1. 2002 Code § 9-1.5).

Chapter 15.08

ELECTRICAL CODE

Sections:

15.08.010 Adoption of the 2013 California Electrical Code as amended by Title 27 of the 2014 Los Angeles County Electrical Code.
15.08.020 Definitions.
15.08.030 Fees.
15.08.040 Amendments – Section 230-33 – Undergrounding.
15.08.050 Penalty.

Editor's Note: 2002 Code Section 9-2, Electrical Code, was amended in its entirety by Ordinance No. 546. Prior ordinances contained herein include Ordinance Nos. 339 § 1, 416 § 3, 456 § 3, 508-U § 2, 508 § 2 and 546U.

15.08.010 Adoption of the 2013 California Electrical Code as amended by Title 27 of the 2014 Los Angeles County Electrical Code.

(1) The 2013 California Electrical Code as amended by Title 27 of the 2014 Los Angeles County Electrical Code, which provides minimum requirements and standards for the protection of the public health, safety and welfare by regulating the installation or alteration of electrical wiring, equipment, materials, and workmanship in the city, provides for the issuance of permits and collection of fees therefor and provides penalties for the violations thereof, with all changes and amendments thereto, is hereby adopted by reference, and all conflicting ordinances are hereby repealed.

(2) All of the regulations, provisions, conditions, and terms of said codes, together with their appendices, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted and made part of this chapter as if fully set forth in this chapter with exceptions, deletions, additions, and amendments thereto as set forth in this chapter. (Ord. 639 § 4, 2014; Ord. 625 § 5, 2013; Ord. 581U §§ 3, 4; Ord. 546 § 2. 2002 Code § 9-2.1).

15.08.020 Definitions.

Whenever any of the following names or terms are used in the electrical code, each such name or term shall be deemed or construed to have the following meaning, unless the context otherwise requires:

(1) "Building official" shall mean the chief building official of the city.

(2) "Building department" shall mean the building and safety department of the city.

(3) "Electrical safety engineer" shall mean the chief building official of the city. (Ord. 546 § 2. 2002 Code § 9-2.2).

15.08.030 Fees.

Notwithstanding the provisions of CMC 15.08.010, the electrical code is hereby amended by increasing the amount of each and every fee set forth in Section 82-8 of the electrical code to be the fee set forth in the most current resolution of the city council establishing fees pursuant to the electrical code. In the event no such resolution has been adopted, said fees shall be two times those set forth in Section 82-8 of the electrical code. (Ord. 551 § 3. 2002 Code § 9-2.2.1).

15.08.040 Amendments – Section 230-33 – Undergrounding.

Notwithstanding the provisions of CMC 15.08.010, Section 230-33 is hereby added to the electrical code to read as follows:

> 230-33. Required Undergrounding. Whenever it becomes necessary to provide a new electrical service to any building or structure located upon a lot or parcel of real property zoned for commercial or manufacturing purposes, such service shall be installed underground in approved rigid metal conduit or approved plastic conduit. Such service shall satisfy in full the requirements of the serving utility.
>
> The Planning Commission of the City of Cudahy shall consider all applications for waivers of the regulations and standards of this section after the initial review by the Chief Building Official of the City. After considering the information and evidence presented, the Planning Commission may grant a waiver where it is shown that:
>
> a. Because of exceptional circumstances and conditions, the strict application of this section would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this section.
>
> b. The waiver will not be materially detrimental to the public health, safety, or general welfare in the zone or neighborhood in which the property is located.
>
> The decision of the Planning Commission may thereafter be appealed to the City Council of the City of Cudahy for final consideration under the standards of this section.

(Ord. 546 § 2. 2002 Code § 9-2.3).

15.08.050 Penalty.

Every person violating any provision of the 2013 California Electrical Code as amended by Title 26 of the 2014 Los Angeles County Electrical Code and appendices, adopted by reference by CMC 15.08.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed $1,000 or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense. (Ord. 639 § 5, 2014; Ord. 625 § 6, 2013; Ord. 581U § 4; Ord. 546 § 2. 2002 Code § 9-2.4).

Chapter 15.12

PLUMBING CODE

Sections:

15.12.010 Adoption of the 2013 California Plumbing Code as amended by Title 28 of the 2014 Los Angeles County Plumbing Code.
15.12.020 Definitions.
15.12.030 Fees.
15.12.040 Penalty.

Editor's Note: 2002 Code Section 9-3, Plumbing Code, was amended in its entirety by Ord. No. 546. Prior ordinances contained herein include Ordinance Nos. 338 § 2, 416 § 4, 456 § 4, 508-U § 3, 508 § 3 and 546U.

15.12.010 Adoption of the 2013 California Plumbing Code as amended by Title 28 of the 2014 Los Angeles County Plumbing Code.

(1) The 2013 California Plumbing Code as amended by Title 28 of the 2014 Los Angeles County Plumbing Code, which provide minimum requirements and standards for the protection of the public health, safety and welfare by regulating the installation or alteration of plumbing and drainage, materials, venting, wastes, traps, interceptors, water systems, sewers, gas piping, water heaters and other related products, and workmanship in the city, provide for the issuance of permits and collection of fees therefor, and provide for penalties for the violations thereof, with certain changes and amendments thereto, are hereby adopted by reference, and conflicting ordinances are hereby repealed.

(2) All of the regulations, provisions, conditions, and terms of said codes, together with their appendices, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted and made part of this chapter as if fully set forth in this chapter with the exceptions, deletions, additions, and amendments thereto as set forth in this chapter. (Ord. 639 § 6, 2014; Ord. 625 § 7, 2013; Ord. 581U § 5; Ord. 546 § 3. 2002 Code § 9-3.1).

15.12.020 Definitions.

Whenever any of the following names or terms are used in the plumbing code, each such name or term shall be deemed or construed to have the following meaning, unless the context otherwise requires:

(1) "County," "county of Los Angeles," or "unincorporated territory" shall mean the city of Cudahy.

(2) "Board of supervisors" shall mean the city council.

(3) "Building department" shall mean the building department of the city.

(4) "Building official" shall mean the superintendent of building of the city.

(5) "Chief plumbing inspector" shall mean the superintendent of building of the city.

(6) "Los Angeles County Zoning Ordinance No. 1494" or "the zoning ordinance" shall mean the zoning ordinance of the city.

(7) "Unincorporated territory of the county of Los Angeles" shall mean the city of Cudahy.

(8) Whenever reference is made in the plumbing code to any ordinance of the county, such reference shall be deemed to be the appropriate similar regulations of the city. (Ord. 546 § 3. 2002 Code § 9-3.2).

15.12.030 Fees.

Notwithstanding the provisions of CMC 15.12.010, the plumbing code is hereby amended by increasing the amount of each and every fee set forth in the code, including Section 103.4 and Table No. 1-1 of the plumbing code, to be the fee set forth in the most current resolution of the city council, establishing fees pursuant to the plumbing code. In the event no such resolution has been adopted, the fees shall be two times those set forth in the plumbing code. (Ord. 551 § 4. 2002 Code § 9-3.2.1).

15.12.040 Penalty.

Every person violating any provision of the 2013 California Plumbing Code as amended by Title 28 of the 2014 Los Angeles County Plumbing Code and appendices, adopted by reference by CMC 15.12.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be

punishable by a fine not to exceed $1,000 or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense. (Ord. 639 § 7, 2014; Ord. 625 § 8, 2013; 2002 Code § 9-3.3).

Chapter 15.16

MECHANICAL CODE

Sections:

15.16.010 Adoption of the 2013 California Mechanical Code as amended by Title 29 of the 2014 Los Angeles County Mechanical Code.
15.16.020 Definitions.
15.16.030 Penalty.

Editor's Note: 2002 Code Section 9-4, Mechanical Code, was amended in its entirety by Ord. No. 546. Prior ordinances contained herein include Ordinance Nos. 79 § 3, 338 § 3, 416 § 6, 456 § 6, 508-U § 4, 508 § 4 and 546U.

15.16.010 Adoption of the 2013 California Mechanical Code as amended by Title 29 of the 2014 Los Angeles County Mechanical Code.

(1) The 2013 California Mechanical Code as amended by Title 29 of the 2014 Los Angeles County Mechanical Code, which regulates and controls the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, venting, cooling, refrigeration systems, or other miscellaneous heat-producing appliances in the city, provides for the issuance of permits and collection of fees therefor and provides for penalties for the violation thereof, with certain changes and amendments thereto, is hereby adopted by reference, and all conflicting ordinances are hereby repealed.

(2) All of the regulations, provisions, conditions, and terms of said codes, together with their appendices, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted and made part of this chapter as if fully set forth in this chapter with the exceptions, deletions, additions, and amendments thereto as set forth in this chapter. (Ord. 639 § 8, 2014; Ord. 625 § 9, 2013; Ord. 581U § 7; Ord. 546 § 4. 2002 Code § 9-4.1).

15.16.020 Definitions.

Whenever any of the following names or terms are used in the mechanical code, each such name or

term shall be deemed or construed to have the following meaning, unless the context otherwise requires:

(1) "County," "county of Los Angeles," or "unincorporated area" shall mean the city of Cudahy.

(2) "Board of supervisors" shall mean the city council.

(3) "Building department" shall mean the building department of the city.

(4) "Building official" shall mean the superintendent of building of the city.

(5) "Chief mechanical inspector" shall mean the superintendent of building of the city.

(6) "Los Angeles County Ordinance No. 1494" or "the zoning ordinance" shall mean the zoning ordinance of the city. (2002 Code § 9-4.2).

15.16.030 Penalty.

Every person violating any provision of the 2013 California Mechanical Code as amended by Title 29 of the 2014 Los Angeles County Mechanical Code and appendices, adopted by reference by CMC 15.16.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed $1,000 or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense. (Ord. 639 § 9, 2014; Ord. 625 § 10, 2013).

Chapter 15.20

PROPERTY MAINTENANCE – ABATEMENT OF NUISANCES

Sections:

15.20.010 Findings.
15.20.020 Prohibited conditions – Nuisances.
15.20.030 Abatement of nuisances by repair, rehabilitation, or demolition.
15.20.040 Resolutions of intention to determine nuisances.
15.20.050 Hearings – Notices – Form.
15.20.060 Hearings – Notices – Service on owner.
15.20.070 Service of notice of hearing.
15.20.080 Hearings – Determinations.
15.20.090 Hearings – Determinations – Appeals.
15.20.100 Orders to abate.
15.20.110 Abatement by city.
15.20.120 Abatement by city – Reports of costs.
15.20.130 Abatement by city – Assessment of costs – Liens.
15.20.140 Alternate proceedings.
15.20.150 *Repealed.*

15.20.010 Findings.

(1) The city has a history and reputation for well-kept properties, and the property values and the general welfare of this community are founded, in part, upon the appearance and maintenance of properties.

(2) There now appears a need for further emphasis on the maintenance of a number of premises in that certain conditions, as described in this chapter, have been found from place to place throughout the city.

(3) The existence of such conditions is injurious and inimical to the public health, safety, and welfare of the residents of the city and contributes substantially and increasingly to the problems of the necessity for expenditures for protection against hazards and diminution of property values, the prevention of crime, the preservation of the public health, safety, and welfare, and the maintenance of police, fire, and accident protection, and such problems are becoming increasingly direct and substantial in significance and effect, and the uses and abuses of property as described in this chapter reasonably relate to the proper exercise of

the police power in the protection of health, safety, and welfare of the public.

(4) Unless corrective measures are undertaken to alleviate such existing conditions and particularly to avoid future problems in this regard, the public health, safety, and general welfare and specifically the property values and social and economic standards of the community will be depreciated; the abatement of such conditions will enhance the appearance and value of such properties rather than be a burden on the owners thereof, and the abatement of such conditions will also appreciate the values and appearance of neighboring properties and benefit the use and enjoyment of properties in the general area and will improve the general welfare and image of the city; and the abatement procedures set forth in this chapter are reasonable and afford a maximum of due process and procedural guarantees. (Ord. 129 § 1. 2002 Code § 9-5.1).

15.20.020 Prohibited conditions – Nuisances.

It is hereby declared a public nuisance for any person owning, leasing, occupying, or having charge or possession of any premises in the city to maintain such premises in such manner that any of the following conditions are found to exist thereon:

(1) Buildings which are abandoned, boarded up, partially destroyed, or left unreasonably in a state of partial construction;

(2) Unpainted buildings causing dry rot, warping, and termite infestation;

(3) Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;

(4) Overgrown vegetation causing detriment to neighboring properties or property values;

(5) Dead trees, weeds, and debris:

(a) Constituting unsightly appearance; or

(b) Dangerous to the public safety and welfare; or

(c) Detrimental to nearby property or property values;

(6) Trailers, campers, boats, and other mobile equipment stored for unreasonable periods in front yard areas and causing depreciation of nearby property values;

(7) Inoperable or abandoned motor vehicles stored for unreasonable periods on the premises and causing depreciation of nearby property values;

(8) Attractive nuisances dangerous to children in the form of:

(a) Abandoned and broken equipment;

(b) Hazardous pools, ponds, and excavations; and

(c) Neglected machinery;

(9) Broken or discarded furniture and household equipment in yard areas for unreasonable periods;

(10) Clotheslines in front yard areas;

(11) Garbage cans stored in front or side yards and visible from public streets;

(12) Packing boxes and other debris stored in yards and visible from public streets for unreasonable periods;

(13) Neglect of premises:

(a) To spite neighbors; or

(b) To influence zone changes; or

(c) Causing detrimental effect upon nearby property or property values;

(14) Maintenance of premises in such condition as to be detrimental to the public health, safety, or general welfare or in such a manner as to constitute a public nuisance as defined by Section 3480 of the Civil Code of the state;

(15) Property, including, but not limited to, building exteriors which are maintained in such a condition as to become so defective, unsightly, or in such a condition of deterioration or disrepair that the same causes substantial appreciable diminution of the property values of surrounding property or is materially detrimental to proximal properties and improvements. This includes, but is not limited to, the keeping or disposing of or the scattering over the property or premises of any of the following:

(a) Lumber, junk, trash, or debris;

(b) Abandoned, discarded, or unused objects of equipment, such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers;

(c) Stagnant water or excavations;

(d) Any device, decoration, design, fence, structure, clothesline, or vegetation which is unsightly by reason of its condition or its inappropriate location;

(16) Maintenance of premises so out of harmony or conformation with the maintenance standards of adjacent properties as to cause substantial

diminution of the enjoyment, use, or property values of such adjacent properties;

(17) Property maintained so as to establish a prevalence of depreciated values, impaired investments, and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and the tax receipts from such particular area are inadequate for the cost of the public services rendered therein; and

(18) Any building or structure which has any of the following conditions or defects to a significant degree:

(a) Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size, or is not so arranged, as to provide safe and adequate means of exit in case of fire or panic for all persons housed or assembled therein who would be required to or might use such door, aisle, passageway, stairway, or other means of exit;

(b) Whenever any portion thereof has been damaged by earthquake, wind, flood, or by any other cause in such a manner that the structural strength or stability thereof is appreciably less than the minimum requirements of this code for a new building or similar structure, purpose, or location;

(c) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;

(d) Whenever any building, portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting wind pressure and earthquake forces as specified in the building code without exceeding the working stresses permitted in the building code;

(e) Whenever any portion thereof has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of new construction;

(f) Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or some other cause, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way;

(g) Any building having structural members not capable of resisting live load, dead load, wind load, and earthquake load as specified in the building code;

(h) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals, or immoral persons, or as to enable persons to resort thereto for the purpose of committing nuisances or unlawful or immoral acts;

(i) Any building or structure which has been constructed or which exists or is maintained in violation of any specific requirement or prohibition, applicable to such building or structure, of the building regulations of the city, as set forth in the building code, or of any law or ordinance of the state or city relating to the condition, location, or structure of buildings;

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

(k) Whenever any building or structure used, or intended to be used, for dwelling purposes has light, air, and sanitation facilities inadequate to protect the health, safety, or general welfare of persons living within;

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

(m) Any building which does not have the exterior wall fire-resistive requirements of the building code; and

(n) Buildings or structures maintained in violation of the provisions of the building code;

(19) A swimming pool maintained or operated in such a manner which allows the pool to become a breeding place for mosquitoes or other insects. For purposes of this subsection, the term "swimming pool" means any public or private above-grade, at-grade or below-grade basin, chamber, tank or structure used or intended to be used for wading, swimming, diving, bathing or any form of water recreation, therapy or sport;

(20) Any violation of the zoning ordinance of this code, and more particularly in violation of the provisions of Article 88 of the zoning ordinance;

(21) Seasonal displays, including Christmas lights and other holiday decorations, that have not been removed within 30 days of the end of the holiday being commemorated. By way of example, all Christmas decorations must be removed by February 1st of each year;

(22) The presence of graffiti, as defined in CMC 9.12.020, on any private or public real or personal property or any violation of Chapter 9.12 CMC. (Ord. 632 § 3, 2013; Ord. 564 § 1; Ord. 510 § 1; Ord. 176 § 5; Ord. 129 § 1. 2002 Code § 9-5.2).

15.20.030 Abatement of nuisances by repair, rehabilitation, or demolition.

(1) All or any part of premises found, as provided in this chapter, to constitute a public nuisance shall be abated by repair, rehabilitation, or demolition pursuant to the procedures set forth in this chapter.

(2) The procedures set forth in this chapter shall be alternative to the procedures for abatement of nuisances set forth in Chapter 8.16 CMC and any other provision of this code, and shall not in any manner limit or restrict the city from enforcing city laws or abating public nuisances in the manner provided in those other sections or as otherwise provided by law. (Ord. 510 § 2; Ord. 129 § 1. 2002 Code § 9-5.3).

15.20.040 Resolutions of intention to determine nuisances.

Whenever the planning commission finds, based upon a report of the director of planning, fire chief, director of public works, or building official, that any premises within the city may be maintained in a condition described by one or more of the provisions of CMC 15.20.020, the planning commission shall by resolution declare its intent to conduct a public hearing to ascertain whether the same constitutes a public nuisance, the abatement of which is appropriate under the police powers of the city. Such resolution shall describe the premises involved by street address, referring to the street by the name under which it is officially or commonly known, shall further describe the property by giving the lot and block number thereof, and shall give a brief description of the conditions thereof and a brief statement of the methods of abatement thereof. (Ord. 129 § 1. 2002 Code § 9-5.4).

15.20.050 Hearings – Notices – Form.

Within 30 days after the passage of said resolution by the planning commission, the director of planning shall cause to be conspicuously posted on the premises a certified copy of such resolution and a notice of the time and place of the hearing before the planning commission, which notice shall be titled "Notice of Hearing," in letters not less than one inch in height, and substantially in the following form:

NOTICE OF HEARING TO DETERMINE EXISTENCE OF PUBLIC NUISANCE AND TO ABATE IN WHOLE OR PART

Notice is hereby given that on the ___ day of _____ the Planning Commission of the City of Cudahy passed a resolution declaring its intent to ascertain whether certain premises situated in the City of Cudahy, State of California, known and designated as _____ in said City, and more particularly described as Lot No. _____, Tract No. _____, constitute a public nuisance subject to abatement by the rehabilitation of such premises or by the repair or demolition of buildings or structures situated thereon. If said premises, in whole or part, are found to constitute a public nuisance, as defined by Section 15.20.020 of the Cudahy Municipal Code, and if the same is not promptly abated by the owner, such nuisance may be abated by municipal authorities, in which case the cost of such repair, rehabilitation or demolition will be assessed upon such premis-

es, and such cost will constitute a lien upon such land until paid. (Reference is hereby made to Resolution No. _____ on file with the City Clerk for further particulars.)

Said alleged violations consist of the following: _____

All persons having any objection to, or interest in, said matter are hereby notified to attend a meeting of the Planning Commission of the City to be held at the City Hall, 5220 Santa Ana Street, Cudahy, California, on the ___ day of _____, at the hour of ____ __.m., when their testimony and evidence will be heard and given due consideration.

DATED: This ____ day of _____, 20___

Planning Director

(Ord. 129 § 1. 2002 Code § 9-5.5).

15.20.060 Hearings – Notices – Service on owner.

The director of community development shall cause to be served upon the owner of each of the affected premises one copy of such notice and a certified copy of the resolution of the planning commission, in accordance with the provisions of CMC 15.20.070.

Such notice and resolution shall be so posted and served at least 10 days before the time fixed for such hearing. Proof of the posting and service of such notice and resolution shall be made by declaration filed with the planning commission. (Ord. 396 § 4; Ord. 129 § 1. 2002 Code § 9-5.6).

15.20.070 Service of notice of hearing.

Service of such notice and resolution shall be by personal service upon the owner of the affected premises as such owner's name and address appears on the last equalized assessment roll, if he is found within the city limits, or, if he is not found within the city limits, by depositing a copy of such notice and resolution in the United States postal service enclosed in a sealed envelope and with the postage thereon fully prepaid. Such mail shall be registered or certified and addressed to the owner at the last known address of the owner and, if there is no known address, then in care of the property address. The service shall be complete at the time of such deposit. "Owner," as used in this chapter, shall mean any person in possession and also any person having or claiming to have any legal or

equitable interest in such premises as disclosed by a title search from any accredited title company. The failure of any person to receive such notice shall not affect the validity of any proceedings under the provisions of this section. (Ord. 129 § 1. 2002 Code § 9-5.7).

15.20.080 Hearings – Determinations.

(1) At the time stated in the notice, the planning commission shall hear and consider all relevant evidence, objections, or protests and shall receive testimony from owners, witnesses, city personnel, and interested persons relative to such alleged public nuisance and to the repair, proposed rehabilitation, or demolition of such premises. Such hearing may be continued from time to time.

(2) Upon the conclusion of such hearing, the planning commission shall, based upon such hearing, determine whether the premises, or any part thereof, as maintained constitutes a public nuisance as defined in this chapter. If the planning commission finds that such public nuisance does exist and that there is sufficient cause to require the repair, rehabilitation, or demolition of the same, the planning commission may by resolution declare such premises to be a public nuisance and order the abatement of the same within 30 days by having such premises, building, or structure repaired, rehabilitated, or demolished in the manner and means specifically set forth in the resolution. (Ord. 129 § 1. 2002 Code § 9-5.8).

15.20.090 Hearings – Determinations – Appeals.

(1) Filing. Any person entitled to service pursuant to the provisions of CMC 15.20.070 may appeal from the decision of the planning commission by filing at the office of the director of community development within 15 days from the date of service of such decision a written dated appeal containing:

(a) A heading in the words "Before the City Council";

(b) A caption reading: "Appeal of _____," giving the names of all the appellants participating in the appeal;

(c) A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order;

(d) A statement in ordinary concise language of the specific order or action protested, together with any material facts supporting the contentions of the appellant; and

(e) The signatures of all parties named as appellants and their official mailing addresses.

(2) Hearings. As soon as practicable after receiving the written appeal, the director of community development shall set a date for hearing of the appeal by the council, which date shall be not less than 10 days nor more than 45 days from the date the appeal was filed. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the director of community development by mailing a copy of such notice to the appellant at his address shown on the appeal. Continuances of the hearing may be granted by the council for good cause shown or on the council's own motion.

(3) Decisions. After the conclusion of the hearing on such appeal, the council shall by resolution either:

(a) Terminate the proceedings;

(b) Confirm the action and decision of the planning commission; or

(c) Modify such decision based upon evidence adduced at the hearing.

In the cases of alternative (b) or (c) of subsection (3) of this section, the resolution shall declare such premises to be a public nuisance and order the abatement of the same by having such premises, building, or structure repaired, rehabilitated, or demolished in the time, manner, and means specifically set forth in the resolution. (Ord. 396 § 4; Ord. 129 § 1. 2002 Code § 9-5.9).

15.20.100 Orders to abate.

A copy of the resolution of the council ordering the abatement of such nuisance shall be served upon the owners of the property in accordance with the provisions of CMC 15.20.070 and shall contain a detailed list of the needed corrections and abatement methods. Any property owner shall have the right to have any such premises rehabilitated or to have such buildings or structures repaired or demolished in accordance with the resolution and at his own expense provided the same is done prior to the expiration of the 30-day abatement period. Upon such abatement in full by the owner, the pro-

ceedings under the provisions of this chapter shall terminate. (Ord. 129 § 1. 2002 Code § 9-5.10).

15.20.110 Abatement by city.

If such nuisance is not completely abated by the owner within the 30-day period, the council may direct the city manager to cause the same to be abated by city forces or private contract, and the city manager is hereby expressly authorized to enter upon such premises for such purposes. (Ord. 129 § 1. 2002 Code § 9-5.11).

15.20.120 Abatement by city – Reports of costs.

The city manager shall keep an account of the costs (including incidental expenses) of abating such nuisances on each separate lot or parcel of land where the work is done and shall render an itemized report in writing to the council showing the cost of the abatement and repair, rehabilitation, or demolishing of such premises, buildings, or structures, including any salvage value relating thereto. Before such report is submitted to the council, a copy of the report shall be posted for at least five days upon such premises, together with a notice of the time when the report shall be heard by the council for confirmation. A copy of such report and notice shall be served upon the owners of such property, in accordance with the provisions of CMC 15.20.070, at least five days prior to submitting the report to the council. Proof of such posting and service shall be made by declaration filed with the city clerk. "Incidental expenses," as used in this section, shall include, but not be limited to, the actual expenses and costs of the city in the preparation of notices, specifications, and contracts and in inspecting the work and the costs of the printing and mailing required by the provisions of this chapter. (Ord. 129 § 1. 2002 Code § 9-5.12).

15.20.130 Abatement by city – Assessment of costs – Liens.

The total cost for abating such nuisance, as so confirmed by the council, shall constitute a special assessment against the respective lot or parcel of land to which it relates and, upon recordation in the office of the county recorder of a notice of lien, as so made and confirmed, shall constitute a lien on such property for the amount of such assessment.

(1) After such confirmation and recordation, a copy may be submitted to the tax assessor for the city, whereupon it shall be the duty of the tax assessor to add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels of land for municipal purposes, and thereafter such amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure under foreclosure and sale in cases of delinquency as provided for ordinary municipal taxes; or

(2) After such recordation such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

Such notice of lien for recordation shall be in the form substantially as follows:

NOTICE OF LIEN
(Claim of City of Cudahy)

Names of Owners or Reputed Owners:

_____

Pursuant to the authority vested by the provisions of Section 15.20.110 of the Cudahy Municipal Code, the City Manager of the City of Cudahy did, on or about the ____ day of _____, 20____, cause the premises hereinafter described to be rehabilitated or the building or structure on the property hereinafter described to be repaired or demolished in order to abate a public nuisance on said real property; and the City Council of the City of Cudahy did, on the ____ day of _____, 20____, assess the cost of such repair, rehabilitation, or demolition upon the real property hereinafter described; and the same has not been paid, nor any part thereof; and the said City does hereby claim a lien for the costs of such repair, rehabilitation, or demolition in the amount of said assessment, to wit, the sum of $_____; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the

City of Cudahy, County of Los Angeles, State of California, and particularly described as follows:

(describe property)

(Ord. 190 § 1; Ord. 129 § 1. 2002 Code § 9-5.13).

15.20.140 Alternate proceedings.

The provisions of this chapter shall not be deemed to prevent the council from ordering the commencement of a civil or criminal proceeding to abate a public nuisance under applicable Civil Code or Penal Code provisions of the state as an alternative to the proceedings set forth in this chapter. (Ord. 129 § 1. 2002 Code § 9-5.14).

15.20.150 Graffiti removal.

Repealed by Ord. 632. (Ord. 284 § 1. 2002 Code § 9-5.15).

Chapter 15.24

PRE-SALE HOUSING INSPECTION

Sections:

15.24.010 Definitions.
15.24.020 Real property report.
15.24.030 Applicability.
15.24.040 Contents of report.
15.24.050 Access to buildings.
15.24.060 Delivery of report.
15.24.070 Nonliability of the city.
15.24.080 Extension endorsement.
15.24.090 Penalties.
15.24.100 Fees.

15.24.010 Definitions.

"Agreement of sale" shall mean any written instrument that title to any real property shall thereafter be transferred from one owner to another.

"Owner" shall mean any person, copartnership, association, corporation or fiduciary having legal or equitable title to any interest in any real property.

"Residential real property" shall mean any improved or unimproved real property zoned or used for dwelling purposes, situated in the city of Cudahy, and includes buildings or structures, if any, located on the real property. (Ord. 514 § 1. 2002 Code § 9-7.1).

15.24.020 Real property report.

No owner of residential real property shall sell, exchange, or transfer that property until a real property report is obtained from the city. The real property report shall include the information required by CMC 15.24.040 and shall serve to identify the status and conditions existing on the subject property with respect to the issuance of required building and other uniform code permits, compliance with health, safety, and property maintenance code requirements, the status of, and detection of, any nonconforming or illegal structures, the existence or nonexistence of any land use approvals, and any fees or charges that constitute or would constitute a lien against the property. The purpose of this real property report is to inform the owner of the residential real property as well as the prospective purchaser or transferee of the abovementioned matters before the sale, transfer or

exchange of residential property is completed. (Ord. 514 § 1. 2002 Code § 9-7.2).

15.24.030 Applicability.

The provisions of this chapter shall apply to residential real property. It shall not apply to the following classifications of real property:

(1) Commercial buildings unless the property contains a mixture of residential and commercial uses.

(2) Hotels and motels. (Ord. 514 § 1. 2002 Code § 9-7.3).

15.24.040 Contents of report.

Upon application of the owner, and the payment to the city of a fee established by the city council by resolution, the director of community development shall cause to be prepared and then deliver to the owner and buyer or transferee of the property a real property report which shall contain the following information:

(1) The street address or other appropriate description of the property.

(2) A statement of the zoning classification appropriate to the subject property.

(3) A site plan of the subject property with an approximate footprint of the buildings located thereon.

(4) A statement of the use permits and variances granted to the property, including the conditions of approval for such permits.

(5) Conditions of the property that violate the Cudahy Municipal Code or other applicable statutes or codes and other substandard conditions that are found on the subject property by members of the city's planning staff, the city's building inspector or the city's code enforcement officer.

(6) A statement as to whether any building, electrical, plumbing, or heating and air conditioning permit or other uniform code permits are required to be obtained for work already completed on the subject property and whether any such permits that have been issued but final approval of any work thereunder has not been given by the city.

(7) A statement as to whether there appears to be any nonconformity or illegality in the structures on the subject property or the uses being made thereof.

(8) A statement of any taxes, fees, assessments or other charges owed that constitute or would constitute a lien against the property.

(9) A statement as to whether or not the parcel is recognized as a separate lot by the city and whether or not it is a legal building site under city regulations. (Ord. 514 § 1. 2002 Code § 9-7.4).

15.24.050 Access to buildings.

It shall be the responsibility of the owner of the residential real property to be the applicant for the real property report, to arrange for an inspection and preparation of a real property report for all buildings and exterior areas of the property, and to provide any required notices to tenants of such inspection to permit interior access. (Ord. 514 § 1. 2002 Code § 9-7.5).

15.24.060 Delivery of report.

The real property report shall be delivered to the owner or the authorized representative or agent of the owner, and then by the owner to the buyer or transferee, pursuant to and in accordance with California Civil Code Section 1102.6a, prior to the close of escrow or effective date of the sale or exchange of the residential real property. (Ord. 514 § 1. 2002 Code § 9-7.6).

15.24.070 Nonliability of the city.

Neither the enactment of the ordinance codified in this chapter nor the preparation and delivery of any report required hereunder shall impose any liability upon the city for any errors or omissions contained in the report, nor shall the city bear any liability not otherwise imposed by law. (Ord. 514 § 1. 2002 Code § 9-7.7).

15.24.080 Extension endorsement.

Upon request of the owner, prior to the expiration of the six-month period, the community development department may issue an endorsement to the report, extending its validity for one additional four-month period, showing any changes to the information shown on the original report. There shall be no fee for the issuance of the endorsement. (Ord. 514 § 1. 2002 Code § 9-7.8).

15.24.090 Penalties.

(1) Any person who violates any provision of this chapter shall be subject to the penalties provided in CMC 1.36.010(1).

(2) No sale or exchange of residential real property shall be invalidated solely because of the failure of any person to comply with the provisions of this chapter. However, nothing in this subsection shall abrogate any term or condition to an agreement effectuating the sale or exchange that may require the real property report to be prepared. (Ord. 514 § 1. 2002 Code § 9-7.9).

15.24.100 Fees.

The fee for issuance of the report shall be established by a resolution of the city council. (Ord. 514 § 1. 2002 Code § 9-7.10).

Chapter 15.28

HOMEOWNERS' ASSOCIATIONS

Sections:

15.28.010 Homeowners' associations.

15.28.010 Homeowners' associations.

Each calendar year, homeowners' associations shall register with the planning division of the city of Cudahy an update on the status and continued activities of homeowners' associations. The initial fee for registration shall be $75.00 which is based on the actual cost of processing registration documents. Each year thereafter an update shall be filed with the planning department at the actual cost of $15.00 for the update. The city shall provide all forms which need to be filled out and executed by the appropriate legal representative of the respective homeowners' association. (Ord. 577 § 1. 2002 Code § 9-9).

Chapter 15.29

RESIDENTIAL CODE

Sections:

15.29.010 Adoption of the 2013 California Residential Code as amended by Title 30 of the 2014 Los Angeles County Residential Code.
15.29.020 Definitions.
15.29.030 Penalty.

15.29.010 Adoption of the 2013 California Residential Code as amended by Title 30 of the 2014 Los Angeles County Residential Code.

(1) The 2013 California Residential Code as amended by Title 30 of the 2014 Los Angeles County Residential Code, together with their appendices, which regulate the erection, construction, enlargements, alteration, repair, moving, removal, conversion, demolition, occupancy, use, equipment, height, area, security, abatement, and maintenance of residential buildings or structures within the city, provide for the issuance of permits and collection of fees therefor, and provide for penalties for violation thereto, are hereby adopted by reference, and conflicting ordinances are hereby repealed.

(2) All of the regulations, provisions, conditions, and terms of said codes, together with their appendices, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted and made part of this chapter as if fully set forth in this chapter with exceptions, deletions, additions, and amendments thereto as set forth in this chapter. (Ord. 639 § 10, 2014; Ord. 625 § 11, 2013).

15.29.020 Definitions.

Whenever any of the names or terms defined in this section are used in the residential code adopted in CMC 15.29.010, each name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

(1) "Board of appeals" shall mean the planning commission.

(2) "Building department" shall mean the building division of the city of Cudahy.

(3) "City" shall mean the city of Cudahy.

(4) "County," "county of Los Angeles," or "unincorporated territory of the county of Los Angeles" shall mean the city of Cudahy.

(5) "County engineer" shall mean the city engineer of the city of Cudahy.

(6) "Electrical code" shall mean the electrical code adopted by CMC 15.08.010.

(7) "Fire code" shall mean the fire code adopted by CMC 8.08.010.

(8) "General fund" shall mean the city treasury of the city of Cudahy.

(9) "Green building standards code" shall mean the green building standards code adopted by CMC 15.32.010.

(10) "Health code" or "Los Angeles County Health Code" shall mean the health code adopted by CMC 8.04.010.

(11) "Mechanical code" shall mean the mechanical code adopted by CMC 15.16.010.

(12) "Plumbing code" shall mean the plumbing code adopted by CMC 15.12.010. (Ord. 639 § 11, 2014; Ord. 625 § 11, 2013).

15.29.030 Penalty.

Every person violating any provision of the 2013 California Residential Code as amended by Title 30 of the 2014 Los Angeles County Residential Code and appendices, adopted by reference by CMC 15.29.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed $1,000 or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense. (Ord. 639 § 12, 2014; Ord. 625 § 11, 2013).

Chapter 15.32

GREEN BUILDING STANDARDS CODE

Sections:

15.32.010 Adoption of the 2013 California Green Building Standards Code as amended by Title 30 of the 2014 Los Angeles County Green Building Standards Code.
15.32.020 Definitions.
15.32.030 Penalty.

15.32.010 Adoption of the 2013 California Green Building Standards Code as amended by Title 30 of the 2014 Los Angeles County Green Building Standards Code.

(1) The 2013 California Green Building Standards Code as amended by Title 31 of the 2014 Los Angeles County Green Building Standards Code, together with their appendices, which regulate the erection, construction, enlargements, alteration, repair, moving, removal, conversion, demolition, occupancy, use, equipment, height, area, security, abatement, and maintenance of buildings or structures, planning, design, operation, construction, use and occupancy of every newly constructed building or structure within the city, provide for the issuance of permits and collection of fees therefor, and provide for penalties for violation thereto, are hereby adopted by reference, and conflicting ordinances are hereby repealed.

(2) All of the regulations, provisions, conditions, and terms of said codes, together with their appendices, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted and made part of this chapter as if fully set forth in this chapter with exceptions, deletions, additions, and amendments thereto as set forth in this chapter. (Ord. 639 § 13, 2014; Ord. 625 § 12, 2013).

15.32.020 Definitions.

Whenever any of the names or terms defined in this section are used in the green building standards code adopted in CMC 15.32.010, each name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

(1) "Board of appeals" shall mean the planning commission.

(2) "Building department" shall mean the building division of the city of Cudahy.

(3) "City" shall mean the city of Cudahy.

(4) "County," "county of Los Angeles," or "unincorporated territory of the county of Los Angeles" shall mean the city of Cudahy.

(5) "County engineer" shall mean the city engineer of the city of Cudahy.

(6) "Electrical code" shall mean the electrical code adopted by CMC 15.08.010.

(7) "Fire code" shall mean the fire code adopted by CMC 8.08.010.

(8) "General fund" shall mean the city treasury of the city of Cudahy.

(9) "Health code" or "Los Angeles County Health Code" shall mean the health code adopted by CMC 8.04.010

(10) "Mechanical code" shall mean the mechanical code adopted by CMC 15.16.010.

(11) "Plumbing code" shall mean the plumbing code adopted by CMC 15.12.010.

(12) "Residential code" shall mean the residential code adopted by CMC 15.29.010. (Ord. 639 § 14, 2014; Ord. 625 § 12, 2013).

15.32.030 Penalty.

Every person violating any provision of the 2013 California Green Building Standards Code as amended by Title 31 of the 2014 Los Angeles Green Building Standards Code and appendices, adopted by reference by CMC 15.32.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed $1,000 or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense. (Ord. 639 § 15, 2014; Ord. 625 § 12, 2013).

Title 16

FLOODPLAIN REGULATIONS

Chapters:

16.04 Statutory Authorization, Findings of Fact, Purpose and Methods
16.08 Definitions
16.12 General Provisions
16.16 Administration
16.20 Provisions for Flood Hazard Reduction
16.24 Variance Procedure
16.28 Alluvial Fan Advisory
16.32 Higher Standards Recommended by the State of California
16.36 Special Requirements

Prior legislation: Ord. 276.

Chapter 16.04

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

Sections:

16.04.010 Statutory authorization.
16.04.020 Findings of fact.
16.04.030 Statement of purpose.
16.04.040 Methods of reducing flood losses.

16.04.010 Statutory authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the city of Cudahy does hereby adopt the following floodplain management regulations. (Ord. 601 § 1.1, 2006)

16.04.020 Findings of fact.

(1) The flood hazard areas of the city of Cudahy are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities also contributes to flood losses. (Ord. 601 § 1.2, 2006)

16.04.030 Statement of purpose.

It is the purpose of this title to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood-prone, mudslide (i.e., mudflow) or flood-related erosion areas. These regulations are designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

(6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

(7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and

(8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 601 § 1.3, 2006)

16.04.040 Methods of reducing flood losses.

In order to accomplish its purposes, this title includes regulations to:

(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Control filling, grading, dredging, and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas; and

(6) These regulations take precedence over any less restrictive conflicting local laws, ordinances and codes. (Ord. 601 § 1.4, 2006)

Chapter 16.08

DEFINITIONS

Sections:
16.08.010 Definitions.

16.08.010 Definitions.

Unless specifically defined below, words or phrases used in this title shall be interpreted so as to give them the meaning they have in common usage and to give this title its most reasonable application.

A Zone. See "Special flood hazard area (SFHA)."

"Accessory structure, low-cost and small" means a structure that is:

(a) Solely for the parking of no more than two cars; or limited storage (small, low-cost sheds); and

(b) Consisting of no greater than 500 square feet, except as specified above, with a value not to exceed one-half of one percent of the assessed value of the primary use structure.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone- or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this title.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. See "Special flood hazard area (SFHA)."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). "Base flood" is the term used throughout this title.

"Base flood elevation (BFE)" means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1 – 30, VE and V1 – 30 that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade – i.e., below ground level – on all sides.

Building. See "Structure."

"City" means the municipal jurisdiction of the city of Cudahy and its elected officials, officials, employees and authorized agents.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 1, 2006.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood," "flooding," or "flood water" means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters;

the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

(b) The condition resulting from flood-related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazard and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source – see "Flooding."

"Floodplain administrator" is the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this title and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "regulatory floodway."

"Floodway fringe" is that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

"Fraud and victimization," as related to Chapter 16.24 CMC, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city of Cudahy will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship," as related to Chapter 16.24 CMC, means the exceptional hardship that would result from a failure to grant the requested variance. The city of Cudahy requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship

alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement").

(a) An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided it conforms to applicable nonelevation design requirements, including, but not limited to:

(i) The flood openings standards in CMC 16.20.010(3)(c);

(ii) The anchoring standards in CMC 16.20.010(1);

(iii) The construction materials and methods standards in CMC 16.20.010(2); and

(iv) The standards for utilities in CMC 16.20.020.

(b) For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement"). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" is defined in the city of Cudahy substantial damage/improvement procedures. See CMC 16.16.020(2)(a).

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after August 1, 2006, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of

utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 1, 2006.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Hundred-Year Flood or 100-Year Flood. See "Base flood."

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Public safety and nuisance," as related to Chapter 16.24 CMC, means that the granting of a variance must not result in anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this title or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sheet Flow Area. See "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1 – A30, AE, A99, or AH.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the mar-

ket value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a "historic structure"; provided, that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this title which permits construction in a manner that would otherwise be prohibited by this title.

"Violation" means the failure of a structure or other development to be fully compliant with this title. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this title is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. "Watercourse" includes specifically designated areas in which substantial flood damage may occur. (Ord. 601 § 2.0, 2006)

Chapter 16.12

GENERAL PROVISIONS

Sections:

16.12.010 Lands to which this title applies.
16.12.020 Basis for establishing the areas of special flood hazard.
16.12.030 Compliance.
16.12.040 Abrogation and greater restrictions.
16.12.050 Interpretation.
16.12.060 Warning and disclaimer of liability.
16.12.070 Severability.

16.12.010 Lands to which this title applies.

This title shall apply to all areas of special flood hazard within the jurisdiction of the city of Cudahy. (Ord. 601 § 3.1, 2006)

16.12.020 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for Los Angeles County," dated July 6, 1998, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this title. This FIS and attendant mapping is the minimum area of applicability of this title and may be supplemented by studies for other areas which allow implementation of this title and which are recommended to the city by the floodplain administrator. The study, FIRMs and FBFMs are on file at the city of Cudahy, city clerk's office and are available for inspection upon appointment by calling 323-773-4173. (Ord. 601 § 3.2, 2006)

16.12.030 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this title and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 601 § 3.3, 2006)

16.12.040 Abrogation and greater restrictions.

This title is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this title and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 601 § 3.4, 2006)

16.12.050 Interpretation.

In the interpretation and application of this title, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 601 § 3.5, 2006)

16.12.060 Warning and disclaimer of liability.

The degree of flood protection required by this title is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This title does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This title shall not create liability on the part of the city, any officer or employee thereof, the state of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this title or any administrative decision lawfully made hereunder. (Ord. 601 § 3.6, 2006)

16.12.070 Severability.

This title and the various parts thereof are hereby declared to be severable. Should any section of this title be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this title as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 601 § 3.7, 2006)

Chapter 16.16

ADMINISTRATION

Sections:

16.16.010 Designation of the floodplain administrator.
16.16.020 Duties and responsibilities of the floodplain administrator.
16.16.030 Development permit.
16.16.040 Appeals.

16.16.010 Designation of the floodplain administrator.

The city manager is hereby appointed to administer, implement, and enforce this title by granting or denying development permits in accord with its provisions. (Ord. 601 § 4.1, 2006)

16.16.020 Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

(1) Permit Review. Review all development permits to determine that:

(a) Permit requirements of this title have been satisfied, including determination of substantial improvement and substantial damage of existing structures;

(b) All other required state and federal permits have been obtained;

(c) The site is reasonably safe from flooding;

(d) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the city; and

(e) All letters of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the

"start of construction" definition in Chapter 16.08 CMC.

(2) Development of Substantial Improvement and Substantial Damage Procedures.

(a) Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "market value."

(b) Assure that procedures are coordinated with other departments/divisions and implemented by community staff.

(3) Review, Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with CMC 16.12.020, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Chapter 16.20 CMC.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-Year) Flood Elevations" dated July 1995.

(4) Notification of Other Agencies.

(a) Alteration or relocation of a watercourse:

(i) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

(ii) Submit evidence of such notification to the Federal Emergency Management Agency; and

(iii) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(b) Base flood elevation changes due to physical alterations:

(i) Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).

(ii) All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition in Chapter 16.08 CMC.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

(c) Changes in corporate boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

(5) Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

(a) Certification required by CMC 16.20.010(3)(a) and 16.20.040 (lowest floor elevations);

(b) Certification required by CMC 16.20.010(3)(b) (elevation or floodproofing of nonresidential structures);

(c) Certification required by CMC 16.20.010(3)(c) (wet floodproofing standard);

(d) Certification of elevation required by CMC 16.20.030(1)(c) (subdivisions and other proposed development standards);

(e) Certification required by CMC 16.20.060(2) (floodway encroachments); and

(f) Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

(6) Map Determination. Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in CMC 16.16.040.

(7) Remedial Action. Take action to remedy violations of this title as specified in CMC 16.12.030.

(8) Biennial Report. Complete and submit biennial report to FEMA.

(9) Planning. Assure that the community's general plan is consistent with the floodplain management objectives herein. (Ord. 601 § 4.2, 2006)

16.16.030 Development permit.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in CMC 16.12.020. Application for a development permit shall be made on forms furnished by the city. The applicant shall provide the following minimum information:

(1) Plans in duplicate, drawn to scale, showing:

(a) Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;

(b) Proposed locations of water supply, sanitary sewer, and other utilities;

(c) Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

(d) Location of the regulatory floodway when applicable;

(e) Base flood elevation information as specified in CMC 16.12.020 or 16.16.020(3);

(f) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and

(g) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in CMC 16.20.010(3)(b) and detailed in FEMA Technical Bulletin TB 3-93.

(2) Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in CMC 16.20.010(3)(b).

(3) For a crawl-space foundation, location and total net area of foundation openings as required in CMC 16.20.010(3)(c) and detailed in FEMA Technical Bulletins TB 1-93 and TB 7-93.

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(5) All appropriate certifications listed in CMC 16.16.020(5). (Ord. 601 § 4.3, 2006)

16.16.040 Appeals.

The city council of the city shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this title. (Ord. 601 § 4.4, 2006)

Chapter 16.20

PROVISIONS FOR FLOOD HAZARD REDUCTION

Sections:

16.20.010 Standards of construction.
16.20.020 Standards for utilities.
16.20.030 Standards for subdivisions and other proposed development.
16.20.040 Standards for manufactured homes within manufactured home parks or subdivisions.
16.20.050 Standards for recreational vehicles.
16.20.060 Floodways.

16.20.010 Standards of construction.

In all areas of special flood hazard the following standards are required:

(1) Anchoring. All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) Construction Materials and Methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

(a) With flood-resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;

(b) Using methods and practices that minimize flood damage;

(c) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

(d) Within Zone AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(3) Elevation and Floodproofing.

(a) Residential Construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

(i) In AE, AH, and A1 – 30 Zones, elevated to or above the base flood elevation.

(ii) In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.

(iii) In an A Zone, without BFEs specified on the FIRM (unnumbered A Zone), elevated to or above the base flood elevation, as determined under CMC 16.16.020(3).

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

(b) Nonresidential Construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with subsection (3)(a) of this section or:

(i) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under subsection (3)(a) of this section, so that the structure is watertight with walls substantially impermeable to the passage of water;

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(iii) Be certified by a registered civil engineer or architect that the standards of subsections (3)(b)(i) and (ii) of this section are satisfied. Such certification shall be provided to the floodplain administrator.

(c) Flood Openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must meet the following minimum criteria:

(i) For nonengineered openings:

(A) Have a minimum of two openings on different sides having a total net area of not less

than one square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot above grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of flood water; and

(D) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

(ii) Be certified by a registered civil engineer or architect.

(d) Manufactured Homes.

(i) Manufactured homes located outside of manufactured home parks or subdivisions shall meet the elevation and floodproofing requirement in subsection (3) of this section.

(ii) Manufactured homes placed within manufactured home parks or subdivisions shall meet the standards in CMC 16.20.040. Additional guidance may be found in FEMA Technical Bulletins TB 1-93 and TB 7-93.

(e) Garages and Low-Cost Accessory Structures.

(i) Attached Garages.

(A) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See subsection (3)(c) of this section. Areas of the garage below the BFE must be constructed with flood-resistant materials. See subsection (2) of this section.

(B) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below-grade parking areas, see FEMA Technical Bulletin TB-6.

(ii) Detached Garages and Accessory Structures.

(A) "Accessory structures" used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Chapter 16.08 CMC, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

1. Use of the accessory structure must be limited to parking or limited storage;

2. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

3. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

4. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

5. The accessory structure must comply with floodplain encroachment provisions in CMC 16.20.060; and

6. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with subsection (3)(c) of this section.

(B) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in this section. (Ord. 601 § 5.1, 2006)

16.20.020 Standards for utilities.

(1) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

(a) Infiltration of flood waters into the systems; and

(b) Discharge from the systems into flood waters.

(2) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 601 § 5.2, 2006)

16.20.030 Standards for subdivisions and other proposed development.

(1) All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or five acres, whichever is the lesser, shall:

(a) Identify the special flood hazard areas (SFHA) and base flood elevations (BFE).

(b) Identify the elevations of lowest floors of all proposed structures and pads on the final plans.

(c) If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision

based on fill (LOMR-F) to the floodplain administrator:

(i) Lowest floor elevation.

(ii) Pad elevation.

(iii) Lowest adjacent grade.

(2) All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

(3) All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(4) All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 601 § 5.3, 2006)

16.20.040 Standards for manufactured homes within manufactured home parks or subdivisions.

All manufactured homes in special flood hazard areas shall meet the anchoring standards in CMC 16.20.010(1), construction materials and methods requirements in CMC 16.20.010(2), flood openings requirements in CMC 16.20.010(3)(c), and garages and low-cost accessory structure standards in CMC 16.20.010(3)(e).

Note: Manufactured homes located outside of manufactured home parks or subdivisions shall meet the elevation and floodproofing requirement in CMC 16.20.010(3).

(1) All manufactured homes that are placed or substantially improved, on sites located: (a) in a new manufactured home park or subdivision; (b) in an expansion to an existing manufactured home park or subdivision; (c) or in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood shall:

(a) Within Zones A1 – 30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(2) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1 – 30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of subsection (1) of this section will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

(a) Lowest floor of the manufactured home is at or above the base flood elevation; or

(b) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator. (Ord. 601 § 5.4, 2006)

16.20.050 Standards for recreational vehicles.

All recreational vehicles placed in Zones A1 – 30, AH, and AE will either:

(1) Be on the site for fewer than 180 consecutive days; or

(2) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(3) Meet the permit requirements of CMC 16.16.030 and the elevation and anchoring requirements for manufactured homes in CMC 16.20.040(1). (Ord. 601 § 5.5, 2006)

16.20.060 Floodways.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1 – 30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface eleva-

tion of the base flood more than one foot at any point within the city.

(2) Within an adopted regulatory floodway, the city shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(3) If subsections (1) and (2) of this section are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this chapter. (Ord. 601 § 5.6, 2006)

Chapter 16.24

VARIANCE PROCEDURE

Sections:

16.24.010 Nature of variances.
16.24.020 Conditions for variances.
16.24.030 Appeal board.

16.24.010 Nature of variances.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this title would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the city council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this title are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (Ord. 601 § 6.1, 2006)

16.24.020 Conditions for variances.

(1) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures con-

structed below the base flood level, providing that the procedures of Chapters 16.16 and 16.20 CMC have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Chapter 16.08 CMC) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this title. For example, in the case of variances to an elevation requirement, this means the planning commission need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the planning commission believes will both provide relief and preserve the integrity of the local ordinance.

(5) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage; and

(b) Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the county of Los Angeles recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(6) The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency. (Ord. 601 § 6.2, 2006)

16.24.030 Appeal board.

(1) In passing upon requests for variances, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this title, and the:

(a) Danger that materials may be swept onto other lands to the injury of others;

(b) Danger of life and property due to flooding or erosion damage;

(c) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

(d) Importance of the services provided by the proposed facility to the community;

(e) Necessity to the facility of a waterfront location, where applicable;

(f) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(g) Compatibility of the proposed use with existing and anticipated development;

(h) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) Safety of access to the property in time of flood for ordinary and emergency vehicles;

(j) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

(k) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(2) Variances shall only be issued upon a:

(a) Showing of good and sufficient cause;

(b) Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and

(c) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance" in Chapter 16.08 CMC), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

(3) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use; provided, that the provisions of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(4) Upon consideration of the factors of CMC 16.24.020(1) and the purposes of this title, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this title. (Ord. 601 § 6.3, 2006)

Chapter 16.28

ALLUVIAL FAN ADVISORY

Sections:

16.28.010 Hazards of alluvial fan development.
16.28.020 Alluvial fans and LOMRs.
16.28.030 Alluvial fan task force.

16.28.010 Hazards of alluvial fan development.

Alluvial fans present a unique flood hazard environment where the combination of sediment, slope, and topography create an ultrahazardous condition for which elevation on fill will not provide reliable protection. Active alluvial fan flooding is characterized by flow path uncertainty combined with abrupt deposition and erosion. As a result, any area of an alluvial fan may be subject to intense flood hazards.

The technology of mathematically modeling the hydrodynamics of water and debris flows for alluvial fans is still in the early development stage. The Federal Emergency Management Agency (FEMA) has formulated a mapping procedure for the purpose of defining the likelihood of flood hazards on inundated alluvial fan zones to be used for flood insurance purposes and general floodplain regulation, referred to as the FEMA alluvial fan methodology.

An active alluvial fan flooding hazard is indicated by three related criteria:

(1) Flow path uncertainty below the hydrographic apex;

(2) Abrupt deposition and ensuing erosion of sediment as a stream or debris flow loses its competence to carry material eroded from a steeper, upstream source area; and

(3) An environment where the combination of sediment availability, slope, and topography creates an ultrahazardous condition for which elevation on fill will not reliably mitigate the risk.

Inactive alluvial fan flooding is similar to traditional riverine flood hazards, but occurs only on alluvial fans. It is characterized by flow paths with a higher degree of certainty in realistic assessments of flood risk or in the reliable mitigation of the hazard. Counter to active alluvial fan flooding hazards, an inactive alluvial fan flooding hazard is characterized by relatively stable flow paths. However,

areas of inactive alluvial fan flooding, as with active alluvial fan flooding, may be subject to sediment deposition and erosion, but to a degree that does not cause flow path instability and uncertainty.

An alluvial fan may exhibit both active alluvial fan flooding and inactive alluvial fan flooding hazards. The hazards may vary spatially or vary at the same location, contingent on the level of flow discharge. Spatially, for example, upstream inactive portions of the alluvial fan may distribute flood flow to active areas at the distal part of the alluvial fan. Hazards may vary at the same location, for example, with a flow path that may be stable for lower flows, but become unstable at higher flows.

More detailed information can be found at FEMA's website: "Guidelines for Determining Flood Hazards on Alluvial Fans" at:

http://www.fema.gov/plan/prevent/fhm/dl_alfan.shtm

(Ord. 601 Appx. 1.0, 2006)

16.28.020 Alluvial fans and LOMRs.

The NFIP does not allow for the removal of land from the floodplain based on the placement of fill (LOMR-F) in alluvial fan flood hazard areas. The NFIP will credit a major structural flood control project, through the LOMR process, that will effectively eliminate alluvial fan flood hazards from the protected area. Details about map revisions for alluvial fan areas can be found in the Code of Federal Regulations at Title 44, Part 65.13. (Ord. 601 Appx. 1.0, 2006)

16.28.030 Alluvial fan task force.

As stated in AB 2141 (Longville, Chapter 878, Statutes of 2004), the State of California Department of Water Resources will convene an Alluvial Fan Task Force (AFTF). The AFTF will produce an alluvial fan model ordinance for local communities and a recommendations report to the Legislature. As of March 2006, the model ordinance and report are projected to be completed by 2007. (Ord. 601 Appx. 1.0, 2006)

Chapter 16.32

HIGHER STANDARDS RECOMMENDED BY THE STATE OF CALIFORNIA

Sections:

16.32.010 Higher standards recommended by the state of California.

16.32.010 Higher standards recommended by the state of California.

The ordinance codified in this title meets the minimum standards required to participate in the National Flood Insurance Program. Community adoption of higher standards can be applied towards credit under the Community Rating System (CRS) program and result in reduced premiums for all flood insurance policy holders within the entire community. The state of California recommends:

(1) Freeboard. To elevate at least two feet above the minimum required base flood elevation, make the following changes:

(a) Modify CMC 16.20.010(3)(a)(i) and (iii) and 16.20.040(1)(a) by replacing "elevated to or above" with "elevated two feet above."

(b) Modify CMC 16.20.040(2)(a) by replacing "at or above" with "at least two feet above."

(c) Replace CMC 16.20.010(3)(a)(ii) with:

> In an AO zone, elevated above the highest adjacent grade to a height 2 feet above the depth number specified in feet on the FIRM, or elevated at least 4 feet above the highest adjacent grade if no depth number is specified.

(2) Determining BFEs in Unnumbered A Zones. Replace "may" with "shall" in the second paragraph of CMC 16.16.020(3) to read: "NOTE: A base flood elevation shall...."

(3) Determining Market Value of Existing Structures. Replace the "Market value" definition in Chapter 16.08 CMC with:

> "Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.

1. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.

2. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence.

Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

(4) Increased Cost of Compliance (ICC) Coverage – Repetitive Loss Provisions. This provision allows communities the opportunity for flood insurance policy holders to have ICC coverage made available in repetitive loss situations.

Modify the definition of "Substantial damage" in Chapter 16.08 CMC as follows:

"Substantial damage" means:

1. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred; or

2. Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. This is also known as "repetitive loss."

(5) Nonconversion of Enclosed Areas Below the Lowest Floor. Insert/add the following section as CMC 16.16.020(10):

A. Nonconversion of Enclosed Areas Below the Lowest Floor.

To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the Floodplain Administrator shall:

1. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are 5 feet or higher;

2. Enter into a "NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS" or equivalent with the City. The agreement shall be recorded with the Los Angeles County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Floodplain Administrator and County Counsel; and

3. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours.

(Ord. 601 Appx. 2.0, 2006)

Chapter 16.36

SPECIAL REQUIREMENTS

Sections:
16.36.010 Special requirements.

16.36.010 Special requirements.

(1) Crawlspace Construction. Communities with construction practices that result in crawl spaces with interior floors up to two feet below grade have historically been in violation of the NFIP requirements. FEMA Technical Bulletin 11-01 now provides accommodation for these practices.

(a) Remove the following from "Lowest floor" definition in Chapter 16.08 CMC:

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

(b) Add the following section into the code at CMC 16.20.010(3):

16.20.010(3){X} Crawlspace Construction.

This sub-section applies to buildings with crawl spaces up to 2 feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.

a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;

b. The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;

c. Crawl space construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;

d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and

e. Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.

f. Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:

1. The interior grade of a crawl space below the BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01;

2. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed 4 feet (shown as L in figure 3 of Technical Bulletin 11-01) at any point;

3. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed 72 hours; and

4. The velocity of floodwaters at the site should not exceed 5 feet per second for any crawl space. For velocities in excess of 5 feet per second, other foundation types should be used.

(2) Mudslide (i.e., Mudflow) Prone Areas (Zone M). Communities with mudslide prone areas shall insert the following:

(a) Definitions into Chapter 16.08 CMC:

"Area of special mudslide (i.e., mudflow) hazard" is the area subject to severe mudslides (i.e., mudflows). The area is designated as Zone M on the Flood Insurance Rate Map (FIRM).

"Mudslide" describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

"Mudslide (i.e., mudflow) prone area" means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

(b) CMC 16.20.{X}, Mudslide (i.e., mudflow) prone areas, into Chapter 16.20 CMC:

16.20.{X}, Mudslide (i.e., Mudflow) Prone Areas.

A. The Floodplain Administrator shall review permits for proposed construction of other development to determine if it is proposed within a mudslide area.

B. Permits shall be reviewed to determine that the proposed site and improvement will be reasonably safe from mudslide hazards. Factors to be considered in making this determination include, but are not limited to:

1. The type and quality of soils;

2. Evidence of ground water or surface water problems;

3. Depth and quality of any fill;

4. Overall slope of the site; and

5. Weight that any proposed development will impose on the slope.

C. Within areas which may have mudslide hazards, the Floodplain Administrator shall require:

1. A site investigation and further review by persons qualified in geology and soils engineering;

2. The proposed grading, excavation, new construction, and substantial improvement be adequately designed and protected against mudslide damages;

3. The proposed grading, excavations, new construction, and substantial improvement not aggravate the existing hazard by creating either on-site or off-site disturbances; and

4. Drainage, planting, watering, and maintenance not endanger slope stability.

(3) Erosion-Prone Areas (Zone E). Communities with erosion-prone areas shall insert the following:

(a) Definitions into Chapter 16.08 CMC:

"Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Insurance Rate Map (FIRM).

"Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical level or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related erosion area" or "Flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, in-

cluding but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

(b) CMC 16.20.{X}, Flood-related erosion-prone area, into Chapter 16.20 CMC:

16.20.{X}, Flood-Related Erosion-Prone Area.

A. The Floodplain Administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas known to the community.

B. Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion, and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.

C. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.

D. Within Zone E on the Flood Insurance Rate Map, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated useful life of structures, and depending upon the geologic, hydrologic, topographic, and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

(Ord. 601 Appx. 3.0, 2006)

Title 17

(Reserved)

Title 18

(Reserved)

Title 19

SUBDIVISIONS

Chapters:

19.04 Adoption of Title 21 of the Los Angeles County Code

Editor's Note: Prior ordinances codified herein include Ordinance Nos. 38, 349, 370 and 424.

Chapter 19.04

ADOPTION OF TITLE 21 OF THE LOS ANGELES COUNTY CODE

Sections:

19.04.010 Adoption by reference.
19.04.020 Definitions.
19.04.030 Violations and penalties.
19.04.040 Subdivision committee abolished.
19.04.050 Recommendation to planning commission.
19.04.060 Vesting tentative maps.
19.04.070 Vesting tentative maps – Procedures.
19.04.080 Consistency with hazardous waste management plan.
19.04.090 Dedication of land for parks and recreational facilities.

19.04.010 Adoption by reference.

Except as hereinafter amended, Title 21 of the Los Angeles County Code, entitled "Subdivisions," as that title was effective on December 1, 1990, is hereby adopted by reference as the subdivision ordinance of the city of Cudahy and may be cited as such.

Three copies of Title 21 of the Los Angeles County Code are on deposit 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. References to section numbers and amendments to this title are declared to be references to the section numbers contained in Title 21 of the Los Angeles County Code. (Ord. 428 § 1. 2002 Code § 19-1.1).

19.04.020 Definitions.

Whenever any of the following terms are used in Title 21 of the Los Angeles County Code, each such name or term shall be deemed or construed to have the meaning indicated below, unless the context requires otherwise:

(1) "County," "county of Los Angeles," "Los Angeles County," and "unincorporated territory of the county of Los Angeles" shall mean the city of Cudahy.

(2) "Board of supervisors" shall mean the city council of the city of Cudahy.

(3) "County engineer" shall mean the city engineer of the city of Cudahy.

(4) "Planning director" and "planning director of the regional planning commission" shall mean the director of community development of the city of Cudahy.

(5) "Regional planning commission" shall mean the planning commission of the city of Cudahy.

(6) "Title 22 of this code" shall mean CMC Title 20. (Ord. 459 § 2; Ord. 428 § 1. 2002 Code § 19-1.2).

19.04.030 Violations and penalties.

(1) Every person who violates any of the provisions of the subdivision ordinance of the city of Cudahy shall be guilty of a misdemeanor and may be punished as provided in CMC 1.36.010(1).

(2) A person shall be guilty of a separate offense for each and every day during any portion of which a violation of any provision of the subdivision ordinance of the city of Cudahy is committed, continued, or permitted by such person and may be punished accordingly. (Ord. 428 § 1. 2002 Code § 19-1.3).

19.04.040 Subdivision committee abolished.

Notwithstanding the provisions of CMC 19.04.010, Chapter 21.12 of Title 21 of the Los Angeles County Code is hereby deleted from the subdivision ordinance of the city of Cudahy. (Ord. 428 § 1. 2002 Code § 19-1.4).

19.04.050 Recommendation to planning commission.

The director of community development of the city of Cudahy shall review tentative maps, final maps, parcel maps, and vesting tentative maps. The director may consult with other officials who may possess relevant expertise, including but not limited to the city engineer, the director of building and public services, the county road commissioner and public health officer, the director of community services, the chief engineer of the Los Angeles County flood control district, and the county forester and fire warden. The director shall report his or her recommendations in writing to the planning commission. (Ord. 428 § 1. 2002 Code § 19-1.5).

19.04.060 Vesting tentative maps.

Notwithstanding the provisions of CMC 19.04.010, Chapter 21.38 of Title 21 of the Los

Angeles County Code is hereby deleted from the subdivision ordinance of the city of Cudahy. (Ord. 428 § 1. 2002 Code § 19-1.6).

19.04.070 Vesting tentative maps – Procedures.

(1) Purpose and Intent. The purpose of this section is to establish procedures for the implementation of Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the state of California which provides for the approval of vesting tentative maps. Except as otherwise specifically provided by this section, the provisions of this chapter shall apply to the filing, processing and review of vesting tentative maps as said term is defined by Section 66424.5 of the Government Code and subsection (3) of this section.

(2) Consistency Requirement. The approval of a vesting tentative map shall be consistent with the general plan, any applicable specific plan, the zoning ordinance, and any other applicable provision of this code in effect at the time provided by subsection (9)(a) of this section.

(3) Definition of Vesting Tentative Map. As used in this title, a "vesting tentative map" shall mean a tentative map for a subdivision, as defined in this title, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with subsection (4) of this section, and is thereafter processed in accordance with the provisions of this section and the Subdivision Map Act.

(4) Application.

(a) Whenever a provision of the Subdivision Map Act or this title requires the filing of a tentative map or tentative parcel map for a subdivision, a vesting tentative map may instead be filed, in accordance with the provisions of this section.

(b) If a subdivider does not seek the rights conferred by Chapter 4.5 of Division 2 of Title 7 of the Government Code and this section, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(5) Filing and Processing. A vesting tentative map shall be filed in the same form, have the same contents, and provide the same information and shall be processed in the same manner as set forth in this title for a tentative map except as hereinafter provided:

(a) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

(b) The application for a vesting tentative map shall describe the manner in which the subdivision is proposed to be developed, including but not limited to the height, size and location of all buildings and other improvements.

(c) A vesting tentative map shall not be accepted for filing unless all other discretionary land use approvals required for the proposed development have been obtained or applications therefor are filed concurrently with such map.

(d) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at the time of filing, such inconsistency shall be noted on the map.

(6) Fees. Upon filing a vesting tentative map, the subdivider shall pay the fees required for the filing and processing of a tentative map.

(7) Condition Precedent to Approval. A vesting tentative map shall not be approved unless all other discretionary land use approvals required for the proposed development have been obtained.

(8) Expiration. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by this title for the expiration of the approval or conditional approval of a tentative map.

(9) Vested Rights Created by Approval of Vesting Tentative Map.

(a) Subject to the time limits established by subsection (9)(c) of this section, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2. If Section 66474.2 of the Government Code is repealed, however, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved subject to the

time limits established by subsection (9)(c) of this section.

(b) Notwithstanding subsection (9)(a) of this section, a permit, approval, extension, or entitlement may be made conditional or denied even though such action may be contrary to the ordinances, policies, and standards described in subsection (9)(a) of this section if any of the following are determined:

(i) A failure to do so would place any residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(ii) The condition or denial is required in order to comply with the state or federal law.

(c) The rights referred to in subsection (9)(a) of this section shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in subsection (8) of this section. If the final map is timely approved, such rights shall exist for the following periods of time:

(i) An initial time period of one year after the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

(ii) The initial time period set forth in subsection (9)(b) of this section shall be automatically extended by any time used for processing a complete application for a grading permit if such processing exceeds 30 days from the date a complete application is filed.

(iii) The subdivider may apply to the planning commission for a one-year extension at any time before the expiration of the initial time period set forth in subsection (9)(c) of this section. If the extension is denied, the subdivider may appeal that denial to the city council within 15 days thereafter.

(iv) If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (9)(a) through (c) of this section, the rights referred to herein shall continue to exist until the expiration of such permit, or any extension thereof.

(10) Amendment to Vesting Tentative Map. Any time prior to the expiration of a vesting tentative map, the subdivider, or his or her assignee, may apply for an amendment to such map. A public hearing shall be held by the planning commission on any amendment involving a substantial modification to the subject subdivision or development related thereto. The planning commission may approve, conditionally approve or disapprove the proposed amendment. The decision by the planning commission on the requested amendment shall be appealable to the city council in the manner provided by Chapter 21.56 of Title 21 of the Los Angeles County Code as that Chapter 21.56 was effective on December 1, 1990.

(11) Applications Inconsistent with Established Policies. Notwithstanding any provision of this section, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in subsection (9)(a) of this section, and the city may grant such approvals or issue such permits to the extent that the departures are authorized under applicable law.

(12) Subsequent Permits, Licenses, and Other Entitlements for Use. The provisions of this section shall not be construed to prevent the city from conditionally approving or denying any permit, license, or other entitlement for use which is applied for by the subdivider after the approval of a vesting tentative map, provided such conditional approval or denial is made in accordance with the ordinances, policies and standards described in subsection (9)(a) of this section. (Ord. 428 § 1. 2002 Code § 19-1.7).

19.04.080 Consistency with hazardous waste management plan.

Tentative tract map, parcel map, and other subdivision approvals under this title shall be consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan as approved November 30, 1989, relating to siting and siting criteria for hazardous waste facilities. (Ord. 428 § 1. 2002 Code § 19-1.8).

19.04.090 Dedication of land for parks and recreational facilities.

Notwithstanding the provisions of CMC 19.04.010, subsection (A) of Section 21.28.140 of Title 21 of the Los Angeles County Code is hereby deleted from the subdivision ordinance of the city of Cudahy. A new subsection (A) of Section 21.28.140 is hereby added to the subdivision ordinance of the city of Cudahy to read as follows:

a. If all or any of the local park space obligation for a residential subdivision is not satisfied by the provision of local park space designated by the advisory agency pursuant to Section 21.24.350, the following park fees shall be paid as a condition precedent to final approval of the subdivision:

1. A base fee equal to the local park space obligation derived from the equation set forth in Section 21.24.340, less the amount of park space, if any, provided by the subdivider pursuant to Section 21.24.350, times the median fair market value per acre of the land in public parks of three (3) or more acres in the multi-family residential (R-3) zone within the City if such land were not used for or zoned for park or recreational purposes. An additional fee, equalling fifty percent (50%) of the base fee, shall also be assessed for park and recreational facility development.

2. The fair market value of the land in such public parks shall be determined at the subdivider's expense by a qualified real estate appraiser selected by the City for such appraisal. Such appraisal shall exclude improvements. Alternatively, and with the approval of the advisory agency, the subdivider may rely upon any appraisal previously used by the City for purposes of this section.

(Ord. 459 § 1. 2002 Code § 19-1.9)

Title 20

ZONING

Chapters:

20.04 Purpose and Objectives
20.08 Definitions
20.12 Administration and Enforcement
20.16 Amendments to Zoning Code
20.20 Appeals
20.24 Legal Nonconforming Uses and Structures
20.28 Development Agreements
20.32 Temporary Use Permits
20.36 Site Plan Review
20.40 Development Review Permits
20.44 Conditional Use Permits and Variances
20.48 Noticing Requirements
20.52 Zoning Districts and Boundaries
20.56 Special Requirements
20.60 Special Overlay Districts
20.64 Residential Districts
20.68 Commercial and Professional Districts
20.72 Alcoholic Beverages and Services
20.76 General Development Requirements and Exceptions
20.80 Off-Street Parking and Loading Requirements
20.84 Sign Regulations
20.88 Environmental Performance Standards
20.92 Public Telephone Regulations
20.96 Antennas and Wireless Telecommunications Antenna Facility
20.100 Sexually Oriented Businesses
20.104 Fences, Walls and Hedges in Residential Districts
20.108 Low Impact Development Measures for New Development and/or Redevelopment Planning and Construction Activities (Low Impact Development Ordinance)

Prior legislation: Ords. 236, 238, 239, 240, 247, 249, 250, 251, 252, 256, 259, 260, 263, 267, 268, 278, 279, 281, 285, 287, 301, 303, 309, 317, 318, 321, 335, 345, 346, 364, 365, 368, 369, 377, 387, 388, 389, 396, 400, 408, 415, 426, 430, 431, 437, 438, 444, 448, 454, 462, 468, 471, 473, 480, 483, 485, 487, 489, 494, 501, 503-U, 503, 504, 509, 515, 517, 518, 521, 524, 525, 530, 533, 535, 536, 541, 542, 547, 549, 550, 558, 559 and 568.

Chapter 20.04

PURPOSE AND OBJECTIVES

Sections:

20.04.010 Title.
20.04.020 Purpose of the zoning code.
20.04.030 Authority for this zoning code.
20.04.040 Applicability of zoning ordinance.
20.04.050 Interpretation of the zoning code.
20.04.060 Authorization for levying fees.
20.04.070 Partial invalidation of zoning code.
20.04.080 Assumption of power or duty of public officer.
20.04.090 Reference to any portion of this zoning code.
20.04.100 Conviction of crime continued.

20.04.010 Title.

CMC Title 20 shall be known as the city of Cudahy zoning ordinance or the zoning code. (Ord. 587 § 20-1.0100).

20.04.020 Purpose of the zoning code.

The purpose of the regulations contained in this zoning code is to classify, designate, regulate, and restrict the use of buildings, land, and structures in order to permit the optimal use of land within the city of Cudahy. Another use of this zoning code is to assist in the implementation of the Cudahy general plan and the expeditious processing of development applications in order to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare. More specifically, this zoning code is intended to achieve the following objectives:

(1) To serve as a precise guide for the physical development of the city of Cudahy;

(2) To achieve the arrangement of land uses envisioned in the city of Cudahy general plan;

(3) To facilitate the revitalization of areas in the city that require enhancement and/or improvement;

(4) To protect all areas of the city from intrusion by incompatible or harmful land uses;

(5) To prevent excessive population densities and the attendant impacts related to overcrowding;

(6) To ensure the provision of adequate open space for light, air circulation, and visual relief;

(7) To establish reasonable standards and guidelines that promote quality and well-designed development, while at the same time, processing development applications in an expedient manner;

(8) To reduce the risk of injury or exposure to hazards for persons and property;

(9) To permit and promote the development of a full range of land uses in appropriate locations, in accordance with the city of Cudahy general plan;

(10) To ensure that adequate off-street parking spaces and loading facilities in concert with their need are provided;

(11) To promote a safe and efficient traffic system and to ensure that new development will not overtax the capacity of existing streets, utilities, or community facilities and services;

(12) To outline a comprehensive and thorough public review process for new development;

(13) To establish development regulations in an understandable and easy-to-use format; and

(14) To maintain and enhance property values in the city. (Ord. 587 § 20-1.0105).

20.04.030 Authority for this zoning code.

This zoning code is enacted pursuant to the authority vested in the city of Cudahy by the state of California, including, but not limited to: the State Constitution; the Planning and Zoning Development Laws (Government Code Sections 65000 et seq.); the Subdivision Map Act (Government Code Sections 66510 et seq.); and the California Health and Safety Code. The city of Cudahy zoning code consists of the following components:

(1) The "zoning code" establishes various classes of zoning districts (or "zones") that govern the use of land, indicates standards for structures and improvements within the various zones, and establishes procedures for the granting of permits and entitlements.

(2) The "zoning map" delineates the boundaries of the zone districts as they are applicable to specific properties. (Ord. 587 § 20-1.0110).

20.04.040 Applicability of zoning ordinance.

This zoning code applies to all land uses, structures, subdivisions, and development within the city of Cudahy. The provisions of this zoning code apply to the following:

(1) Real Property. The regulations contained in this zoning code shall apply to all land within the

city of Cudahy, except for public streets and rights-of-way, and land owned by state or federal agencies. The geographic application of the zone districts contained in this zoning code to specific lots shall also be governed by the zoning map.

(2) Compliance with Regulations. No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished, or moved unless such activities have been undertaken in accordance with the provisions of this zoning code.

(3) Remedies. Nothing stated in this zoning code shall relieve the conviction and punishment of any person found to be in violation of this zoning code.

(4) Public Nuisance. Neither the provisions of this zoning code, nor the approval of any permit authorized by this zoning code, shall authorize the maintenance of any public nuisance.

(5) Compliance with Public Notice Requirements. Compliance with public notice requirements prescribed under the zoning code shall be deemed sufficient notice to allow the city of Cudahy to proceed with a public hearing and take action on an application, regardless of actual receipt of mailed, posted, delivered, or published notice.

(6) Conflict with Other Regulations. Where conflict occurs between the provisions of this zoning code and any other city code or regulation, the more restrictive provision shall be applicable unless otherwise specified in this zoning code.

(7) Relation to Private Agreements. The implementation of any provision of this zoning code shall not interfere with, or annul, any easement, covenant, or other agreement now in effect, unless this zoning code imposes greater restrictions than those imposed by an easement, covenant, or agreement.

(8) Relation to Prior Ordinances. The provisions of this zoning code supersede all prior ordinances of the city of Cudahy related to zoning, except that no provision of this title shall validate or legalize any land use or structure established, constructed, or maintained in violation of the prior zoning code, as amended, unless specifically authorized by this title.

(9) New Land Uses or Structures, Changes to Land Uses or Structures. Compliance with the requirements of this zoning code is necessary for any person or entity to lawfully establish, construct, reconstruct, alter, or replace any land use, structure, or improvement.

(10) Continuation of an Existing Land Use. All land uses permitted under variances and conditional use permits or special use permits issued by the city shall remain in effect under this zoning code. These uses shall be subject to the provisions relative to the issuance, revocation, or expiration of applicable variances, or conditional/special use permits as established in this title.

(11) Continuation of Existing Nonconforming Uses. Existing buildings, improvements, or uses that were in violation of the former zoning regulations of the city, though judged as legal nonconforming uses, shall be deemed to have acquired a legal nonconforming status through the adoption of this zoning code.

(12) Effect of Zoning Ordinance Changes on Projects in Progress. If, as of the effective date of these regulations, legislative or administrative action is in process pursuant to the provisions of the former zoning regulations of the city, such action shall be deemed to have been taken pursuant to the provisions of this zoning code. Any such actions shall be processed in accordance with the provisions herein.

(13) Other Requirements May Still Apply. Nothing in this zoning code eliminates the need for obtaining any permit, approval, or entitlement required by other provisions of the zoning code or complying with the regulations of any city department, or any county, regional, state, or federal agency.

(14) Conflicting Requirements. Any conflicts between different requirements of this zoning code, or between this zoning code and other regulations, shall be resolved in compliance with CMC 20.04.050.

(15) Minimum Requirements. The regulations contained in the zoning code shall be deemed to represent the minimum requirements necessary for the promotion of the public health, safety, interest and welfare, unless another applicable specific regulation clearly indicates otherwise.

(16) Reference to Other Laws. Whenever reference is made herein to other provisions of this zoning code or other laws and regulations, that reference shall be deemed to apply to all subsequent amendments to the zoning code.

(17) Application During Local Emergency. The city council may authorize deviations from any provisions of this title during a local emergency. Such deviations may be authorized by resolution of the city council, without notice or public hearing.

(18) Land Uses Not Identified in the Zoning Code. This zoning code includes provisions for the consideration and review of land uses and activities not specifically identified as permitted, conditionally permitted, or prohibited in Chapter 20.56 CMC.

(19) Severability. If any section, sentence, or phrase of this title is for any reason held to be invalid or unconstitutional, the remaining portions of this zoning code shall not be affected. (Ord. 587 § 20-1.0115).

20.04.050 Interpretation of the zoning code.

In the interpretation and application of the zoning code, the provisions of the zoning code shall be held to be minimum requirements. No provision of the zoning code is intended to repeal, abrogate, annul, impair, or interfere with any existing city ordinance and/or regulation, except for those specifically repealed with the adoption of this zoning code. However, where this zoning code imposes greater restrictions, the corresponding regulation imposed or required by an existing law shall apply.

Where uncertainty exists regarding the interpretation of any provision of this zoning code or its application to a specific case or situation, the community development director shall have the authority to interpret the intent of any provision by written decision. Thereafter, the community development director's interpretation shall apply in all similar situations, unless modified by the planning commission or city council on appeal. (Ord. 587 § 20-1.0120).

20.04.060 Authorization for levying fees.

The city council establishes, by resolution, a schedule of processing fees (fee schedule) for the various applications required by this zoning code. All required fees shall be paid at the time of filing, and no processing of the application shall commence until such fees are paid. The fee schedule may be revised at the discretion of the council. (Ord. 587 § 20-1.0125).

20.04.070 Partial invalidation of zoning code.

If any provision of this zoning code or its application to any person or property is held invalid for any reason, the remaining provisions contained within this zoning code shall not be affected. (Ord. 587 § 20-1.0130).

20.04.080 Assumption of power or duty of public officer.

Whenever a power is granted to, or a duty imposed upon, a public officer by this zoning code, the power may be exercised, or the duty may be performed by the city manager, or his/her designee, unless this zoning code expressly provides otherwise. (Ord. 587 § 20-1.0135).

20.04.090 Reference to any portion of this zoning code.

Whenever reference is made to any portion of this zoning code, or of any other law or ordinance, the reference applies to all amendments and additions made to this zoning code. (Ord. 587 § 20-1.0140).

20.04.100 Conviction of crime continued.

Any conviction for a crime under any ordinance that is repealed by this zoning code will continue to be considered as a public offense. (Ord. 587 § 20-1.0145).

Chapter 20.08

DEFINITIONS

Sections:
20.08.010 Definitions.

20.08.010 Definitions.

This chapter includes definitions for specific terms used herein. This list of terms is designed to clarify the zoning code's intent as it relates to land uses and development requirements. The word "shall" indicates a mandatory requirement, except when used in connection with an action or decision of the city council or any city commission, board, or official. In these latter instances, the word "shall" shall be directory only. Whenever used in this zoning code, the word "day" shall mean a single calendar day.

A

"Abut" or "abutting" means the same as "adjoining."

"Access" means the place, or way, by which pedestrians and vehicles are provided adequate and usable ingress and egress to a property or use as required by this zoning code.

"Accessory use" means a use incidental to, related, and clearly subordinate to the principal use established on the same lot or parcel of land where such accessory use is located.

"Adjacent" means two or more lots or parcels of land separated by an alley, street, highway or recorded easement, or two or more objects located near or in close proximity to each other.

"Adjoining" means two or more lots or parcels of land sharing a common boundary line, or two or more objects in physical contact with each other.

"Affordable unit" refers to a housing development project in which 80 percent of the units shall be designated for very low-income households and 20 percent reserved for low-income households as those terms are defined in the health and safety code.

"Alley" means a public or private right-of-way, other than a street or highway, permanently reserved as a secondary means of vehicular access to adjoining properties.

"Amendment" means a change in the wording, context, content, or substance of this zoning code or in the zoning map. Such changes must be adopted by ordinance by the city council in the manner prescribed by law.

"Amusement arcade" means any place open to the public where five or more amusement games are maintained for use by the public. When only a portion of the premises is used for the operation of amusement games, only that portion shall be considered as an amusement arcade.

"Amusement game" means any entertainment device for which a fee is paid to play, including, but not limited to, pinball, video or other electronic games.

"Animals – retail sales" means the retail sales of small animals (such as dogs, cats, birds, and fish), provided such activities take place within an entirely enclosed building.

"Antique shop" means an establishment primarily engaged in the sale of antiques.

"Apartment house" means a building, or a portion of a building, designed or used for occupancy by three or more households living independently of each other and containing three or more individual dwelling units within a single structure.

"Apartment unit" means a room or suite of two or more rooms with a single kitchen in a multiple-family dwelling, suitable for occupancy as a dwelling unit for one household.

Arcade. See "Amusement arcade."

"Artists' studio" means a building containing work space and retail sales space for artists and artisans producing individual one-of-a-kind works of art, including individuals practicing a fine art, or skilled in an applied art or craft; provided, that the use does not impact any other use or property with noise, odor, dust, vibration, or other nuisance. This classification includes, but is not limited to, painters' studios, ceramic studios, and custom jewelry studios.

"Assessor" means the assessor of the county of Los Angeles.

"Atlantic Boulevard Corridor" refers to a specific portion of the city located adjacent to, or in the vicinity of, Atlantic Boulevard as shown on the map on file in the office of the city clerk, entitled "Atlantic Boulevard Corridor Map."

"Automobile wrecking or automobile dismantling" means a business establishment engaged in the dismantling and/or wrecking of used motor vehicles or trailers, and/or the storage, sale, or

dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or parts.

"Awning" means a roof-like cover supported entirely from the exterior wall of a building, and installed over or in front of openings or windows in a building, and consisting of a fixed or movable frame and a top of canvas or other similar material covering the entire space enclosed between the frame and the building.

B

"Balcony" means a platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade, or parapet on at least one side.

"Balcony, unenclosed" means a balcony open to the sky and not fully enclosed on more than two sides.

"Balloon" means a floating air-filled or gas-filled object tethered to a fixed location (also see "Sign, balloon").

"Banks and savings and loans" means a state or federally chartered financial institution that provides retail banking services to individuals and businesses.

"Bars" and "cocktail lounges" means establishments where alcoholic beverages are sold for consumption on the premises. This classification excludes restaurants and commercial recreation uses that may serve alcoholic beverages incidental to the primary use.

"Basement" means that portion of a building located between the ground level or first floor of a structure.

"Billiard parlor" means an establishment that provides five or more billiard and/or pool tables.

"Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or property of any kind.

"Building – accessory" means a detached subordinate building, the use of which is incidental to that of the primary building or to the principal use of the land, and which is located on the same lot or parcel of land with the main building or principal use of the land.

"Building height" or "height" means the vertical distance as measured continuously along a line at existing grade bisecting the width of the lot to the highest point of a building or structure, except as provided elsewhere in this zoning code.

"Building – main" means a building in which is conducted a principal use of the lot or parcel of land upon which it is situated. In a residential or agricultural zone, any residential unit shall be deemed to be a main building upon the lot or parcel of land on which it is situated.

"Building material sales" means an establishment engaged in retailing or wholesaling of building supplies or equipment. This classification includes lumber yards and tool and equipment sales, but excludes businesses engaged in the retail sales of paint and hardware, building contractor's yards, and activities classified under "equipment leasing and rentals."

"Building wall" means the vertical surface, or any element thereof, including any structural member or group of structural members attached to the vertical surface, that defines the exterior boundaries of a building.

"Business and trade school" means an establishment which provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the applicable zone. Incidental instructional services in conjunction with another primary use shall not be considered a business and trade school.

C

"Camp – day" means a facility with an organized daytime program involving the supervision and care of children.

"Canopy" has the same meaning as "awning" as defined in this chapter, except that a canopy contains separate supporting posts and is not supported entirely from the exterior wall of a building.

"Carport" means a permanently roofed structure with no more than two enclosed sides, used or intended to be used for automobile shelter and storage.

Cellar. See "Basement."

"Center-line" means the center-line of any street, as established by the city engineer by official surveys, and on file in the office of the city engineer.

"Check-cashing" means a business that, for compensation, engages in the business of cashing

checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. Further, this classification does not include establishments selling consumer goods where the cashing of checks or money orders is incidental to the main purpose of the business.

"Child care center" means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. "Child care center" includes day care centers and family day care homes.

"Church" means a facility used for religious worship and incidental religious education and/or activities, but not including private schools as defined in this chapter.

"City" means the city of Cudahy, state of California, referred to in this zoning code as "city," and everyone acting on behalf of the city of Cudahy, including employee, associate, attorney, accountant, representative, officer, city manager, director, or agent of the city of Cudahy.

"Club, private" means any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise. This definition does not include "adult" business establishments.

"Clubs and lodges" means private or nonprofit organizations providing meeting, recreational, or social facilities primarily for use by members and/or guests.

"Commercial printing" means a business providing printing, blueprinting, photocopying, engraving, binding, or related services.

"Commercial vehicle" means a vehicle which, when operated on a street, is required to be registered as a commercial vehicle under the State Vehicle Code, and which is used or maintained for the transportation of persons for hire, compensation, or profit, or which is designed, used, or maintained primarily for the transportation of property.

"Commission" refers to the planning commission of the city of Cudahy.

"Communications facility" means an establishment engaged in broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms. This classification includes, but is not limited to, radio, television, or recording studios, telephone switching centers, and telegraph offices.

"Communications facilities, wireless" means an unstaffed facility for the transmission or reception of wireless telecommunication services, commonly consisting of an antenna array, connection cables, a support structure, and ancillary support facilities.

"Community center" means a building, buildings, or portions thereof used for recreational, social, educational, and cultural activities where buildings and associated improvements are owned and/or operated by a public, nonprofit, or public serving group or agency.

"Condominium" means an undivided interest in common in a portion of real property coupled with a separate interest in space called a "unit," the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The description of the unit may refer to: (a) boundaries described in the recorded final map, parcel map, or condominium plan, (b) physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof, (c) an entire structure containing one or more units, or (d) any combination thereof. An individual condominium within a condominium project may include, in addition, a separate interest in other portions of the real property. This term shall also include stock cooperative developments.

"Condominium project" means a common interest development consisting of condominiums. The following terms, when used in reference to condominiums or condominium projects, shall be defined as follows:

"Condominium common area" means the entire project excepting all units or common area granted or reserved.

"Condominium documents" means the declaration and the condominium plan.

"Convalescent facilities" means a business establishment engaged in providing care on a 24-hour basis for persons requiring regular medical

attention, but excluding facilities providing surgical or emergency medical services.

"Convalescent home" means a home or establishment offering or providing lodging, meals, nursing, dietary, or other personal services to five or more convalescents, invalids, or aged persons, but shall not include surgery or the care of persons with contagious or communicable diseases.

"Conversion (condominium)" means a change in the type of ownership of a parcel or parcels of land, together with the existing structures, from rental housing, as defined in this chapter, to a condominium, community apartment, planned development, stock cooperative, or common interest development.

"County" refers to the county of Los Angeles.

"Court" means an open, unoccupied space, bounded on two or more sides by the walls of a building. "Inner court" is a court entirely enclosed within the exterior walls of a building. All other courts are referred to as outer courts.

D

"Day care center, adult" means a state-licensed facility designed to provide necessary care and supervision to persons 18 years of age or older on less than a 24-hour basis. "Adult day care centers" include the various types of adult day services as defined under state law that include "adult day care facilities," "adult social day care facilities," and "adult day health care facilities."

"Day care center, children" means a state-licensed facility, other than a family day care home, providing nonmedical care and supervision to children under 18 years of age on less than a 24-hour basis. "Child day care centers" shall include "day care centers" as defined under state law, which include infant centers, preschools, and extended day care facilities.

"Deck" means a platform other than a balcony, either freestanding or attached to a building, without a roof, that is supported by pillars, posts, or walls.

"Director," "director of planning" and "planning director" refers to the community development director or his or her designee.

Drive-Thru. See "Establishment with drive-up service."

"Driveway" means an appropriately paved and privately owned surface or road that provides access to off-street parking or loading facilities.

"Duplex" means a structure consisting of two dwelling units.

"Dwelling" or "dwelling unit" means a building, or portion thereof, consisting of one or more rooms, including a kitchen, which is designed and used or available for use exclusively as a single residence and which otherwise conforms to the provisions of this zoning code.

"Dwelling, multiple-family" or "multifamily residential development" means one or more buildings located on a lot containing a total of two or more dwellings within a structure.

"Dwelling, single-family" means a structure consisting of one dwelling unit, designed exclusively for the occupancy of a single household, no portion of which shall be rented, leased, or otherwise conveyed as additional dwelling units.

E

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Establishment with drive-up service" means a business or institution providing services accessible to persons who remain in their automobiles.

F

"Facilities maintenance and construction shops" means business establishments or activities supporting the maintenance of facilities on the same site as the primary use, including, but not limited to, machine shops, carpenter shops, electric shops, sheet metal shops, and mechanical and plumbing shops.

"Family" means an individual or two or more persons related by blood, marriage, or adoption, or a group of not more than five persons, excluding servants, who need not be related by blood, marriage, or adoption, living together in a dwelling unit, but not including limited residential care facilities.

"Family day care home – large" means a dwelling that regularly provides care, protection, and supervision for 12 or fewer children under the age

of 10, in the provider's own home, for periods of less than 24 hours per day.

"Family day care home – small" means a dwelling that regularly provides care, protection, and supervision for one to six children, inclusive, including children under the age of 10.

"Firearm sales or firearms business" means an establishment having at least 25 percent of its gross floor area devoted to the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment.

"Floor area, gross" means the total horizontal area of all the floors of a building included within the surrounding walls, exclusive of vent shafts and courts.

"Floor area, net" means the total usable floor area within all floors of a building included within the surrounding walls.

"Floor area ratio" means the numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

"Food and beverage sales" means a business establishment where the primary use involves the retail sales of food and beverages for off-site preparation and consumption. Typical uses include grocery markets and delicatessens. This category does not include liquor stores.

"Food manufacturing" means a business establishment engaged in manufacturing, processing, and/or packaging of food products for wholesaling and distribution. This use may include incidental direct sale to consumers of the products manufactured on site, souvenirs, and ancillary tasting facilities for the public.

G

"Garage, common parking garage" means a structure with a common vehicular entrance and exit which is used to park vehicles in parking spaces and which otherwise conforms to the requirements of this zoning code.

"Garage, private" means a detached accessory building, or a portion of a main building on the same lot, enclosed on three sides and with a door capable of enclosing the fourth side, for the parking or temporary storage of vehicles owned by the occupants of the premises.

"General plan" means the general plan of the city of Cudahy, consisting of the general plan and map, adopted by the city council.

"Grade, existing" means the surface of the ground or pavement at a specific location as it existed prior to disturbance in preparation for a construction project.

"Grade, finished" means the finished surface elevation of the ground or pavement at a specific location after the completion of a construction project.

"Grade, ground level" means the average level of the finished ground surface surrounding a building, measured at the center of all walls of the building.

"Gradient" means the rate of vertical change of a ground surface expressed in a percentage and determined by dividing the vertical distance by the horizontal distance.

"Guest house" refers to living quarters, having no kitchen facilities, located within an accessory building located on the same premises with a main building and occupied solely by members of the family, temporary guests, or persons permanently employed on the premises.

H

"Hazardous waste" means any waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (a) exhibit toxicity, corrosivity, flammability, and/or reactivity; (b) cause, or significantly contribute to, an increase in serious irreversible, or incapacitating reversible, illness; or (c) present a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

"Hazardous waste facility" means all contiguous land, structures, other appurtenances, and improvements within a property, used for handling, treating, storing, or disposing of hazardous wastes.

"Health and physical fitness clubs" means private athletic clubs and gymnasiums including, but not limited to, weight training facilities, aerobic exercise floors, racquetball courts, swimming pools, and similar athletic facilities.

Height. See "Building height."

"Home occupation" means an occupational activity carried on by the occupant(s) of a residential dwelling as a secondary use in connection with which there is no display, no walk-in customers, no stock-in-trade, nor commodity sold upon the premises, no person employed, and no mechanical equipment used, except such as is necessary for housekeeping purposes.

"Hospital" means a facility providing medical, surgical, psychiatric, and/or emergency medical services to sick or injured persons, primarily on an in-patient basis. This classification includes incidental facilities for out-patient treatment, as well as training, research, and administrative services for patients and employees.

"Hotel" or "motel" means one or more buildings containing guest rooms or dwelling units, with one or more such rooms or units having a separate entrance leading directly from the outside of the building or from an interior court. Such facilities are designed to be used, or intended to be used, rented, or hired out for temporary or overnight accommodations for guests, and are offered primarily to patrons by signs or other advertising media. This classification may contain public meeting rooms and eating, drinking, and banquet services associated with the facility.

"Household" means a single individual or group of individuals, unrelated or related by blood or marriage, residing in a dwelling unit.

"Household pet" means a domesticated animal commonly maintained within a residence.

I

J

"Junk yard" means the use of a lot, or the use of any portion of a lot, for the dismantling of machinery or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking, or for the storage or keeping of junk, including scrap metals or other scrap materials.

K

"Kennel" means any lot or premises on which four or more dogs or cats at least four months of age are boarded or trained.

"Kitchen" means a room in a building or dwelling unit that is used in the cooking or preparation of food.

L

"Laboratory" means an establishment providing analytical or testing services, including, but not limited to, chemical labs, dental-medical labs, optical labs, and labs conducting mechanical, electrical, physical, or environmental tests, as well as research and development.

"Landscaping" means the planting and maintenance of live trees, shrubs, ground cover, and lawn areas, including the installation of irrigation systems required by the provisions of this zoning code. "Landscaping" may include inorganic decorative materials of natural or manmade origin if used to accent or complement, but in no case imitate, the natural vegetation. Inorganic decorative materials used in landscaping may include rock, stone, wood, waterfalls, fountains, pools, sculptures, benches, and architectural screens, walls, and fences.

"Liquor store" means a business establishment having at least 50 percent of its gross floor area used for the sale of alcoholic beverages intended for off-site consumption.

"Loading space" means an off-street space on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which has access from a street, alley, or other permanent means of ingress and egress.

"Lot" means real property with a separate and distinct number or other designation shown on a plat recorded in the office of the county recorder as a part of an approved subdivision.

"Lot area" means the total area, measured in a horizontal plane, included within the lot lines of a lot or parcel of land.

"Lot, corner" means a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an interior lot.

"Lot, cul-de-sac" means a lot fronting on, or with more than one-half (50 percent) of its lot frontage, on the turnaround end of a cul-de-sac street.

"Lot depth" means the horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

"Lot, interior" means a lot other than a corner or reversed corner lot.

"Lot, key" means any lot where the side property line abuts the rear property line of one or more lots, and where such lots are not separated by an alley or any public way.

"Lot line" means any line bounding a lot as defined in this chapter.

"Lot line, exterior" means a lot line abutting a street.

"Lot line, front" means, on an interior lot, the front lot line of the property line abutting the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line. On a corner or reversed corner lot, the front lot line is the shorter property line abutting a street. On a through lot, or a lot with three or more sides abutting a street, or a corner or reversed corner lot with lot lines of equal length, the zoning administrator shall determine which property line shall be the front lot line for purposes of compliance with the setback provisions of this zoning code.

"Lot line, interior" means a lot line not abutting a street.

"Lot line, rear" means a lot line not abutting a street that is opposite and most distant from the front lot line. For triangular lots where there is no rear lot line, the rear lot line shall be defined as the point at which the side lot lines intersect.

"Lot line, side" means any lot line that is not classified as a front lot line or rear lot line.

"Lot line, zero" means a lot line that does not have any side yard setback.

"Lot, reversed corner" means a corner lot, the side line of which is substantially a continuation of the front lot lines of the lot to its rear.

"Lot, through" means a lot having frontage on two parallel or approximately parallel streets. A through lot may have no rear lot line.

"Lot width" means the horizontal distance between the side lot lines measured at right angles to the lot depth line at a distance located midway between the front and rear lot lines.

Exhibit 20.08-1
Illustration of "Lot" Definitions*

* Code reviser's note: Exhibit 20.08-1 is on file in the office of the city clerk.

M

"Main building" means a building that is designed, and used for, or intended to be used, to accommodate the principal use on the lot. In residential zones, any dwelling shall be considered the main building on the lot.

"Maintenance and repair services" means an establishment providing household appliance repair, furniture repair, office machine repair, bicycle repair, or building maintenance services. This classification excludes maintenance and repair of motor vehicles, boats, or ships.

"Mansard" or "mansard roof" means a roof having two slopes on all sides with the lower slope steeper than the upper one.

"Manufactured housing" means a mobile home, or manufactured housing unit, as defined by and installed in accordance with California Health and Safety Code Sections 18008 and 18551, respectively, and factory-built housing as defined by California Health and Safety Code Section 19971.

"Medical clinic" means any facility providing physical or mental health service, and medical or surgical care of the sick or injured, but shall not include in-patient or overnight accommodations. Activities included within this definition are health centers, health clinics, and doctors' offices.

"Medical marijuana cultivation" means the planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof.

"Medical marijuana dispensary" means any facility or location, whether fixed or mobile, where medical marijuana is made available to or distributed by or distributed to one or more of the following: a primary caregiver, a qualified patient, or a person with an identification card. The terms "primary caregiver," "qualified patient" and "person with an identification card" as used within this definition and under this chapter shall be identified in strict accordance with California Health and Safety Code Section 11362.5 et seq., inclusive of California Health and Safety Code Section 11362.7. A medical marijuana dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by the Cudahy Municipal Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a facility licensed pursuant to Chapter

2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such use complies strictly with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq.

"Mini-warehouse" or "self-storage facilities" means a warehouse operation serving the public where customers rent or lease, and have direct access to, individual storage areas, compartments, or rooms within a larger structure or structures provided for storage use. This use may also include limited caretaker facilities.

"Mortuary" means an establishment providing services such as preparing the deceased for burial, and arranging and managing funerals and related services, and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums, and columbariums.

Motel. See "Hotel."

N

"Nonconforming improvement" means a building and/or improvement, or portion thereof, which does not conform to current zoning code regulations.

"Nonconforming structure, lawful or legal" means any structure or improvement that was lawfully established and in existence at the time this zoning code or any amendment became effective, but no longer complies with all of the applicable regulations and standards of the zone in which the structure or improvement is located.

"Nonconforming use, lawful or legal" means any use of land or property that was lawfully established and in effect at the time this zoning code or any amendment became effective, but no longer complies with all of the applicable regulations and standards of the zone in which the use is located.

O

"Offices, government" means administrative, clerical, or public contract offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.

"Offices, medical" means offices or health facilities providing health services, including without limitation preventative and rehabilitation treatment, diagnostic services, and testing and analysis, but excluding in-patient services and overnight accommodations. This classification includes without limitation offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic, and psychiatric services, and medical or dental laboratories incidental to such offices.

"Offices, professional" means offices for firms or organizations providing professional, executive, management or administrative services, such as architectural, engineering, real estate, insurance, investment, or legal offices. This classification excludes savings and loan associations, banks, and medical offices.

"Off-street parking facility" means a lot, or portion thereof, improved and used for the parking of vehicles, including, but not limited to, enclosed garages and parking structures, open parking areas, aisles, driveways, and appurtenant landscaped planters and their improvements.

"Outdoor advertising" means the use of signs or other measures soliciting public support or directing public attention to the sale, lease, hire, or use of any objects, products, services, or functions which are not produced, sold, or otherwise available on the premises where such signs are erected or maintained.

"Outdoor living space" means either an open passive landscaped area specifically designed, improved, and maintained to enhance the architectural design, privacy, and general environmental quality of a residential development or an easily accessible public or private activity area specifically designed, improved, and maintained for outdoor living and/or recreation by occupants of the residential development.

P

"Parcel" means a contiguous quantity of land owned by, or recorded as the property of, the same claimant or person.

"Parking space" means a space within an off-street parking facility that has the minimum attributes of size, location, and design specified in

Chapter 20.80 CMC (Off-Street Parking and Loading Requirements).

"Parks and recreation facilities" uses include, but are not limited to, land and interests in land; swimming pools; tennis, volleyball and basketball courts; baseball grounds; play areas; turf; sprinkler systems; community center buildings; recreation buildings; and other works, properties, structures, and facilities necessary or convenient for public park, playground, or recreation purposes.

"Pawn shop" means a business establishment engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property.

"Performance art facilities" means a public building used for theatrical performances, concerts, recitals, and similar entertainment. This classification excludes commercial cinemas or theaters.

"Personal convenience service" means a business establishment providing recurrently needed services of a personal nature. This classification includes, but is not limited to, barber and beauty shops, seamstresses, tailors, shoe repair shops, photocopying, retail dry cleaning establishments (excluding wholesale dry cleaning plants), self-service laundromats, and similar services. This classification excludes massage parlors, tattoo parlors, and/or skin piercing establishments.

"Personal improvement service" means a business establishment providing instructional services or facilities, including, but not limited to, photography, fine arts, crafts, dance or music studios, driving schools, modeling agencies, reducing salons, and health or physical fitness clubs. Incidental instructional services associated with a retail use shall be classified as "retail sales" rather than "personal improvement services."

"Planned unit development" means the planning, construction, or implementation and operation of any use or structure, or a combination of uses and structures, on a single parcel of land based on a comprehensive and complete design or plan treating the entire complex of land, structures, and uses as a single project.

"Plant nursery" means a site used to raise trees, shrubs, flowers, and other plants for sale or for transplanting, and where all merchandise (other than plants) is kept within an enclosed building or fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

"Public building" means a building owned and operated by a public agency for public use.

"Public safety facility" means a public facility providing public safety and emergency services, including police and fire protection, and associated support and training facilities.

"Public utility facility" means a building or structure used by any public utility including, but not limited to, any gas treatment plant, reservoir, tank, or other storage facility, water treatment plant, well, reservoir, tank or other storage facility, electric generating plant, distribution or transmission substation, telephone switching or other communications plant, earth station or other receiving or transmission facility, any storage yard for public utility equipment or vehicles, and any parking lot for parking vehicles or automobiles to serve a public utility. The term "public utility" shall include every gas, electrical, telephone and water corporation serving the public or any portion thereof for which a certificate of public convenience and necessity has been issued by the state Public Utility Commission.

Q

R

"Recreational facility" means a publicly owned and operated recreational structure or building, such as a tennis court, swimming pool, multipurpose community building, or similar use.

"Recyclable material" means a reusable material, including, but not limited to, metals, glass, plastic, and paper, and which is intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. "Recyclable material" shall not include refuse or hazardous materials. "Recyclable material" may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(b)(4) of the State Health and Safety Code.

"Recycling facility" means a center for the collection and/or processing of recyclable materials. "Certified recycling facility" or "certified processor" refers to a recycling facility certified by the State Department of Conservation as meeting the requirements of the State Beverage Container Recycling and Litter Reduction Act of 1986. A

"recycling facility" does not include storage containers or processing activities located on the premises of a residential, commercial, or manufacturing use, and used solely for the recycling of material generated by such residential property, business, or manufacturer.

"Recycling, collection facility" means a center for the acceptance of recyclable materials from the public by donation, redemption, or purchase.

"Recycling, processing facility" means a building or enclosed space used for the collection and processing of recyclable materials. "Processing" means the preparation of material for efficient shipment, or to an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

"Rental unit" means a housing unit leased for the occupancy of a residential household.

"Residence" means one or more rooms designed, used, or intended to be used as permanent living quarters for a household, and not as temporary or overnight accommodations.

"Residential care facility, limited" means a business establishment providing 24-hour nonmedical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the state of California.

Rest Home. See "Convalescent home."

"Restaurant, delivery" means a business establishment that is maintained, operated, and/or advertised or held out to the public as a place where orders for food and beverages may be placed in person or by telephone, facsimile, copier, or other off-site means of communication, from a limited menu, and which orders are delivered to a location directed by the customer.

"Restaurant, fast-food" means a business establishment that is maintained, operated, and/or advertised or held out to the public as a place where food and beverages are served to customers from a serving counter in disposable containers or wrappers and where food and meals are generally prepared in advance for immediate sale, and which may include inside seating, drive-through service, delivery service, and take-out/carry-out service.

"Restaurant, sit-down" means a business establishment that is maintained, operated, and/or advertised or held out to the public as a place where food and beverages are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches, or stools. This use may include incidental delivery service utilizing no more than two delivery vehicles.

"Restaurant, take-out" means a business establishment that is maintained, operated, and/or advertised or held out to the public as a place where food and beverages are served in disposable containers or wrappers from a serving counter for consumption exclusively off the premises.

"Retail sales" means a business establishment engaged in the retail sale of merchandise not specifically listed under another use classification as defined in this chapter. This classification includes, but is not limited to: department stores, clothing stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, books, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation). This classification excludes thrift shops and pawnshops.

"Room" means an unsubdivided portion of the interior of a dwelling, excluding bathrooms, kitchens, closets, hallways, and service porches.

S

"School, private" means an educational institution having a curriculum comparable to that required in the public schools of the state of California.

"Secondary residential unit" means a detached dwelling unit that provides complete, independent living facilities for one or more persons. A secondary residential unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot on which the primary unit is situated.

"Senior housing project" means a housing development in which 100 percent of the project rental units are intended to be occupied by persons

who are 62 years of age or older, or married couples, of which one spouse is over 62 years of age.

Service Station. See "Vehicle – service station."

"Setback" means a required open space on an improved lot that is unoccupied by buildings and unobstructed by structures from the ground upward, except for projections and accessory buildings permitted by the provisions of this zoning code. Setbacks shall be measured as the shortest distance between a property line and the nearest vertical support or wall of the building, enclosed or covered porch, or other structure.

Exhibit 20.08-2
Illustration of "Setback" Definitions*

* Code reviser's note: Exhibit 20.08-2 is on file in the office of the city clerk.

"Setback, between buildings" or "setback between dwelling units" means a required open space between separate buildings or between separate dwelling units on the same lot or building site. Such setback shall be measured as the minimum distance between the nearest vertical support or wall of each building or enclosed or covered porch.

"Setback, exterior side" means a side setback abutting a street.

"Setback, front" means a setback extending across the full width of the front of the lot, the minimum and/or average dimensions of which are determined by the property development standard of the applicable zone in which such lot is located.

"Setback, rear" means a setback extending across the full width of the rear of a lot, the minimum and/or average dimensions of which are determined by the property development standards of the applicable zone in which such lot is located.

"Setback, side" means a setback extending from the required front setback to the required rear setback, or to the front and/or rear property lines where no front and/or rear setback is required by the provisions of this zoning code, the minimum and average dimensions of which are determined by the property development standards of the applicable zone in which such lot is located.

"Sign" means any device used for visual communication that includes any announcement, declaration, demonstration, display, illustration, or insignia, visible from the outside, and which is used to advertise or promote the interests of any person, business, group, or enterprise.

Exhibit 20.08-3
Illustration of "Sign" Definitions*

* Code reviser's note: Exhibit 20.08-3 is on file in the office of the city clerk.

"Sign, A-frame" means a freestanding sign usually hinged at the top or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A." Such signs are usually designed to be portable, and are not considered to be permanent signs or displays.

"Sign, animated" means any sign that uses movement or change in lighting, either natural or artificial, to depict action or create a special effect or scene. "Animated signs" shall include, but are not limited to: any sign, all or a portion of which rotates, moves, or appears to move in some manner by mechanical, electrical, natural, or other means; and flashing riders, arrows, and other similar attachments which, by method or manner of illumination or lighting, flash on or off, wink, or blink, with varying light intensity, show motion or create the illusion of motion, or revolve in a manner to create the illusion of being on or off. "Animated signs" do not include time-temperature signs.

"Sign area" means the entire area within a single continuous perimeter that encloses the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame, background area of sign, structural trim, or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Those portions of the sign that support (or the base) and that do not function as a sign shall not be considered part of the sign area.

"Sign, awning or canopy" means a nonelectric sign that is printed on, painted on, or attached to an awning or canopy.

"Sign, balloon" means one or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or manufactured, or to any entertainment.

"Sign, banner or flag" means any cloth, bunting, plastic, paper, or similar material used for advertis-

ing purposes attached to or pinned on or from any structure, staff, pole, line, framing, or vehicle, but not including official national, state, or municipal flags.

"Sign, billboard" means a structure of any kind erected or used for promoting or advertising an interest other than that of a business, individual, products, or service available on the premises where the sign is located. Signs of an official nature are not considered billboard signs.

"Sign, construction" means a temporary sign erected on the lot on which construction is taking place, indicating the names of the architects, engineers, contractors, painters, and similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

"Sign copy" means the words, letters, or symbols displayed on a sign.

"Sign, directional" means a sign designed solely to provide direction or guidance to pedestrians or vehicular traffic.

"Sign, directory" means a sign listing the tenants or occupants and their suite number of a building or center.

"Sign, freestanding" means a sign that is completely supported by structures or other supports that are placed on or anchored in the ground and are independent from any building or other structure.

"Sign, hanging" means any sign which is supported or suspended from the underside of an awning, canopy, parapet overhang of a building, or pedestrian arcade.

"Sign, identification" means a sign providing the name, address, and lawful use of the activity to which it relates and contains no other form of advertisement.

"Sign, information" means a sign which provides a service, direction, or courtesy information intended to assist the public and which is not displayed for the general purpose of advertising products or services. Information signs shall include the location of business facilities (e.g., store entrances, walk-up windows, self-service operations); and courtesy information (hours of operation, menus, "credit cards accepted," restrooms, "no solicitors"). "Information signs" do not include fuel price signs or traffic directorial signs, nor shall they be part of any sign whose primary function is business identification.

"Sign, logo" means a symbol, design, or graphic representation, separate from the sign text that identifies a business, activity, product, or company.

"Sign, menu board" means a portable or freestanding sign displaying the type and price of food and beverages sold in connection with permitted outdoor dining, or a freestanding sign permanently affixed to the ground in connection with drive-through restaurant service. This definition is not meant to apply to signs displaying menu information that are attached to a building (such signs are included within definitions for wall or projecting signs, whichever the case may be).

"Sign, monument" means an independent structure other than a pole sign supported from grade to the bottom of the sign with the appearance of having a solid base.

"Sign, pennant" means any all-weather lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

"Sign, pole" means a freestanding sign permanently affixed to the ground by a single pole.

"Sign, political" means a temporary sign supporting or opposing political candidates, ballot propositions, or issues of national, state, or local concern.

"Sign, portable" means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; A-frames; sandwich board signs; and umbrellas used for advertising.

"Sign, projecting" means any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall.

"Sign, pylon" means a freestanding sign other than a pole sign, permanently affixed to the ground by supports, but not having the appearance of a solid base.

"Sign, reader board and changeable copy" means a sign announcing events, or containing text and/or graphics, the message of which is periodically changed.

"Sign, real estate" means a temporary sign advertising real property for sale, rent, or lease.

"Sign, roof" means a sign erected on a roof or projecting above the eave of a building or coping of a parapet. A sign erected on top of a canopy, arcade, awning, or marquee is a roof sign.

"Sign, temporary" means any sign not constructed or intended for long-term use. "Temporary signs" include, but are not limited to, banners, flags, pennants, balloons, dirigibles, beacons, and searchlights.

"Sign, time-temperature" means an electronic or mechanical device that indicates time and/or temperature, but contains no business identification or advertising.

"Sign, vehicle" means any sign permanently or temporarily attached to or placed on a vehicle or trailer.

"Sign, wall" means any sign affixed to or painted directly upon a building face or wall in such a manner that the face of the sign is substantially parallel to the plane of the building face or wall.

"Sign, window" means any sign that is displayed on or through a window and which may be viewed from a street, walkway, parking lot, or pedestrian area.

"Snack shop" means a business establishment that is maintained, operated, and/or advertised or held out to the public as serving snack foods, such as donuts, ice cream, yogurt, candy, cookies, bakery items, beverages, and similar items to be consumed either on the premises or off the premises.

"Solid fill" means any noncombustible materials insoluble in water, such as soil, rock, sand, or gravel, that can be used for grading land or filling depressions.

"Story" means "story" as defined in the currently adopted and effective Uniform Building Code of the city.

"Story, half" means a story with at least two of its opposite sides situated immediately under a sloping roof, with the floor area of said story not in excess of two-thirds of the floor area of the floor immediately below it.

"Street" means a public thoroughfare or right-of-way acquired for use as such, or an approved private thoroughfare or right-of-way, other than an alley, which affords the principal means of access to abutting property. "Street" shall include all major and secondary highways, traffic collector streets, and local streets.

Street, Center-Line. See "Center-line."

"Street line" means the boundary line between the street right-of-way and abutting property.

"Structural alteration" means any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists, ceiling joints, or roof rafters.

"Structure" means any physical improvement constructed or erected, including an edifice or building of any kind, or any piece of work artificially constructed or composed of parts jointed together in some definite manner, and which structure requires location on or in the ground or is attached to another improvement or in the ground, including fences, walls, swimming and wading pools, and patios.

"Structure, advertising" means a structure existing, erected, or maintained to serve exclusively as a stand, frame, or background for the support or display of signs.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community; as defined by Section 50675.14 of the Health and Safety Code. Supportive housing shall be considered a residential use of property, and shall be subject to only those restrictions that apply to other residential dwellings of the same type in the same zone.

"Swap meet" means any indoor or outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term "swap meet" is interchangeable with, and applicable to, flea markets, auctions, open air markets, farmer's markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

T

"Tandem parking" means a sequence of two or more parking spaces, occurring in a single vertical or horizontal row, one behind the other, connected by the smaller side of the parking stall, usually front and back.

"Target population" means persons, including persons with disabilities, and families who are "homeless," as that term is defined by Section 11302 of Title 42 of the United States Code, or who are "homeless youth," as that term is defined by paragraph (2) of subdivision (e) of Section 11139.3 of the Government Code.

"Thrift shop" means a business establishment primarily engaged in the sale of used clothing, household goods, furniture, or appliances. This classification does not include antique shops.

"Townhouse" means a single-family dwelling which visually appears to share one or more common walls with an adjacent single-family dwelling, but which, in fact, is structurally and functionally independent of any other single-family dwelling.

"Trailer coach" means any vehicle, with or without motor power, designed or used for human habitation and constructed to travel on the public thoroughfares in accordance with the provisions of the California State Vehicle Code.

"Trailer park" or "mobile home park" mean a site designed and equipped for the harboring, parking, or storing of one or more trailers or mobile homes being used as living and/or sleeping quarters.

"Trailer site" means that portion of a trailer park designated for use or occupancy of one trailer coach and including all appurtenant facilities.

"Transfer station, waste" means an area, including any necessary building or structures, for the temporary storage and the salvage of rubbish, garbage, or industrial waste. This definition also includes material recovery facilities.

"Transitional housing" means a building or buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months; as defined in Section 50675.2 of the Health and Safety Code. Transitional housing does not include state licensed residential care facilities, also referred to as care homes. Transitional housing shall be considered a residential use of property, and shall be subject to only those restrictions that apply to other residential dwellings of the same type in the same zone.

"Triplex" means a structure containing three individual residential dwelling units.

"Trucking terminal" means a business engaged in the storage and distribution of goods having more than five heavy trucks (having a rating of more than 10,000 pounds and/or an unladen weight of more than 6,000 pounds) on the premises at any one time, but excluding trucking accessory to another industrial use on the site.

U

"Use" means the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied, utilized, or maintained.

V

"Variance" means a modification of a literal provision of this zoning code, granted by an administrative or quasi-judicial act in accordance with the provisions of this zoning code.

"Vehicle – automobile washing" means a business engaged in the washing, waxing, cleaning, and/or detailing of automobiles or similar light vehicles.

"Vehicle – body and fender shop" means a business establishment involved in the repairing, restoring, and/or painting of the bodies of motor vehicles.

"Vehicle – rentals" means a business engaged in the sale, lease and/or rental of automobiles and light trucks (having a rating of less than 10,001 pounds, an unladen weight of less than 6,001 pounds, and equipped with an open box-type bed less than nine feet in length), including storage and incidental maintenance and repair.

"Vehicle – repair garage" means any site and improvements used for the repair and maintenance of automobiles, motorcycles, light trucks (having a rating of less than 10,001 pounds, an unladen weight of less than 6,001 pounds, and equipped with an open box-type bed less than nine feet in length), or other similar passenger vehicles licensed by the State Department of Motor Vehicles. This classification shall not include the repair

or maintenance of motor homes or commercial vehicles as defined in this section. "Motor vehicle repair garage" shall be construed broadly to include the place where the following types of commonly known garage or shop activities occur: tune-up and muffler work, parts and tire sales and installation, wheel and brake work, engine and transmission overhaul, and installation of car alarms and car stereos. "Motor vehicle repair garage" shall not include automobile wrecking, dismantling, or salvage, motor vehicle body and fender shops, or tire retreading or recapping.

"Vehicle – service station" means a business establishment primarily engaged in the retail sale of vehicle fuel and lubricants. This classification includes facilities having service bays for vehicle service and repair. Such service and repair may include the sale of tires, batteries, and other parts and products related to the operation of a motor vehicle; minor tune-up; lubrication and parts replacement; nonmechanical car-washing, polishing, and waxing; and other light work related to preventive maintenance and upkeep, but may not include maintenance and repair of large trucks or other large vehicles, or body and fender work on any vehicles.

"Vehicle – towing/storage" means a business establishment providing towing and/or storage of operative or inoperative vehicles. This classification includes the storage of parking tow-aways, impound yards, and storage lots for buses and recreational vehicles, but does not include vehicle dismantling.

"Visual obstruction" means any physical obstruction which limits the visibility of persons in motor vehicles or pedestrians approaching intersecting or intercepting streets, alleys, driveways, or other public rights-of-way.

W

"Wall" or "fence" means a structure forming a physical barrier, including, but not limited to, concrete, concrete block, wood, or other materials which are solid and are so assembled as to form a barrier.

"Warehouse retail" means an off-price or wholesale retail/warehouse establishment exceeding 70,000 square feet of gross floor area and offering a full range of general merchandise to the public.

"Warehouse retail, specialty" means an off-price or wholesale retail/warehouse establishment exceeding 30,000 square feet of gross floor area and offering a limited range of merchandise, serving both wholesale and retail customers.

"Wholesaling, distribution and storage" means a business engaged in storage and distribution, and having five or fewer heavy trucks (having a rating of more than 10,000 pounds and/or an unladen weight of more than 6,000 pounds) on the premises at any one time. Wholesaling establishments may include no more than 10 percent or 1,000 square feet of floor area, whichever is less, for the incidental direct sale to consumers of only those goods distributed wholesale. This classification excludes "mini-warehouse" or "self-storage facilities" and "vehicle – towing/storage."

"Wholesale dry-cleaning plant" means a dry-cleaning establishment having at least 51 percent of its gross sales to licensed dry cleaners.

"Without prejudice" is a term used when rights or privileges are not waived or lost.

X

Y

"Yard" means an open space on a lot or parcel of land, other than a court, unoccupied and unobstructed by a building from the ground upward.

"Yard, front" means a yard extending across the full width of the lot or parcel of land. The depth of a required front yard shall be a specified horizontal distance between the front lot line, where the front lot line is coterminous with the street line, and the front elevation of the structure located on the parcel.

"Yard, rear" means a yard extending across the full width of the lot or parcel of land. The depth of a required rear yard shall be a specified horizontal distance between the rear lot line and a line parallel thereto on the lot or parcel of land.

"Yard, side" means a yard extending from the required front yard, or the front lot line where no front yard is required, to the required rear yard or the rear lot line where no rear yard is required. The width of a required side yard shall be a specified horizontal distance between each side lot line and a line parallel thereto on the lot or parcel of land. Where a side yard is bounded by a street, the width of such required side yard shall be a specified hor-

izontal distance between the side lot line on the street side, where said side lot line is coterminous with the street line of a fully widened street or the ultimate street line of a partially widened street, and a line parallel thereto on the lot or parcel of land.

Exhibit 20.08-4
Illustration of "Yard" Definitions

* Code reviser's note: Exhibit 20.08-4 is on file in the office of the city clerk.

Z

"Zoning map" means the official zoning map delineating the boundaries of zones within the city of Cudahy. (Ord. 634 § 3, 2014; Ord. 621 § 3, 2012; Ord. 587 § 20-1.0200).

Chapter 20.12

ADMINISTRATION AND ENFORCEMENT

Sections:

20.12.010 Purpose and authority.
20.12.020 Community development director.
20.12.030 Enforcement duties of the community development director.
20.12.040 Planning commission.
20.12.050 Authorized and delegated duties.
20.12.060 Filing applications.
20.12.070 Environmental review.
20.12.080 Fees and deposits.
20.12.090 An application requiring a public hearing.
20.12.100 Procedure for withdrawal of an application or petition for a variance, conditional use permit, or zone change.
20.12.110 Certificates of occupancy.
20.12.120 Procedures for interpretation.
20.12.130 Enforcement of permits, certificates and licenses.
20.12.140 Voidable conveyances.
20.12.150 Violations.
20.12.160 Validity of this zoning code.

20.12.010 Purpose and authority.

The purpose of this chapter is to outline those activities and/or procedures required to implement the zoning code. This chapter has been established to accomplish the following:

(1) To identify each city of Cudahy reviewing and approval authority, their powers, duties, and related information;

(2) To identify all of the steps necessary to obtain requisite city approvals relating to land uses and regulations contained in this zoning code;

(3) To establish and identify the procedures for filing applications for necessary permits and other approvals; and

(4) To establish and identify an appeal process. (Ord. 587 § 20-1.0300).

20.12.020 Community development director.

The community development director shall have the authority granted under the planning, zoning, and development laws of the state of California.

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The community development director shall have the authority to:

(1) Review and make recommendations to the planning commission and the city council on all planning applications, land use and planning issues, or other activities as may be directed by the city council, the planning commission, or the city manager;

(2) Assist the applicants in the submittal of development review applications; and

(3) Review and make recommendations to the planning commission and city council on all applications and any attendant approvals and environmental documents. (Ord. 587 § 20-1.0305).

20.12.030 Enforcement duties of the community development director.

The community development director shall be responsible for the enforcement of the zoning code. The community development director may serve notice requiring the removal of any structure or use in violation of the zoning code on the owner or authorized agent, on a tenant, or on an architect, builder, contractor, or other person who commits or participates in any violation. The community development director may call upon the city attorney to institute necessary legal proceedings to enforce the provisions of the zoning code, and the city attorney is authorized to institute appropriate actions to that end. The community development director may call upon the building official, the Los Angeles County sheriff's department, or the Los Angeles County fire department and their authorized agents to assist in the enforcement of the zoning code. (Ord. 587 § 20-1.0306).

20.12.040 Planning commission.

The planning commission shall have all planning authority as set forth in the state planning, zoning, and development laws, including the authority to hear and make recommendations regarding the applications for conditional use permits; variances; zone changes; zoning ordinance amendments; tentative maps; general plan amendments; specific plans; specific plan amendments; and environmental documents, including environmental impact reports, negative declarations, and mitigated negative declarations associated with development applications.

The planning commission has the authority to act upon an appeal of any order, requirement, permit, decision, or determination concerning land use under this zoning code made by an administrative or appointed official or body, such as the community development director, etc.

The planning commission shall adopt rules as necessary to conduct its affairs and in keeping with the provisions of this chapter. Planning commission meetings shall be held on a regular basis and shall be open to the public. The planning commission shall keep minutes of its proceedings, indicating the vote of each member upon each question via a roll call vote, or if absent or failing to vote, and shall keep records of its own examinations and other official actions, which shall be filed in the office of the city clerk. (Ord. 587 § 20-1.0310).

20.12.050 Authorized and delegated duties.

The following governmental bodies and/or city staff are authorized to conduct the following activities relative to the administration of the zoning code:

(1) The planning commission is vested with the duty of administering this zoning code;

(2) Whenever an administrative power is granted to, or an administrative duty imposed upon, the planning commission, the commission may instruct the community development director to exercise such administrative duty;

(3) The community development director shall exercise all such powers and perform all such duties as instructed by the planning commission, the city council, and the city manager;

(4) Wherever a power is granted to, or a duty imposed upon, a public officer by this zoning code, the power may be exercised or the duty may be performed by the planning commission, a deputy of the officer, or a person authorized pursuant to law or ordinance by the officer unless this title expressly provides otherwise;

(5) The city council may appoint an advisory body by ordinance or resolution, consisting of one or more agents or representatives, drawn from city staff and/or members of the planning commission, to conduct public hearings for the purpose of considering the granting, modification, or revocation of any variance, conditional use permit, or other action related to the implementation of the zoning code. The advisory body hearing a case shall pre-

pare findings drawn from information and evidence presented at the hearing and shall use such findings to prepare and substantiate its recommendation for disposition of the case to be submitted to the planning commission;

(6) The planning commission has the authority to consider and make recommendations to the city council regarding general plan amendments, zone changes, zone ordinances, specific plans, conditional use permits, variances, lot line adjustments, and development review permits;

(7) The planning commission has the authority to approve all the tentative parcel maps and tentative tract maps;

(8) The planning commission has the authority to consider the appeals of determinations made by the community development director regarding site plan reviews, signage plans, and temporary use permits;

(9) The city council is established through the incorporation of the city and has the authority to hear and make a determination on the following: applications for zone changes, zoning ordinance amendments, zone variances, general plan amendments, conditional use permits, development review permits, variances, specific plans, and specific plan amendments;

(10) The city council has the sole responsibility for certification of environmental documents, including environmental impact reports, negative declarations, and mitigated negative declarations related to discretionary actions; and

(11) The city council has the review and final authority on all appeals.

Table 20.12-1 sets forth all permits and approvals that may be necessary as required by this zoning code, as well as approving authority and appeal body.

Table 20.12-1
Permit Approval Matrix

Application	Staff	Planning Commission	City Council
General Plan	Review	Recommendation	Approval
Zone Change	Review	Recommendation	Approval
Zone Ordinance	Review	Recommendation	Approval
Specific Plan	Review	Recommendation	Approval
Conditional Use Permit	Review	Approval	Appeal
Variance	Review	Approval	Appeal
Lot Line Adjustment	Review	Recommendation	Approval
Tentative Parcel Map	Review	Approval	Appeal
Tentative Tract Map	Review	Approval	Appeal
Final Map	Review	–	Approval
Site Plan Review	Approval	Appeal	Appeal
Sign Plan	Approval	Appeal	Appeal
Development Review Permit	Review	Recommendation	Approval
Temporary Use Permit	Approval	Appeal	Appeal

(Ord. 587 § 20-1.0315).

20.12.060 Filing applications.

Applications for permits, permit modifications, amendments, and other matters pertaining to the zoning code shall be filed with the city of Cudahy community development department on a city application form, together with all fees, plans, and any other information required by the planning department. Applications shall be made by the owners of properties, their agents, or other persons who have written authority from the property owners to make application on the owner's behalf. (Ord. 587 § 20-1.0320).

20.12.070 Environmental review.

The city of Cudahy will conduct appropriate environmental review of each project submitted for city approval in accordance with the city's adopted guidelines for implementing the California Environmental Quality Act (CEQA). Assuming the project is not exempt from CEQA, a negative declaration, mitigated negative declaration, or environmental impact report may need to be completed. Negative declarations and environmental impact reports shall be prepared pursuant to the CEQA and local implementing guidelines. Table 20.12-2 sets forth the city's environmental review and assessment process in compliance with the requirement of the California Environmental Quality Act (CEQA). The environmental review process is illustrated in Exhibit 20.12-1.*

* Code reviser's note: Exhibit 20.12-1 is on file in the office of the city clerk.

Table 20.12-2
Environmental Assessment Approval Matrix

Environmental Assessments	Staff	Planning Commission	City Council
Exempt Project	Approval	Appeal	Appeal
Negative Declaration	Review/Report	Recommendation	Approval
Mitigated Negative Declaration	Review/Report	Recommendation	Approval
Environmental Impact Report	Review/Report	Recommendation	Approval

(Ord. 587 § 20-1.0325).

20.12.080 Fees and deposits.

Any application for a permit, variance, or other entitlement for use permitted pursuant to this zoning code shall not be considered complete unless accompanied by an application fee in an amount established by resolution of the city council or by any other lawful means.

In addition to the foregoing fees, each applicant shall deposit with the filing of any application or petition, a sum of money in an amount designated by the city to defray the cost of advertising or publication, in those cases where such is required, and travel and consulting services. The unexpended portion of such deposit shall be refunded to the applicant at the conclusion of the processing of the application. (Ord. 587 § 20-1.0330).

20.12.090 An application requiring a public hearing.

An application requiring a public hearing shall consist of the following activities:

(1) Notice of a hearing on an application for a variance or conditional use permit shall be conducted in the manner set forth in CMC 20.48.020.

(2) When a hearing is held to consider revocation of a variance, conditional use permit, or other entitlement for use under this zoning code, notice of hearing shall be provided pursuant to this zoning code. (Ord. 587 § 20-1.0335).

20.12.100 Procedure for withdrawal of an application or petition for a variance, conditional use permit, or zone change.

Any application or petition for a variance, conditional use permit, or zone change may be withdrawn prior to a public hearing by filing, with the planning commission, a written request for withdrawal signed by all persons who signed the original application or petition or their successors in interest. (Ord. 587 § 20-1.0340).

20.12.110 Certificates of occupancy.

To ensure that each new or expanded use of a structure or site and each new structure or alteration of an existing structure complies with all applicable provisions of this zoning code, and in order that the city may have a record of each new and expanded use, a certificate of occupancy shall be required prior to any structure or site being occupied. No structure shall be erected, moved, altered, enlarged, occupied, or used, and no site shall be initially occupied or used until a certificate of occupancy has been issued by the building official. An application for a certificate of occupancy shall be filed with the building department prior to the erection, moving, alteration, or enlargement of any structure, or the commencement of a new use or a change in use of any structure or site. (Ord. 587 § 20-1.0345).

20.12.120 Procedures for interpretation.

The community development director, where reasonably necessary, shall interpret the provisions of this zoning code to assure adherence to the provisions contained in the code.

Any person who is aggrieved by any such interpretation may submit in writing, within 10 days after the date of the community development director's decision, a request that such interpretation be reviewed by the planning commission. Upon receipt of such a request, the planning commission,

at its next regularly scheduled meeting, shall review the interpretation as made, and shall approve, modify, or disapprove the community development director's interpretation. Any person aggrieved by the decision of the planning commission may, in writing, within 10 days after the date of the planning commission's decision, request that the decision be reviewed by the city council. Upon receipt of such request, the city council, at its next regularly scheduled meeting, shall review the decision and approve, modify, or disapprove the planning commission's determination. The interpretation by the city council shall be deemed final and conclusive. (Ord. 587 § 20-1.0350).

20.12.130 Enforcement of permits, certificates and licenses.

All officials, departments, and employees of the city of Cudahy vested with the authority or duty to issue permits, certificates, or licenses shall comply with the provisions of the zoning code and shall issue no permit, certificate, or license which conflicts with the provisions of this zoning code. Any permit, certificate, or license issued in conflict with the provisions of this zoning code shall be null and void. (Ord. 587 § 20-1.0355).

20.12.140 Voidable conveyances.

Any deed or conveyance, sale, or contract to sell made contrary to the provisions of this zoning code shall be voidable at the sole option of the grantee, buyer, or person contracting or purchasing, or heirs, personal representative, or trustee in insolvency, or bankruptcy, within one year after the date of the execution of the deed of conveyance, sale, or contract to sell. Otherwise, the deed of conveyance, sale, or contract to sell shall be binding upon any assignee or transferee of the grantee, buyer, or person contracting to purchase and upon the grantor, vendor, or person contracting to sell or his assignee, heir, or devisee. (Ord. 587 § 20-1.0360).

20.12.150 Violations.

Any person violating any provision of the zoning code shall be punishable as set forth in the city of Cudahy Municipal Code (Ordinance 454, § 21). Any violation of the provisions of this zoning code shall be deemed to be a continuing violation until such violation has been abated. (Ord. 587 § 20-1.0365).

20.12.160 Validity of this zoning code.

If any provision of this zoning code is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared that the effect of such decisions shall be limited to that provision or those provisions which are expressly stated on the decision to be invalid, and such decision shall not affect, impair, or nullify this zoning code as a whole, or any part thereof, and the remainder of this zoning code shall continue in full force and effect.

If the application of any provision of the city to any area, property, or site is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared that the effect of such decision shall be limited to that area, property, or site immediately involved in the controversy, action, or proceeding in which the judgment or decree or invalidity was rendered. Any such decision shall not affect, impair, or nullify this zoning code as a whole or in the application of any provision to any other areas, property, or site. (Ord. 587 § 20-1.0370).

Chapter 20.16

AMENDMENTS TO ZONING CODE

Sections:

20.16.010 Purpose and authority of this chapter.
20.16.020 Initiation of amendments to zoning code.
20.16.030 Application for amendment.
20.16.040 Consistency with hazardous waste management plan.
20.16.050 Application and fees for amendment processing.
20.16.060 Community development department action on amendment.
20.16.070 Public hearing to consider amendment.
20.16.080 Minimum due process standards for conduct of public hearings.
20.16.090 Planning commission action on amendment.
20.16.100 City council action on amendment.
20.16.110 Change of zoning map.
20.16.120 Time limits on new applications (re-application).
20.16.130 Effective date of amendment approval.

20.16.010 Purpose and authority of this chapter.

The purpose of this chapter of the city of Cudahy zoning code is to identify the process and procedures by which the zoning code may be amended. The zoning code may be amended by changing the boundaries of any zoning district or by changing any applicable zone district regulation, requirement, general provision, procedure, or any other provision as provided for in this chapter. (Ord. 587 § 20-1.0400).

20.16.020 Initiation of amendments to zoning code.

An amendment may be initiated by the property owner or the authorized agent of the real property. If the property for which an amendment is proposed contains more than one ownership, all of the property owners or authorized agents shall join in the initiation of an amendment. An amendment may also be initiated by a resolution of the planning commission or by an action of the city council in the form of a request to the planning commission that it consider a proposed change. Amendments shall follow the procedures as specified in this chapter. Any petition for a change of zone shall be construed as a suggestion only. The planning commission is not required to hold any public hearings merely because a petition has been filed. (Ord. 587 § 20-1.0405).

20.16.030 Application for amendment.

A zone change shall be initiated with the submittal of a complete application for a zone change. The accuracy of all information, maps, and lists submitted shall be the responsibility of the applicant. The community development director may deem that an application is incomplete if it that does not supply the required information. (Ord. 587 § 20-1.0410).

20.16.040 Consistency with hazardous waste management plan.

Any decision on a petition for change of zone shall be consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities. (Ord. 587 § 20-1.0415).

20.16.050 Application and fees for amendment processing.

When an amendment is initiated by a property owner or authorized agent of the owner, an application shall be filed with the community development department on the prescribed form and shall be accompanied by the following: (1) a completed environmental information form describing existing environmental conditions, the proposed project, and identifying potential environmental impacts of the project; (2) maps, drawings, plans, tabulations, and other documents required on the standard city application form to describe the project adequately; and (3) the required application fee. (Ord. 587 § 20-1.0420).

20.16.060 Community development department action on amendment.

The community development department shall make an investigation of the application and shall prepare a written report that shall be transmitted to the planning commission and made available to the applicant(s) prior to the public hearing. The com-

munity development department may consult with other city departments and other public agencies in its investigation of the application. (Ord. 587 § 20-1.0425).

20.16.070 Public hearing to consider amendment.

The planning commission and city council shall each hold at least one public hearing on the zoning amendment application, with all hearings noticed as required by Chapter 20.48 CMC. At the planning commission's public hearing, the commission shall review the application and the supporting materials, the report of the community development department, and reports of other city departments and public agencies, and shall receive evidence regarding the proposed amendment. The city council, at its public hearing, shall review the planning commission's recommendation and all supporting material. (Ord. 587 § 20-1.0430).

20.16.080 Minimum due process standards for conduct of public hearings.

California Government Code Section 65804 establishes the minimum standards of due process related to the conduct of public hearings before the planning commission and city council prior to the enactment of zoning ordinance amendments. The city of Cudahy will conform to these provisions through the following procedures:

(1) The city will prepare and publish the procedural rules governing the conduct of public hearings so that all interested parties shall have advance knowledge of the procedures that will be followed in the consideration of any amendment to the zoning code.

(2) The city will maintain and provide a record of the hearings when a matter is contested and a request is made prior to the date of the hearing.

(3) The city will make public any available planning staff report prior to the public hearing.

(4) The city will prepare a staff report, containing any recommendations and the basis for these recommendations, that will be incorporated into the hearing record when the hearing considers a zone change for a parcel or parcels consisting of at least 10 acres of land area. (Ord. 587 § 20-1.0431).

20.16.090 Planning commission action on amendment.

Within 30 days after the date of the public hearing, the planning commission shall make a specific finding as to whether the proposed amendment is consistent with the objectives of the zoning code and the general plan. The 30-day time limit for action may be extended by mutual agreement between the applicant and the city.

The planning commission shall transmit to the city council a copy of its recommendation and findings of fact relative to the amendment's consistency with the objectives of this zoning code and the city of Cudahy general plan. The planning commission shall make findings concerning the amendment's potential to promote the public health, safety, and welfare of the community. A copy of the planning commission's action shall then be transmitted to the city council and the applicant. (Ord. 587 § 20-1.0435).

20.16.100 City council action on amendment.

Upon receipt of the planning commission report and recommendation, the city council shall review the application and all supporting documents. The council shall hold at least one public hearing. In order to approve the application, the council must also make findings that the amendment application is consistent with the objectives of this zoning code and the city of Cudahy general plan. If the city council finds that the amendment is consistent, the council may enact an ordinance amending the zoning map or an ordinance amending this zoning code, whichever is appropriate. If the city council finds the change is not consistent or does not promote the public health, safety or welfare, it shall deny the application.

Pursuant to Sections 36934 and 65850 of the California Government Code, if the city council approves a proposed amendment to the zoning code, the city council must introduce the amendment at a regular or adjourned city council meeting and then formally adopt the amendment by ordinance at a subsequent hearing. (Ord. 587 § 20-1.0440).

20.16.110 Change of zoning map.

A change of zoning district or in the zone district boundaries shall be indicated on the zoning map

following the enactment of an ordinance amending the zoning map. (Ord. 587 § 20-1.0445).

20.16.120 Time limits on new applications (re-application).

Following the denial of an application for an amendment, no new application for the same amendment request or substantially the same amendment request shall be filed within one year after the date of the denial of the application. (Ord. 587 § 20-1.0450).

20.16.130 Effective date of amendment approval.

The approval of an amendment shall become effective upon the expiration of 30 calendar days following the date upon which the approval was granted. (Ord. 587 § 20-1.0455).

Exhibit 20.16-1
Flowchart Outlining Procedures for a Zone Change*

* Code reviser's note: Exhibit 20.16-1 is on file in the office of the city clerk.

Chapter 20.20

APPEALS

Sections:

20.20.010 Appeals.
20.20.020 Effect of filing.
20.20.030 Authority to grant appeals.
20.20.040 Notice of decision by community development director.
20.20.050 Appeal to planning commission.
20.20.060 Action by planning commission in the consideration of appeals.
20.20.070 Appeals to city council.
20.20.080 Notice requirements for city council hearing of appeal.
20.20.090 Action by city council in the consideration of appeals.
20.20.100 Hearing transcript.
20.20.110 Effect of denial without prejudice.
20.20.120 Effect of this chapter.

20.20.010 Appeals.

No conditional use permit, variance, and temporary use permit shall be effective until 10 days after the community development director's decision, and no use or development authorized by a conditional use permit, variance, and temporary use permit shall be initiated or construction started within five days following the community development director's decision. Any interested person may appeal the community development director's decision to the planning commission pursuant to CMC 20.20.050. Notwithstanding CMC 20.20.050(2), an appeal of a decision of the community development director under this chapter is not timely unless it is filed within 15 days of the community development director's decision.

Any interested person may appeal the planning commission's decision to the city council pursuant to CMC 20.20.070. (Ord. 587 § 20-1.0500).

20.20.020 Effect of filing.

The filing of a notice of appeal pursuant to this chapter stays all proceedings until a decision on the appeal has been made by the decision-making body. (Ord. 587 § 20-1.0505).

20.20.030 Authority to grant appeals.

The following authority is granted to the community development director and planning commission regarding appeals:

(1) Unless otherwise expressly provided in this zoning code, any decision made by the community development director pursuant to Chapter 20.12 CMC may be appealed to the planning commission, and any decision made by the planning commission, pursuant to Chapter 20.12 CMC, may be appealed to the city council.

(2) The planning commission serves as a board of appeals pursuant to Section 65900 of the California Government Code for those decisions that may not be appealed to the city council pursuant to this zoning code. When acting as a board of appeals, the planning commission shall exercise the authority conferred by this zoning code and authorized by Section 65903 of the California Government Code.

(3) The community development director is designated as the zoning administrator pursuant to Section 65900 of the California Government Code. When acting as a zoning administrator, pursuant to this chapter, the community development director shall exercise the authority conferred by this zoning code and authorized by Section 65901 of the California Government Code. (Ord. 587 § 20-1.0510).

20.20.040 Notice of decision by community development director.

When notice of a decision of the community development director is required by this zoning code, written notice shall be given pursuant to CMC 20.20.080(4) and (5). This notice shall contain the following:

(1) A general explanation of the director's decision;

(2) A general description of the property subject to the decision; and

(3) An indication of the right of any interested person to appeal the director's decision pursuant to CMC 20.20.050, along with a discussion of how that right may be exercised. (Ord. 587 § 20-1.0515).

20.20.050 Appeal to planning commission.

The following procedures are to be adhered to in the considering of appeals before the planning commission:

(1) The planning commission shall have the power to hear and decide on those appeals of decisions made by the community development director.

(2) Any interested person may file an appeal with the planning commission, provided the appeal is filed in writing within 15 days after final action taken by the community development director and the appropriate fee is paid. The appeal shall state the grounds for appeal. The decision is final if not appealed within 15 days of the community development director's determination.

(3) The community development director shall set a hearing on the appeal, which shall be conducted as provided in CMC 20.20.090(3), (4) and (6), and notices shall be given as specified in CMC 20.20.080. (Ord. 587 § 20-1.0520).

20.20.060 Action by planning commission in the consideration of appeals.

The planning commission may take the following actions following the commission's consideration of an appeal:

(1) The planning commission may approve the application upon finding that all applicable findings have been correctly made and all applicable provisions of this zoning code have been complied with;

(2) The planning commission may approve the application but impose additional or different conditions it deems necessary to fulfill the purposes of this zoning code;

(3) The planning commission may deny the application without prejudice upon a finding that all applicable findings have not been correctly made or all applicable provisions of this zoning code have not been complied with but that, in either case, the application has merit and may possibly be modified to conform with the provisions of this zoning code; or

(4) The planning commission may disapprove the application upon finding that applicable findings cannot be made or all provisions of this zoning code have not been complied with; or

(5) The planning commission may refer the matter back to the community development director with instructions. (Ord. 587 § 20-1.0525).

20.20.070 Appeals to city council.

The following procedures must be adhered to when making an appeal before the city council:

(1) Any interested person may file an appeal to the city council provided the appeal is filed in writing within 15 days after final action is taken by the planning commission and the appropriate fee is paid. The decision is considered to be final if not appealed within 15 days of the planning commission's determination.

(2) A notice of appeal shall be filed with the director, or the city clerk when the office of the director is vacant, and shall state the grounds of appeal and the action which the appellant requests the council to take. (Ord. 587 § 20-1.0530).

20.20.080 Notice requirements for city council hearing of appeal.

Unless another provision of this zoning code defines the notice required for a public hearing on an application or appeal, notice shall be provided as set forth in CMC 20.48.020. (Ord. 587 § 20-1.0535).

20.20.090 Action by city council in the consideration of appeals.

The following activities must be completed as part of the city council's action on an appeal:

(1) The city clerk shall notice the hearing as required by CMC 20.20.080.

(2) The city clerk shall fix the time for hearing the appeal.

(3) All the materials, and support documents, on file with the community development director shall be made part of the city council hearing record. In addition, any person may offer supplemental evidence during the public hearing.

(4) The city council is not limited to consideration of the materials presented to the planning commission. The city council may review any matter or evidence relating to the action subject to appeal regardless of the specific issue appealed.

(5) The city council may take the following actions when considering an appeal:

(a) The city council may approve the application upon finding that all applicable findings have been correctly made and all applicable provisions of this zoning code have been complied with;

(b) The city council may approve the application but impose additional or different conditions or guarantees as it deems necessary to fulfill the purposes of this zoning code;

(c) The city council may deny the application without prejudice upon a finding that all applicable findings have not been correctly made or all provisions of this zoning code have not been complied with but that, in either case, the application has merit and may possibly be modified to conform with the provisions of this zoning code;

(d) The city council may disapprove the application upon finding all applicable findings cannot be made or all provisions of this zoning code have not been complied with; or

(e) The city council may refer the matter to the planning commission with instructions.

(6) A simple majority of the city council members voting shall be required to overrule or modify a decision by the planning commission which is appealed, or to grant an appealed application where the commission had failed to act within the time permitted by law.

(7) A decision of the city council sustaining, overruling, or modifying any decision, determination, or requirement of the planning commission shall be final and conclusive when rendered unless otherwise provided by the city council in rules of procedure or elsewhere. (Ord. 587 § 20-1.0540).

20.20.100 Hearing transcript.

Nothing in the zoning code shall require the keeping of a verbatim hearing transcript where such a transcript is not otherwise required by law. (Ord. 587 § 20-1.0545).

20.20.110 Effect of denial without prejudice.

An application that has been denied without prejudice on appeal may be refiled at any time, although the appeal must be accompanied by the standard filing fee. (Ord. 587 § 20-1.0550).

20.20.120 Effect of this chapter.

The provisions of this chapter shall establish procedures for the determination of applications under this zoning code. If another provision of this zoning code provides a different procedural rule for particular application or decision, the provi-

sions of this chapter shall apply to the extent they do not conflict with other applicable sections of this zoning code. (Ord. 587 § 20-1.0555).

Chapter 20.24

LEGAL NONCONFORMING USES AND STRUCTURES

Sections:

20.24.010 Application of regulations.
20.24.020 Termination of legal nonconforming uses.
20.24.030 Continuation of existing nonconforming uses.

20.24.010 Application of regulations.

The following regulations shall apply to all nonconforming uses of property not in violation of this or any other ordinance or law at the time this zoning code or any amendment to the zoning code becomes effective:

(1) Continuation of Legal Nonconforming Uses. A legal nonconforming use may be continuously maintained provided there is no alteration or addition to any structure, nor any enlargement of area, space, or volume occupied by or devoted to such use, except as otherwise provided in this zoning code.

(2) Repairs and Alterations to a Legal Nonconforming Use. Ordinary repairs and maintenance, not exceeding an aggregate cost of 50 percent of the assessed value, may be made to a nonconforming structure. Where any part of a lawfully nonconforming building or structure is acquired for public use, the remainder of such building or structure may be repaired, reconstructed, or remodeled, with the same or similar kind of materials as used in the existing buildings.

(3) Additions to a Legal Nonconforming Use. This section does not authorize the extension, expansion, or enlargement of a legal nonconforming use or permit the addition of structures or other facilities in conjunction with such nonconforming use, except as follows:

(a) Changes Required by Other Laws. A use may be extended, expanded or enlarged to the extent required by a subsequently enacted law, ordinance, or regulation.

(b) Residential Uses Nonconforming Due to Off-Street Parking. Additions may be made to lawfully existing dwelling units without requiring any additional garage, carport, automobile storage space or driveway paving; provided, that such

additions neither (i) increase the number of dwellings on the subject lot; nor (ii) occupy a portion of the property that the community development director determines to be the only remaining location appropriate for the garages, carports, or automobile storage space required by this zoning code.

(c) Nonresidential Uses Nonconforming Due to Off-Street Parking. Nonresidential uses which are legally nonconforming as to the off-street parking required by this zoning code may be extended, expanded, or enlarged without providing all the off-street parking otherwise required by this zoning code if the additional off-street parking to meet the requirements of the addition, expansion, or extension under CMC 20.80.010 is provided.

(d) Minor Alterations. A use may be altered if the community development director determines that the changes are limited to minor alterations, improvements, repairs, or changes of use which do not increase the degree of nonconformity present and do not constitute or tend to produce an expansion or intensification of a nonconforming use. Any new structure other than garages or carports shall constitute an expansion or intensification of the use and shall not be permitted except under subsection (3)(a) of this section.

(e) Preservation of Abatement Period. No change or alteration made to any development or use shall be construed to authorize an extension of any time limit for the termination of a nonconformity.

(4) Repair of Damaged or Partially Destroyed Structure. The following restrictions apply to the repair and/or reconstruction of legal nonconforming uses:

(a) Any legal nonconforming structure or structure containing a legal nonconforming use that is damaged or partially destroyed by fire, explosion, act of God, act of a public enemy, collapse, or any other casualty or calamity to the extent that the cost of restoration to the condition in which it was immediately prior to the occurrence of such damage or destruction, may be reconstructed, provided the reconstruction cost does not exceed one and one-half times the assessed value of the entire structure based on the assessment roll current immediately prior to the time of damage or destruction.

(b) All such construction or repairs shall be started within one year from date of damage and be pursued diligently to completion. Such repair or reconstruction of damaged legal nonconforming structures shall not extend the termination date of such structure as specified by this zoning code.

(c) In determining the reconstruction cost of any legal nonconforming structure, there shall not be included therein the cost of land or any factors other than those concerning the nonconforming structure itself.

(5) Structures Under Construction. Any structure for which a valid building permit has been issued prior to the effective date of this zoning code may be completed and used in accordance with the plans and specifications on which such building permit was granted provided construction is commenced within 60 days after the issuance of such permit and diligently pursued to completion.

(6) Nonconforming Uses Limit Other Uses. While a legal nonconforming use exists on any lot or parcel of land, no new use may be established thereon, unless the following conditions prevail:

(a) Each existing and proposed use, including appurtenant structures, improvements, and open space, must be located on a lot or parcel of land having the required area for each such use.

(b) These uses must be located so that the lot or parcel of land can be divided into smaller lots or parcels of land, each of which will contain not less than the required area, and on each of which the number and location of structures will comply with the requirements of this zoning code, when considered as a separate lot or parcel of land. (Ord. 587 § 20-1.0600).

20.24.020 Termination of legal nonconforming uses.

This section outlines those reasons that may result in the termination of the legal nonconforming status of a nonconforming use or structure.

(1) Termination by Violation of This Zoning Code. Any of the following violations of this zoning code shall result in the immediate termination of the right to operate a legal nonconforming use:

(a) Changing an existing legal nonconforming use to another nonconforming use, except as otherwise provided in this zoning code.

(b) Increasing or enlarging the area, space, or volume occupied by the legal nonconforming use, except as otherwise provided in this zoning code.

(2) Termination by Discontinuance. Discontinuance of a legal nonconforming use as indicated herein shall result in the immediate revocation of the right to operate a nonconforming use.

(a) Changing a lawful nonconforming use to a conforming use.

(b) Discontinuance of a legal nonconforming use for a period of six or more successive calendar months.

(3) Termination by Operation of Law. The following legal nonconforming uses and structures shall be discontinued and removed from their sites or made to conform to the provisions of this zoning code within the time specified in this section, except when extended or revoked as otherwise provided in this zoning code:

(a) Where the general use is permitted but is nonconforming because it is not operated or used in accordance with the development standards of this zoning code: six months.

(b) Where the property is unimproved: one year.

(c) Where the property is unimproved except for structures of a type for which the city building code does not require a building permit: three years.

(d) Where the property is unimproved except for structures which contain less than 100 square feet of gross floor area: three years.

(e) Outdoor advertising signs and structures: three years.

(f) A legal nonconforming use housed in a structure designed or suitable to serve a use permitted in the zone: five years.

(g) The abatement period for other structures will adhere to the following schedule shown in Table 20.24-1.

Table 20.24-1
Abatement Schedule

Structure Type	Use	Base Period
Light incombustible frame and wood frame structures	Flats, apartments, and double bungalows	30 years
	Other dwellings	35 years
	Stores and factories	25 years
Heavy timber construction and ordinary masonry structures	Apartments, offices, hotels, and residences	40 years
	Structures with stores below and residences, hotel, or offices above	40 years
	Warehouses, stores, garages, lofts	40 years
	Factories and industrial buildings	50 years
Fire-resistive structures	Apartments and residences	50 years
	Offices and hotels	55 years
	Theaters	60 years
	Warehouses, lofts, stores, garages	50 years
	Industrial	40 years

(4) Substitution of a Legal Nonconforming Use. A use that is not in violation of any provisions of this zoning code and is a legal nonconforming use only because it does not meet the requirements of the standards of development may be changed to a use permitted in the zone. The city must find that the legal nonconforming use is neither more detrimental to the public welfare nor to the property of persons located in the vicinity thereof than is said lawful nonconforming use. Any such change of use shall not extend the termination date established for the original nonconforming use.

(5) Public Uses. Any legal existing public use, including, but not limited to, schools, colleges, parks, libraries, fire stations, sheriff stations, and other public sites, may be added to, extended, or altered without a variance, if such additions, extensions, or alterations do not extend beyond the boundaries of the original site established prior to the time such approval was required, provided said addition, extension, or alteration does not infringe upon the required off-street parking facilities established pursuant to the provisions of this zoning code.

(6) Revocation of a Legal Nonconforming Use. A legal nonconforming use may be revoked subject to a public hearing and a subsequent notice of revocation pursuant to the provisions governing the revocation of a variance, conditional use permit, or other action as provided in CMC 20.44.010 (Conditional Use Permits and Variances) if the planning commission finds:

(a) That the condition of the improvements, if any, on the property is such that to require the property to be utilized only for those uses permitted in the zone where it is located would not impair the constitutional rights of such person; or

(b) That the nature of the improvements is such that they can be altered so as to be used in conformity with the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person.

(7) Public Utilities. Nothing in this zoning code pertaining to nonconforming structures and uses shall be construed or applied so as to require the termination, discontinuance, or removal of, so as to prevent the expansion, modernization, replacement, repair, maintenance, alteration, reconstruction or rebuilding, and continued use of public utility buildings, structures, equipment and facilities; provided, that there is no change in the use nor enlargement of those areas so used.

(8) Extension of a Legal Nonconforming Use. The following requirements must be adhered to in the consideration and granting of extensions for nonconforming uses:

(a) Initiation. The owner of a property occupied by a legal nonconforming use may apply to the planning commission in the manner set forth in CMC 20.44.030 to extend the period for the legal nonconforming use. Such an application is timely only if filed prior to the date the use terminates pursuant to subsection (1), (2) or (3) of this section, or within three months of notification from the city of the nonconformity, whichever is later.

(b) Notice and Hearing. A hearing on the application of extension shall be noticed pursuant to CMC 20.12.050 and shall be held before the planning commission within 60 days of the date the application is filed.

(c) Findings and Decision. The planning commission shall approve the request for extension of time if it finds that the required time for termination of the nonconformity otherwise provided by this zoning code is insufficient to allow the applicant reasonable amortization of the fixed investment in the nonconforming use. If the planning commission is unable to make such a finding, it shall deny the extension or expansion of a legal nonconforming use or an increase in the degree of nonconformity. Notice of the decision shall be given pursuant to CMC 20.44.080.

(d) Conditions. Upon approving an extension, the planning commission may impose conditions relating to the continuation, modification, conversion, or termination of the use and facilities in order to protect neighboring properties and to serve the purposes of this zoning code.

(e) Effective Date and Appeal. The decision of the planning commission shall be effective and final 15 days after it is rendered unless an appeal is filed pursuant to CMC 20.44.090. Such an appeal shall be considered pursuant to CMC 20.44.160.

(f) Modification of Conditions. Conditions related to the granting of an extension for a nonconforming use may be modified as long as the following conditions have been met:

(i) After an extension has been granted, modifications of the conditions, including additions or deletions, may be considered upon an application by the owner of the subject property, filed in accordance with the provisions of subsection (8)(a) of this section.

(ii) A public hearing on a proposed modification need not be held unless requested by the applicant, or unless the community development director, the planning commission, or the city council determines that the proposed modifications exceed the intent of the original approval of the extension.

(iii) The hearing, decision, and any appeal in connection with a modification of conditions

shall be governed by the provisions of this section which control new applications for extensions of time. (Ord. 587 § 20-1.0605).

20.24.030 Continuation of existing nonconforming uses.

Any use established or conducted, or any building or improvement existing in violation of Los Angeles County Ordinance No. 1494 (as amended) upon the effective date of the ordinance codified in this zoning code shall not be deemed to have acquired a legal nonconforming status by reason of the adoption of this zoning code. To the extent that such use, building, or improvement was a violation of Los Angeles County Ordinance No. 1494 (as amended) or any other ordinance, statute, or law, or is a violation of this zoning code, it shall be deemed a continuing violation. (Ord. 587 § 20-1.0610).

Chapter 20.28

DEVELOPMENT AGREEMENTS

Sections:

20.28.010 Authorization/purpose.
20.28.020 Application.
20.28.030 Initiation of and requirement of hearing.
20.28.040 *Reserved.*
20.28.050 Contents.
20.28.060 Approval of development agreement.
20.28.070 Recording of development agreement.
20.28.080 Periodic review of development agreement.
20.28.090 Amendment or cancellation.
20.28.100 Modification or suspension.
20.28.110 Application of rules, regulations and policies.
20.28.120 Enforcement.

20.28.010 Authorization/purpose.

The purpose of this chapter is to establish procedures and requirements for the approval and adoption of development agreements. These procedures and requirements are established pursuant to, and are consistent with, Government Code Sections 65864 through 65869.5. The planning commission may recommend, and the city council may enter into a development agreement with, any person having a legal or equitable interest in real property. (Ord. 587 § 20-1.0700).

20.28.020 Application.

Any person desiring a development agreement may file an application with the community development director. An applicant shall be required to pay a fee as provided in CMC 20.12.080. (Ord. 587 § 20-1.0705).

20.28.030 Initiation of and requirement of hearing.

(1) A hearing on a development agreement may be initiated in any of the following manners:

(a) Upon the initiative of the city council;

(b) Upon the recommendation of the planning commission and the concurrence of the city council; or

(c) Upon the filing of a completed application and the payment of fees as provided for by CMC 20.12.080.

(2) Upon the filing of a completed application, the community development director shall set a date for a noticed public hearing before the planning commission and shall give notice as required by CMC 20.48.020.

(3) The planning commission and the city council shall hold noticed public hearings on every completed application for a development agreement. (Ord. 587 § 20-1.0710).

20.28.040 Reserved.

(Ord. 587 § 20-1.0715).

20.28.050 Contents.

(1) This section establishes the scope and content of development agreements. A development agreement shall include the following:

(a) The duration of the agreement;

(b) The permitted uses of the property;

(c) The density or intensity of use;

(d) The maximum height and size of proposed buildings;

(e) Any provisions for the reservation or dedication of land for public purposes; and

(f) Provision for a periodic review of the applicant's compliance with the terms of the agreement under CMC 20.28.080.

(2) In addition to the required terms, a development agreement may include any of the following provisions:

(a) The specified time for construction to commence.

(b) The specified time for the project, or any phase of the project, to be completed.

(c) Terms and conditions relating to applicant financing of necessary public facilities, and subsequent reimbursement, if any.

(d) Conditions, terms, restrictions, and requirements for subsequent discretionary actions by the city, provided these shall not prevent development of the land for the uses and to the density or intensity set forth in the agreement. (Ord. 587 § 20-1.0720).

20.28.060 Approval of development agreement.

A development agreement shall be approved by resolution. The city council shall not approve a development agreement unless it finds that its provisions are consistent with the general plan and applicable specific plans. (Ord. 587 § 20-1.0725).

20.28.070 Recording of development agreement.

The city clerk shall record a copy of the approved development agreement with the Los Angeles County recorder's office within 10 days after the city council approves the agreement. Amendments to, or modifications of, an approved development agreement shall be recorded with the Los Angeles County recorder's office within 10 days after the city council approves such amendments or modifications. (Ord. 587 § 20-1.0730).

20.28.080 Periodic review of development agreement.

The planning commission shall conduct a periodic review of an applicant's compliance with the terms of the development agreement at least every 12 months. During this review the applicant, or the applicant's successor in interest, shall be required to demonstrate good faith compliance with the terms of the development agreement. If the planning commission finds and determines on the basis of substantial evidence that the initial applicant, or the applicant's successor in interest, has not complied in good faith with the terms or conditions of the agreement, the planning commission may recommend and the city council may terminate or modify the agreement. (Ord. 587 § 20-1.0735).

20.28.090 Amendment or cancellation.

The applicant and the city council may, by mutual consent, amend a development agreement, in whole or in part. Notice of intention to amend shall be given pursuant to CMC 20.28.040. The city council may in its discretion hold a hearing on the proposed amendment. An amendment to a development agreement shall be approved by ordinance. An amendment shall not be approved unless the city council finds it to be consistent with the general plan and applicable specific plans.

The applicant and the city council may also, by mutual consent, cancel a development agreement,

in whole or part. Notice of intention to cancel shall be given pursuant to Section 20-1.0715. (Ord. 587 § 20-1.0740).

20.28.100 Modification or suspension.

Provisions of a development agreement which do not comply with state or federal laws or regulations enacted after the city council's approval of the development agreement shall be modified or suspended as necessary to comply with such laws or regulations. (Ord. 587 § 20-1.0745).

20.28.110 Application of rules, regulations and policies.

All rules, regulations, and official policies governing permitted uses of land, density, and design, improvement and construction standards and specifications, in force at the time the development agreement is approved, will continue to be applicable, unless the development agreement provides otherwise. (Ord. 587 § 20-1.0750).

20.28.120 Enforcement.

Unless and until amended or canceled as provided in CMC 20.28.090, or modified or suspended as provided in CMC 20.28.100, a development agreement shall be enforceable by any party to the agreement, notwithstanding any change in any applicable general plan, specific plan, zoning, subdivision, or building regulation which alters or amends the rules, regulations, or policies specified in CMC 20.28.110.

The burdens of a development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the development agreement. (Ord. 587 § 20-1.0755).

Chapter 20.32

TEMPORARY USE PERMITS

Sections:

20.32.010 Uses and developments permitted upon review and approval by the community development director.
20.32.020 Application.
20.32.030 Action by community development director.
20.32.040 Appeals.

20.32.010 Uses and developments permitted upon review and approval by the community development director.

The following temporary uses and developments may be initiated, altered or maintained upon approval pursuant to this section:

(1) Temporary uses of land, including temporary outdoor sales, and the erection of booths, tents, or parking of trailers for temporary activities conducted either outdoors or within temporary structures, when such uses are allowed in the applicable zone with the approval of the community development director. Not more than 26 outdoor sales events shall occur within any 12-month period at any one location. Each sales event shall be limited in duration to not more than two consecutive calendar days. A third day is allowed if the event occurs on a holiday weekend. The location of an outdoor sales event shall not interfere with automobile circulation, and shall be designed in a manner to allow free pedestrian movement within and around the vicinity. For purposes of this subsection, the term "location" shall include a parcel or combination of parcels that are owned or occupied by the same owner or business entity. No outdoor sales activity shall occur on a public sidewalk or on other portions of the public right-of-way along a street. The location of an outdoor sales event shall not interfere with public fire and police protection services. Outdoor sales activities within or beneath a tent are not permitted.

(2) Outdoor sales of flowers and gifts are prohibited, except for a business licensed to sell flowers that has been licensed to sell flowers for more than one year. Flower shops may obtain a temporary use permit provided the applicant submits financial statements showing sales of flowers

exceed 25 percent of gross receipts, annually. Sales shall be conducted on the same location as the flower shop. A site plan shall be submitted to the director of community development who shall approve a location for the sales stand.

(3) Temporary carnivals, circuses, fairs, or tent revival meetings not to exceed four days within any six-month period, provided the event is located on property owned or leased by a public agency, on the grounds of a permanently established church or the grounds of a general curriculum, public or private school. Such an event shall be permissible only if sponsored by a public agency or a religious, fraternal, or service organization directly engaged in civic or charitable endeavors. Such events shall be limited to three days in any six-month period, but the community development director may authorize a fourth day if the location, conduct, or timing of the event suggests that the event will not unduly impose on its neighbors.

(4) The sale of Christmas trees and wreaths between December 1st and December 25th of any calendar year, inclusive, to the extent permitted by other applicable ordinances, statutes, and regulations; provided, that any structures and materials used shall be removed from the premises and the property restored to a neat and broom-clean condition by December 31st.

(5) The installation, location, or maintenance of any public telephone, except that, notwithstanding any other provision of this zoning code to the contrary, a public telephone shall not be permitted on property in the Low-Density Residential (LDR) or Medium-Density Residential (MDR) Zones. (Ord. 587 § 20-1.0800).

20.32.020 Application.

An application for a temporary use permit shall be submitted and approved before any temporary land use is established, operated, or conducted in any manner. Applications for approval of uses under this section shall include a site plan and other information as may reasonably be required by the community development director in order to determine compliance with the provisions of this chapter. The application shall not be deemed complete until the application fee, in an amount set by resolution, has been submitted to the city. (Ord. 587 § 20-1.0805).

20.32.030 Action by community development director.

The community development director is required to undertake the following action after the submittal of a temporary use permit application.

(1) Not sooner than 15 days after the notices are mailed, the community development director shall apply the criteria of CMC 20.36.060 and approve, disapprove, or conditionally approve the application. The community development director may impose conditions on the permit to ensure that the proposed use or development complies with all applicable provisions of this zoning code. Noncompliance with any condition of approval shall constitute a violation of this zoning code.

(2) Upon approval by the community development director, notice of the decision shall be given pursuant to CMC 20.20.040. Notwithstanding CMC 20.48.020(4), such notice need only be given to persons who request such notice, either in response to notice given under this section or pursuant to CMC 20.48.020(5). Notice of denial need only be given to the applicant. (Ord. 587 § 20-1.0810).

20.32.040 Appeals.

No temporary use permit shall be effective until five days after the community development director's decision, and no use or development authorized by a temporary use permit shall be initiated or construction started sooner than five days after the community development director's decision. Any interested person may appeal the community development director's decision to the planning commission pursuant to CMC 20.20.050. Notwithstanding CMC 20.20.050(2), an appeal of a decision of the community development director under this section is not timely unless filed within five days of a decision.

Any interested person may appeal the planning commission's decision to the city council pursuant to CMC 20.20.070. Notwithstanding CMC 20.20.070(1), an appeal of a decision of the planning commission under this section is not timely unless filed within five days of a decision. (Ord. 587 § 20-1.0815).

Chapter 20.36

SITE PLAN REVIEW

Sections:

20.36.010 Intent and purpose.
20.36.020 Submission of a site plan.
20.36.030 Application for site plan review.
20.36.040 Variances or conditional use permits subject to site plan review.
20.36.050 Action upon site plans.
20.36.060 Basis for approval or disapproval of site plans.
20.36.070 Notice of action taken on an application involving a site plan.

20.36.010 Intent and purpose.

Site plan review is established in order to provide a visual and factual document that may be used to determine and control the physical layout, design, or use of a lot or parcel of land, buildings, or structures. A site plan shall contain information that may include an application form, plans, drawings, and diagrams or pictures indicating uses, form, dimensions, and other pertinent factors sufficient to substantiate and corroborate facts and testimony vital to the administration of this zoning code.

Any person may use a site plan to indicate his/her compliance, or plans and intentions to comply with the regulations and standards prescribed in this zoning code. Site plans required by this zoning code or required by the city council, planning commission, and community development director will determine whether or not the proposed development complies with the provisions and development standards prescribed in this zoning code. (Ord. 587 § 20-1.0900).

20.36.020 Submission of a site plan.

The following procedures must be adhered to in the submittal of a site plan for site plan review:

(1) Any use, development of land, structure, building, or modification of standards for which a site plan has been requested or that is otherwise subject to a provision in this zoning code requiring the submission of a site plan, shall not be established, modified, or otherwise altered without the written approval of the community development director or planning commission.

(2) The planning commission or community development director may:

(a) Request a site plan for any use, development of land, structure, building, or modification of standards that involves the approval of the community development director or the planning commission;

(b) Request a site plan for any construction, alteration, or addition to any building or structure for which a permit is required pursuant to the Cudahy Municipal Code; and

(c) Request the correction, alteration, or modification of any site plan offered for approval. (Ord. 587 § 20-1.0905).

20.36.030 Application for site plan review.

An application for approval of a site plan shall be submitted by the applicant and any additional information and documents that may be required by the community development director to facilitate review of the proposal. (Ord. 587 § 20-1.0910).

20.36.040 Variances or conditional use permits subject to site plan review.

The planning commission or community development director may request or require the submission of a site plan and such other forms and documents as are necessary to the determination or fulfillment of any condition which may be imposed as a qualification in granting the requested variance or conditional use permit. (Ord. 587 § 20-1.0915).

20.36.050 Action upon site plans.

The planning commission or community development director may act upon any site plan or application offered for site plan review in the manner prescribed for review and approval of uses subject to approval by the director under CMC 20.32.010. (Ord. 587 § 20-1.0920).

20.36.060 Basis for approval or disapproval of site plans.

The approval or disapproval of any site plan shall be based upon the following findings:

(1) Every use, development of land, and application of development standards shall take place in compliance with all the applicable provisions of this zoning code.

(2) Every use, development of land, and application of development standards shall be considered on the basis of the suitability of the site for the particular use or development intended, and the total development, including the application of the prescribed development standards, shall be so arranged as to avoid traffic congestion, ensure the public health, safety, and general welfare, and prevent adverse effects on neighboring property and shall be in general accord with the city of Cudahy general plan.

(3) Every use, development of land, and application of development standards shall be considered on the basis of suitable and functional development design, but it is not intended that such approval be interpreted to require a particular style or type of architecture. (Ord. 587 § 20-1.0925).

20.36.070 Notice of action taken on an application involving a site plan.

The planning commission and the community development director shall notify the applicant for a request involving a site plan of the action taken on his application. Such notification of action taken shall be made either by serving a notice in the manner required by law for the service of a summons or by mailing a written notice using registered or certified mail, postage prepaid, with a return receipt requested. (Ord. 587 § 20-1.0930).

Chapter 20.40

DEVELOPMENT REVIEW PERMITS

Sections:

20.40.010 Development review permit.
20.40.020 Application.
20.40.030 Permit required.
20.40.040 Planning commission recommendations.
20.40.050 Consideration by city council.
20.40.060 Compliance.
20.40.070 Exemption of existing improvements.
20.40.080 Modification of permit.
20.40.090 Expansion of permit.

20.40.010 Development review permit.

When a development review permit is required pursuant to the provisions of this chapter, an application for a development review permit shall be submitted and approved according to the provisions of this chapter before any grading permit, electrical permit, plumbing permit, building permit, or certificate of occupancy is issued. (Ord. 587 § 20-1.1000).

20.40.020 Application.

An application for a development review permit shall be submitted on a form prescribed by the community development director. The development review permit application process shall consist of the following activities and/or requirements:

(1) The community development director may require a conference with the project designer before accepting an application. The director shall not accept an application unless:

(a) All required information has been submitted.

(b) At least 12 months have elapsed since final action was taken on any application for the same, or for a substantially similar, project.

(c) An application fee has been paid in an amount established by resolution of the city council.

(2) If, after accepting an application, the community development director determines that all required information has not been submitted, the director shall so inform the applicant in writing, and review of the application shall be suspended. (Ord. 587 § 20-1.1005).

20.40.030 Permit required.

A development review permit shall be required for any project which requires a building permit under Chapter 20.36 CMC and which is located:

(1) In the LDR and MDR Zones, except for patios, room additions under 600 square feet, and fences/walls, windows, and stucco improvements;

(2) In the commercial, manufacturing or industrial zone, except for fences/walls, windows, and stucco improvements; or

(3) In the HDR-G Zone and involves the construction, enlargement, or alteration of any structure used or intended to be used as a single-family dwelling or as a multiple dwelling, except for patios, room additions under 600 square feet, and fences/walls, windows, and stucco improvements. (Ord. 587 § 20-1.1010).

20.40.040 Planning commission recommendations.

The planning commission's recommendations following the public hearing and deliberation of a development review permit must consider the following:

(1) After the public hearing, the planning commission shall render its recommendation by resolution which states findings which support the approval, conditional approval, or disapproval of the application.

(2) The commission shall recommend approval of the development review permit if it is able to make affirmative findings on the following criteria:

(a) The project is compatible with the city of Cudahy general plan, any applicable specific plan, and any plan of another governmental agency made applicable by statute or ordinance.

(b) The height, bulk, and other design features of structures are in proportion to the building site, and external features are balanced and unified so as to present a harmonious appearance.

(c) The project design contributes to the physical character of the community, relates harmoniously to existing and anticipated development in the vicinity, and is not monotonously repetitive in and of itself or in conjunction with neighboring uses and does not contribute to excessive variety among neighboring uses.

(d) The site layout and the orientation and location of structures and their relationship to one another and to open spaces, parking areas, pedestrian walks, signs, illumination, and landscaping achieve safe, efficient, and harmonious development.

(e) The grading and site development show due regard for the qualities of the natural terrain and landscape and do not call for the indiscriminate destruction of trees, shrubs, and other natural features.

(f) The design, lighting, and placement of signs are appropriately related to the structure and grounds and are in harmony with the general development of the site.

(g) Mechanical equipment, machinery, trash, and other exterior service areas are screened or treated in a manner which is in harmony with the design of the structures and grounds.

(h) The project shows proper consideration for adjacent residentially zoned or occupied property and does not adversely affect the character or value of such property.

(3) If the planning commission determines that it cannot make the findings required by subsection (2) of this section or that the project is otherwise inconsistent with applicable laws and regulations, but that those findings could be made or that legal compliance could be achieved if specified conditions are met, the planning commission shall recommend approval of the development review permit subject to those specified conditions.

(4) If the planning commission finds that the project does not meet and cannot be modified to meet the criteria of subsection (2) of this section or to comply with other applicable laws and regulations, it shall recommend denial of the permit.

(5) If the planning commission deems it necessary, it may require security for performance of the conditions of the development review permit under CMC 20.44.140 and 20.44.150 as if the development review permit were a variance or conditional use permit. (Ord. 587 § 20-1.1015).

20.40.050 Consideration by city council.

The following requirements are applicable for the city council's consideration of development review permits:

(1) Upon receipt of a planning commission recommendation, the city clerk shall set the matter for public hearing before the city council. Notice shall be given under the provisions of Chapter 20.48

CMC and notices of planning commission and city council consideration may be combined if the community development director so directs.

(2) Unless the applicant, a member of the city council, or any interested person requests the matter be heard by the city council, the recommendation of the planning commission will be affirmed by the city council without a renewed public hearing. If a hearing before the city council is requested, the city council shall consider the matter de novo pursuant to this section and shall render a decision pursuant to subsection (3) of this section.

(3) The city council, following its deliberation of a development review permit appeal, may:

(a) Accept the planning commission recommendation;

(b) Modify the planning commission recommendation;

(c) Refer the matter to the planning commission for renewed consideration;

(d) Reverse the recommendation; or

(e) Deny the application without prejudice upon a finding that all applicable findings have not been correctly made or all provisions of this zoning code have not been complied with but that, in either case, the application has merit and may possibly be modified to conform with the provisions of this zoning code. An application that has been denied without prejudice may be refiled at any time, but must be accompanied by the standard filing fee.

(4) Unless the matter is referred to the planning commission, the city council shall render its decision by resolution, which states the findings that support the approval, conditional approval, or disapproval of the application.

(5) The decision of the city council shall be final when rendered.

(6) Written notice of the city council decision shall be mailed to the applicant, and any person who requested such notice within 12 months prior to the decision, unless the applicant and such persons are present when the decision is rendered, waive their right to receive mailed notice, and that waiver is reflected in the minutes of the city council. (Ord. 587 § 20-1.1020).

20.40.060 Compliance.

After approval of a development review permit and before a building permit is granted or a certificate of occupancy is issued, staff shall inspect the site for compliance with the approved development plan and with any conditions of approval. Any deficiencies that are not corrected to the satisfaction of the community development director shall be submitted to the commission for determination of compliance upon a written request submitted to the director by the applicant and the payment of a fee as established by resolution of the city council. (Ord. 587 § 20-1.1025).

20.40.070 Exemption of existing improvements.

Approval of a development review permit shall not require the alteration or improvement of any existing improvements, unless:

(1) Such improvements were to be altered in connection with the project as proposed by the applicant;

(2) Such improvements are directly affected by the proposed project; or

(3) The value of the proposed new or replacement construction, alterations, remodeling, or other improvements exceeds 50 percent of the value of the existing improvements. (Ord. 587 § 20-1.1030).

20.40.080 Modification of permit.

A development review permit and any of its conditions may be modified, including the addition or deletion of one or more conditions, upon the filing of an application under the standards of CMC 20.40.020. A public hearing before the planning commission shall be conducted under the procedures set forth in CMC 20.40.040 and 20.40.050, with review by the city council under the procedures set forth in CMC 20.40.050, unless the community development director determines that the proposed modification does not constitute a substantial modification of the project or otherwise exceed the scope of the original development review permit. (Ord. 587 § 20-1.1035).

20.40.090 Expansion of permit.

(1) Unless an extension is granted pursuant to subsection (2) of this section, a development review permit shall be null and void without action of the city upon the occurrence of any of the following:

(a) The applicant fails to obtain necessary permits for the construction of the project within one year of the date the permit was approved or fails to commence construction within 180 days of obtaining the necessary permits, or allows construction to cease for a period of at least 180 days, or the permitted use is suspended for a period of six months;

(b) The permit expires according to the terms of any condition to the approval of the permit;

(c) The text of the zoning ordinance or the zoning map is amended such that the project is no longer permissible subject to a development review permit, in which case the project, if constructed prior to the date the zoning amendment takes effect, shall constitute a legal nonconforming use subject to the provisions of CMC 20.24.010; or

(d) The development review permit is revoked pursuant to CMC 20.44.090. Unless one of these events occurs, a development review permit shall remain in effect indefinitely.

(2) Upon application by the permit holder to the community development director on or before the expiration date of a development review permit, the permit may be extended by the planning commission, if the commission finds that termination of the permit would constitute an undue hardship to the permit holder and that extension of the permit would not be materially detrimental to the public health, safety, and welfare. However, extension of more than one additional year after the permit would have otherwise expired may be granted only upon a public hearing pursuant to CMC 20.48.040. (Ord. 587 § 20-1.1040).

Chapter 20.44

CONDITIONAL USE PERMITS AND VARIANCES

Sections:

20.44.010 Purpose and authority.
20.44.020 Procedure for processing of variances, conditional use permits, or other actions.
20.44.030 Application for a variance or conditional use permit for other than a cemetery.
20.44.040 Applications and procedure for securing a variance or conditional use permit.
20.44.050 Procedure for processing permits for the operation of care homes.
20.44.060 Applications and procedure for securing a conditional use permit for the operation of a large family day care home.
20.44.070 Basis for approval or denial of a conditional use permit.
20.44.080 Basis for approval or denial of a variance.
20.44.090 Revocation or modification of a variance, conditional use permit or other approval.
20.44.100 Notice of action taken on a request for a variance or conditional use permit.
20.44.110 Effective date of a variance, conditional use permit or revocation.
20.44.120 Expiration time of a variance or conditional use permit.
20.44.130 Termination of a variance or conditional use permit.
20.44.140 Continuing validity of a variance or conditional use permit.
20.44.150 Assurance of faithful performance of proposed condition.
20.44.160 Bonds, savings and loan certificates and shares to assure faithful performance.
20.44.170 Insurance to cover a breach of imposed conditions.
20.44.180 Appeal.
20.44.190 Maintenance of a nuisance.
20.44.200 Variance for minor deviations.

20.44.210 Consistency with hazardous waste management plan.
20.44.220 Revocation or modification of a variance, conditional use permit, or other approval.

20.44.010 Purpose and authority.

The commission, city council, or other authorized agent may hear and act upon a variance, conditional use permit or other approval as provided herein and as authorized by Article 3, Chapter 4, of the Government Code, the Planning Law. (Ord. 587 § 20-1.1100).

20.44.020 Procedure for processing of variances, conditional use permits, or other actions.

(1) Submission of an Application or Petition. Any person desiring a variance or conditional use permit required by, or provided for, in this chapter, may file an application or petition therefor with the director. However, neither the commission nor the director may accept any application requesting a variance or conditional use permit for the same use, or substantially the same use, in any case where the city council or other authorized agent or the commission has taken final action on a previous application, within six months prior thereto.

(2) Initiation of Hearings. The commission or the advisory board may on their own motion or if instructed by the city council shall, without the filing of an application or petition, set a date and hold a hearing for the purpose of considering the recommendation granting modification or revocation of a variance, conditional use permit or other action as provided in this chapter.

(3) Processing of Applications. Upon receipt of a complete application or petition for a variance.

(4) Action upon Applications. Upon hearing a matter, the planning commission may take any action authorized by subsection 20-42.5 of this code. (Ord. 587 § 20-1.1105; Ord. 454 §§ 17, 18).

20.44.030 Application for a variance or conditional use permit for other than a cemetery.

A person applying for a variance or conditional use permit for other than a cemetery shall submit an application containing the following information as is requested by the director, the commission, or their appointed representatives. The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant. The director may reject any application that does not supply the information requested herein.

(1) Names and address of the applicant.

(2) Certified evidence that the applicant is either:

(a) The owner of the premises involved; or

(b) Has written permission of the owner to make such application; or

(c) The applicant is or will be the plaintiff in an action in eminent domain to acquire the premises involved.

(3) Location of the subject property (address or vicinity).

(4) Legal description of the property involved.

(5) Proposed use or facility.

(6) Maps and supplemental data:

(a) Four copies of a map, drawn to scale, showing the location of all property included in the request for action, the location of all highways, streets, alleys, and the location and dimensions of all lots or parcels of land within a distance of 700 feet from the exterior boundaries of such proposed use.

(b) One copy of the map shall indicate the uses established on every lot and parcel of land shown.

(c) A certified list of the names and addresses of all persons to whom the properties shown on the map are assessed, as indicated on the latest available assessment roll of the county of Los Angeles. (Ord. 587 § 20-1.1110).

20.44.040 Applications and procedure for securing a variance or conditional use permit.

(1) Manufacturing or Storage of Explosives.

(a) Information Required in Application. An applicant for a variance or conditional use permit for the manufacture or storage of explosives shall submit an application containing such information as is required elsewhere in this chapter and such additional information and affidavits as are requested by the commission, city council, or other authorized agent. In addition to such information, the application shall also contain an affidavit in writing indicating that the applicant will fully and faithfully abide by and comply with the following

regulations and standards governing the establishment and operation of a plant for the manufacture of explosives or the storage of explosives:

(i) No quantity of explosives in excess of 100 pounds shall be manufactured, stored or kept in any place, residence or building without a conditional use permit therefor issued by the commission, city council or other authorized agent, and then only if said explosives are manufactured or stored in a building or magazine situated, constructed, operated, and maintained in the manner prescribed in the city health and safety code.

(ii) No building used in whole or in part for the habitation of human beings, or no church, schoolhouse, or building used as a place of public assembly shall be used for the manufacture or storage of explosives.

(iii) No structure used for the manufacture or storage of explosives shall be located within a distance of one-half mile of any highway used for travel by the public except as otherwise provided herein.

(iv) The storage of not more than 100,000 pounds of explosives in a magazine situated, constructed, operated and maintained as prescribed in the city health and safety code may be located at a place not less than one-quarter mile distant from any building used in whole or in part for the habitation of human beings, or from any church, schoolhouse, or other public building, or buildings used as a place of public assembly, or from any highway used for travel by the public, if the explosives, within two miles of such buildings or highways, are stored in a magazine surrounded by natural or artificial barriers formed by hills or earth embankments of sufficient height and thickness to prevent serious injury to any building or to any person in or about the buildings or traveling upon any such highway, and provided the hills or earth embankments could deflect the force of all or part of the total amount of explosives stored in the magazine.

(b) Procedure for Processing and Hearing a Case. An application or petition for a conditional use permit for the manufacture or storage of explosives shall be processed and the case heard and decided pursuant to the provisions included herein.

(i) The director shall set a date for hearing and shall give notice as provided in Section 20-35 (Administration).

(ii) The director shall immediately notify the police chief of any application or petition for a variance or conditional use permit to manufacture or to keep or store explosives. Such notification shall consist of a copy of the contents of the application, petition or affidavit filed with the director.

(iii) Within 10 days after the receipt of a notification of the contents of any such affidavit filed with the director, and if so requested by the commission or city council, the police chief shall notify the commission or city council as to the correctness of said affidavit.

(iv) The director shall notify the police chief of the time and place set for a public hearing.

(v) Within 10 days after receipt of a copy of the application or petition for such conditional use permit, the police chief shall furnish to the commission or city council or other authorized agent a written report thereon, stating whether or not, in his judgment, explosives, in the amounts and kinds mentioned in the application, could be manufactured or stored at the place proposed without danger of serious injury to persons other than those employed in or about the plant or magazine, or to property other than that of the applicant.

(vi) At the time and place fixed for the hearing of such application, the commission, city council or other authorized agent shall hear the same and any protests thereto, and based upon the evidence and other matters brought to its attention during the hearing, including the police chief's report, shall make findings determining whether or not explosives in the amounts and kinds mentioned in the application or petition can be manufactured or stored at the place proposed without danger of serious injury to persons other than those employed in or about the magazine, or to property other than that of the applicant.

(vii) Nothing contained in this section shall apply to any explosive in transit in railway cars or other vehicles, or to any explosive awaiting transportation in or delivery from a railway car or other vehicle, or to the transfer of any such explosive from a car of one railway company to a car of a connecting railway company; provided, that the car or other vehicle in which said explosive is being transported or is awaiting transportation or delivery is kept locked or guarded; and provided further, that the time during which such explosive

is kept waiting transportation or delivery shall not exceed 24 hours. (Ord. 587 § 20-1.1115).

20.44.050 Procedure for processing permits for the operation of care homes.

The following procedures shall be adhered to when securing a conditional use permit for the operation of day care homes:

(1) Submission of an Application. Any person desiring a variance or conditional use permit required by, or provided for, in this chapter, may file an application or petition therefor with the director. However, neither the commission nor the director may accept any application requesting a variance or conditional use permit for the same use, or substantially the same use, in any case where the city council or other authorized agent or the commission has taken final action on a previous application, within six months prior thereto.

(2) Processing of Application. Notwithstanding the procedures set forth in subsection 20-36.2a. to the contrary, not less than 10 days after the submittal of a complete application for a conditional use permit for a large family day care home, the director shall give notice of the proposed use by mail or personal delivery to all owners shown on the last equalized assessment roll as owning real property within a 100-foot radius of the exterior boundaries of the proposed large family day care home in the manner set forth in subsection 20-42.7 of this code.

(3) Public Hearing. Notwithstanding any other provisions of this code to the contrary, if the applicant or other person owning real property within a 100-foot radius of the exterior boundaries of the proposed large family day care home requests a hearing, the director shall set a public hearing before the planning commission on the application for a conditional use permit for a large family day care home. If the applicant or other person owning real property within a 100-foot radius of the exterior boundaries of the proposed large family day care home does not request a hearing, the director shall place the application on the planning commission agenda as a nonpublic hearing item.

(4) Appeal. Any decision of the planning commission to approve, disapprove, or conditionally approve a conditional use permit for a large family day care home may be appealed to the city council pursuant to Section 20-42 of the code. (Ord. 587 § 20-1.1120; Ord. 483 § 18).

20.44.060 Applications and procedure for securing a conditional use permit for the operation of a large family day care home.

A person applying for a conditional use permit for operation of a large family day care home shall submit an application on forms provided by the city, containing the following information and any additional information that is required by the director or the commission. The accuracy of all information, maps, and lists submitted shall be the responsibility of the applicant. The director may reject any application that does not supply the information requested and may waive any of the following requirements if he or she reasonably determines that the application can be meaningfully reviewed without that information.

(1) Name and address of the applicant.

(2) Proof that the applicant is either the owner or lessor of the subject premises.

(3) Location of the subject property (address or vicinity).

(4) Legal description of the subject property.

(5) Proposed use of the premises.

(6) The following maps and supplemental data:

(a) Four copies of a map showing the location of all property included in the request for action, the location of all highways, streets, alleys, and the location and dimensions of all lots or parcels of land within a distance of 100 feet from the exterior boundaries of such proposed use.

(b) One copy of the map shall indicate the uses established on every lot and parcel of land shown.

(c) A certified list of the names and addresses of all persons to whom the properties shown on the map are assessed, as indicated on the latest available assessment roll of the county of Los Angeles.

(d) A site plan pursuant to subsection 20-40.4 of this code. (Ord. 587 § 20-1.1125; Ord. 483 § 19).

20.44.070 Basis for approval or denial of a conditional use permit.

The commission shall consider applications for a conditional use permit and may, with or without conditions, approve any case which is in general accord with the following principles and standards based on findings and conclusions drawn from

information and evidence presented at a public hearing:

(1) The site for a proposed conditional use should be adequate in size and shape to accommodate the yards, walls and fences, parking and loading, landscaping and other development features prescribed in this chapter, or required by the commission, city council or other authorized agent in order to integrate the conditional use with the land and uses in the neighborhood.

(2) The commission shall consider the nature, condition and development of adjacent uses, buildings and structures and the effect the proposed conditional use may have on such adjacent uses, buildings and structures.

(3) The site for a proposed conditional use should relate to streets and highways adequate in width and pavement to carry the kind and quantity of traffic such use would generate.

(4) The commission may apply such conditions to a proposed conditional use as they deem necessary to protect the public health, safety and general welfare, including but not limited to:

(a) Special yards, open spaces and buffer areas.

(b) Fences and walls.

(c) Surfacing of parking areas and driveways to specified standards.

(d) Street dedications and improvements.

(e) Vehicular ingress and egress.

(f) Landscaping and maintenance of grounds.

(g) Regulation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.

(h) Regulation of operating hours for activities affecting normal neighborhood schedules and functions.

(i) Regulation of signs and outdoor advertising.

(j) Establish a validation period limiting the time in which development may begin.

(k) Require a bond or other surety that the proposed conditional use will be removed on or before a specified date.

(l) Require a site plan indicating all details and data as prescribed in this chapter subject to the provisions of Chapter 20.36 CMC (Site Plan Review).

(m) Require such other conditions as will make possible the development of the proposed conditional use in an orderly and efficient manner and in general accord with all elements of the master plan and the intent and purpose of this chapter. (Ord. 587 § 20-1.1130; Ord. 483 § 17).

20.44.080 Basis for approval or denial of a variance.

The commission or their appointed representative shall consider applications for a variance and the commission may grant a variance for any case which is in general accord with the following principles and standards, and the decision is based, findings and conclusions drawn from information and evidence presented at a public hearing.

(1) A variance may be granted; provided, that:

(a) Strict application of the regulations and standards of this chapter would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of said regulations and standards.

(b) Because of exceptional circumstances and conditions applicable to a use or development on the property in question, said property may be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone.

(c) The development permitted will not be materially detrimental to the public health, safety or general welfare, or injurious to property or improvements in the zone or neighborhood in which the property is located.

(d) Substantial justice is done.

(2) The planning commission may, in granting a variance, impose such conditions as are necessary to protect the public health, safety and general welfare, and assure compliance with the provisions and standards included in this chapter, including but not limited to:

(a) Granting a variance for a limited period of time.

(b) Granting a variance confining the use to designated portions of the property or restricting function of the use to specific days or designated times in a day. (Ord. 587 § 20-1.1135; Ord. 483 § 17).

20.44.090 Revocation or modification of a variance, conditional use permit or other approval.

The commission may revoke or modify any previously granted variance or conditional use permit or other approval after a public hearing and on the basis of one or more of the following grounds:

(1) That such grant or approval was obtained by fraud.

(2) That the use or development for which such grant or approval was made is not being exercised.

(3) That the grant is being, or has recently been, exercised contrary to one or more of the conditions prescribed in said permit or approval, or in violation of other applicable statutes, ordinances, laws or regulations.

(4) If any provision of said permit or approval is held or declared to be invalid, said permit or approval shall be void and all privileges granted thereunder shall lapse.

(5) That said grant is so exercised as to be detrimental to the public health or safety, or so as to be a nuisance. (Ord. 587 § 20-1.1140).

20.44.100 Notice of action taken on a request for a variance or conditional use permit.

(1) The commission shall notify the applicant for a variance, conditional use permit or other approval, or the person owning or operating a use or development for which a revocation or modification of a variance, conditional use permit or other approval is under consideration of the action taken on his application.

(2) The notification of the action by the commission shall be made either by serving a notice in the manner required by law for the service of a summons, or by mailing of a written notice using registered or certified mail, postage prepaid, with a return receipt requested. (Ord. 587 § 20-1.1145; Ord. 483 § 17).

20.44.110 Effective date of a variance, conditional use permit or revocation.

An order by the commission granting, denying, modifying or revoking a variance or conditional use permit shall become final and effective 15 days after receipt by the applicant of a written notice of action taken on a case, provided no appeal of the action taken has been filed with the city clerk within the said 15 days. (Ord. 587 § 20-1.1150; Ord. 483 § 17).

20.44.120 Expiration time of a variance or conditional use permit.

A variance or conditional use permit or other approval which is not used within the time as specified in said permit, or if no time is specified, within one year after the granting of the permit, becomes null and void and of no effect, except that:

(1) Where the commission has approved a proposal to acquire land for a governmental enterprise and has approved a variance or conditional use permit therefor, no time limit shall apply to utilization of the permit; provided, that:

(a) Within one year of the date of such approval, the governmental agency either acquires the property involved or commences legal proceedings for its acquisition;

(b) Immediately after the acquisition of the land or the commencement of legal proceedings for its acquisition, the governmental agency shall place signs, each with a surface area of not less than 20 square feet, but not more than 40 square feet on the property so that there shall be one sign facing each street bordering the property, with the sign located within 50 feet of the street. Where the property in question is not bounded by any street, the applicant shall erect one sign facing the street nearest the property. Each such sign shall indicate the ownership of the property and the purpose to which it is to be developed; and

(c) The governmental agency shall maintain these signs on the property and in good condition until such time as the variance or conditional use permit privileges are utilized.

(2) Upon an application received prior to the expiration of a conditional use permit or variance, the commission may extend the expiration date of such permit for a period not to exceed one additional year. Any decision on such an application may be appealed to the city council pursuant to subsection 20-42.6 of this code. (Ord. 587 § 20-1.1155; Ord. 460 §§ 1, 2; Ord. 483 § 17).

20.44.130 Termination of a variance or conditional use permit.

A variance or conditional use permit shall cease to be of any force and effect if the use has ceased,

or has been suspended for a consecutive period of two or more years. (Ord. 587 § 20-1.1160; Ord. 483 § 17).

20.44.140 Continuing validity of a variance or conditional use permit.

A variance or conditional use permit that is valid and in effect, and was granted pursuant to the provisions of this chapter, shall adhere to the land and shall continue to be valid upon change of ownership except for sale of alcohol. (Ord. 587 § 20-1.1165; Ord. 483 § 17).

20.44.150 Assurance of faithful performance of proposed condition.

Whenever the commission, city council or other authorized agent grants or modifies a variance or conditional use permit and the grant or modification of the variance or conditional use permit is subject to one or more conditions, the commission may require that the applicant or the owner of the property to which such variance or conditional use permit applies file with the city clerk a surety bond, or a corporate surety bond, or a deposit of money, or savings and loan certificates or shares in an amount prescribed and for the purpose of guaranteeing the faithful performance of these conditions. (Ord. 587 § 20-1.1170; Ord. 483 § 17).

20.44.160 Bonds, savings and loan certificates and shares to assure faithful performance.

Any person required to guarantee the faithful performance of imposed conditions as provided herein shall deposit with the city clerk and shall assign to the city a surety bond, corporate surety bond, or savings and loan certificates or shares equal to the amount prescribed in the grant or modification of a variance or conditional use permit. Such deposit and assignment shall be subject to and in compliance with the provisions and conditions of the administrative code of the city. (Ord. 587 § 20-1.1175; Ord. 483 § 17).

20.44.170 Insurance to cover a breach of imposed conditions.

Where, pursuant to this chapter, the filing of a bond, or the deposit of cash or savings and loan certificates or shares is required to insure compliance with any condition of a variance or conditional use permit, the commission, city council or other authorized agent may also require that the applicant or owners of the property to which such variance or conditional use permit applies either file a policy of insurance equal in amount to the amount of the required bond or deposit of savings and loan certificate or shares, insuring all persons against any injury or annoyance arising from the breach of these conditions, or:

(1) If a bond is filed, it shall insure all persons against any injury or annoyance arising from the breach of said conditions by including all such persons as obligees.

(2) If money or savings and loan certificates or shares are deposited, the depositor shall also file an agreement in writing with the city clerk that the city may satisfy in whole or in part from such money or savings and loan certificates or shares deposited and assigned, any final judgment, the payment of which would have been guaranteed by such bond or policy of insurance. (Ord. 587 § 20-1.1180; Ord. 483 § 17).

20.44.180 Appeal.

Any interested person may appeal to the city council any decision of the planning commission under this Section 20-39 pursuant to subsection 20-42.6 of this code. (Ord. 587 § 20-1.1182; Ord. 483 § 17; Ord. 454 § 10).

20.44.190 Maintenance of a nuisance.

Neither the provisions of this chapter nor the granting of any variance or conditional use permit authorizes or legalizes the maintenance of a nuisance, either public or private. (Ord. 587 § 20-1.1185; Ord. 483 § 17).

20.44.200 Variance for minor deviations.

When in the public interest and agreed to by the applicant, the director may, without publishing, posting or mailing of notice and without public hearing, consider and render decisions on variances involving slight modifications in the provisions of this title limited to the following:

(1) Applications for reduction of lot area, reduction of size of yards, courts, open areas or landscaped areas by not more than 10 percent of the area required by ordinance;

(2) Applications for the increase in the height of fences or walls by not more than 18 inches, except

when such fence or wall is located in the required front yard or corner cutback areas;

(3) Applications to permit the encroachment of structures or buildings, classified as main buildings, into required yards by permitting such structures or buildings to occupy not more than 20 percent of the required yards if such proposed encroachment is not more than one story in height and does not extend closer than five feet to the rear lot line and five feet to a side lot line. If, however, the encroachment is an existing main building, such encroachment may be permitted to a distance no greater than three feet from a side lot line.

In granting a minor variance, the director shall find that all of the conditions listed above in subsection 20-39.5a. 1-4 exist in reference to the subject property. (Ord. 587 § 20-1.1190; Ord. 483 § 17).

20.44.210 Consistency with hazardous waste management plan.

Any decision on an application for a conditional use permit or variance shall be consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan as approved November 30, 1998, relating to siting of and siting criteria for hazardous waste facilities. (Ord. 587 § 20-1.1195; Ord. 483 § 17; Ord. 424 § 2).

20.44.220 Revocation or modification of a variance, conditional use permit, or other approval.

The planning commission may revoke or modify any previously granted variance or conditional use permit or other approval after a public hearing and on the basis of one or more following grounds:

(1) That such an approval was obtained by fraud.

(2) The use or development for which such approval has been granted was made is not being exercised within one year.

(3) That the approval is being, or was recently, executed contrary to one or more of the conditions prescribed in the permit or approval, or is in violation of other applicable statutes, ordinances, laws, or regulations.

(4) If any provision of the permit or approval is held or otherwise declared to be invalid, the permit or any attendant approvals shall be void and any privileges granted under the permit shall lapse.

(5) The approval is being undertaken in a manner that is detrimental to the public health or safety, or such approval is resulting in activities that are judged to be a nuisance. (Ord. 587 § 20-1.11200).

Chapter 20.48

NOTICING REQUIREMENTS

Sections:

20.48.010 Authorization and purpose.
20.48.020 Notice for discretionary review and related actions.
20.48.030 Notice of application for temporary use.
20.48.040 Exception to standard noticing requirements.

20.48.010 Authorization and purpose.

This chapter outlines the noticing requirements that must be adhered to. (Ord. 587 § 20-1.1200).

20.48.020 Notice for discretionary review and related actions.

(1) Notice shall be given not less than 10 days prior to the date of the hearing.

(2) The notice shall state the date, time, place, and purpose of the hearing; the identity of the hearing body or officer; the address or other description of the subject property; and other information deemed necessary by the community development director.

(3) City staff shall mail (first class) or deliver notice to all of the following:

(a) The owner of the subject real property or the owner's designated agent;

(b) Each local agency expected to provide essential facilities or services, or whose ability to provide services may be significantly altered by the adoption of the development agreement; and

(c) All persons whose names and addresses are listed on the latest equalized assessment roll of the county as the owners of real property situated within 300 feet of the exterior boundary of the real property that is the subject of the hearing. If the number of owners of property within 300 feet of the subject property exceeds 1,000, notice may instead be given as provided in subsection (4) of this section.

(4) Notice shall be published in at least one newspaper of general circulation in the city. If there is no newspaper of general circulation in the city, then notice shall be posted in not less than three public places in the city established by city ordinance.

(5) This notice shall be given in addition to any other notice required by law for other actions which are to be considered concurrently with the development agreement. This notice may be consolidated with any other notice required for other actions being considered concurrently with the action on the development agreement. (Ord. 587 § 20-1.1205).

20.48.030 Notice of application for temporary use.

Upon receipt of a complete application for approval of a temporary carnival, circus, fair, or tent revival meeting, pursuant to CMC 20.32.010(3), the community development director shall mail notice to the record owners of all property within 300 feet of the development. The notice shall contain all of the following:

(1) A general description of the location of the subject property.

(2) The time and manner in which comments on the proposal may be submitted for the community development director's consideration.

(3) A description of the manner in which requests for notice of the community development director's decision on the application may be made.

(4) A description of the manner in which decisions of the community development director may be appealed. (Ord. 587 § 20-1.1210).

20.48.040 Exception to standard noticing requirements.

Notwithstanding CMC 20.48.020(5), where an application under Chapter 20.32 CMC proposes only (1) an addition to, renovation of, or both addition to and renovation of existing residential structures on a single residentially zoned parcel and does not propose additional floor area in excess of 50 percent of the floor area of existing structures; or (2) the construction of a garage which includes no space designed for human habitation; or (3) both such addition or renovation and such garage construction, notice need only be given to the applicant and to all persons whose names and addresses appear on the latest available assessment roll of the county as owning property adjacent to the subject property and to any person who has filed a written request for such notice with the community development director within the previous

12 months. Additional notice may be provided in the discretion of the director or at the direction of the planning commission or city council. (Ord. 587 § 20-1.1215).

Chapter 20.52

ZONING DISTRICTS AND BOUNDARIES

Sections:

20.52.010 List of zones.
20.52.020 Zoning map.
20.52.030 Uncertainty of boundaries.

20.52.010 List of zones.

(1) The following zones are established in order to carry out the purposes of this zoning code:

(a) LDR (Low-Density Residential);

(b) MDR (Medium-Density Residential);

(c) HDR-G (High-Density Residential – Garden Overlay);

(d) NC (Neighborhood Commercial);

(e) CC (Community Commercial);

(f) C-M (Commercial Manufacturing); and

(g) MI (Manufacturing and Industrial).

(2) The following overlay zones are established in order to carry out the purposes of the zoning code:

(a) O (Overlay Zone);

(b) SH (Senior Housing Zone); and

(c) G (Residential Garden Zone).

(3) In addition, the zoning code acknowledges the establishment of the following special land use districts:

(a) Cudahy Redevelopment Area;

(b) Regional Center Overlay;

(c) Civic Center Overlay; and

(d) Salt Lake Improvement District. (Ord. 587 § 20-1.1300).

20.52.020 Zoning map.

There is hereby adopted the official zoning map of the city as attached to the ordinance codified in this title and set forth herein as Exhibit "A" to this chapter.* All property within the city is hereby placed in such zones as indicated on this map, and no property shall be used except in accordance with the zoning designations on this map and the provisions of this zoning code. This map shall be maintained in the city offices by the community development director and shall be duly certified by him or her.

All amendments to the official zoning map shall be noted on the official map, with the date of the amendment and references to the amending ordi-

nance. With this section, the official zoning map is incorporated by reference into this zoning code. (Ord. 587 § 20-1.1310).

* Code reviser's note: Exhibit "A" is on file in the office of the city clerk.

20.52.030 Uncertainty of boundaries.

Where uncertainty exists as to the boundaries of any zone shown upon the official zoning map, or any part thereof or amendment thereto, the following provisions shall apply:

(1) Where boundaries are indicated as approximately following the center-line of streets or alleys or the lot lines, such lines shall be construed to be such boundaries.

(2) In the case of unsubdivided property and where a zone boundary divides a lot, the location of such boundaries, unless the same are indicated by dimensions or legal description, shall be determined by use of the scale appearing on the official zoning map.

(3) Where a public street or alley, or any portion of the same, is officially vacated or abandoned, the area comprising such vacated street or alley shall acquire the zone classification of the property to which it reverts.

(4) Areas of dedicated streets or alleys and railroad rights-of-way, other than as designated on the official zoning map as being classified in one of the zones provided in this zoning code, shall be deemed to be in Zone LDR and, in the case of streets or alleys, permitted to be used only for purposes lawfully allowed, and, in the case of railroad rights-of-way, permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices, and the movement of rolling stock.

(5) If a zone boundary divides a lot into two parts and the portion in one zone is of such size and shape that no part of the portion is more than 50 feet from the nearest point on the zone boundary, then that portion may be used for any purpose permitted in the zone established on the remaining portion of the lot provided: (a) the lot is shown as a single lot on a final subdivision map that was recorded in the office of the county recorder after the effective date of the ordinance or amendment establishing the zone boundary; and (b) the lot is held in undivided ownership at all times since the recording of the final map. (Ord. 587 § 20-1.1315).

Chapter 20.56

SPECIAL REQUIREMENTS

Sections:

20.56.010 Mobile home parks.
20.56.020 Condominiums, townhouses, and planned unit developments.
20.56.030 Condominium conversions.
20.56.040 Amusement arcades or cyber cafes/computer labs.
20.56.050 Hotels and motels.
20.56.060 Large family day care homes.
20.56.070 Planned unit developments.

20.56.010 Mobile home parks.

In addition to regulations and conditions imposed pursuant to Chapter 20.44 CMC, the following regulations shall apply to any mobile home park established in the city after the effective date of Ordinance No. 437:

(1) Compliance with State Regulations. The park and the mobile homes shall be designed and maintained in accordance with the requirements of the Mobile Home Parks Act, Part 2.1 of Division 13 of the California Health and Safety Code, and the administrative regulations adopted pursuant to that Act, as well as all other applicable laws, ordinances, and regulations.

(2) Off-Street Parking. Two off-street parking spaces shall be provided to each mobile home site.

(3) Restrictions on Use of Mobile Homes. Other than for use as a park office, no mobile home may be used for commercial purposes.

(4) Walls and Fences. The following requirements apply to fences and walls around mobile home parks:

(a) An eight-foot wall consisting of masonry not less than six feet in height and of wrought iron is required along all side and rear lot lines located adjacent to property zoned for residential uses.

(b) An eight-foot-high masonry wall is required along all side and rear lot lines adjacent to any property zoned for nonresidential uses.

(c) A 42-inch-high masonry wall is required in the front yard setback of a park.

(5) Signs. The following signage requirements apply to mobile homes:

(a) One 20-square-foot identification sign per street frontage is permitted for each mobile home park.

(b) Incidental signs not to exceed four square feet in area per sign or four feet in height are permitted.

(c) One park directory sign with an area of 24 square feet for every full 40,420 square feet of park area shall be permitted.

(6) Storage. All storage areas must be maintained in a manner that prevents the creation of any nuisance or otherwise detracts from the value of adjacent properties. The storage of inoperable vehicles within a mobile home park is prohibited.

In addition to regulations and conditions imposed pursuant to Section 20-1.1420 of this zoning code, any mobile home park existing on the effective date of Ordinance No. 437 that thereafter obtains a conditional use permit pursuant to CMC 20.44.010 shall be subject to those provisions of subsection (1) of this section as the planning commission or city council determines can be enforced without requiring the removal of existing mobile homes or otherwise imposing undue hardship on the park occupants or the park owner. (Ord. 587 § 20-1.1415).

20.56.020 Condominiums, townhouses, and planned unit developments.

The following regulations shall apply to condominiums, townhouses, and planned unit developments where they are permitted by conditional use permits:

(1) The regulations set forth in CMC 20.64.150 (High-Density Residential – Garden Overlay) shall apply to the construction of condominiums, townhouses, and planned unit developments to include open space, setbacks, parking, height, density, and lot coverage requirements.

(2) Every condominium, townhome, and planned unit shall include conditions, covenants, and restrictions to assure the proper appearance and maintenance of the condominium, which conditions, covenants, and restrictions (CC&Rs) shall be submitted for review and approval by the city attorney. A fee must be paid for city attorney review which shall be equal to 110 percent of cost reasonably borne for review of document.

(3) A copy of the State Real Estate Commissioner's public report shall be furnished to all

potential purchasers of condominium, townhouse, and planned unit development units. A copy of the receipt for such report, signed by the purchaser, shall be submitted, along with a copy of the public report, to the community development director.

(4) The developer or builder must be responsible for establishing a homeowners' association and must pay for a consultant to meet with the association a minimum of one meeting every three months for one year, to explain the purpose and responsibility of the homeowners' association. A representative of the city must be present during the first three meetings.

(5) Developers must have a startup fund for the association which shall be $200.00 per condominium unit or not less than $2,000, whichever is greater. The startup fund cannot be used for complying with subsection (4) of this section.

(6) Utility equipment must be placed underground to include and not be limited to electricity, cable, and telephone equipment.

(7) Each condominium, townhouse, and planned unit development unit shall have their own separate sewer and water lines and connections.

(8) When three or more units are constructed on a lot having a length of 150 feet or more, a fire lane, 26 feet wide, and a fire truck turnaround lane must be provided to ensure fire safety. (Ord. 587 § 20-1.1425).

20.56.030 Condominium conversions.

The following regulations shall apply to condominium conversions where they are permitted by conditional use permits:

(1) The regulations set forth in CMC 20.64.150 (High-Density Residential – Garden Overlay) shall apply to the construction of condominiums, townhouses, and planned unit developments to include open space, setbacks, parking, height, density, and lot coverage requirements.

(2) The provisions of this section shall be applicable only where existing residential structures are converted to condominium ownership as said term is defined by applicable state law. If a proposed project includes the enlargement of existing structures and/or the construction of additional structures, it will be deemed a new condominium, townhouse, and planned unit development unit.

(3) The developer or builder must be responsible for establishing a homeowners' association committee and must hire a consultant to meet with the committee a minimum of one meeting every three months within a year to explain the purpose and responsibility of the homeowners' association. A representative of the city must be present during the first three meetings.

(4) Developers must have a startup fund for the association which shall be $200.00 per condominium unit or not less than $2,000, whichever is greater. The startup fund cannot be used for complying with subsection (3) of this section.

(5) Utility equipment to include and not be limited to electricity, cable, and telephone equipment must be placed underground.

(6) Each condominium unit shall have its separate sewer and water lines. (Ord. 587 § 20-1.1430).

20.56.040 Amusement arcades or cyber cafes/computer labs.

The following regulations shall apply to amusement arcades or cyber cafes/computer labs and shall be included in each conditional use permit issued to operate an arcade:

(1) No person shall operate an amusement arcade or cyber cafe/computer lab except during the hours of 9:00 a.m. to 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to midnight, Friday through Saturday.

(2) No owner or operator of an amusement arcade or cyber cafe/computer lab shall permit persons under 18 years of age to use or operate any amusement game in an amusement arcade between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday, when the public schools serving the city are in session.

(3) All amusement games or computers in an amusement arcade or cyber cafe/computer lab shall be at least three feet apart.

(4) All amusement arcades or cyber cafes/computer labs shall be enclosed within a building.

(5) No owner or operator of an amusement arcade or cyber cafe/computer lab shall permit said arcade to be open to the public unless there are at least two adults (over 18 years of age) supervising the operation of the amusement arcade.

(6) Each amusement arcade or cyber cafe/computer lab shall have at least one parking space for each 100 square feet of floor area.

(7) No amusement arcade or cyber cafe/computer lab shall be located in a building that has fewer than 1,000 square feet of floor area.

(8) No amusement arcade or cyber cafe/computer lab shall be located within 1,000 feet of any church, school, park, playground, bar, cocktail lounge, residential zone or use, or any other amusement arcade.

(9) Each amusement arcade or cyber cafe/computer lab shall be provided with adequate soundproofing to avoid any annoyance to or interference with adjacent uses or property.

(10) Each amusement arcade or cyber cafe/computer lab shall have restrooms provided on the premises.

(11) No owner or operator of an amusement arcade or cyber cafe/computer lab shall permit alcoholic beverages to be sold, served, or consumed on the premises containing the amusement arcade. (Ord. 587 § 20-1.1440).

20.56.050 Hotels and motels.

The following regulations shall apply to hotel and motel developments where they are permitted by conditional use permits:

(1) The minimum area requirement for hotel and motel uses shall be 40,000 square feet.

(2) The owner and/or proprietor of such a hotel or motel shall not permit any person to occupy a room in such a hotel or motel for a period in excess of 30 consecutive calendar days, except for one permitted manager's unit.

(3) The owner and/or operator of any such hotel or motel shall have and maintain only one meter for each utility service to the entire use.

(4) The owner and/or operator of any such motel or hotel shall not permit the placement of laundry facilities, kitchens, or kitchenettes for use of the occupants of the hotel or motel on the premises where the hotel or motel is located.

(5) The owner and/or operator of any such hotel or motel shall provide daily room cleaning service for each occupied room in such hotel or motel.

(6) No application for a hotel or motel shall be accepted unless a market feasibility study is first filed with the city identifying the factors which indicate a demand for such hotel or motel use of land.

(7) All provisions of the Cudahy Municipal Code regarding police regulations of public lodgings shall be applicable. (Ord. 587 § 20-1.1450).

20.56.060 Large family day care homes.

Notwithstanding the requirements contained in CMC 20.44.060, the planning commission shall approve an application for a conditional use permit for a large family day care home if the proposed large family day care home complies with the following requirements:

(1) It is not located within a 300-foot radius of an existing large family day care home. If it is located between a 300-foot and 500-foot radius of an existing large family day care home, then the conditional use permit shall be approved if (a) the existing large family day care home is operating at full capacity in accordance with the standards contained in Division 12 of Title 22 of the California Code of Regulations; or (b) a need exists for a particular service in the immediate vicinity of the existing large family day care home, which would be met by the proposed facility and is not provided by the existing large family day care home.

(2) The large family day care home shall be the principal residence of the provider and the use shall be clearly incidental and secondary to the use of the property for residential purposes.

(3) No structural changes shall be undertaken which will alter the character of the single-family residence.

(4) Not less than one off-street parking space for every two employees shall be provided in addition to the parking otherwise required by this zoning code for the residential use of the property.

(5) The operation of the facility shall comply with the noise and sound performance standards contained in Chapter 20.88 CMC and with the requirements of CMC 9.04.020.

(6) The provider shall comply with all applicable regulations of the State Fire Marshal for building and safety that apply to large family day care homes, Title 24 of the California Administrative Code, and with all applicable local building and fire codes that apply to single-family residences.

(7) The provider shall secure a large family day care home license from the state of California, Department of Social Services.

(8) The large family day care home provides pick-up and drop-off facilities as necessary to

avoid interference with traffic and to promote the safety of children.

In approving a conditional use permit for a large family day care home under subsections (1) through (8) of this section, the planning commission shall make express findings as to the applicant's compliance with all the requirements of this section. Notwithstanding that previous sentence, however, no findings need be made with respect to subsections (4), (7) and (8) of this section if the requirements of those subsections are included in the conditions of approval of the permit. (Ord. 587 § 20-1.1455).

20.56.070 Planned unit developments.

The commission may permit the planned and unified development of a series of land sites located on a single parcel of land, submitted as a planned unit development, including modifications of any of the prescribed standards of development as will afford substantially the same density of population or intensity of use than would otherwise be possible in the zone if developed under the standards of development as prescribed in the zone, in accordance with the following provisions:

(1) The planned and unified development of a series of land sites shall be located on a single parcel of land containing three or more acres of land in any residential or commercial zone or 10 or more acres of land in any other zone.

(2) A single comprehensive and complete planned unit development, prepared in accordance with the provisions of Chapter 20.36 CMC (Site Plan Review) and indicating the purposes and objectives of the planned unit development, shall be submitted to the commission.

(3) The planned unit development, as submitted, shall provide as well or better for the access of light and air, for the public safety and convenience, the protection of property values, and the preservation of the general welfare of the community than the provisions of this chapter, and the commission shall approve the plan, or approve the plan subject to specified conditions, pursuant to the provisions of Chapter 20.44 CMC (Conditional Use Permits and Variances). (Ord. 587 § 20-1.1460).

Chapter 20.60

SPECIAL OVERLAY DISTRICTS

Sections:

20.60.010 Designation of overlay zones.
20.60.020 Intent and purpose.
20.60.030 Principal uses permitted in Zone O.
20.60.040 Standards of development in Zone O.
20.60.050 Uses permitted in SH Overlay Zone.
20.60.060 Standards for development permitted in the SH Overlay Zone.

20.60.010 Designation of overlay zones.

As used in this chapter, "overlay zones" mean zones:

(1) O (Overlay Zones).

(2) SH (Senior Housing Overlay Zone).

(3) Affordable Housing Overlay. (Ord. 587 § 20-1.1500).

20.60.020 Intent and purpose.

The purpose of Zone O is established to provide greater flexibility in the development of large parcels to permit more innovative and imaginative concepts not possible under the existing zoning regulations. The intent and purpose of Zone SH is established to provide greater flexibility in the development of senior housing projects as defined in CMC 20.60.050. (Ord. 587 § 20-1.1505).

20.60.030 Principal uses permitted in Zone O.

Premises located within areas designated as Zone O may be used for the following principal uses:

(1) Any use permitted in the underlying zone. Any use of property for residential purposes shall meet all the requirements of the pertinent sections of Chapter 20.64 CMC (Residential Zones) applicable to the residential use;

(2) Any business, residential, professional, or medical office use singly or combined in multistory structures, subject to the requirements of CMC 20.60.040 and other applicable sections of this zoning code; and

(3) Parking lots or structures incidental to a permitted use, subject to the requirements of CMC 20.60.040 and other applicable sections of this zoning code. (Ord. 587 § 20-1.1510).

20.60.040 Standards of development in Zone O.

Premises located within areas zoned "Zone O" that are used for the purposes set forth in CMC 20.60.030(2) and (3) shall be developed in accordance with the review and approval procedure provided for in CMC 20.44.010 (Conditional Use Permits and Variances) and CMC 20.36.010 (Site Plan Review) and, in addition, shall be subject to the development standards prescribed in this section.

(1) Lot Area. Each lot or parcel of land in Zone O shall have a minimum lot area of not less than 100,000 square feet.

(2) Off-Street Parking. Adequate parking shall be provided as required by CMC 20.80.010 (Off-Street Parking and Loading Requirements) and as may be required by CMC 20.44.010 (Conditional Use Permits and Variances) and CMC 20.36.010 (Site Plan Review). (Ord. 587 § 20-1.1515).

20.60.050 Uses permitted in SH Overlay Zone.

Parcels located within the SH (Senior Housing) Overlay Zone may be used for the following purposes:

(1) Any use permitted in the underlying zone.

(2) A senior housing project, provided it has been issued a conditional use permit. A "senior housing project" is defined as a housing development project in which 100 percent of the rental units therein are intended to be occupied by persons who are 62 years of age or older or married couples in which one spouse is 62 years of age or older. (Ord. 587 § 20-1.1520).

20.60.060 Standards for development permitted in the SH Overlay Zone.

Properties located in the SH (Senior Housing) Overlay Zone shall be developed in accordance with the requirements imposed during the review and approval process provided in CMC 20.44.010 (Conditional Use Permits and Variances) and CMC 20.36.010 (Site Plan Review). In addition, all senior housing developments shall be subject to the development standards prescribed in this section.

(1) Lot Area. Each lot or parcel of land in the SH Overlay Zone shall have a minimum lot area of not less than 21,780 square feet.

(2) Density. The number of dwelling units shall not exceed 52 dwelling units per acre.

(3) Minimum Floor Area. The minimum floor area for each residential unit shall be as follows:

(a) Studio: 410 square feet;

(b) One-bedroom: 510 square feet if kitchen-dining areas are combined and 570 square feet if kitchen-dining living areas are separate; and

(c) Two-bedroom: 610 square feet if kitchen-dining areas are combined and 670 square feet if kitchen-dining living areas are separate.

(4) Common Facilities. The senior housing development shall provide at least two of the following specific internal common facilities for the exclusive use of the residents:

(a) Central cooking and dining room(s).

(b) Beauty and barber shop.

(c) Small-scale drug store not exceeding 1,000 square feet.

(d) Community garden or greenhouse.

(e) Workshop areas.

(5) Recreation and Entertainment Facilities. Common recreational and entertainment facilities of a size and scale consistent with the number of living units shall be provided. The minimum size shall equal 100 square feet for each living unit. Open space areas shall be located with convenient access from the units they serve and shall be protected from sun and wind through placement, design, and landscaping.

(6) Laundry Facilities. Common laundry facilities of sufficient number and accessibility, consistent with the number of living units and the Uniform Building Code, may be required. Such facilities shall have keyed access for tenants only. Each residential unit shall be plumbed and wired for a washing machine and dryer.

(7) Off-Street Parking. Off-street parking shall be provided in accordance with CMC 20.80.010 (Off-Street Parking and Loading Requirements) and the following: (a) all required off-street parking shall be located a maximum of 150 feet from at least one entrance to the residential building that it serves; (b) if a shuttle stop is located on the property, shaded waiting areas and adequate and suitable striped paved areas for shuttle parking shall be provided adjacent to the shuttle stops; (c) parking requirements may be adjusted on an individual project basis, subject to a parking study based on a project location and proximity to services for senior citizens including, but not limited to, medical offices, shopping areas, mass transit, etc.

(8) Bus Turnouts and Shelters. A bus turnout and shelter may be required as determined by the reviewing authority if the project is located on a designated arterial and adjacent to existing/future bus route(s).

(9) Driveways. Driveway approaches shall be delineated with interlocking pavers, rough-textured concrete, landscaped medians or similar features. Stamped concrete shall not be allowed to meet this requirement.

(10) Handicapped Access. The main pedestrian entrance to the development, common areas, and parking facility shall be provided with handicapped access.

(11) Security. The project shall be designed to provide maximum security for residents, guests, and employees.

(12) Safety Requirements. Indoor common areas and living areas shall be handicapped-equipped or adaptable, and be provided with all necessary safety equipment (e.g., safety bars, etc.), as well as emergency signal/intercom systems or other measures determined by the reviewing authority.

(13) Lighting. Adequate internal and external lighting, including walkways, shall be provided for security purposes. The lighting shall be energy-efficient, stationary, deflected away from adjacent properties and public rights-of-way, and of an intensity compatible with the residential neighborhood.

(14) Trash Areas. Trash areas shall be dispersed throughout the complex. Trash areas not located within a building shall be paved and located a minimum of five feet from the private street or drive aisle. One trash area shall be provided for the first 10 units or fraction thereof, and one for each additional 10 units or fraction thereof.

(15) Other Requirements. Senior group housing shall conform with all local, state, and federal requirements. (Ord. 587 § 20-1.1525).

Chapter 20.64

RESIDENTIAL DISTRICTS

Sections:

20.64.010 Designation of residential zones.
20.64.020 Intent and purpose.
20.64.030 Storage and use limitation.
20.64.040 Principal uses permitted in the Zone LDR district.
20.64.050 Second units.
20.64.060 Principal uses permitted in the Zone MDR district.
20.64.070 Principal uses permitted in the Zone HDR-G district.
20.64.080 Accessory uses permitted.
20.64.090 Uses permitted in residential zones by conditional use permit.
20.64.100 Comprehensive design standards for new buildings in any residential zone.
20.64.110 Open space requirements for residential zones.
20.64.120 Lot width requirements for residential zones.
20.64.130 Standards of development for Zone LDR.
20.64.140 Standards of development for Zone MDR.
20.64.150 Standards for development for Zone HDR.

20.64.010 Designation of residential zones.

As used in this zoning code, "residential zones" mean:

(1) Zone LDR (Single-Family Residential);

(2) Zone MDR (Light Multiple-Residential); and

(3) Zone HDR-G (Medium Multiple-Residential – Garden Overlay). (Ord. 587 § 20-1.1600).

20.64.020 Intent and purpose.

Residential zones are established to provide for the establishment of residential districts of varying population densities that are compatible within each category for the purpose of family living permitted therein, including the necessary appurtenant and accessory facilities and uses associated with such living areas. The intent and purpose of the individual residential zone districts include the following:

(1) Zone LDR is established to provide for residential areas to be developed exclusively for one-family dwellings. Additional uses, necessary and incidental to single-family development, shall also be permitted, including transitional when Zone R-1 uses adjoin a commercial or manufacturing zone.

(2) Zone MDR is established to provide for low population density multiple-residential areas and community services appurtenant thereto. One-, two-, and three-family dwellings may be established, subject to the size of the lot or parcel of land to be built upon.

(3) Zone HDR-G is established in order to create medium-density, low height, multiple-residential areas in the form of one- and two-family dwelling units, with provisions to support the community services appurtenant thereto. Garden Overlay encourages developments to have a certain amount of passive open spaces and green areas with various landscaped and vegetation features. (Ord. 587 § 20-1.1605).

20.64.030 Storage and use limitation.

In addition to other uses contemplated in this chapter, the following activities are prohibited within all residential zones:

(1) Keeping and storing of boats in excess of 28 feet in length.

(2) Keeping and storing of heavy commercial vehicles that have more than two axles or weigh in excess of 6,000 pounds unloaded. (Ord. 587 § 20-1.1610).

20.64.040 Principal uses permitted in the Zone LDR district.

Premises in Zone LDR may be used for the following principal uses:

(1) One-family dwellings, including site-built homes and manufactured housing.

(2) The growing of nursery stock, field crops, tree, bush and berry crops, and vegetable or flower gardening. The provisions of this section shall not be construed to permit roadside stands, retail sales from the premises, or signs advertising products produced on the premises.

(3) Parking lots as a transitional use on lots or parcels of land adjoining or across an alley from any commercial or manufacturing zone pursuant to the provisions of CMC 20.76.320, Principal uses subject to special conditions.

(4) Home occupations; provided, that there is:

(a) No display or storage of goods, wares, merchandise, or stock in trade maintained on the premises; and

(b) No one, other than one person residing on the lot where the home occupation is located, shall be regularly employed in such occupation; and

(c) No equipment used in conjunction with such occupation, which emits dust, fumes, noise, odor, etc., which would or could interfere with the peaceful use and enjoyment of adjacent properties; and

(d) Not more than 200 square feet of the floor space of the dwelling devoted to such use; and

(e) No appreciable increase of traffic, pedestrian and vehicular, by reason of the dwelling devoted to such use; and

(f) No alteration of the structure, nor the use of any signs not otherwise permitted in the zone in which the occupation is located; and

(g) Authorization to inspect home offices once a month to assure compliance with the above items.

(5) Transitional and supportive housing; subject to the following restrictions:

(a) Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. (Ord. 634 § 3, 2014; Ord. 587 § 20-1.1615).

20.64.050 Second units.

Second residential units shall be allowed only in the LDR (Single-Family Residential) Zone subject to the following restrictions:

(1) Not more than one detached second residential unit shall be permitted on any one lot.

(2) The minimum lot area shall be 5,000 square feet and lot width shall be at least 50 feet.

(3) No more than two individuals may occupy the second residential unit.

(4) The second residential unit shall not be sold separately from the existing main dwelling, nor shall it be subdivided for any reason, nor encumbered separately from the main dwelling.

(5) The floor area of the second residential unit shall not exceed 600 square feet or be less than 400

square feet exclusive of open porches, garages, carports, balconies, patios and terraces.

(6) The second residential unit shall conform with all standards of development described in CMC 20.64.080.

(7) All of the applicable building, fire, and health codes shall be met.

(8) One additional off-street parking space shall be provided, and shall be a garage.

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(9) Floor plans, elevations, and other required plans shall be submitted for review by the design review board. (Ord. 587 § 20-1.1620).

20.64.060 Principal uses permitted in the Zone MDR district.

Premises in Zone MDR may be used for the following principal uses:

(1) All of those uses identified under the Zone LDR district (CMC 20.64.040);

(2) One-family dwellings, two-family dwellings, and three-family dwellings;

(3) Parking lots as a transitional use on lots or parcels of land adjoining or across an alley from any commercial or manufacturing zone pursuant to the provisions of CMC 20.76.340 (Regulation of Principal Uses Permitted) and 20.76.320, Principal uses subject to special conditions; and

(4) Home occupations; provided, that there is:

(a) No display or storage of goods, wares, merchandise, or stock in trade maintained on the premises; and

(b) No one, other than one person residing on the lot where the home occupation is located, shall be regularly employed in such occupation; and

(c) No equipment used in conjunction with such occupation, which emits dust, fumes, noise, odor, etc., which would or could interfere with the peaceful use and enjoyment of adjacent properties; and

(d) Not more than 200 square feet of the floor space of the dwelling devoted to such use; and

(e) No appreciable increase of traffic, pedestrian and vehicular, by reason of the dwelling devoted to such use; and

(f) No alteration of the structure, nor the use of any signs not otherwise permitted in the zone in which the occupation is located; and

(g) Authorization to inspect home offices once a month to assure compliance with the above items. (Ord. 587 § 20-1.1625).

20.64.070 Principal uses permitted in the Zone HDR-G district.

Premises in Zone HDR-G may be used for the following principal uses:

(1) All of those uses identified under the Zone LDR district (CMC 20.64.040) and the Zone MDR district (CMC 20.64.060);

(2) Multiple-family dwellings containing more than three units within a single structure; and

(3) Home occupations; provided, that there is:

(a) No display or storage of goods, wares, merchandise, or stock in trade maintained on the premises; and

(b) No one, other than one person residing on the lot where the home occupation is located, shall be regularly employed in such occupation; and

(c) No equipment used in conjunction with such occupation, which emits dust, fumes, noise, odor, etc., which would or could interfere with the peaceful use and enjoyment of adjacent properties; and

(d) Not more than 200 square feet of the floor space of the dwelling devoted to such use; and

(e) No appreciable increase of traffic, pedestrian and vehicular, by reason of the dwelling devoted to such use; and

(f) No alteration of the structure, nor the use of any signs not otherwise permitted in the zone in which the occupation is located; and

(g) Authorization to inspect home offices once a month to assure compliance with the above items. (Ord. 587 § 20-1.1630).

20.64.080 Accessory uses permitted.

Premises in the residential zone districts may be used for accessory uses provided such uses are established on the same lot or parcel of land, are incidental to, and do not substantially alter the character of any permitted principal use, including, but not limited to:

(1) The storage of materials used in the construction of a building or building project during construction and for 30 days prior to and thereafter, including the contractor's temporary office, provided any lot or parcel of land so used shall be a part of the building project or on property adjoining the construction site;

(2) Accessory buildings and structures, including private garages or carports;

(3) Household pets, not to exceed three mammals over four months of age, for each dwelling unit. This provision shall not be construed to permit pigs, hogs, horses, goats, or any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property;

(4) The renting of not more than four rooms to not more than four roomers, or the providing of table-board to not more than four boarders, or both, but not to exceed four such persons, or any combination thereof, in any residence, provided adequate off-street parking is provided for each roomer. In no event may less than one automobile parking space be provided for every two rooms rented;

(5) Garage sales, patio sales, yard sales, and other sales (hereinafter "yard sales") are permitted pursuant to a permit issued by the director of finance. A $10.00 permit fee shall be required for all yard sales. Only one yard sale shall be permitted on any one lot in any six-month period, and each yard sale shall be limited to not more than two consecutive days. Merchandise or articles offered for sale at such yard sale shall be limited to second-hand goods and shall not be displayed within 10 feet of the edge of a public sidewalk. No more than one sign may be displayed during a yard sale, and such sign shall not exceed four square feet in area and shall be displayed only on private property. Any person violating any of the provisions set forth in this subsection (5) shall be deemed guilty of an infraction and may be punished pursuant to CMC 1.36.010(2);

(6) Uses approved by the community development director pursuant to CMC 20.32.010;

(7) Small family day care homes. (Ord. 587 § 20-1.1635).

20.64.090 Uses permitted in residential zones by conditional use permit.

The following uses are permitted within residential zones subject to conditional use permits:

(1) Premises in Zone LDR, Zone MDR, and Zone HDR-G may be used for large family day care homes in accordance with the provisions of CMC 20.56.060, provided a permit has first been obtained pursuant to the provisions of CMC 20.44.010 (Conditional Use Permits and Variances).

(2) Premises in Zone LDR, Zone MDR, and Zone HDR-G may be used for wireless telecommunications antenna facilities in accordance with the provisions of Section 20-35A.4, provided a permit has first been obtained pursuant to the provisions of CMC 20.44.010 (Conditional Use Permits and Variances).

(3) Premises in Zone HDR-G may be used for the following purposes provided a permit has first been obtained pursuant to the provisions of CMC 20.44.010 (Conditional Use Permits and Variances):

(a) Churches, temples, and other places of religious worship;

(b) Communication facilities;

(c) Condominiums in accordance with the regulations for development set forth in CMC 20.56.020 or the conversion regulations set forth in 20.56.030;

(d) Country clubs;

(e) Electrical distribution substations, including the microwave facilities of a public utility;

(f) Fire stations;

(g) Golf courses;

(h) Homes for the aged and rest homes;

(i) Hospitals;

(j) Large family day care homes in accordance with the provisions of CMC 20.56.060;

(k) Libraries;

(l) Mobile home parks in accordance with the regulations for development set forth in CMC 20.56.010;

(m) Multifamily dwellings in accordance with the regulations for development set forth in CMC 20.40.050;

(n) Museums;

(o) Police stations;

(p) Schools, public and private;

(q) Senior housing projects, as defined in CMC 20.08.010, and as subject to the development standards of CMC 20.60.060;

(r) Wireless telecommunications antenna facilities in accordance with the regulations of development set forth in Section 20-35A.4; and

(s) Manufactured or prefabricated homes. (Ord. 587 § 20-1.1640).

20.64.100 Comprehensive design standards for new buildings in any residential zone.

(1) To ensure architectural compatibility of new buildings and structures, design review shall be performed by the director of community development, or his or her designee, or by the planning commission. Design review shall verify the compatibility of the new building with surrounding buildings on the same lot or adjacent lots. Design

review shall focus on the color, material, and design of proposed buildings or structures. Both existing and new buildings must undergo design review. The director of community development, or his or her designee, or planning commission shall have the authority to request an existing building or structure to be improved or rehabilitated if one or more dwelling units are proposed on a lot.

(2) For each dwelling unit proposed on a lot, two 15-gallon-size trees shall be provided on the lot and every three dwelling units shall require one 25-inch box tree. Species to be determined by the director of community development or his or her designee.

(3) In order to minimize the harsh effects of a long driveway, a mixture of red stamp concrete paving material must be provided along the driveway aisle.

(4) All utility equipment shall be placed underground to include and not be limited to telephone, cable, and electrical line.

(5) When three or more units are constructed on a lot having a length of 150 feet or more, a fire lane, 26 feet wide, and a fire truck turnaround lane must be provided to ensure fire safety. (Ord. 587 § 20-1.1643).

20.64.110 Open space requirements for residential zones.

The following open space standards apply to all development within the residential zone districts:

(1) Open Space for LDR Zone. There shall be a minimum of 250 square feet of ground level open space, or 25 percent of the lot area per dwelling unit in areas located within the Zone LDR areas, exclusive of any required front yard.

(2) For development located within Zone MDR and HDR areas, each shall have both private and common open space as set forth herewith:

(a) Each lot shall have and maintain not less than 150 square feet of private open space for each dwelling unit, which shall be located so as to be directly accessible to the dwelling unit served thereby, exclusive of any required front yard, driveways, parking areas, and trash areas; such private open space shall be maintained with a minimum dimension of 10 feet.

(b) Common open space shall be provided at a rate of not less than 280 square feet per dwelling unit; such open space shall have a minimum dimension of 12 feet and shall be maintained open and unobstructed, exclusive of any required front yard, driveways, parking areas, and trash areas.

(c) All dwelling units for which open space is required shall have access thereto by a walkway or by an interior hallway meeting building code standards.

(d) Development Details for Open Space.

(i) Required open space may not be covered by a cabana or other roof, second story, or other structure overhang.

(ii) A minimum of 25 percent of the required open space shall be improved with ornamental landscaping, with at least 60 percent of the landscaped area devoted to plants and the remainder to appurtenant devices, such as ponds, crushed rock, or ornamental masonry.

(iii) Private and common open space shall be a lawn or otherwise surfaced so as to be traversable on foot by the persons using it. (Ord. 587 § 20-1.1645).

20.64.120 Lot width requirements for residential zones.

(1) Lot Width. Each lot or parcel of land within the residential zones shall have a minimum lot width shown in Table 20.64-1:

Table 20.64-1
Minimum Required Width for Residential Zones

Required Area	Interior Lot	Corner Lot
Under 7,000	50	60
7,000 – 7,999	65	70
8,000 – 8,999	70	70
9,000 – 9,999	75	75
10,000 – 12,499	80	80
12,500 – 14,999	90	90
15,000 and over	100	100

(Ord. 587 § 20-1.1650).

20.64.130 Standards of development for Zone LDR.

Premises in Zone LDR shall be subject to the development standards prescribed in this section and those standards contained in CMC 20.76.010 through 20.76.310, inclusive (General Standards of Development).

(1) Lot Area. Except as otherwise provided in CMC 20.76.060 (Lot Area), each lot or parcel of land in Zone R-1 shall have a minimum lot area of not less than 5,000 square feet.

(2) Lot Area per Dwelling Unit. The lot area per dwelling unit shall be 2,500 square feet.

(3) Lot Width. Except as otherwise provided in CMC 20.76.100 (Lot Width), each lot or parcel of land in Zone LDR shall have the minimum lot widths shown in Table 20.64-1.

(4) Yards.

(a) Front Yards. Each lot or parcel of land in Zone LDR shall have a front yard as shown on the official setback map.

(b) Side Yards. Each lot or parcel of land in Zone LDR shall have a side yard of not less than five feet, except on the street side of corner or reversed corner lots, which shall have a side yard as shown on the official setback map.

(c) Rear Yards. Each lot or parcel of land in Zone LDR shall have a rear yard of not less than 10 feet in depth.

(5) Building Bulk.

(a) Height Limits. Except as provided in CMC 20.76.270, Height limit, no lot or parcel of land in Zone LDR shall have a building or structure in excess of two stories or 35 feet in height, whichever is less.

(b) Floor Area of One-Family Dwelling. The minimum ground floor area for single-family dwellings, including site-built homes and manufactured housing, exclusive of open porches, garages, carports, balconies, patios and terraces, shall be not less than 1,100 square feet. The floor area of the second residential unit shall not exceed 600 square feet or be less than 400 square feet exclusive of open porches, garages, carports, balconies, patios, and terraces.

(6) Off-Street Parking. Each lot or parcel of land in Zone LDR shall have on the same lot or parcel of land a garage suitable for providing automobile shelter with space for at least two passenger automobiles for each dwelling unit. If a secondary residential unit is located on a lot or parcel in Zone LDR, a garage suitable for providing automobile shelter with space for at least three passenger automobiles shall be provided. Such parking facilities shall be conveniently accessible and located at a place where the erection of structures is permitted. In all other cases, off-street parking shall be provided as prescribed in CMC 20.80.010 (Off-Street Parking and Loading Requirements). (Ord. 587 § 20-1.1655).

20.64.140 Standards of development for Zone MDR.

Premises in Zone MDR shall be subject to the development standards prescribed in this section and those standards contained in CMC 20.76.010 through 20.76.310, inclusive (General Standards of Development).

(1) Lot Area. Each lot or parcel of land in Zone MDR shall have a minimum lot area of not less than 6,000 square feet.

(2) Lot Area per Dwelling Unit. Except as otherwise provided in CMC 20.76.060 (Lot Area), the lot area per dwelling unit shall be at least 4,000 square feet per dwelling unit, but in no event may multiple dwelling units be placed on a lot or parcel of land with an area of less than 6,000 square feet.

(3) Lot Width. Each lot or parcel of land in Zone MDR shall have a minimum lot width corresponding to the requirements identified in Table 20.64-1.

(4) Yards.

(a) Front Yards. Each lot or parcel of land in Zone MDR shall have a front yard as shown on the official setback map.

(b) Side Yards. Each lot or parcel of land in Zone MDR shall have a side yard of not less than five feet in width, except on the street side of corner or reversed corner lots, which shall have a side yard as shown on the official setback map.

(c) Rear Yards. Each lot or parcel of land in Zone MDR shall have a rear yard of not less than five feet in depth, except for two stories, when the setback shall be seven feet.

(5) Building Bulk/Height Limits. Except as provided in CMC 20.76.270, Height limit, no lot or parcel of land in Zone MDR shall have a building or structure in excess of two stories or 35 feet in height, whichever is less.

(6) Off-Street Parking. Each lot or parcel of land in Zone MDR shall have on the same lot or parcel of land a garage suitable for providing automobile shelter with space for at least two passenger automobiles for each dwelling unit. Such parking facilities shall be conveniently accessible and located at a place where the erection of structures is permitted. In all other cases, off-street parking shall be provided as prescribed in CMC 20.80.010 (Off-Street Parking and Loading Requirements).

(7) Signs. Each lot or parcel of land in Zone MDR may have signs subject to the provisions of Chapter 20.84 CMC (Sign Regulations). (Ord. 600 § 1, 2006; Ord. 587 § 20-1.1660).

20.64.150 Standards for development for Zone HDR.

Premises in Zone HDR shall be subject to the development standards prescribed in this section and those standards contained in CMC 20.76.010 through 20.76.310, inclusive (General Standards of Development).

(1) Lot Area. Except as otherwise provided in CMC 20.76.060 (Lot Area), each lot or parcel of land in Zone HDR shall have a minimum lot area of not less than 6,000 square feet.

(2) Lot Area per Dwelling Unit. The lot area per dwelling unit, guest room, or bachelor apartment shall be 3,000 square feet.

(3) Lot Width. Each lot or parcel of land in Zone HDR shall have a minimum lot width of not less than that shown in Table 20.64-1.

(4) Yards.

(a) Front Yards. Each lot or parcel of land in Zone HDR shall have a front yard.

(b) Side Yards. Each lot or parcel of land in Zone HDR shall have a side yard of five feet in width, except on the street side of corner or reversed corner lots, which shall have a side yard. Such required side yards shall be increased two feet for each additional story above one story.

(c) Rear Yards. Each lot or parcel of land in Zone HDR shall have a rear yard of not less than 10 feet in depth.

(d) Condominium Lots. No habitable buildings shall be closer than 10 feet from any property line.

(5) Height Limits. Except as provided in CMC 20.76.270, Height limit, no lot or parcel of land in Zone R-3 shall have a building or structure in excess of two stories or 35 feet in height, whichever is less.

(6) Minimum Floor Area. All dwelling units shall contain the following minimum gross floor area:

(a) One-bedroom dwelling units, 700 square feet;

(b) Two-bedroom dwelling units, 900 square feet;

(c) Three-bedroom dwelling units, 1,100 square feet; and

(d) Four or more dwelling units, 1,100 square feet, plus 150 square feet for each bedroom in excess of three.

(7) Off-Street Parking. Off-street parking shall be provided as set forth in CMC 20.80.010 (Off-Street Parking and Loading Requirements).

(8) Special Development Standards. The following special development standards shall apply to residential development located within Zone HDR:

(a) There shall be a single refuse holding area for each eight dwelling units, or fraction thereof. Such refuse holding area shall be enclosed on at least three sides by a solid masonry wall at least six inches in thickness and at least five feet in height and shall contain an area of no less than four square feet for each dwelling unit.

(b) On any lot or parcel having six or more dwelling units, a masonry wall, not less than six feet in height, shall be constructed and maintained along the entire length of the side and rear property lines. (Ord. 600 § 2, 2006; Ord. 587 § 20-1.1665).

Chapter 20.68

COMMERCIAL AND PROFESSIONAL DISTRICTS

Sections:

Article I. Zones Designated

20.68.010 Designation of commercial zones.

Article II. Neighborhood Commercial Zone (NC)

20.68.020 Intent and purpose.
20.68.030 NC Zone – Principal uses permitted.
20.68.040 NC Zone – Accessory uses permitted.
20.68.050 Uses by conditional use permit in the NC Zone.
20.68.060 Standards of development in the NC Zone.

Article III. Community Commercial Zone (CC)

20.68.070 CC Zone – Intent and purpose.
20.68.080 CC Zone – Principal uses permitted.
20.68.090 CC Zone – Accessory uses permitted.
20.68.100 Uses by conditional use permit in the CC Zone.
20.68.110 Standards of development in the CC Zone.

Article IV. Commercial Manufacturing Zone (C-M)

20.68.120 C-M Zone – Intent and purpose.
20.68.130 C-M Zone – Principal uses permitted.
20.68.140 C-M Zone – Accessory uses permitted.
20.68.150 Uses by conditional use permit in the C-M Zone.
20.68.160 Standards of development in the C-M Zone.

Article I. Zones Designated

20.68.010 Designation of commercial zones.

As used in this title, "commercial zones" mean zones:

(1) NC (Neighborhood Commercial);

(2) CC (Community Commercial);

(3) C-M (Commercial Manufacturing); and

(4) Salt Lake District, Commercial Manufacturing (CM). (Ord. 587 § 20-1.1700).

Article II. Neighborhood Commercial Zone (NC)

20.68.020 Intent and purpose.

The commercial zones are established to provide areas in which business may be conducted, goods sold and distributed, services rendered, public activities offered and such other activities as are related to the function of the commercial development. The several commercial zones are intended to fulfill the need for shopping areas that range in size and composition from a neighborhood shopping facility to a regional shopping center. The standards of development are designed to make the various commercial areas compatible with any adjacent development. No residential uses are permitted.

Zone NC is established to provide for restricted neighborhood commercial needs. Limited retail stores are permitted. The standards of development in Zone NC are designed to protect adjacent zones, promote orderly development, and avoid the creation of traffic congestion within the neighborhood. No residential uses are permitted. (Ord. 587 § 20-1.1705).

20.68.030 NC Zone – Principal uses permitted.

Premises in Zone NC may be used for the following principal uses, provided all goods sold are new and all sales are retail only, except as otherwise permitted herein.

(1) Uses Listed.

(a) Appliance stores, household.

(b) Bakery shops, including baking only when incidental to retail sales from the premises.

(c) Barber and beauty shops.

(d) Cleaning and dyeing agencies, including incidental spotting, sponging, pressing, and repairs.

(e) Confectionery or candy stores.

(f) Delicatessens (deli).

(g) Drug stores.

(h) Florist shops.

(i) Gift shops.

(j) Hardware stores.

(k) Ice cream shops.

(l) Jewelry stores with incidental repairs.

(m) Manicure parlors.

(n) Offices, business and professional.

(o) Real estate offices.

(p) Shoe repair shops.

(q) Stationery stores.

(r) Other similar uses that the planning commission finds to fall within the intent and purpose of this zone, that will not be more obnoxious or materially detrimental to the public welfare or to property in the vicinity of these uses and that the planning commission finds to be of a comparable nature and of the same class as the uses enumerated in this section. (Ord. 587 § 20-1.1715).

20.68.040 NC Zone – Accessory uses permitted.

Premises in Zone NC may be used for accessory uses, provided such uses are established on the same lot or parcel of land, are incidental to, and do not substantially alter the character of any permitted principal use, including but not limited to:

(1) The storage of materials used in the construction of a building or building project during the construction and 30 days prior to and thereafter, including the contractor's temporary office, provided any lot or parcel of land so used shall be a part of the building project or on property adjoining the construction site.

(2) Accessory buildings or structures as approved by the director of community development.

(3) Uses approved by the community development director pursuant to CMC 20.32.010.

(4) Small family day care homes.

(5) Vending machines including and not limited to coin-operated vending machines, newsracks, video machines, and children's rides must be installed within an enclosed building (minimum floor area of 1,000 square feet).

(6) Water vending machines subject to the following requirements:

(a) Machines must be installed within an enclosed building (minimum floor area of 1,000 square feet).

(b) All required approvals of the Los Angeles County health department and the local water service company shall be obtained before installation.

(c) All required plumbing or electrical permits for this use shall be obtained before permanent installation.

(d) There shall be a minimum clearance of six feet in front of the machine.

(e) There shall be no more than one water vending machine allowed for each 10,000 square feet of gross floor area occupied per individual business.

(f) A city of Cudahy business license is required for each machine pursuant to CMC 5.08.650.

(g) Water vending machines shall be maintained in a sanitary condition.

(h) A back-flow device shall be installed on each machine.

(i) Any water vending machine that becomes a legal nonconforming use as a result of the adoption of the ordinance which adopted this section, or of any subsequent amendment thereto, shall be removed or altered to conform to the regulations within 180 days of the effective date of the ordinance that generated the nonconformity, unless an extension is requested and granted by the planning commission based upon the inability of the vending machine operator to recoup its original investment in the installation costs of the machine or for other good cause. (Ord. 587 § 20-1.1720).

20.68.050 Uses by conditional use permit in the NC Zone.

Premises in Zone NC may be used for the following purposes provided a permit has first been obtained pursuant to the provisions of CMC 20.44.010 (Conditional Use Permits and Variances):

(1) Alcoholic beverage sales and services whether as a principal, accessory, incidental, or other use except that bars and cocktail lounges are expressly prohibited.

(2) Amusement arcade.

(3) Automotive-oriented uses to include and not limited to drive-through services, gas stations and car rental facilities.

(4) Automobile service and repair uses, including and not limited to smog testing, oil lube, tune ups and transmission work.

(5) Automobile sales, used or new, to include and not be limited to recreation vehicles, trucks, and trailers.

(6) Commercial equipment buildings.

(7) Bible-study meeting halls.

(8) Electrical distribution substations, including microwave facilities incorporated as part of a public utility.

(9) Day care centers.

(10) Food markets.

(11) Large family day care homes in accordance with the provisions of CMC 20.56.060.

(12) Laundries, self-service.

(13) Laundry agency.

(14) Parking lots and parking buildings, subject to the conditions of CMC 20.80.010 (Off-Street Parking and Loading Requirements).

(15) Single-family dwellings provided development/construction meet all provisions of the LDR Zone.

(16) Wireless telecommunications antenna facilities in accordance with the regulations for development set forth in Chapter 20.96 CMC. (Ord. 587 § 20-1.1725).

20.68.060 Standards of development in the NC Zone.

Premises in Zone NC shall be subject to the development standards prescribed in this section and those standards contained in CMC 20.76.010 through 20.76.310, inclusive (General Standards of Development).

(1) Lot Area. Each lot or parcel of land in Zone NC shall have a minimum lot area of not less than:

(a) Six thousand square feet when no number follows the zoning symbol; or

(b) As otherwise provided in CMC 20.76.060 (Lot Area).

(2) Lot Width. Each interior lot or parcel of land in Zone NC shall have a minimum lot width of not less than 60 feet except as otherwise provided in CMC 20.76.100 (Lot Width).

(3) Yards. Except as otherwise provided in CMC 20.76.160 through 20.76.180 (Yards):

(a) Front Yards. Each lot or parcel of land in Zone NC shall have a front yard.

(b) Side Yards. Each lot or parcel of land in Zone NC which has a side lot adjoining property in a residential or agricultural zone shall have a side yard of not less than 10 feet in width on the side adjoining such residential or agricultural lot or parcel of land. On the street side of corner or reversed corner lots, the side yard shall be as shown on the official setback map.

(c) Rear Yards. Each lot or parcel of land in Zone NC that has a rear lot line adjoining property in a residential or agricultural zone shall have a rear yard of not less than 20 feet in depth.

(4) Building Bulk. Except as otherwise provided in CMC 20.76.270, Height limit:

(a) Height Limits. No lot or parcel of land in Zone NC shall have a building or structure in excess of 35 feet in height.

(b) Lot Coverage. No lot or parcel of land in Zone NC shall have a lot coverage by buildings or structures in excess of 50 percent of the lot area.

(5) Off-Street Parking and Loading. Each lot or parcel of land in Zone NC shall have off-street parking and loading facilities as prescribed in CMC 20.80.010 (Off-Street Parking and Loading Requirements).

(6) Signs. Each lot or parcel of land in Zone NC may have signs subject to the provisions of Chapter 20.84 CMC (Sign Regulations).

(7) Special Development Standards. All display and storage of goods offered for sale in Zone NC shall be located solely within an enclosed building except for certain accessory uses of and as provided in CMC 20.68.040. (Ord. 587 § 20-1.1730).

Article III. Community Commercial Zone (CC)

20.68.070 CC Zone – Intent and purpose.

Zone CC is established to provide for a community's commercial needs. This zone permits a business center in areas where a wide range of retail and service establishments is needed to accommodate the surrounding community. (Ord. 587 § 20-1.1735).

20.68.080 CC Zone – Principal uses permitted.

Premises in Zone CC may be used for the following principal uses, provided all sales are retail only and all retail sales are of new merchandise, except as otherwise listed:

(1) Antique shops.

(2) Appliance stores, household.

(3) Art supply shops.

(4) Automobile supply stores.

(5) Bakery shops, including baking only when incidental to retail sales from the premises.

(6) Barber and beauty shops.

(7) Bicycle sales.
(8) Bicycle, scooter, and similar vehicle rentals.
(9) Blueprint shop.
(10) Book stores.
(11) Candy stores.
(12) Children's clothing apparel stores.
(13) Children's book store.
(14) Clothing stores.
(15) Confectionery stores.
(16) Costume design studios.
(17) Delicatessens (deli).
(18) Department stores.
(19) Dress shops.
(20) Drug stores.
(21) Dry goods stores.
(22) Emergency shelters; subject to the following restrictions:

(a) Occupancy. A maximum of 15 beds or persons may be served nightly, with associated support service not open to the public. Any emergency shelter for homeless with greater than 15 beds shall be subject to approval of a conditional use permit consistent with Chapter 20.44 CMC.

(b) Parking. One vehicle parking space shall be provided per five beds. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of eight bike parking spaces.

(c) Waiting and Intake Area. A client waiting and intake area shall be provided and contain a minimum of 10 square feet per bed provided at the facility. The client waiting and intake area shall be screened from the public right-of-way by a solid wall of at least six feet in height, and shall be sufficient in size to accommodate all persons waiting to enter the facility.

(d) Support Services. Emergency shelters shall allocate sufficient areas on site, outside of any required landscape areas, to provide the following minimal support services:

(i) Food preparation and dining areas;

(ii) Laundry facilities;

(iii) Restrooms and showers;

(iv) Areas to secure and store client belongings;

(v) Indoor and outdoor recreational facilities and/or open space;

(vi) A private area providing referral services to assist shelter clients in entering programs aimed at obtaining permanent shelter and income. Referral services refers to the initial assessment of a homeless client to identify the areas in which assistance is needed, and connecting clients with appropriate off-site programs and services depending on their need.

(e) Hours of Operation. Emergency shelters for homeless providing less than 15 beds are not required to be open 24 hours a day. Clients for emergency shelters for homeless shall have a specified check out time as detailed in the management and operation plan, but may remain on the premises to utilize on-site services offered.

(f) Length of Stay. The length of stay of an individual client shall not exceed six months within a 12-month period; days of stay need not be consecutive.

(g) Management and Operation Plan. The applicant or operator shall submit a management and operation plan for the emergency shelter for review during the over the counter approval process for review and feedback by the community development director or designee in consultation with law enforcement at the time the project is proposed, prior to issuance of permits. If site plan review applies, then the management and operational plan should be submitted and reviewed concurrently with those applications. The plan shall remain active throughout the life of the facility, with any changes subject to review and approval by the community development director or designee in consultation with the chief of police. The plan should be based on "best practices" and include, but not limited to, a security plan, procedures, lists of services, staff training, "good neighbor" communication plan, client transportation and active transportation plan, ratio of staff to clients, client eligibility and intake and check out process, detailed hours of operation, and an ongoing outreach plan to Cudahy homeless population. The city may inspect the facility at any time for compliance with the facility's operational plan and other applicable laws and standards.

(h) Restrooms. The number of toilets and showers shall comply with applicable building codes and plumbing codes.

(i) Trash Enclosure and Loading Zone. Each facility shall have a trash enclosure and loading zone as provided in Chapters 20.64 and 20.80 CMC.

(j) Applicable Laws. The facility shall comply with all other laws, rules and regulations that apply, including building and fire codes, and shall be subject to city inspections prior to operational plan approval.

(23) Equipment rental services, including rototillers, power mowers, sanders, power saws, cement mixers, and other similar equipment.

(24) Feed and grain sales.

(25) Fire stations.

(26) Florist shops.

(27) Food markets.

(28) Furniture stores.

(29) Furniture repair and restoration.

(30) Gift shops.

(31) Hardware stores.

(32) Hat cleaning and blocking establishments.

(33) Health food stores.

(34) Hobby supply shops.

(35) Ice cream shops.

(36) Ice sales, not to include ice plants.

(37) Interior decorating shops.

(38) Jewelry stores with incidental repairs.

(39) Knit shops.

(40) Leather goods stores.

(41) Libraries.

(42) Locksmith shops.

(43) Manager's office, property management office.

(44) Manicure parlors.

(45) Manufacturer's agent, carrying no inventory other than samples.

(46) Meat markets, not to include slaughtering.

(47) Medical clinics.

(48) Millinery shops; hats.

(49) Printing services.

(50) Mortuaries.

(51) Museums.

(52) Music stores.

(53) Newspaper stores.

(54) Notions or novelty stores.

(55) Offices, business and professional.

(56) Paint and wallpaper stores.

(57) Parks and playgrounds.

(58) Pet shops.

(59) Pet supply shops.

(60) Photography shops.

(61) Photography studios.

(62) Plumbing shops.

(63) Police stations.

(64) Post offices.

(65) Pottery stores.

(66) Poultry markets, not to include slaughtering.

(67) Public health centers.

(68) Radio and television stores.

(69) Real estate offices.

(70) Shoe repair shops.

(71) Shoe stores.

(72) Sporting goods stores.

(73) Stationery stores.

(74) Tailor shops.

(75) Tile sales, ornamental.

(76) Tobacco shops.

(77) Tourist information centers.

(78) Toy shops.

(79) Typewriter sales and incidental repairs.

(80) Watch repair shops.

(81) Wearing apparel shops.

(82) Other similar uses that the planning commission finds to fall within the intent and purpose of this zone, that will not be more obnoxious or materially detrimental to the public welfare, and which the planning commission finds to be of a comparable nature and of the same class as the uses enumerated in this section. (Ord. 634 § 3, 2014; Ord. 587 § 20-1.1740).

20.68.090 CC Zone – Accessory uses permitted.

Premises in Zone CC may be used for accessory uses, provided such uses are established on the same lot or parcel of land, are incidental to, and do not substantially alter the character of any permitted principal use, including, but not limited to:

(1) Storage of materials used in the construction of a building or building project, during the construction and 30 days prior to and thereafter, including the contractor's temporary office; provided, that any lot or parcel of land so used shall be a part of the building project, or on property adjoining the construction site.

(2) Accessory buildings or structures.

(3) The retail sale of used articles taken as trade-in on the sale of new articles when such new articles are sold from the premises.

(4) Vending machines including and not limited to coin-operated vending machines, newsracks, video machines, and children's rides must be

installed within an enclosed building (minimum floor area of 1,000 square feet).

(5) Water vending machines subject to the following requirements:

(a) Machines must be installed within an enclosed building (minimum floor area of 1,000 square feet).

(b) All required approvals of the Los Angeles County health department and the local water service company shall be obtained before installation.

(c) All required plumbing or electrical permits for this use shall be obtained before permanent installation.

(d) There shall be a minimum clearance of six feet in front of the machine.

(e) There shall be no more than one water vending machine allowed for each 10,000 square feet of gross floor area occupied per individual business.

(f) A city of Cudahy business license is required for each machine pursuant to CMC 5.08.650.

(g) Water vending machines shall be maintained in a sanitary condition.

(h) A back-flow device shall be installed on each machine.

(i) Any water vending machine that becomes a legal nonconforming use as a result of the adoption of the ordinance which adopted this section, or of any subsequent amendment thereto, shall be removed or altered to conform to the regulations within 180 days of the effective date of the ordinance that generated the nonconformity, unless an extension is requested and granted by the planning commission based upon the inability of the vending machine operator to recoup its original investment in the installation costs of the machine or for other good cause.

(6) Uses approved by the community development director pursuant to CMC 20.32.010. (Ord. 587 § 20-1.1745).

20.68.100 Uses by conditional use permit in the CC Zone.

Premises in Zone CC may be used for the following purposes, provided a permit has first been obtained pursuant to the provisions of CMC 20.44.010 (Conditional Use Permits and Variances):

(1) Acupressure centers, massage establishments, stress relief clinics, and other similar uses, provided such uses are properly licensed as required by Article XIX of Chapter 5.08 CMC.

(2) Alcoholic beverage sales and services whether as a principal, accessory, or incidental use, except that bars and cocktail lounges are expressly prohibited.

(3) Amusement arcades to include and not be limited to computer labs and cyber cafes.

(4) Amusement theme parks.

(5) Aquariums.

(6) Archery ranges.

(7) Auction houses, not to include animals.

(8) Auditoriums and conference rooms.

(9) Automotive-oriented uses to include and not be limited to drive-through services, gas stations and car rental facilities.

(10) Automobile service and repair uses, including and not limited to smog testing, oil lube, tune ups and transmission work.

(11) Automobile sales, used or new, to include and not be limited to recreation vehicles, trucks, and trailers.

(12) Banks and financial institutions.

(13) Bible-study meeting halls.

(14) Billboards and other outdoor advertising signs.

(15) Billiard and pool halls.

(16) Boat and other marine sales.

(17) Bowling alleys.

(18) Churches, temples, and other places of religious worship.

(19) Community social centers.

(20) Concert halls.

(21) Country clubs.

(22) Communication equipment buildings.

(23) Dance halls.

(24) Day care centers.

(25) Electric distribution substations, including microwave facilities incorporated as part of a public utility.

(26) Employment agencies.

(27) Fishing and casting pools.

(28) Fraternity or sorority houses.

(29) Golf courses or driving ranges.

(30) Gymnasiums.

(31) Hospitals, medical clinics, and dental clinics.

(32) Hotels and motels.

(33) Labor temples.

(34) Large family day care homes in accordance with the provisions of CMC 20.56.060.

(35) Laundries, hand.

(36) Laundries, self-service.

(37) Lodge halls.

(38) Mail order house, not to include warehousing.

(39) Multifamily housing provided development/construction meets all provisions of the HDR-G Zone.

(40) Nurseries, the growing of nursery stock, field crops, tree, bush and berry crops, and vegetable or flower gardening.

(41) Orphanages.

(42) Parking lots and parking buildings, pursuant to the provisions of CMC 20.80.010 (Off-Street Parking and Loading Requirements).

(43) Private clubs.

(44) Radio broadcasting studios.

(45) Reducing salons.

(46) Restaurants and other eating establishments.

(47) Rodeos.

(48) Single-family dwellings provided development/construction meets all provisions of the LDR Zone.

(49) Schools, colleges, and universities, accredited, including appurtenant facilities that offer instruction required to be taught by the Education Code of the state of California and in which no pupil is physically restrained.

(50) Schools, business and professional, including art, barber, beauty, dance, drama, music, and swimming.

(51) Secondhand stores.

(52) Sports arenas.

(53) Stadiums.

(54) Stations, bus, railroad, and taxi.

(55) Swimming pools.

(56) Theaters, not including drive-in.

(57) Trailer parks pursuant to the provisions of Section.

(58) Trailer sales, not to include truck trailers.

(59) Trampoline centers.

(60) Water wells, reservoirs, tanks, dams, treatment plants, gauging stations, pumping stations, and any other facilities appurtenant to the obtainment, storage, and distribution of water.

(61) Wedding chapels.

(62) Wireless telecommunications antenna facilities in accordance with the regulations for development set forth in Chapter 20.96 CMC. (Ord. 612 § 3, 2011; Ord. 587 § 20-1.1750).

20.68.110 Standards of development in the CC Zone.

Premises in Zone CC shall be subject to the development standards prescribed in this section and those standards contained in CMC 20.76.010 through 20.76.310, inclusive (General Standards of Development).

(1) Lot Area. Each lot or parcel of land in Zone CC shall have a minimum lot area of not less than:

(a) Six thousand square feet when no number follows the zoning symbol; or

(b) As otherwise provided in CMC 20.76.060 (Lot Area).

(2) Lot Width. Except as otherwise provided in CMC 20.76.100 (Lot Width), each interior lot or parcel of land in Zone CC shall have a minimum lot width of not less than 60 feet.

(3) Yards.

(a) Front Yards. Each lot or parcel of land in Zone CC shall have a front yard.

(b) Side Yards. Except as otherwise provided in CMC 20.76.170 (Side Yards), each lot or parcel of land in Zone CC that has a side lot line adjoining property in a residential or agricultural zone shall have a side yard of not less than 10 feet in width on the side adjoining such residential or agricultural lot or parcel of land. The street side or corner or reversed corner lots shall have a side yard as shown on the official setback map.

(c) Rear Yards. Except as otherwise provided in CMC 20.76.180 (Rear Yards), each lot or parcel of land in Zone CC which has a rear lot line adjoining property in a residential zone shall have a rear yard of not less than five feet in depth.

(4) Building Bulk.

(a) Height Limit. No lot or parcel of land in Zone CC shall have a building or structure in excess of two stories or 35 feet in height, whichever is less.

(b) Maximum Lot Coverage. No lot or parcel of land in Zone CC shall have a lot coverage by buildings or structures in excess of 50 percent of the lot area.

(5) Off-Street Parking and Loading. Each lot or parcel of land in Zone CC shall have off-street

parking and loading facilities as prescribed in CMC 20.80.010 (Off-Street Parking and Loading Requirements).

(6) Signs. Each lot or parcel of land in Zone CC may have outdoor advertising subject to the provisions of Chapter 20.84 CMC (Sign Regulations).

(7) Special Development Standards.

(a) All display and storage of goods, wares or merchandise in Zone CC shall be located wholly within a building except for the following:

(i) Automobile sales.

(ii) Boat sales.

(iii) Trailer sales.

(iv) Nursery stock.

(b) Bars and cocktail lounges shall be operated and maintained in such a manner that, during business hours, no portion of the interior area where beverages are sold, served, or consumed is visible from the exterior of the premises. Where any portion of a structure housing a bar or cocktail lounge is located within 200 feet of any building used for residential purposes, such bar or cocktail lounge shall operate with all entrance and exit doors, including doors used for delivery purposes, closed. (Ord. 587 § 20-1.1755).

Article IV. Commercial Manufacturing Zone (C-M)

20.68.120 C-M Zone – Intent and purpose.

Zone C-M is established to provide areas that will permit the complete range of commercial activities and, in addition, will permit limited and restricted manufacturing and wholesaling facilities. Standards are intended to control the intensity of use, the external effects upon surrounding areas, and generally limit the uses to those that can be operated in a clean and quiet manner. (Ord. 587 § 20-1.1760).

20.68.130 C-M Zone – Principal uses permitted.

Premises in Zone C-M may be used for:

(1) The following principal uses:

(a) Antique shops.

(b) Appliance stores, household.

(c) Art supply shops.

(d) Automobile supply stores.

(e) Bakery goods distributors.

(f) Bakery shops.

(g) Barber and beauty shops.

(h) Bicycle sales.

(i) Bicycle, scooter, and similar vehicle rentals.

(j) Book binders.

(k) Book stores.

(l) Building materials, sale of new material.

(m) Children's clothing apparel stores.

(n) Cleaning and dyeing agencies, including incidental spotting, sponging, pressing, and repairs.

(o) Clothing stores.

(p) Confectionery or candy stores.

(q) Costume design studios.

(r) Dental clinics.

(s) Delicatessens (deli).

(t) Department stores.

(u) Dress shops.

(v) Drug stores.

(w) Dry goods stores.

(x) Equipment rental services, including rototillers, power mowers, sanders, power saws, cement mixers, and other similar equipment.

(y) Feed and grain sales.

(z) Florist shops.

(aa) Furniture stores.

(bb) Furrier shops.

(cc) Gift shops.

(dd) Glass edging, beveling, and silvering in connection with the sale of mirrors and glass decorating furniture.

(ee) Hardware stores.

(ff) Hat cleaning and blocking establishments.

(gg) Health food stores.

(hh) Hobby supply shops.

(ii) Ice cream shops.

(jj) Ice sales, not to include ice plants.

(kk) Interior decorating shops.

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(ll) Jewelry stores, including incidental repairs.

(mm) Knit shops.

(nn) Leather goods stores.

(oo) Libraries.

(pp) Locksmith shops.

(qq) Manicure parlors.

(rr) Manufacturer's agent, carrying no inventory other than samples.

(ss) Medical clinics.

(tt) Millinery shops.

(uu) Printing services.

(vv) Mortuaries.

(ww) Museums.

(xx) Music stores.

(yy) Newspaper stores.

(zz) Notions or novelty stores.

(aaa) Offices, business and professional.

(bbb) Paint and wallpaper stores.

(ccc) Parks and playgrounds.

(ddd) Photo engraving.

(eee) Photography shops.

(fff) Photography studios.

(ggg) Post offices.

(hhh) Pottery stores.

(iii) Printers or publishers.

(jjj) Real estate offices.

(kkk) Shoe repair shops.

(lll) Shoe stores.

(mmm) Sporting goods stores.

(nnn) Stained glass assembly.

(ooo) Stationery stores.

(ppp) Tailor shops.

(qqq) Tile sales, ornamental.

(rrr) Tobacco shops.

(sss) Toy shops.

(ttt) Typewriter sales and incidental repairs.

(uuu) Watch repair shops.

(vvv) Wearing apparel shops.

(www) Wholesale businesses with samples on the premises but not including general storage.

(2) The following uses require a conditional use permit, except the director of community development may issue an exemption provided the proposed use is compatible with surrounding uses:

(a) Auditoriums and conference rooms.

(b) Banks and financial institutions.

(c) Bowling alleys.

(d) Community social centers.

(e) Employment agencies.

(f) Fire stations.

(g) Food markets.

(h) Gymnasiums.

(i) Laboratories, film, research, or testing.

(j) Mail order houses, not to include warehousing.

(k) Markets, wholesale or jobbers.

(l) Meat markets, not to include slaughtering.

(m) Motion picture processing, reconstruction, and the synchronizing of film with sound tracks.

(n) Plumbing shops.

(o) Police stations.

(p) Poultry markets, not including slaughtering.

(q) Parking lots and parking buildings, subject to the conditions of CMC 20.80.010 (Off-Street Parking and Loading Requirements).

(r) Pet shops.

(s) Pet supply shops.

(t) Produce markets, wholesale.

(u) Public markets.

(v) Radio and television stores.

(w) Radio broadcasting studios. Health centers.

(x) Recording studios.

(y) Reducing salons.

(z) Restaurants and other eating establishments.

(aa) Shoeshine stands.

(bb) Stations, bus, railroad, and taxicab.

(cc) Skating rinks.

(dd) Tourist information centers.

(3) The following uses require a conditional use permit, except the director of community development may issue an exemption provided the proposed use is compatible with surrounding uses.

The following uses, provided no drop hammers or automatic screw machines are permitted; no punch presses in excess of five tons capacity are permitted; and any motors used to operate lathes, drill presses, grinders, shapers, milling machines, saws, polishers, or metal cutters shall not exceed one horsepower capacity:

(a) Assaying.

(b) Assembly of:

(i) Electrical appliances;

(ii) Electronic instruments; and

(iii) Radios, phonographs, or television sets, including the manufacturing of small parts such as coils, condensers, transformers or crystal holders.

(c) Bakery.

(d) Candy manufacturing.

(e) Confectionery manufacturing.

(f) Cookie manufacturing.

(g) Cosmetics manufacturing.

(h) Donut manufacturing.

(i) Food commissaries.

(j) Golf balls manufacturing.

(k) Hay barns.

(l) Ice cream manufacturing.

(m) Jewelry manufacturing.

(n) Lapidary shops.

(o) Manufacturing, assembly, and compounding or treating of articles of merchandise from the following previously prepared materials:

(i) Bone.

(ii) Canvas.

(iii) Cellophane.

(iv) Cloth.

(v) Felt.

(vi) Fur.

(vii) Glass.

(viii) Leather, except machine belting.

(ix) Paper.

(x) Plastics, from previously molded material.

(xi) Shell.

(xii) Textiles.

(xiii) Yarn.

(p) Metals, manufacturing products of rare and precious.

(q) Motion picture studios, not including outdoor sets.

(r) Optical goods manufacturing.

(s) Oxygen and similar gases, storage of compressed, in Interstate Commerce Commission-approved type cylinders.

(t) Packaging businesses.

(u) Perfume manufacturing, blending and bottling.

(v) Pie factory.

(w) Stones, manufacturing products of precious or semi-precious.

(x) Testing laboratories.

(y) Toiletries manufacturing, not including soap.

(z) Scientific instrument and equipment manufacturing, or precision machine shops.

(4) Other similar uses that the planning commission finds to fall within the intent and purpose of this zone, that will not be more obnoxious or materially detrimental to the public welfare, and which the planning commission finds to be of a comparable nature and of the same class as the uses enumerated in this section.

(5) Notwithstanding anything to the contrary hereinabove, premises in Zone C-M that are located in the Atlantic Boulevard Corridor may be used for the purposes enumerated in this section only if a permit has first been obtained pursuant to the provisions of CMC 20.44.010 (Conditional Use Permits and Variances). (Ord. 587 § 20-1.1765).

20.68.140 C-M Zone – Accessory uses permitted.

Premises in Zone C-M may be used for accessory uses, provided such uses are established on the same lot or parcel of land, are incidental to, and do not substantially alter the character of any permitted principal use, including, but not limited to:

(1) Storage of materials used in the construction of a building or building project, during the construction and 30 days thereafter, including the contractor's temporary office; provided, that any lot or parcel of land so used shall be a part of the building project, or on property adjoining the construction site.

(2) Accessory buildings or structures.

(3) Uses approved by the community development director pursuant to CMC 20.32.010.

(4) Vending machines including and not limited to coin-operated vending machines, newsracks, video machines, and children's rides must be installed within an enclosed building (minimum floor area of 1,000 square feet).

(5) Water vending machines subject to the following requirements:

(a) Machines must be installed within an enclosed building (minimum floor area of 1,000 square feet).

(b) All required approvals of the Los Angeles County health department and the local water service company shall be obtained before installation.

(c) All required plumbing or electrical permits for this use shall be obtained before permanent installation.

(d) There shall be a minimum clearance of six feet in front of the machine.

(e) There shall be no more than one water vending machine allowed for each 10,000 square feet of gross floor area occupied per individual business.

(f) A city of Cudahy business license is required for each machine pursuant to CMC 5.08.650.

(g) Water vending machines shall be maintained in a sanitary condition.

(h) A back-flow device shall be installed on each machine.

(i) Any water vending machine that becomes a legal nonconforming use as a result of the adoption of the ordinance which adopted this section, or of any subsequent amendment thereto, shall be removed or altered to conform to the regulations within 180 days of the effective date of the ordinance that generated the nonconformity, unless an extension is requested and granted by the planning commission based upon the inability of the vending machine operator to recoup its original investment in the installation costs of the machine or for other good cause. (Ord. 587 § 20-1.1770).

20.68.150 Uses by conditional use permit in the C-M Zone.

Premises in Zone C-M may be used for the following purposes, provided a permit has first been obtained, pursuant to the provisions of Chapter 20.44 CMC (Conditional Use Permits and Variances):

(1) Air pollution sampling stations.

(2) Alcoholic beverage sales and services, whether as a principal, accessory, incidental, or other use.

(3) Amusement arcades to include and not be limited to computer labs and cyber cafes.

(4) Amusement theme parks.

(5) Aquariums.

(6) Auction houses, not to include animals.

(7) Automobile laundry, car wash.

(8) Automotive-oriented including drive-through services.

(9) Automobile body shop.

(10) Automobile sales, used or new, to include and not be limited to recreation vehicles, trucks, boats, and trailers.

(11) Automobile service stations/gas stations.

(12) Automobile service and repair uses, including and not limited to smog testing, oil lube, tune ups and transmission work.

(13) Automobile rental agencies.

(14) Billboards and other outdoor advertising signs.

(15) Boats and other marine sales.

(16) Body shops.

(17) Card clubs.

(18) Catering services.

(19) Carnivals, except as provided in CMC 20.32.010(3).

(20) Circuses.

(21) Communication equipment buildings.

(22) Concert halls.

(23) Dance clubs.

(24) Electrical distribution substations, including microwave facilities incorporated as part of a public utility.

(25) Gas measurement stations.

(26) Golf courses, miniature.

(27) Hospitals.

(28) Hotels.

(29) Laundries.

(30) Laundries, hand.

(31) Laundries, self-service.

(32) Laundry agencies.

(33) Liquefied petroleum gas storage and sales.

(34) Menageries.

(35) Mobile home parks in accordance with the regulations for development set forth in CMC 20.56.010.

(36) Motels.

(37) Nurseries, the growing of nursery stock, field crops, tree, bush and berry crops and vegetable or flower gardening.

(38) Oil wells pursuant to the provisions of Chapter 20.44 CMC (regulation of uses established by conditional use permit).

(39) Liquefied petroleum gas storage and sales.

(40) Paint and varnish, manufacturing of, only in conjunction with retail sales.

(41) Radio, telephone, television, microwave, transmitter, and repeater stations and towers.

(42) Rest homes.

(43) Rodeos.

(44) Shooting galleries.

(45) Secondhand stores.

(46) Schools, colleges, and universities, accredited, including appurtenant facilities which offer instruction required to be taught by the Education Code of the state and in which no pupil is physically restrained.

(47) Schools, business and professional, including art, bar, beauty, dance, drama, music, and swimming.

(48) Trailers, rental of house trailers.

(49) Trailer sales, not to include truck trailers.

(50) Theaters, not including drive-ins.

(51) Trucks, rental of trucks not over two-ton capacity.

(52) Telephone storage yards.

(53) Theaters.

(54) Water wells, reservoirs, tanks, dams, treatment plants, gauging stations, pumping stations, and any use normal and appurtenant to the obtainment, storage, and distribution of water.

(55) Zoos. (Ord. 612 § 3, 2011; Ord. 587 § 20-1.1775).

20.68.160 Standards of development in the C-M Zone.

Premises in Zone C-M shall be subject to the development standards prescribed in this section and those standards contained in CMC 20.76.010 through 20.76.310, inclusive (General Standards of Development).

(1) Lot Area. Each lot or parcel of land in Zone C-M shall have a minimum lot area of not less than:

(a) The number following the zoning symbol. If such number is less than 100, it shall mean acres, and if such number is more than 100, it shall mean square feet; or

(b) Six thousand square feet when no number follows the zoning symbol, except that in the Atlantic Boulevard Corridor the minimum lot area shall not be less than 40,000 square feet; or

(c) As otherwise provided in CMC 20.76.060 (Lot Area).

(2) Lot Width.

(a) Each interior lot or parcel of land in Zone C-M shall have a minimum lot width of not less than 60 feet.

(b) Except as otherwise provided in CMC 20.76.100 (Lot Width).

(3) Yards.

(a) Front Yards. Each lot or parcel of land in Zone C-M shall have a front yard not less than 10 feet in depth if open storage is located on the front of the lot. The front yard shall be landscaped as provided in Section 20-28 (Special Development Standards), unless the area is developed for off-street parking of automobiles pursuant to the provisions of CMC 20.80.010 (Off-Street Parking and Loading Requirements) or developed for employee recreational uses involving no structures other than light standards or screen fences.

(b) Side Yards. None required except that each corner lot or parcel of land in Zone C-M shall have a side yard of not less than 10 feet in depth on the street side of the lot or parcel of land if open storage is conducted thereon.

(c) Rear Yards. Each lot or parcel of land in Zone C-M having a rear lot line adjoining property in any residential zone shall have a rear yard of 30 feet.

(d) Except as otherwise provided in CMC 20.76.160 through 20.76.180 (Yards).

(4) Building Bulk.

(a) Height Limit. No lot or parcel of land in Zone C-M shall have a building or structure in excess of two stories or 30 feet in height, whichever is less.

(b) Maximum Lot Coverage. No lot or parcel of land in Zone C-M shall have more than 60 percent of the lot area covered by structures.

(c) Except as otherwise provided in CMC 20.76.270, Height limit.

(5) Off-Street Parking and Loading. Each lot or parcel of land in Zone C-M shall have off-street parking and loading facilities as prescribed in CMC 20.80.010 (Off-Street Parking and Loading Requirements).

(6) Signs. Each lot or parcel of land in Zone CC may have signs subject to the sign provisions of the Cudahy zoning code (Chapter 20.84 CMC).

(7) Special Development and Performance Standards.

(a) All storage, display, and sale of goods in Zone C-M shall be located wholly within a building except for the following:

(i) Automobile sales.

(ii) Boat sales.

(iii) Nursery stock.

(iv) Trailer sales.

(v) Outdoor storage when it is strictly incidental to the permitted use of a building on the same lot. Outdoor storage areas shall be completely enclosed by a solid wall or fence at least eight feet in height, with no storage higher than the

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enclosure and no storage of power-driven excavating or road building equipment.

(vi) Other temporary uses approved by the community development director pursuant to CMC 20.32.010.

(b) Performance Standards. Each use in this zone shall be established pursuant to the performance standards prescribed in Chapter 20.88 CMC (Environmental Performance Standards). (Ord. 587 § 20-1.1780).

Chapter 20.72

ALCOHOLIC BEVERAGES AND SERVICES

Sections:

20.72.010 Definitions.
20.72.020 Alcoholic beverages and services.
20.72.030 Restaurants.
20.72.040 Gas station selling beer and wine for off-premises consumption.
20.72.050 Beer and wine convenience store.
20.72.060 Grocery stores selling liquor.
20.72.070 Temporary use permit for consumption of alcohol.
20.72.080 Rights of appeal and review.
20.72.090 Expiration, violation, discontinuance and revocation.

20.72.010 Definitions.

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

"Chief of police" shall mean the designated officer in charge of the Los Angeles County sheriff or the sheriff of the county or such law enforcement officer designated by the city as the officer responsible for law enforcement with the city.

"Gasoline service station" shall mean a retail place of business engaged in supplying goods and services essential to the normal operation of automobiles, such as dispensing of automotive fuels and motor oil, vehicle washing and lubricating services; the sale of tires, batteries, replacement items and other automotive accessories; and minor automotive repair. A "gasoline service station" also includes a business supplying food and beverages including but not limited to alcoholic beverages in addition to the provision of goods and services essential to the normal operation of automobiles.

"Off-site" shall mean the consumption of an alcoholic beverage off the premises of an establishment wherein alcoholic beverages are sold, served or given away.

"On-site" shall mean the consumption of alcoholic beverages on the premises of an establish-

ment wherein alcoholic beverages are sold, served, or given away. (Ord. 587 § 20-1.1900).

20.72.020 Alcoholic beverages and services.

Any sale and serving of alcoholic beverages for off-site and/or on-site consumption shall be prohibited unless both the city planning commission and city council have approved a conditional use permit. The following regulations shall apply to all businesses engaged in the sale of alcoholic beverage sales and services:

(1) Unless otherwise stated herein, businesses selling alcoholic beverages for off-site or on-site consumption shall be located a distance of 500 feet from any church, school or other public playground.

(2) Businesses selling alcoholic beverages for off-site consumption shall not be located within 1,000 feet of any other establishment selling and serving alcoholic beverages for off-site consumption.

(3) Businesses selling alcoholic beverages for off-site and on-site consumption shall not be located on the same parcel or lot as a pool hall, cyber cafe, arcade, massage parlor, movie theater, bowling alley, or retail store, except as permitted herein.

(4) Any expansion of the use; a change in Alcoholic Beverage Control Board license status, from an off-sale to on-sale, or from one type of on-sale to off-sale license to another type of on-sale or off-sale license; or any transfer of the license issued by the Alcoholic Beverage Control Board shall not be permitted unless a conditional use permit is first obtained pursuant to the provisions of this chapter.

(5) On-site consumption of alcoholic beverages as a primary use shall not be permitted unless the building has a minimum floor area of 3,000 square feet, not including restaurants. (Ord. 587 § 20-1.1905).

20.72.030 Restaurants.

Any bona fide restaurant otherwise permitted in the relevant zoning classification may serve alcohol for on-premises consumption only with a valid conditional use permit which shall be subject to at least yearly review by the city council and which may contain but need not be limited to the following conditions:

(1) The restaurant's total yearly alcohol sales make up no more than 25 percent of the restaurant's total yearly gross combined food and alcohol sales.

(2) The chief of police has the power to determine if continuing police problems exist at the restaurant and if he or she determines such, he or she may require the presence of a police-approved doorman and/or security personnel.

(3) Any other condition(s) deemed necessary or appropriate by the city to protect the health and welfare of its residents.

(4) Prior to March 1st of each year the restaurant shall submit to the city's director of community development yearly financial statements for the prior calendar year, or portion thereof if the restaurant was not in business for the entire calendar year. (Ord. 587 § 20-1.1910).

20.72.040 Gas station selling beer and wine for off-premises consumption.

(1) Conditional Use Permit Required. Any gas service station otherwise permitted in the relevant zoning classification may only sell for off-premises consumption beer and wine as defined in California Business and Professions Code Sections 23006 and 23007, as those code sections may be amended, supplemented or renumbered, only with a valid conditional use permit which shall be subject to at least yearly review by the city council and which may contain but need not be limited to the following conditions:

(a) Sale of beer and wine shall be limited to the hours between 10:00 a.m. and 10:00 p.m.

(b) The sale of beer in quantities of fewer than six cans or bottles is prohibited and no alcoholic beverage shall be sold in unit quantities less than the distributor's intended resale units.

(c) Sale of malt liquor is prohibited.

(d) At all times between the hours of 10:00 a.m. and 10:00 p.m. or when beer and wine is offered for sale if it is offered for sale at fewer hours, there shall be at least two attendants on duty, one of whom shall be responsible for the sale of beer and wine.

(e) At all times between the hours of 10:00 a.m. and 10:00 p.m. or when beer and wine is offered for sale if it is offered for sale at fewer hours, any attendant who is authorized to sell beer and/or wine must have participated in a licensee

education on alcohol and drugs class put on by the California Department of Alcoholic Beverage Control or a similar class approved by the city or must participate in such class within two months of his or her employment as a sales clerk. Establishments must maintain proof of such attendance on the premises and present such proof upon request to the director of community development.

(f) The chief of police has the power to determine if continuing police problems exist at the restaurant and if he or she determines such, he or she may require the presence of a police-approved doorman and/or security personnel.

(g) The conditional use permit conditions shall be placed on the property in a location and in a manner where employees can easily read the conditions.

(h) All alcoholic beverages sold must be bagged in clear plastic bags. Use of brown paper or other opaque bags or packaging is prohibited.

(i) Any other condition(s) deemed necessary or appropriate by the city to protect the health and welfare of its residents.

(2) Special Requirements. Pursuant to California Business and Professions Code Section 23790.5, decisions to grant or deny conditional use permit applications for the concurrent sale of motor vehicle fuel and beer and wine for off-site consumption shall be based upon written findings, which are based on substantial evidence in light of the whole record justifying the decision. All parties shall be given the opportunity to present at the hearing on the conditional use permit application. (Ord. 587 § 20-1.1915).

20.72.050 Beer and wine convenience store.

(1) Definition. Any proposed retail establishment, other than a gas station, which will consist of less than 23,000 square feet in gross floor area, and which is proposed to sell for off-premises consumption beer and wine as defined in California Business and Professions Code Sections 23006 and 23007, as those code sections may be amended, supplemented or renumbered, for off-premises consumption, shall be deemed for the purpose of this section a beer and wine convenience store.

(2) Geographic Requirements. All beer and wine convenience stores must meet the following geographical requirements:

(a) The lot upon which the establishment is proposed to be located is not within 500 linear feet of a lot upon which is located an educational institution, public park or church.

(b) The lot upon which the establishment is proposed to be located is not within 500 linear feet of a lot upon which is located another such use.

(3) Conditional Use Permit Required. All beer and wine convenience stores shall be permitted only with a valid conditional use permit which shall be subject to at least yearly review by the city council and which may contain but need not be limited to the following conditions:

(a) The establishment's total yearly alcohol sales make up no more than 25 percent of the establishment's total yearly gross sales.

(b) Prior to March 1st of each year the establishment shall submit to the city's director of community development yearly financial statements for the prior calendar year, or portion thereof if the establishment was not in business for the entire calendar year.

(c) Sales of beer and wine shall be limited to the hours between 10:00 a.m. and 10:00 p.m.

(d) The sale of beer in quantities of fewer than six cans or bottles is prohibited and no alcoholic beverage shall be sold in unit quantities less than the distributor's intended resale units.

(e) The sale of malt liquor is prohibited.

(f) At all times between the hours of 10:00 a.m. and 10:00 p.m. or when beer and wine is offered for sale if it is offered for sale at fewer hours, any sales clerk who is authorized to sell alcohol must have participated in a licensee education on alcohol and drugs class put on by the California Department of Alcoholic Beverage Control or must participate in such class within two months of his or her employment as a sales clerk. Establishments must show proof of such attendance on the premises and present such proof upon request by the director of community development.

(g) The chief of police has the power to determine if continuing police problems exist at the restaurant and if he or she determines such, he or she may require the presence of a police-approved doorman and/or security personnel.

(h) The conditional use permit conditions shall be placed on the property in a location where employees can easily read the conditions.

(i) All alcoholic beverages sold must be bagged in clear plastic bags. Use of brown paper or other opaque bags or packaging is prohibited.

(j) Any other condition deemed necessary or appropriate by the city to protect the health and welfare of its residents. (Ord. 587 § 20-1.1920).

20.72.060 Grocery stores selling liquor.

(1) Definition. Any proposed retail establishment, other than a gas station, which will consist of 23,000 square feet or more in gross floor area and which is proposed to sell alcohol for off-premises consumption shall be deemed for the purpose of this section a grocery store selling liquor.

(2) Conditional Use Permit Required. All grocery stores selling liquor shall be permitted only with a valid conditional use permit which shall be subject to at least yearly review by the city council and which may contain but need not be limited to the following conditions:

(a) The establishment's total yearly alcohol sales make up no more than 25 percent of the establishment's total yearly gross sales.

(b) Prior to March 1st of each year the establishment shall submit to the city's director of community development yearly financial statements for the prior calendar year, or portion thereof if the establishment was not in business for the entire calendar year.

(c) Alcoholic beverages, as defined in California Business and Professions Code Section 23004, as that code section may be amended or supplemented or renumbered, shall not be sold in quantities smaller than 750 milliliters.

(d) The chief of police has the power to determine if continuing police problems exist at the retail establishment and if he or she determines such, he or she may require the presence of a police-approved doorman and/or security personnel.

(e) The conditional use permit conditions shall be placed on the property in a location where employees can easily read the conditions.

(f) All alcoholic beverages sold must be bagged in clear plastic bags. Use of brown paper or other opaque bags or packaging is prohibited.

(g) Any other condition(s) deemed necessary or appropriate by the city to protect the health and welfare of its residents. (Ord. 587 § 20-1.1925).

20.72.070 Temporary use permit for consumption of alcohol.

(1) A temporary use permit to allow a restaurant to sell beer and wine or other alcoholic beverages for on premises consumption will not be granted by the planning commission unless the following conditions exist:

(a) No dancing shall be permitted on the premises.

(b) No alcohol beverages shall be sold after 11:00 p.m.

(c) No separate cocktail lounges or bar shall be located on the premises.

(d) No alcohol beverages shall be offered or sold on the premises unless the restaurant kitchen is in operation and a substantial variety of dishes are available to the patrons.

(e) A minimum dinning area of 400 square feet (equivalent to 57 occupants) shall be provided.

(f) No alcoholic beverages shall be sold or served to a patron unless said patron also has ordered food.

(g) The chief of police has the power to determine if the presence of a police-approved doorman and/or security personnel is required.

(2) The foregoing conditions may or may not be required by the director of community development for any individual permit. (Ord. 587 § 20-1.1930).

20.72.080 Rights of appeal and review.

(1) Rights of Appeal and Review. Any interested party may appeal decisions of the community development director to the planning commission. Any interested party to the city council may appeal decisions of the planning commission.

(2) Calls for Review. The planning commission may review any decision of the planning director. The city council may review any decision of the planning commission.

(3) Procedures. Procedures for appeals and calls for review shall be as prescribed by Chapter 20.20 CMC (Appeals). (Ord. 587 § 20-1.1935).

20.72.090 Expiration, violation, discontinuance and revocation.

(1) Expiration. Any use permit for an alcoholic beverage outlet granted in accordance with the terms of this chapter shall expire within 12 months from the date of approval unless a license has been

issued or transferred by the California State Department of Alcoholic Beverage Control prior to the expiration date.

(2) Time Extension. The planning commission, or the community development director, as the case may be, may grant a time extension for a use permit for an alcoholic beverage outlet for a period or periods not to exceed 12 months. An application for a time extension shall be made in writing to the community development director no less than 30 days or more than 90 days prior to the expiration date.

(3) Violation of Terms. The planning commission, or the community development director, as the case may be, may revoke a use permit for an alcoholic beverage outlet upon making one or more of the following findings:

(a) That the permit was issued on the basis of erroneous or misleading information or misrepresentation.

(b) That the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated.

(c) The establishment for which the permit was issued is being operated in an illegal or disorderly manner.

(d) Noise from the establishment for which the permit was issued violates the community.

(e) The business or establishment for which the permit was issued has had or is having an adverse impact on the health, safety or welfare of the neighborhood or the general public.

(f) There is a violation of or failure to maintain a valid ABC license.

(g) The business or establishment fails to fully comply with all the rules, regulations and orders of the California State Department of Alcoholic Beverage Control.

(4) Discontinuance. A use permit for an alcoholic beverage outlet shall lapse if the use is discontinued for 90 consecutive days or if the ABC license for the establishment has been revoked or transferred to a different location.

(5) Revocation. Procedures for revocation shall be as prescribed by Chapter 20.44 CMC (Conditional Use Permits and Variances). (Ord. 587 § 20-1.1940).

Chapter 20.76

GENERAL DEVELOPMENT REQUIREMENTS AND EXCEPTIONS

Sections:

20.76.010 Intent and purpose.
20.76.020 Conformity to development standards.
20.76.030 Maintenance of required facilities.
20.76.040 Nuisances.
20.76.050 Access ways for fire vehicles.
20.76.060 Required area.
20.76.070 Increased area required.
20.76.080 Rescission of agreements made contrary to lot area provisions.
20.76.090 Required area reduced by public use.
20.76.100 Required width.
20.76.110 Street frontage.
20.76.120 Identification or designation of lot lines in doubt.
20.76.130 Required width reduced by public use.
20.76.140 Modification of lot widths.
20.76.150 Rescission of agreements made contrary to lot width provisions.
20.76.160 Specialized front yard requirements.
20.76.170 Specialized side yard requirements.
20.76.180 Specialized rear yard requirements.
20.76.190 Location of accessory buildings in yards.
20.76.200 Projections into yards.
20.76.210 Distance between buildings.
20.76.220 Open area and required rear yard.
20.76.230 Property adjoining a street or highway.
20.76.240 Under-width streets.
20.76.250 Use of yards.
20.76.260 Yard and setback areas reduced by public use.
20.76.270 Height limit.
20.76.280 Maximum lot coverage.
20.76.290 Floor area ratio.
20.76.300 Intent and purpose.
20.76.310 Conformity to general provisions.
20.76.320 Principal uses subject to special conditions.
20.76.330 Transitional uses.
20.76.340 Accessory uses permitted.

20.76.010 Intent and purpose.

The specific and detailed development standards included in this zoning code are supplementary provisions intended to provide clarification and amplification of the provisions and standards governing development in each zone. (Ord. 587 § 20-1.2000).

20.76.020 Conformity to development standards.

The development standards contained in this zoning code shall govern all the uses, buildings, and structures in every zone, and, except as otherwise provided in this zoning code, no building, structure, or use may hereafter be established, enlarged, moved, operated, or maintained on a lot or parcel of land unless such building, structure, or use conforms to the standards of development for the zone in which it is located. (Ord. 587 § 20-1.2005).

20.76.030 Maintenance of required facilities.

All physical facilities required in this title, such as structures, paving, fences, walls, and landscaping, shall be kept and maintained in a neat, clean, orderly, operable, and usable condition. (Ord. 587 § 20-1.2010).

20.76.040 Nuisances.

Neither the provisions of this zoning code nor the granting of any permit provided for in this zoning code shall authorize or legalize the maintenance of any public or private nuisance. (Ord. 587 § 20-1.2015).

20.76.050 Access ways for fire vehicles.

(1) Each parcel or lot used for multifamily dwellings, condominiums, a hospital, or institutional commercial or industrial purposes shall provide and maintain thereon vehicle access for emergency fire vehicles. Such access way shall be unobstructed and not less than 20 feet in width. The access way shall be extended to within 150 feet of all portions of the exterior walls of the first floor of any building.

The required width of access ways shall not be obstructed in any manner, including parking of vehicles, building overhangs, or trees.

(2) Access ways for emergency fire vehicles shall be posted with durable signs with the following wording:

FIRE ACCESS
NO PARKING
(in six (6") inch high letters)

VEHICLE REMOVED
AT OWNER'S EXPENSE
F.C. Section 13.208-CVC Section 22658A
Cudahy Municipal Code Section 20-21.5
L.A. County Sheriff's Department
264-4151
(in two (2") inch high letters)

(3) Deviations from these posting requirements may be permitted by the fire department only upon showing that:

(a) Special circumstances make compliance impractical.

(b) An alternate method of posting will provide substantially similar notice to the public.

(c) Safety and access has been provided that is substantially similar to that available where the required access ways are provided. The posting requirements set forth in subsection (2) of this section shall apply to fire access ways established prior to the adoption of the ordinance codified in this chapter as well as those established subsequent thereto.

(4) Parking or the maintenance of any obstruction within any portion of a posted fire access way is prohibited. Any vehicle parked in violation of this section may be issued a warning or citation or be subject to being towed away and impounded, pursuant to the Vehicle Code.

(5) Any violation of the provisions of this section shall be a misdemeanor and shall be punishable by a fine of not less than $25.00.

(6) The registered owner of any vehicle parked in violation of this section shall be responsible for all expenses incurred in connection with the towing and impounding of such vehicle. (Ord. 587 § 20-1.2020).

20.76.060 Required area.

(1) Minimum Lot Area. Unless otherwise provided in this section, the required area of a lot or parcel of land shall not be less than the area indicated by the zoning symbol in accordance with:

(a) Where no number follows the zoning symbol, the required area shall be the area designated in the zone and repeated herein as follows:

R-1 = 5,000 square feet.
R-2 = 6,000 square feet.
R-3 = 6,000 square feet.
C-1 = 6,000 square feet.
C-3 = 6,000 square feet.
C-M = 6,000 square feet.
M-2 = 6,000 square feet.

Notwithstanding anything to the contrary hereinabove, the required area of a lot or parcel of land zoned C-M or M-2 and located in the Atlantic Boulevard Corridor shall be 40,000 square feet.

(b) In any zone not included in this section, the required area where no number follows the zoning symbol shall be 6,000 square feet.

(2) Area Accepted as the Required Area. The required area of a lot or parcel of land shall be not less than the area indicated by the zoning symbol except under the following special conditions:

(a) Subdivisions. "Required area" shall mean the area of a lot or parcel of land shown as a part of a subdivision for purposes of sale when recorded as a final map or on file as a record of survey map approved as provided in the Subdivision Map Act or the subdivision ordinance of the city.

(b) Preexisting Lots. Where a person who neither owns nor has a right of possession to any contiguous parcel of land has the right of possession to a lot or parcel of land by virtue of a duly recorded deed or contract of sale, the "required area" shall mean the area of a lot or parcel of land provided the deed or contact of sale, by which such right of possession was separated, has been recorded prior to the adoption of this zoning code or any subsequent ordinance imposing area requirements on the lot or parcel of land.

(c) Parcels of Land Divided by Boundary Lines. Where a parcel of land which would otherwise have been shown as one lot is divided into two or more lots because of a city boundary line, "required area" shall mean the total area of said parcel of land. (Ord. 587 § 20-1.2035).

20.76.070 Increased area required.

Where in this zoning code a particular use is permitted only when established on a lot or parcel of land having an actual area greater than the area indicated as required by the zoning symbol, then such higher area requirement shall prevail for the lot or parcel of land upon which such use is located. (Ord. 587 § 20-1.2040).

20.76.080 Rescission of agreements made contrary to lot area provisions.

Any deed or conveyance, sale, or contract to sell made contrary to the provisions of this title with regard to lot area shall be voidable at the sole option of the grantee, buyer, or person contracting to purchase, or his heirs, personal representative, or trustee in insolvency or bankruptcy, within one year after the date of execution of such deed of conveyance, sale, or contract to sell. However, the deed of conveyance, sale, or contract to sell shall be binding upon any assignee or transferee of the grantee, buyer, or person contracting to purchase, other than those enumerated above, and shall also be binding upon the grantor, vendor, or person contracting to sell, his assignee, heir, or devisee. (Ord. 587 § 20-1.2045).

20.76.090 Required area reduced by public use.

Where a lot or parcel of land having the required area loses a portion of this area in yielding area for public use in any manner, including, but not limited to, dedication, condemnation, or purchase, the remaining lot or parcel of land shall be accepted as having the required area, providing the property still contains not less than two-thirds of the required area. (Ord. 587 § 20-1.2050).

20.76.100 Required width.

(1) Minimum Lot Width. Unless otherwise provided in this chapter, the required width of a lot or parcel of land shall be not less than the width designated in the zone.

(2) Required Minimum Lot Width.

(a) Where a number follows the zone symbol indicating the required area for the zone, the required width shall correspond to that area as listed in Table 20.76-1.

(b) Where no number follows the zoning symbol, the required width shall correspond to the required area as designated in the zone and in accordance with Table 20.76-1.

(3) Undesignated Lot Widths. Where a minimum lot area is not designated in a zone, the mini-

mum required width of a lot or parcel of land shall be 60 feet.

(4) Required Width of Lots Accepted as Having the Required Area. The width of a lot accepted as having the required area, as provided in CMC 20.76.060(2), or which meets the conditions of that section, shall be accepted as having the required width.

Table 20.76-1
Minimum Required Width

Required Area	Interior Lot	Corner Lot
Under 6,000	50	60
6,000 – 6,999	60	65
7,000 – 7,999	65	70
8,000 – 8,999	70	70
9,000 – 9,999	75	75
10,000 – 12,499	80	80
12,500 – 14,999	90	90
15,000 and over	100	100

(Ord. 587 § 20-1.2055).

20.76.110 Street frontage.

Each lot or parcel of land shall have a street frontage of not less than 35 feet where the front property line coincides with the street line. (Ord. 587 § 20-1.2060).

20.76.120 Identification or designation of lot lines in doubt.

Where the identification or designation of the front, side, or rear lot line is in doubt, as in the following situations, the community development director shall determine the identity or designation of the lot lines:

(1) Corner lots or parcels of land with two street frontages approximately equal in length;

(2) Through lots or parcels of land fronting on two or more streets; and

(3) Lots or parcels of land where the only contiguous boundary to a public street or highway is provided by a driveway or other private access or a street frontage of less than 35 feet. The community development director shall also determine the measurement of the lot width. (Ord. 587 § 20-1.2065).

20.76.130 Required width reduced by public use.

Where a lot or parcel of land having the required width loses a portion of this width in yielding area for public use in any manner, including, but not limited to, dedication, condemnation, or purchase, the remaining lot or parcel of land shall be accepted as having the required width providing the property retains an average lot width of not less than two-thirds the required width. (Ord. 587 § 20-1.2070).

20.76.140 Modification of lot widths.

The community development director or the planning commission may, without notice or hearing, grant a modification of lot width regulations where topographic features, subdivision plans, or other conditions create an unnecessary hardship or unreasonable situation, making it impractical to require compliance with the lot width provisions. All modified lots or parcels of land shall be subject to the provisions of Chapter 20.36 CMC (Site Plan Review). (Ord. 587 § 20-1.2075).

20.76.150 Rescission of agreements made contrary to lot width provisions.

Any deed of conveyance, sale, or contract to sell made contrary to the provisions of this zoning code with regard to lot width is voidable at the sole option of the grantee, buyer, or person contracting to purchase, or his heirs, personal representative, or trustee in insolvency or bankruptcy, within one year after the date of execution of said deed or conveyance, sale, or contract to sell. However, the deed of conveyance, sale, or contract to sell is binding upon any assignee or transferee of the grantee, buyer, or person contracting to purchase, other than those enumerated above, and is binding upon the grantor, vendor, or person contracting to sell, his assignee, heir, or devisee. (Ord. 587 § 20-1.2080).

20.76.160 Specialized front yard requirements.

(1) Partially Developed Blocks. Where some lots or parcels of land in a block are improved or partially improved with buildings, each lot or parcel of land in said block shall have a front yard depth of not less than the average depth of the front

yards of land adjoining on either side. A vacant lot or parcel of land, or a lot or parcel of land having more than the front yard depth required in the zone, shall be considered for this purpose as having a front yard of the required depth.

(2) Key Lots. The depth of the required front yard on key lots or parcels of land shall not be less than the average depth of the required front yard of the adjoining interior lot or parcel of land and the required side yard of the adjoining reversed corner lot or parcel of land. (Ord. 587 § 20-1.2085).

20.76.170 Specialized side yard requirements.

(1) Width.

(a) Each interior lot or parcel of land with a lot width of 50 feet, or less, shall have side yards as required by the zone, but in no event shall the width of such required side yards be less than three feet.

(b) Required side yards in residential and agricultural zones shall be increased one foot in width for each story of a building established above a height of one story.

(2) Corner or Reversed Corner Lots.

(a) Corner or reversed corner lots or parcels of land shall have side yards as required by the zone, except that in all residential zones a required side yard on the street side of the property shall be as shown on the official setback map.

(b) If the area of a corner or reversed corner lot or parcel of land is larger than the required area indicated for the zone in which the lot or parcel of land is located, then the length of the required side yard setback line, on the street side of the property, shall be determined from the table below, and the remainder of the property on the side bounded by the street shall have a required yard depth equal to the depth required for the adjacent front yard.

(3) Corner or Reversed Corner Lots or Parcels of Land.

Table 20.76-2
Minimum Required Width

Required Area (Square Feet)	Length of Side Yard Line
Under 6,000	125
6,000 – 7,999	130
8,000 – 8,999	135

Table 20.76-2
Minimum Required Width (Continued)

Required Area (Square Feet)	Length of Side Yard Line
9,000 – 9,999	140
10,000 – 12,499	150
12,500 – 14,999	175
15,000 and over	200

(Ord. 587 § 20-1.2090).

20.76.180 Specialized rear yard requirements.

(1) Rear Yards Adjoining an Alley. Where a required rear yard adjoins an alley, one-half of the width of such alley may be considered as a part of the depth of a required rear yard.

(2) Industrial Zones Adjoining a Residential Zone. Where an industrial zone adjoins a residential zone, each lot or parcel of land in the industrial zone adjoining a lot or parcel of land in a residential zone shall have a rear yard not less than 30 feet in depth along the contiguous property line. (Ord. 587 § 20-1.2095).

20.76.190 Location of accessory buildings in yards.

(1) Garages on Sloping Terrain. Where front yards are required, each lot or parcel of land having a slope of 20 percent or more, measured from the front property line to a point midway between the side lot lines and a distance of 25 feet from the front property line, may contain a one-story garage located not less than five feet from the front property line, provided the height of the roof-peak of the garage or carport is not more than 15 feet above the level of the street.

(2) Location of Accessory Buildings with Regard to Side and Rear Lot Lines.

(a) Accessory buildings, including garages, located within 75 feet from the front property line shall have the same side yard as is required for any main building or buildings on the same lot or parcel of land. Such accessory buildings may be located in a required rear yard provided no part of the building is located within five feet of a side lot line.

(b) Accessory buildings, including garages, located more than 75 feet from the front property line, may be located in a required side or rear yard; provided, however, if the rear yard line adjoins the side yard of a key lot, such building shall be no closer than five feet from said rear lot line.

(c) Accessory buildings having an opening more than six feet wide facing an existing or proposed alley may not be located less than 15 feet from the center-line of said alley. (Ord. 587 § 20-1.2096).

20.76.200 Projections into yards.

(1) The following structures may be erected or projected into any required yard:

(a) Fences and walls as provided in Section 20-28 (Special Development Standards);

(b) Signs as provided in Chapter 20.84 CMC (Sign Regulations); and

(c) Landscape elements, including trees, shrubs, and other plants.

(2) The following projections may extend into a required front or rear yard a distance not to exceed six feet, provided such projections do not approach within two and one-half feet of any front, side, or rear property line:

(a) Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features;

(b) Fireplace structures and bays, not wider than eight feet measured in the general direction of the wall of which they are a part, provided said fireplaces or bays do not project more than three feet into required front or rear yard setbacks;

(c) Open and unenclosed fire escapes, balconies, stairways, and door stoops;

(d) Awnings;

(e) Planting boxes or masonry planters not to exceed a height of 42 inches; and

(f) Fish ponds, swimming pools, and other bodies of water subject to the provisions of this zoning code and any other applicable ordinance. (Ord. 587 § 20-1.2097).

20.76.210 Distance between buildings.

A minimum distance of 10 feet shall be required between all main buildings established on the same lot or parcel of land or a minimum of five feet of an accessory building or garage with a one-hour fire rating. (Ord. 587 § 20-1.2098).

20.76.220 Open area and required rear yard.

Accessory buildings may occupy more than 50 percent of a required rear yard provided an open space is substituted for the occupied rear yard. Such substitute open area shall:

(1) Be equal or greater in area than one-half the area of the required rear yard;

(2) Have no linear dimension less than 20 feet in length or width; and

(3) Be located on the same lot or parcel of land in any area not devoted to a required yard. (Ord. 587 § 20-1.2099).

20.76.230 Property adjoining a street or highway.

(1) Where a lot or parcel of land in any zone adjoins a public street or highway, a setback or building line shall be provided at a distance as shown on the official setback map of the city.

(2) The community development director shall designate the distance from the center-line in any case where the ultimate width of a proposed street or highway is not specified on the official setback map of the city. (Ord. 587 § 20-1.20100).

20.76.240 Under-width streets.

A building or structure shall not be erected or maintained on a lot or parcel of land that abuts a highway having only a portion of its required width dedicated and where either no part of, or less than half of, such dedication would normally revert to the lot or parcel of land if the highway were vacated, unless the yards provided and maintained in connection with such building or structure have sufficient width or depth in that portion of the lot or parcel of land needed to complete the highway width, plus whatever width or depth of yards is required on the lot or parcel of land by this zoning code. (Ord. 587 § 20-1.20105).

20.76.250 Use of yards.

(1) Boats or Trailers. Boats or trailers may not be stored in any required front or side yard in residential zones, nor be parked in such yard continuously in excess of 24 hours.

(2) Storage in Yards. No storage shall be permitted in any required front or side yard.

(3) Vehicle Parking. The required front yard and side yard areas abutting a street shall not be used for the purpose of parking motor vehicles

except on a driveway. For the purposes of this section:

(a) "Required front yard and side yard areas" shall be the open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the main building facing the street projected to the side lines of the lot.

(b) "Driveway" shall mean a paved way over the shortest distance between a garage, carport, or other approved vehicle storage area (located on the same lot or parcel as the driveway) and the point of access thereto from a street or highway. Such driveway shall not exceed a width of 20 feet within the front yard area. The community development director may, without notice or hearing, grant a modification to the driveway requirements set forth in this section where the topographic features, subdivision plans, or other conditions create an unnecessary hardship. All modified driveways shall be subject to the provisions of Chapter 20.36 CMC (Site Plan Review).

(4) A violation of subsection (3) of this section is hereby declared to be an infraction punishable by a fine in an amount established by resolution of the city council of the city of Cudahy. A violation of subsection (1) or (2) of this section is a misdemeanor punishable pursuant to CMC 1.36.010(1). (Ord. 587 § 20-1.20110).

20.76.260 Yard and setback areas reduced by public use.

Where an improved lot or parcel conforms with the yard or setback requirements of the zoning or setback map, and such yard or setback area is thereafter reduced due to an acquisition for public use in any manner, including, but not limited to, dedication, condemnation, or purchase, the remaining lot or parcel of land shall nevertheless be deemed to conform with such yard or setback requirements. (Ord. 587 § 20-1.20111).

20.76.270 Height limit.

(1) Measure of Building Height on Sloping Terrain. In any zone, for buildings erected on sloping terrain, the height of the building shall be measured from the highest adjoining ground surface level at the base of the building. Above this measuring point, the building may not exceed the height limit prescribed in the zone, nor contain more than the permitted number of stories. With this top level as the high point above all other portions of the same building, any portion of such building rising from a lower part of the slope may have one and one-half stories more than the number of stories permitted in the zone.

(2) Building Height on Other Than Sloping Terrain. Where a building is erected on land not classified as sloping terrain, the height of the building shall be measured from the "ground level grade."

(3) Structures Above Height Limit or Adjusted Height Limit. The following structures may be established above the height limit permitted in the zone except that such structures shall not be allowed above the height limit for the purpose of providing additional floor area. The height of such structures need not be included in measuring the height of a building supporting said structure.

(a) Penthouses or roof structures for the housing of elevators;

(b) Stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building; and

(c) Fire or parapet walls, skylights, towers, steeples, flagpoles, signs and sign structures, chimneys, smokestacks, receiving antennas, water tanks, silos, and other similar structures. (Ord. 587 § 20-1.20112).

20.76.280 Maximum lot coverage.

Each lot or parcel of land in any zone in which the maximum lot coverage is numerically stated shall not have buildings or structures covering a percentage of the land greater than indicated. (Ord. 587 § 20-1.20113).

20.76.290 Floor area ratio.

(1) Adherence to Designated Floor Area Ratio. All buildings hereafter designed or erected, and existing buildings which may be reconstructed, altered, moved, or enlarged, may not exceed the floor area ratio indicated for the zone in which said buildings are or may be located except as otherwise provided in subsection (2) of this section.

(2) Buildings Located on Zone Boundary Lines. Where buildings hereafter designed or erected, and existing buildings which may be reconstructed, altered, moved or enlarged are or may be located on a lot or parcel of land divided

into two or more zones, then such building shall be established in compliance with any prescribed floor area ratio, or the average floor area ratio if more than one ratio applies. Where a height limit applies in one zone and a floor area ratio in another, such building shall be established in compliance with the less restrictive regulation.

(3) Floor Area Underground. Floor area included in subsurface floors of a building shall not be counted or included in any determinations based on floor area or lot coverage. (Ord. 587 § 20-1.20114).

20.76.300 Intent and purpose.

The general provisions included in this zoning code are supplementary provisions intended to provide clarification and amplification of the provisions and standards governing development in each zone. (Ord. 587 § 20-1.20115).

20.76.310 Conformity to general provisions.

The general provisions contained in this zoning code shall govern all the uses, land, buildings, and structures in every zone where the provisions apply, and except as otherwise provided in this zoning code, no building, structure, or use shall be hereafter established, enlarged, operated, or maintained on a lot or parcel of land unless such building, structure, or use conforms with the standards of development in the zone in which it is located. (Ord. 587 § 20-1.20118).

20.76.320 Principal uses subject to special conditions.

In addition to the standards of development prescribed in this zoning code for public health, safety, and general welfare, the following principal uses shall be established in compliance with the conditions as listed herein unless the planning commission specifically amends or omits these conditions. (Ord. 587 § 20-1.20119).

20.76.330 Transitional uses.

The following regulations shall apply to transitional uses where they are permitted as a principal use:

(1) The transitional use shall be limited to automobile parking lots.

(2) The transitional use shall be limited to an area within 100 feet from the boundary of the zone from which such transitional use is derived.

(3) Any portion of a lot or parcel of land developed with the transitional use shall not leave any remaining portion containing less than the required area or width.

(4) The transitional lot or parcel of land shall:

(a) Have a side lot line adjoining, or separated only by, an alley, for a distance of not less than 50 feet, with property in the less restrictive zone from which such transitional use is derived; or

(b) Where the lot or parcel of land referred to in subsection (4)(a) of this section has a width less than 100 feet, additional lots or parcels of land may be considered as transitional lots provided:

(i) They have successive contiguity on one side lot line with the transitional lot described in subsection (4)(a) of this section;

(ii) In no event shall the total area developed to the transitional use extend more than 100 feet from a zone listed in subsection (8) of this section; and

(iii) All areas extending from the qualifying zone are developed for parking.

(5) The side lot line of a transitional lot or parcel of land shall not exceed the length of the side lot line common to the less restrictive zone from which such transitional use is derived. The community development director may modify this provision to the extent permitted in subsection (2) of this section.

(6) The transitional use shall be developed in accordance with the provisions of CMC 20.80.010 (Off-Street Parking and Loading Requirements), except that a transitional lot shall have a landscaped front yard setback equal to that of the zone in which it is located.

(7) The area developed with the transitional use shall have direct vehicular access to an improved public street, highway, or alley or to the less restrictive zone from which such transitional use is derived.

(8) The transitional use shall be permitted when a residential or agricultural zone adjoins or is separated only by an alley from any commercial or manufacturing zone. (Ord. 587 § 20-1.20120).

20.76.340 Accessory uses permitted.

Accessory uses may be developed as permitted in this zoning code provided such uses are located on the same lot or parcel of land and are incidental to, and do not substantially alter, the character of any permitted principal use. (Ord. 587 § 20-1.20130).

Chapter 20.80

OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

20.80.010 Limitation of parking and loading facilities.
20.80.020 Fractional remainders in computing required off-street parking spaces.
20.80.030 Dimensions for parking areas and access.
20.80.040 Parking area circulation.
20.80.050 Site plans for required parking areas.
20.80.060 Loading facilities.
20.80.070 Maintenance and operation of parking facilities.
20.80.080 Handicapped parking.
20.80.090 Compact spaces.
20.80.100 Tandem parking.
20.80.110 Required number of parking spaces.

20.80.010 Limitation of parking and loading facilities.

(1) Location of Parking and Loading Facilities.

(a) Residential Zones. Required parking facilities in residential zones and permitted residential uses in any other zone shall be located on the same lot or parcel of land as the use that the parking space is intended to serve.

(b) Zones Other Than Residential.

(i) Parking Facilities. Required parking facilities in zones other than residential may be located:

(A) Outdoors or in a building.

(B) On the same lot or parcel of land as the use the parking space is intended to serve.

(C) On a lot or parcel of land held under the same or joint ownership provided such parking facilities are located within 400 feet of the use served.

(D) On a lot or parcel of land owned or operated by the city as a parking lot, parking district, or parking area provided such commuter parking facilities are located within 1,000 feet of the use served.

(ii) Loading Facilities. Required loading facilities shall be located on the same lot or parcel of land as the use served.

(2) Ingress and Egress. Required parking and loading facilities shall be provided with easily accessible and adequate ingress and egress from and to a street, highway, or alley.

(3) Reduction or Encroachment.

(a) Land within the right-of-way of a proposed street or highway, or within the right-of-way of a street or highway proposed to be widened, may not be used to provide required parking or loading facilities.

(b) Where vehicular access to a garage, carport, or automobile storage space, on the same lot or parcel of land as the residential structure to which said parking facility would be accessory, is not possible from any street, highway or alley due to topographical or other conditions, or is so difficult to achieve that to require such access is unreasonable in the opinion of the community development director or city engineer, such garage, carport or automobile storage space is not required if:

(i) Alternate parking facilities, approved by either the community development director or the city engineer, are provided; or

(ii) The community development director or city engineer finds that alternate parking facilities are not feasible. (Ord. 587 § 20-1.2100).

20.80.020 Fractional remainders in computing required off-street parking spaces.

When a fractional figure is found as a remainder in computations made to determine required off-street parking facilities, such fraction shall be construed as a whole number. (Ord. 587 § 20-1.2105).

20.80.030 Dimensions for parking areas and access.

(1) Parking Space Dimensions.

(a) Standard Spaces. The minimum dimensions of required parking spaces shall be a width of nine feet and a length of 19 feet.

(b) Compact Spaces. The minimum dimensions of compact spaces shall be a width of eight feet and a length of 16 feet.

(c) Tandem spaces are not permitted unless a CUP is approved.

(2) Parking Space Layout.

(a) Parking spaces laid out parallel to, or at angles through 45 degrees, to the aisles or driveways, shall have a one-way aisle or driveway width of not less than 12 feet.

(b) Parking spaces laid out at angles from 46 degrees through 60 degrees to the aisles or driveways shall have a one-way aisle or driveway width of not less than 18 feet.

(c) Parking spaces laid out at angles from 61 degrees through 90 degrees to the aisles or driveways shall have an aisle or driveway width of not less than 25 feet.

(d) Required aisles or driveways to serve other than residential uses shall have a minimum width of 10 feet, to accommodate one-way vehicular traffic, and a minimum width of 20 feet, to accommodate two-way vehicular traffic, except as otherwise provided in this section.

(3) Driveways for Residential Uses.

(a) Driveways serving to provide vehicular access to residential uses in any zone shall conform to the following provisions and shall require the approval of the county fire department. Where standards of the fire department vary from those herein described, the greater width shall be required.

(b) Driveways serving projects of fewer than four units shall have a minimum width of 16 feet. If existing structures prohibit the provision of such width, the minimum access driveway shall be the maximum attainable adjacent to such structures, but in no case shall be less than 12 feet in width.

(c) Driveways serving projects of four and five units shall have a minimum width of 20 feet. If existing structures prohibit the provisions of such width, the minimum access driveway shall be the maximum attainable adjacent to such structures, but in no case shall be less than 16 feet in width.

(d) Driveways for development projects of six to 20 units shall have a width of 24 feet. If existing structures prohibit the provision of such width, the minimum access driveway shall be the maximum attainable adjacent to such structures, but in no case shall be less than 20 feet.

(e) Driveways for development projects greater than 20 units shall have two access driveways of 20 feet.

(4) Driveways for Commercial and Industrial Uses. Driveways serving to provide vehicular access to commercial or industrial uses shall have widths of not less than 12 feet. (Ord. 587 § 20-1.2110; Ord. 380 § 1; Ord. 374 § 3).

20.80.040 Parking area circulation.

(1) The planned circulation of automobiles in a parking lot shall be arranged to permit vehicular traffic to move into and out of the parking area without backing any automobile onto a public right-of-way.

(2) Parking areas having more than one aisle or driveway shall have directional signs provided in each aisle or driveway. (Ord. 587 § 20-1.2115).

20.80.050 Site plans for required parking areas.

(1) A site plan shall be submitted to the director, pursuant to the provisions of Chapter 20.36 CMC (Site Plan Review), prior to the establishment of any required parking facilities for 10 or more automobiles.

(2) Required parking spaces shall be determined on the basis of 400 square feet of usable lot area per automobile unless the site plan required by subsection (1) of this section contains a detailed parking arrangement, accurately dimensioned, showing individual parking spaces not less than nine feet by 20 feet in size and aisles and driveways indicating adequate ingress and egress, and the director finds that such parking arrangement satisfies the requirements of the zone. (Ord. 587 § 20-1.2120).

20.80.060 Loading facilities.

The following provisions shall apply to all required loading facilities, except that loading areas provided inside a building need not be located to adjoin or extend along any existing alley:

(1) The minimum area required for a loading space shall be not less than 10 percent of the required parking area pursuant to the provisions of this chapter; provided, however, in no event shall the minimum loading space be less than 250 square feet. The loading area required by this section shall not be construed to reduce the required parking area otherwise provided for in this chapter or elsewhere in this code.

(2) Where buildings are occupied by more than one business, occupant, or tenant, there shall be a minimum of 250 square feet of off-street loading for each such business, occupant or tenant.

(3) On a lot or parcel of land adjoining an alley, the required loading area shall be accessible from the alley except when an existing building being lawfully maintained adjoins the alley and blocks further access from said alley, or when a new building is erected on the same lot or parcel of land blocking access from the alley, but only if adequate and accessible loading facilities are located elsewhere on the same lot or parcel of land. (Ord. 587 § 20-1.2125).

20.80.070 Maintenance and operation of parking facilities.

All areas used for the required parking of automobiles shall be developed as indicated in this chapter and, when required, shall have the following features indicated on any site plan submitted for review:

(1) Paving. All required parking spaces and driveways used for access thereto shall be paved with:

(a) In residential zones, Portland cement concrete, asphaltic concrete, or equivalent materials subject to approval of the director to a minimum thickness of three and five-eighths inches, including expansion joints as necessary.

(b) In commercial and industrial zones, concrete surfacing to a minimum thickness of five and five-eighths inches, including expansion joints as necessary, or asphalt type surfacing compacted to a minimum thickness of two inches, laid over a base of crushed rock, gravel, or other similar material, compacted to a minimum thickness of six inches; and

(c) In all zones, driveways with less than a one percent slope to the street shall be completely paved with concrete only in such thickness as is required by the use of the property as set forth in subsections (1)(a) and (b) of this section.

(2) Marking Parking Spaces. Wherever 10 or more automobile parking spaces are required, each space shall be clearly marked with paint or other easily distinguishable material.

(3) Bumper Guards or Wheel Stops. Bumper guards or wheel stops shall be provided for all required automobile parking spaces except spaces established in a garage.

(4) Walls.

(a) Front Yards. Where parking facilities for more than five automobiles are located in a front yard setback, within 10 feet of the front property line, or within a B Zone, such parking facilities

shall have a masonry wall, not more than 42 inches nor less than 36 inches high, established parallel to the front property line. Such wall may not be located nearer than five feet from the front property line when established in any area across the street from a residential zone.

(b) Side or Rear Yards. Where parking facilities for more than five automobiles are located on land adjoining a residential zone, such parking facilities shall, except as otherwise provided herein, have a masonry wall, not less than five feet high nor more than six feet high, established along the side and rear lot lines adjoining said zones. Wherever such wall is located within 10 feet of any street, highway, or alley and would interfere with the line of vision of the driver of an automobile leaving the property on a driveway or moving past a corner at the intersection of two streets, such wall shall not exceed a height of 42 inches nor be less than 36 inches in height.

(5) Landscaping.

(a) A landscaped strip not less than five feet in width shall be required along the sides of a required parking area bounded by a street or highway, excluding space devoted to driveways or permitted buildings or structures.

(b) Where a wall is required to be set back from a property line, the open area between the property line and such wall shall be landscaped and maintained.

(c) Required parking facilities for 10 or more automobiles shall, in addition, include interior landscaping to cover not less than two (6%) percent of the area devoted to outdoor parking facilities.

(d) Required landscaping shall be subject to the provisions of Section 20-28 (Special Development Standards) and Chapter 20.36 CMC (Site Plan Review).

(6) Lighting. Lighting of outdoor parking areas shall be arranged to prevent glare or direct illumination on any adjacent residential property and shall be of the following minimum intensity:

(a) In residential or more restrictive zones, all parking areas shall be illuminated with light having an intensity of not less than one footcandle at grade level.

(b) In commercial and industrial zones, all parking areas shall be illuminated with light having an intensity of not less than two footcandles at grade level. (Ord. 587 § 20-1.2130).

20.80.080 Handicapped parking.

Whenever off-street parking is provided for commercial uses pursuant to this chapter, parking spaces shall be provided for handicapped persons pursuant to the requirements of Title 24 as follows:

(1) One to 25 handicapped parking 25 parking thereof.

(2) Fifty or more spaces: one handicapped parking space for each 50 parking spaces, or fraction thereof, in excess of the first 50 parking spaces.

Handicapped parking spaces may not be used in meeting the numerical requirements for off-street parking spaces. Handicapped parking spaces shall be marked with signs and appropriate insignia. (Ord. 587 § 20-1.2135; Ord. 264 § 1).

20.80.090 Compact spaces.

Whenever off-street parking is provided for commercial and industrial uses pursuant to this chapter, reduced size parking spaces for compact cars shall be permitted for parking facilities providing more than 20 spaces; provided, that:

(1) Compact spaces make up no more than 20 percent of the total spaces provided; and

(2) Such spaces comply with the minimum dimensions set forth in subsection 2026.6b; and

(3) Each space is clearly marked on the pavement in the rear one-third of the space with the word "COMPACT"; and

(4) In parking facilities providing 50 or more spaces, any compact spaces which are provided shall be distributed throughout the facility, not concentrated in one place. (Ord. 587 § 20-1.2140; Ord. 374 § 4).

20.80.100 Tandem parking.

Whenever off-street parking is provided for commercial or industrial uses pursuant to this chapter, tandem parking shall be permitted through the approval by a conditional use permit. When such approvals are granted, the following will apply:

(1) Tandem spaces must not make up more than 20 percent of the total spaces provided; and

(2) All such spaces must comply with the minimum dimensions set forth in subsection 2026.6c; and

(3) Parking attendants or valets shall be provided at a minimum of one attendant for each 10 tandem spaces; and

(4) The parking attendants shall be employed exclusively for such valet parking and shall be available during all of the business hours of all of the businesses using the parking facility. (Ord. 587 § 20-1.2145; Ord. 374 § 5).

20.80.110 Required number of parking spaces.

The standards set forth in this section indicate the spaces and facilities required for off-street parking that shall apply at the time the subject building is erected. Such standards shall also apply when an existing building is altered or enlarged by the addition of dwelling units or guest rooms or the use in question is intensified by the addition of floor space, seating capacity, or fixed seats:

(1) Residential Uses.

(a) One-family dwellings on a lot or parcel of land with no more than one dwelling unit. Two parking spaces within an enclosed garage.

(b) One-family dwellings with a second residential unit on a lot or parcel of land in Zone LDR. Three parking spaces within an enclosed garage.

(c) One-family dwellings and multiple dwellings on a lot or parcel of land with two or more dwelling units. If the lot is considered legal nonconforming, there shall be at least three parking spaces for each dwelling unit, at least two of which shall be within an enclosed garage. Otherwise, each dwelling must have a two-car garage and one guest parking space. Dwellings with five or more bedrooms must have a three-car garage and one guest parking space.

(d) Clubs, fraternity houses, sorority houses, rooming houses, boarding houses, and similar structures having guest rooms. One parking space, in a garage or carport, for each two guest rooms; in dormitories each 100 square feet shall be equivalent to a guest room.

(e) Motels and hotels. One parking space for each unit, plus one parking space for the motel or hotel manager.

(f) Trailer parks. Two parking spaces per trailer site. One parking space for each space used for a mobile home.

(2) Commercial Uses.

(a) Bowling alleys. Five parking spaces for each lane, plus the spaces required by this section for additional uses conducted on the premises.

(b) Business, general. One parking space for each 200 square feet of building floor area.

(c) Chapels and mortuaries. One parking space for each three fixed seats or for every 21 square feet of seating area where there are no fixed seats, plus one parking space for each 400 square feet of floor area outside the main chapel.

(d) Dance halls. One parking space for each 35 square feet of dance floor area, plus one parking space for each five fixed seats or for each 35 square feet of seating area where there are no fixed seats.

(e) Offices, business and professional. One parking space for each 250 square feet of floor area.

(f) Open area uses not involving buildings or structures. One parking space for each 500 square feet of open area devoted to display or sales or one space for each two employees, whichever is greater.

(g) Restaurants, cafes, night clubs, bars, and other similar places dispensing food or refreshments. One parking space for each five fixed seats or for every 35 square feet of seating area where there are no fixed seats, plus one parking space for each two employees on the largest shift.

(h) Skating rinks, ice or roller. One parking space for each five seats or 35 square feet of seating area where there are no fixed seats, plus one parking space for each 250 square feet of floor area not used for seating.

(i) Swimming pools, commercial. One parking space for each 1,000 square feet of area on the lot or parcel of land on which such use is established, plus one parking space for each two employees.

(j) Theaters, auditoriums, stadiums, sports arenas, gymnasiums, and similar places of public assembly. One parking space for each five fixed seats or for every 35 square feet of seating area where there are no fixed seats, plus one parking space for each two employees.

(k) In addition to the above requirements, all commercial uses shall include one parking space

on the same lot or parcel of land as the use for each individual commercial establishment.

(l) Card clubs and casinos. One parking space for each 100 square feet of gross gaming floor area, plus one parking space for each two employees, plus the spaces required by this section for additional uses conducted on the premises.

(3) Industrial Uses.

(a) Industrial uses of all types, except buildings used exclusively for warehouse purposes. One parking space for each two employees on the largest shift or for each 400 square feet of floor area, whichever is greater, plus one parking space for each vehicle operated or kept in connection with the use.

(b) Public utility facilities, including, but not limited to, electric, gas, water, and telephone and telegraph facilities not having business offices on the premises. One parking space for each two employees on the largest shift, plus one space for each vehicle used in connection with the use. A minimum of two parking spaces shall be provided for each such use regardless of the building space or number of employees. Nothing provided in this section shall require off-street parking for unattended public utility uses.

(c) Warehouses or buildings used exclusively for storage purposes. One parking space for each 2,500 square feet of floor space or one space for each two employees, whichever is greater, plus one space for each vehicle used in connection with the use.

(4) Other Uses.

(a) Child care centers. One parking space for each two employees, plus one parking space for each classroom.

(b) Churches. One parking space for each five fixed seats or for every 35 square feet of seating area within the main auditorium where there are no fixed seats.

(c) Golf courses, not including miniature courses. Ten parking spaces per hole and one parking space for each 35 square feet of building floor area used for public assembly, plus one space for each 400 square feet of building floor area used for other commercial purposes.

(d) Hospitals. One and one-half parking spaces per patient bed.

(e) Large family day care homes. One parking space for every two employees.

(f) Public buildings. One parking space for each 250 square feet of office space or one parking space for each two employees, whichever is greater.

(g) Rest homes. One-fourth parking space per resident in accordance with the resident capacity of the home as listed on the required license or permit, plus one parking space for each two employees.

(h) Schools, including, but not limited to, business, general curriculum, professional, special, and trade schools. One and one-half parking spaces per classroom in an elementary school through the sixth grade where the school has an auditorium, gymnasium, or other similar place of public assembly or one parking space for each five fixed seats or for every 35 square feet of seating area where there are no fixed seats in the school auditorium, gymnasium, or similar place of assembly, or one parking space for each five students which the school buildings and facilities are designed to accommodate.

(i) Special uses, including, but not limited to, airports, jails, racetracks, shooting ranges, and uses not otherwise designated herein. To be determined in individual cases by resolution of the commission. Parking facilities as required for the use, except parking spaces for floor area devoted exclusively to warehouse storage facilities, shall be computed on the warehouse basis.

(j) Uses which include warehouse storage facilities. (Ord. 587 § 20-1.2146).

Chapter 20.84

SIGN REGULATIONS

Sections:

20.84.010 Purpose of sign regulations.
20.84.020 Policies.
20.84.030 Definitions.
20.84.040 Prohibited signs.
20.84.050 Permits required.
20.84.060 Signs in commercial and manufacturing zones.
20.84.070 Signs allowed without a permit in any zone.
20.84.080 Signs allowed without permit in residential zones.
20.84.090 Maintenance.
20.84.100 Sign programs.
20.84.110 Service station signs.
20.84.120 Changeable copy signs.
20.84.130 Legal nonconforming signs.

20.84.010 Purpose of sign regulations.

The objectives, justification, and basis for the various regulations relative to signs as contained in this chapter include, but are not limited to, the following:

(1) To direct persons to various activities and enterprises in order to provide for the public convenience.

(2) To provide a responsible system of controls of signs, integrated within and a part of the comprehensive zoning plan set forth by this code, and not as a distinct police power exercise separate and apart from the zoning power.

(3) To encourage signs which are well design relationship, and spacing.

(4) To which has a minimum of overhead clutter.

(5) To enhance the economic value of the community and each area thereof through the regulation of such things as size, location, and the illumination of signs.

(6) To encourage the signs which are compatible with adjacent land uses.

(7) To reduce possible traffic and safety hazards through good signing.

(8) To relate sign area and height to viewing distance and optical characteristics of the eye. (Ord. 587 § 20-1.2200).

20.84.020 Policies.

(1) No sign or advertising structure which in any way endangers the safety of any person or vehicle shall be permitted.

(2) All signs and advertising structures shall be maintained in a neat and orderly condition.

(3) Signs for an establishment within a commercial or industrial center shall be in harmony with the signing of the entire center and consistent with an approved signs program for the center.

(4) No person shall place, erect, construct, or otherwise maintain any sign which is not established in compliance with the regulations ordinance or statute, and except when otherwise indicated in this title, no outdoor advertising sign shall be so established without such license and permits as are required by applicable state statutes and city ordinances.

(5) Commercial signs shall identify the name, type, and address of the business or activity to which they refer.

(6) It is the policy of the city to encourage commercial establishments to use at least some English text to enable the city and the public to identify an establishment for public safety purposes and to promote the economy of the city by broadening the market identification of its businesses. However, no sign will be disapproved solely because it fails to include English text. (Ord. 587 § 20-1.2205).

20.84.030 Definitions.

For purposes of this chapter:

"Banner signs" shall mean nonpermanent signs, other than a flag, generally made of flexible materials such as pliable plastic, fabric, paper or other lightweight material not enclosed in a rigid frame and may not contain copy.

"Billboard" shall mean a sign in excess of 100 square feet designed for changing advertisement copy and which is normally used for advertisement of goods, products, or services rendered at locations other than the premises on which the sign is located.

"Changeable copy sign" shall mean a sign with characters, letters, or illustrations that can be changed or rearranged without altering the surface of the sign.

"Construction sign" shall mean a sign at the site of a construction project identifying the individuals

or firms directly connected with the project or the owner or ultimate user.

"Director" shall mean the director of community development.

"Flag" shall mean fabric of distinctive design that is used as a symbol of a government, institution, or other entity.

"For sale, rent, or lease sign" shall mean a sign which advertises the sale, rent, or lease of a property.

"Freestanding sign" shall mean any sign that is completely supported by structures or supports that are placed on, or anchored in, the ground and are independent from any building or other structure.

"Identification sign" shall mean a sign which identifies the occupants of a building, lot or premises or the merchandise available at the building, lot, or premises where the sign is located.

"Inflatable sign" shall mean a sign which may be inflated with air mean or another gas such as helium and includes balloons.

"Legal nonconforming sign" shall mean a sign which was legally installed prior to the date of the ordinance which adopted this chapter, but which is inconsistent with the provisions of this chapter.

"Marquee sign" shall mean any sign affixed to a permanent projection extending from a building or beyond the wall of a building.

"Monument sign" shall mean a freestanding, low-profile sign that has been a solid base.

"Pennants" shall mean made of flexible materials, such as plastic, paper, or cloth, suspended from a rope, wire, or string, and designed to move in the wind.

"Portable sign" shall mean any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to the following:

(a) Signs designed to be transported on wheels.

(b) A-frame or T-frame signs.

(c) Menu signs and sandwich signs.

(d) Umbrellas used for advertising.

(e) Signs attached to or painted on a vehicle parked and visible from the public right-of-way unless the vehicle is normally used for some purpose other than bearing a sign.

"Premises" means one or more lots or parcels devoted to common use, as in a commercial strip center located on one or more lots or parcels.

"Roof sign" shall mean any sign erected upon or over the roof of any building or which is partially or totally supported by the roof or roof structure of a building.

"Sign area" shall mean the surface area within a single continuous perimeter containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures, the face of a building, and incidental part not drawing attention to the subject matter. Sign area shall include only the area of the larger face of a double-faced sign.

"Temporary sign" shall mean a sign constructed of paper, cloth, canvas, or other similar lightweight material, with or without frames, including window displays, intended to be displayed for no more than 60 days.

"Wall-mounted on an exterior sign" shall mean a sign mounted on an exterior wall of a building. (Ord. 587 § 20-1.2210).

20.84.040 Prohibited signs.

The followings signs and sign structures are prohibited:

(1) Signs painted directly on an exterior wall, fence, freestanding sign face, parapet, or facia except murals, paintings, and similar works approved pursuant to Chapter 20.40 CMC.

(2) Signs which are hazards to pedestrians, or in any other way pose a threat to public safety.

(3) Billboards.

(4) Obscene signs. Signs that display "obscene matter" as that term is defined in Section 311 of the California Penal Code.

(5) Inflatable signs, banners, and pennants except as provided in CMC 20.84.060.

(6) Signs that rotate, move, glare, flash, change, reflect, blink, or appear to do so.

(7) Signs on public property, except when authorized by the appropriate public agency.

(8) Portable signs and A-frame signs.

(9) Signs which utilize two or more light bulbs suspended from a wire or cord.

(10) Roof signs.

(11) There shall be no additions, tag signs, display boards, appurtenances, or cutouts added to a sign as originally approved except as permitted by the director of community development. Any such unauthorized addition shall be deemed a violation

of the permit and shall be cause for removal of the entire sign. (Ord. 587 § 20-1.2215).

20.84.050 Permits required.

A sign permit shall be obtain prior to the installation, construction, or alteration of any sign except as otherwise provided in this chapter. Building permits or electrical permits shall also be obtained in accordance with the building and electrical codes. Any change in color, message, copy design, or size of a sign shall require a permit and shall comply with any applicable sign program.

Applications for sign permits shall be submitted to the director and shall be accompanied by the following materials:

(1) Three copies of the sign proposal showing the proposed height, size, shape, color, and design of each sign and supporting structure.

(2) A site plan illustrating the placement of the sign in relation to buildings and other structures on the property on which the sign is to be located.

(3) An elevation drawing showing the position of each sign as it will appear on a building or, for a freestanding sign, as it will appear in relation to adjacent buildings or structures.

(4) The name and address of the applicant and the property owner.

(5) The endorsement of either the owner of the site or an authorized representative of the owner.

(6) Such additional information as the director may require to determine compliance with this chapter and all other ordinances of the city.

(7) Any application for a sign permit shall not be complete unless accompanied by an application fee in an amount established by resolution of the city council or by other lawful means.

(8) All sign applications shall be reviewed by the director. The director shall approve, approve with modifications or conditions, or deny an application in accordance with the standards established by this chapter and other applicable requirements and standards of the city. (Ord. 587 § 20-1.2220).

20.84.060 Signs in commercial and manufacturing zones.

Except as otherwise provided in this chapter, the following signs are permitted in the commercial and manufacturing districts of the city:

(1) Wall-Mounted Signs.

(a) One wall-mounted identification sign shall be permitted for each exterior elevation of that portion of a building under the control of a single occupant.

(b) Except as otherwise permitted in this chapter, the maximum allowable sign area for wall-mounted identification signs shall not exceed one and one-half building frontage on the front elevation of a building. Signs mounted on the side or rear elevation of a building shall not exceed one square foot of sign area for each foot of building frontage.

(i) Larger sign area may be permitted for commercial buildings, including office buildings, of three or more stories and for occupancies with an unusually small proportion of building frontage to square footage, if the director determines that the additional sign area is necessary for adequate identification or for harmony of signs.

(ii) For buildings containing over 50,000 square feet of gross floor area, at least 20 feet of building frontage on the front elevation, the maximum allowable sign area for wall-mounted identification sign area for shall not exceed three square feet of sign area for each foot of a building frontage on the front elevation of the building.

(c) No signs shall be permitted on any elevation of a building that is adjacent to residentially or a building that is adjacent to residentially zoned or occupied property which is not separated by a street or substantial parking area.

(d) Industrial signs shall not be mounted more than 20 shall not exceed 100 square feet in sign area.

(2) Monument Sign.

(a) No more than one monument sign shall be permitted on a premises, except that if an office building, or an integrated shopping complex comprised of five or more stores, has frontage on two or more commercial streets it shall be permitted two monument signs, provided the premises has at least 100 lineal feet of frontage on each street and the two signs are not located on the same street.

(b) All monument signs shall meet the following standards:

(i) The sign face shall not exceed five feet from top to bottom nor 12 feet from top to bottom nor 32 square feet in area.

(ii) The top of the sign shall not be more than six feet from any the grade of the nearest sidewalk.

(iii) The sign shall be located at least 10 feet from any property line or street right-of-way, whichever is closer.

(iv) The sign may be internally or externally illuminated.

(v) The supporting structure of the sign shall be no taller than 18 inches above the finished grade.

(3) Freestanding Signs. A conditional use permit is required for freestanding signs.

(a) Not more than one freestanding sign shall be permitted on a premises, except that if an integrated shopping complex comprised of five or more stores has frontage on two or more commercial streets, it shall be permitted two freestanding signs, provided the signs are not located on the same street.

(b) The height and area of freestanding signs shall comply with the following standards:

Frontage of Site on a Commercial Street	Maximum Height	Maximum Area
Less than 100 feet		(No sign permitted)
100 – 199 feet	20'	40 sq. ft. per face
200 – 499 feet	23'	50 sq. ft. per face
500 or more feet	26'	60 sq. ft. per face

(c) A site with at least 100 feet of frontage on two or more major highways, as that term is defined in the Cudahy general plan, may exceed the standards pursuant to Chapter 20.44 CMC.

(d) The face of a freestanding sign shall not exceed 10 feet from top to bottom nor 15 feet from side to side.

(e) No part of a freestanding sign, with the exception of its supporting column, may be lower than 12 feet above grade.

(f) The lowest point of any freestanding sign, with the exception of its supporting column, which projects over a driveway or other vehicular trafficway shall be at least 15 feet above grade.

(g) No portion of any freestanding sign shall project into or over a public right-of-way. The nearest part of the sign shall be located at least 10 feet from the closer of the property line or any right-of-way.

(4) Special Events.

(a) Temporary signs for special events including, without limitation, grand openings, inventory sales, and end-of-the-year sales shall be permitted up to four times per calendar year; provided, that the total time which the signs are displayed does not exceed 60 days in any calendar year. If a business generates gross revenue receipts of 3/4 of a million or more per year, temporary signs may be permitted up to six months per calendar year; provided, that the time which the signs are displayed at one time does not exceed 60 days.

(b) Signs for special events may include balloons, pennants, and banners.

(c) All special event signs require a sign permit for each special event, pursuant to the provisions of this chapter.

(d) Only one banner sign shall be displayed per building elevation. No sign shall be permitted on any elevation of a building that is adjacent to residentially zoned or occupied property which is not separated from the residential property by a street or parking area of the same width as a public street.

(e) No banner sign shall exceed three feet from top to bottom, nor 12 feet from side to side, nor 36 square feet in area.

(f) Upon the expiration of a permit for a temporary sign, the applicant shall cause the sign to be removed within 24 hours thereafter.

(g) Window Signs. Temporary signs displayed behind a window or within a building which occupy up to 25 percent of the window area of the building frontage on which they appear. (Ord. 587 § 20-1.2225).

20.84.070 Signs allowed without a permit in any zone.

The following signs are permitted in any land use district without a permit:

(1) Governmental or other legally authorized posters, notices, or signs;

(2) Traffic, directional, warning, or informational signs or advertising structures required or authorized by a public body;

(3) Permanent memorial or historical signs, plaques or markers erected with the authorization of a public entity;

(4) One building directory sign of up to 10 square feet shall be permitted for a multiple occupancy building. The sign shall be mounted flat on a wall near the primary entrance to the building;

(5) Flags subject to the following conditions:

(a) Only one flag shall be permitted per nonresidential occupied parcel or per dwelling unit;

(b) No flag pole shall exceed 35 feet in height above grade;

(c) No flag shall exceed a vertical dimension of five feet nor a horizontal dimension of eight feet;

(d) The flag pole shall be set back at least 20 feet from any property line;

(e) The individual or group seeking to install a flag pole shall provide structural integrity and safety of the flag pole. The applicant shall obtain a building permit for the flag pole if it is required by the building code;

(6) For sale, rent or lease signs subject to the following:

(a) Only one such sign shall be displayed per street frontage of the property to which it refers;

(b) No such sign shall exceed 10 square feet in sign area;

(c) Any such sign shall be placed at least five feet from any property line;

(7) Construction signs not more than 20 square feet in area may be established upon the site of any building or structure under construction, alteration or in the process of removal but shall be removed immediately upon issuance of a certificate of occupancy. (Ord. 587 § 20-1.2230).

20.84.080 Signs allowed without permit in residential zones.

The following signs are permitted in the residential land use districts without a permit:

(1) Up to five noncommercial signs; provided, that each such sign shall not exceed an area of 12 square feet conform to the new regulations within three years of the effective date of the ordinance which generated the nonconformity.

(2) A legal nonconforming sign may be maintained longer than the time permitted in subsection (1) of this section pursuant to the terms of Chapter 20.24 CMC. (Ord. 587 § 20-1.2235).

20.84.090 Maintenance.

All signs and advertising structures shall be maintained in a clean and attractive condition. All signs shall be cleaned, required, or replaced within 30 days following notification by the city that such action is necessary. (Ord. 587 § 20-1.2240).

20.84.100 Sign programs.

(1) A sign program shall be adopted for all commercial or industrial developments in the city that contain two or more uses where individual sign based upon maximum allowable sign area, colors, type of sign, and size of letters. Each sign program shall promote harmony of this chapter. Each sign program shall be submitted to the director for review and approval.

(2) No permit shall be issued for any sign in or for a multiple-tenant development that is not in conformance with an approved sign program. (Ord. 587 § 20-1.2245).

20.84.110 Service station signs.

In addition to the sign area allowed for identification signs, service stations will be permitted an additional 50 square feet of sign area for fuel prices. Other products shall not be advertised on the exterior of the building. The display and placement of all signs is subject to the approval of the director. (Ord. 587 § 20-1.2250).

20.84.120 Changeable copy signs.

A changeable copy sign shall be permitted; provided, that the sign meets the requirements and standards of this chapter, as well as the following:

(1) Changeable copy shall be allowed on the face of freestanding signs only. Changeable copy shall not be allowed on wall-mounted signs.

(2) The changeable copy portion of a sign face shall not exceed 33 percent of the area of that sign face.

(3) Changeable letters shall be subject to the approval of the director. (Ord. 587 § 20-1.2255).

20.84.130 Legal nonconforming signs.

(1) Any sign which becomes a legal nonconforming use as a result of adoption of the ordinance which adopted this chapter or of any subsequent amendment thereto shall be removed or altered to conform to the new regulations within three years

of the effective date of the ordinance which generated the nonconformity.

(2) A legal nonconforming sign may be maintained longer than the time permitted in subsection (1) of this section pursuant to the terms of Chapter 20.24 CMC. (Ord. 587 § 20-1.2260).

Chapter 20.88

ENVIRONMENTAL PERFORMANCE STANDARDS

Sections:

20.88.010 Purpose and intent.
20.88.020 Noise.
20.88.030 Vibration.
20.88.040 Dust and paint.
20.88.050 Smoke.
20.88.060 Light, glare, and heat.
20.88.070 Hazardous materials.
20.88.080 Radioactive materials.
20.88.090 Electromagnetic interference.
20.88.100 Odors and gases.
20.88.110 Hours of operation.
20.88.120 Enforcement.

20.88.010 Purpose and intent.

The following performance standards are included in the zoning code to:

(1) Ensure that residential neighborhoods and the business community in Cudahy will be free from environmental hazards of noise, vibration, dust, glare, and other negative influences; and

(2) Contribute to regional efforts to protect and enhance the environmental quality of life. (Ord. 587 § 20-1.2300).

20.88.020 Noise.

The following provisions limit unwanted and harmful emission of sound:

(1) Maximum permissible exterior sound levels by receiving land uses are:

(a) Noise standards for the various categories of land uses set forth in Table 20.88-1 shall, unless otherwise specified, apply to each property or portion of property in the community. Where two or more dissimilar land uses occur on a single property, the more restrictive noise standard shall apply;

(b) In the event of a dispute over the identification of a receiving land use, interpretation is to be made by the city;

(c) No person shall operate or cause to be operated any source of sound or noise at any location within the city, or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level to exceed the levels indicated on Table 20.88-1.

Table 20.88-1
Maximum Exterior Noise Levels

Noise Level (dBA)		
Receiving Land Use Category	**10:00 p.m. – 7:00 a.m.**	**7:00 a.m. to 10:00 p.m.**
Residential (Except Multifamily)	45	65
Multifamily Residential and Mobile Home Parks	50	65
Commercial (All "C" Zones)	60	65
Light Industrial Zones	70	70
Heavy Industrial Zones	70	70

(2) Maximum Permissible Interior Noise Levels.

(a) No person shall operate, or cause to be operated, any source of sound within a residential dwelling unit or allow the creation of noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level, when measured inside a neighboring receiving dwelling unit, to exceed the environmental and/or nuisance interpretation of the applicable limits shown on Table 20.88-2.

Table 20.88-2
Maximum Interior Noise Levels

Land Use Type	Time Interval	Maximum Noise Level (dBA)		
		Any time	**1 min./1 hr.**	**5 min./1 hr.**
Residential	10:00 p.m. to 7:00 a.m.	35	40	35
	7:00 a.m. to 10:00 p.m.	45	50	45

(b) If the ambient noise level inside a receiving dwelling unit exceeds permissible limits, the allowable noise exposure standard in that category shall be the measured ambient noise for a cumulative period of five minutes in any one hour, ambient plus five dBA for one minute within any one hour, and shall not exceed the ambient plus 10 dBA at any time.

(3) Methodology for calculating noise levels shall be as follows:

(a) Noise levels shall be measured by the equivalent sound level (Leq) for any hour;

(b) Nuisance noise shall be measured as a sound level not to be exceeded at any time;

(c) Sound levels by receiving land use shall be measured at the boundary or at any point within the boundary of the property affected;

(d) Fixed location public utility distribution or fixed transmission facilities located on or adjacent to a property line shall be subject to the noise level limits of this section measured at or beyond six feet from the boundary of the easement upon which the utility equipment is located;

(e) If the noise is continuous, the Leq for an hour will be represented by any lesser time period within that hour. Noise measurements of five minutes or less will thus suffice to define the noise level;

(f) If the noise is intermittent, the Leq for any hour may be represented by a time period typical of the operating cycle. Measurement of intermittent noise is to be made of at least three noisy/quiet periods. Alternatively, measurements taken at two periods of at least 15 minutes each may be used;

(g) In the event the alleged noise event, as judged by the enforcement official, contains a steady, audible sound such as a whine, screech, or hum, or contains a repetitive, impulsive noise such as hammering or riveting, the standard may be reduced by five dB at the discretion of the enforcement official;

(h) If the measured ambient noise level exceeds that permissible in Table 20.88-1, the allowable noise exposure standard shall be the ambient noise level. The ambient level shall be measured when the alleged noise violation source is not operating.

(4) The following is prohibited:

(a) No person shall unnecessarily make, continue, or cause to make or continue any noise disturbances;

(b) Sounding or permitting the sounding of any electrically amplified signal from any stationary bell, chime, siren, whistle, or similar device intended for nonemergency purposes, from any place for more than 120 seconds continually in a one-hour period, or intermittent sounding over a five-minute period in one hour;

(c) Creating or causing the creation of any sound within a noise-sensitive area, so as to exceed the maximum exterior noise levels set forth in Table 20.88-1.

(5) The following are exempt from these noise standards: warning devices necessary for the protection of public safety, including, but not limited to, police, fire, ambulance sirens, and train horns. (Ord. 587 § 20-1.2305).

20.88.030 Vibration.

No vibration shall be detectable beyond the property line of the site from which the vibration is emanating. Within industrial districts, vibration shall not exceed the standards set forth in Table 20.88-3.

Table 20.88-3
Maximum Vibration in Industrial Districts

Frequency	Vibration Displacement (inches)	
	Steady State	Impact
Under 10	.0055	.0010
10 – 19	.0044	.0008
20 – 29	.0033	.0006
30 – 39	.0002	.0004
40+	.0001	.0002

(Ord. 587 § 20-1.2310).

20.88.040 Dust and paint.

All uses, including grading, construction, and operational phases, shall be conducted in a manner so as to prevent dust emissions and paint overspray from creating hazardous or potential hazardous conditions within the site and surrounding area.

Parcels located within the soil erosion control area are required to obtain dust control permits from the building department prior to commencement of grading operations. (Ord. 587 § 20-1.2315).

20.88.050 Smoke.

Smoke emissions shall be controlled in accordance with the standards of the South Coast Air Quality Management District. (Ord. 587 § 20-1.2320).

20.88.060 Light, glare, and heat.

All on-site lighting fixtures, including parking lot lighting, security lighting, and decorative lighting, may be indirect or diffused, or, if not, shall be shielded or directed away from a residential-zoned district. Where appropriate, lighting fixtures must also comply with the Cudahy security ordinance. Welding operations shall be conducted within a fully enclosed structure, or shall be shielded from public view. (Ord. 587 § 20-1.2325).

20.88.070 Hazardous materials.

The use, handling, storage, and transportation of combustibles and explosives shall comply with

applicable provisions of the Uniform Fire Code, city regulations, and all other local, state, and federal regulations. (Ord. 587 § 20-1.2330).

20.88.080 Radioactive materials.

The use, handling, storage, and transportation of radioactive material shall comply with the provisions of the Uniform Fire Code and all other local, state, and federal regulations. (Ord. 587 § 20-1.2335).

20.88.090 Electromagnetic interference.

Uses, activities, and processes shall not cause electromagnetic interference with normal radio or television reception or with the function of other electronic equipment beyond the property lines of the site on which they are generated. (Ord. 587 § 20-1.2340).

20.88.100 Odors and gases.

(1) The emission of obnoxious odors of any kind shall not be permitted.

(2) No gas shall be emitted which is injurious to the public health, safety, or general welfare. (Ord. 587 § 20-1.2345).

20.88.110 Hours of operation.

With the exception of office and security activities, any industrial production, processing, cleaning, testing, repairing, shipping, or outdoor activities within 300 feet of a residential zone district shall be limited to the hours of 7:00 a.m. to 10:00 p.m. The community development director may approve additional hours when it can be found that such additional hours will not generate additional disturbance, or that mitigation measures will ensure compatibility with nearby residential areas. (Ord. 587 § 20-1.2350).

20.88.120 Enforcement.

Upon receipt of a complaint alleging infraction of any of the standards enumerated in this chapter, the community development director shall cause an investigation of the specific allegation to be completed. The community development director may retain the services of environmental professionals to perform studies to investigate if violations of the city standards are or have been occurring. If it is determined and documented that violations have occurred, the community development director shall refer the matter to the city attorney's office for appropriate action. Potential violations of smoke standards shall be referred to the South Coast Air Quality Management District.

The individual, firm, association, or party found to be in violation of the city standard shall bear all expenses for the investigation charged to the city. (Ord. 587 § 20-1.2355).

Chapter 20.92

PUBLIC TELEPHONE REGULATIONS

Sections:

20.92.010 Public telephone regulations.

20.92.010 Public telephone regulations.

(1) Definitions. The terms used in this section shall have the same meaning as provided in CMC 5.08.1460.

(2) Conditional Use Permit. A conditional use permit is required for the installation and maintenance of public telephones.

(3) Prohibited Locations and Encroachment Permits.

(a) No public telephone shall be installed, located, or maintained on unimproved property.

(b) No public telephone shall be installed, located, or maintained at any location where an encroachment permit is required pursuant to Article XXII of Chapter 5.08 CMC but where such permit is not obtained.

(c) No public telephone shall be installed, located, or maintained at any location where the telephone and any accompanying enclosure is not located immediately adjacent to or against the wall of a building or other permanent structure. For purposes of this chapter, a telephone pole, wireless telecommunications monopole, fire hydrant, fence, freestanding wall, or other similar fixture or improvement shall not be defined as a permanent structure.

(d) No public telephone shall be installed, located, or maintained on a property having 100 feet or less of frontage (lot width) and only one phone is permitted said property.

(e) No public telephone shall be located within 500 feet from another public telephone.

(f) No encroachment permit shall be issued for public telephones.

(4) Additional Development Standards.

(a) All utility wires to and from a public telephone shall be installed, located and maintained underground except where the utility wires stem from the side of a wall at the point against which the public telephone is located.

(b) All public telephones and any enclosing structures shall be kept clean, any graffiti thereon shall be promptly removed, and they shall otherwise be kept in good repair and working order at all times.

(5) Removal for Nuisance. Except as otherwise provided in subsection (6) of this section, any public telephone that is located in a location prohibited by this section or Article XXII of Chapter 5.08 CMC, or is otherwise installed, located or maintained in violation of the provisions of this section shall constitute a public nuisance and shall be subject to abatement pursuant to the provisions contained in Chapter 15.20 CMC or other state statute.

(6) Amortization for Existing Nonconforming Public Telephones. Any public telephone installed at a location prohibited by this section or otherwise not installed or maintained in compliance with the provisions of this section shall be brought into conformance with the provisions of this section or removed by the public telephone vendor on or before July 1, 2004.

(7) The installation, location, or maintenance of any public telephone for compliance with the provisions of this chapter, except that, notwithstanding any other provision of this title to the contrary, a public telephone shall not be permitted on property in the Low-Density Residential (LDR) or Medium-Density Residential (MDR) zones. (Ord. 587 § 20-1.2400).

Chapter 20.96

ANTENNAS AND WIRELESS TELECOMMUNICATIONS ANTENNA FACILITY

Sections:

20.96.010 Purpose and intent.
20.96.020 Definitions.
20.96.030 Regulation of satellite earth station antennas.
20.96.040 Regulation of wireless telecommunications antenna facilities.
20.96.050 Variances.
20.96.060 Regulation of amateur radio station antennas.
20.96.070 Nonconforming antennas.
20.96.080 Enforcement.

20.96.010 Purpose and intent.

(1) The purpose of the regulatory provisions set forth in this chapter is to establish development standards for the installation and maintenance of antennas and wireless telecommunications facilities within specified land use zones of the city. These standards are intended to ensure that the design and location of those antennas and facilities are consistent with previously adopted policies of the city to promote the public health, safety, comfort, convenience, and general welfare of the residents, and to enhance the aesthetic quality and appearance of the city by maintaining architectural and structural integrity and by protecting views and vistas from obtrusive and unsightly accessory uses and facilities.

(2) In adopting and implementing the regulatory provisions of this chapter, it is the intent of the city council to further the objectives specified in subsection (1) of this section without unnecessarily burdening the federal interest in ensuring access to satellite services, in promoting fair and effective competition among competing communications service providers, and in eliminating local restrictions and regulations that with regard to antennas, preclude reception of an acceptable signal quality or unreasonably delay, prevent, or increase the cost of installation, maintenance, or use of those antennas. (Ord. 587 § 20-1.2500).

20.96.020 Definitions.

As used in this chapter, the following terms and phrases have the meanings set forth below:

(1) "Amateur radio station antenna" means any antenna, and its accompanying support structure, that is used solely for the purpose of transmitting and receiving radio signals in connection with the operation of an amateur radio station in accordance with licenses issued by the FCC.

(2) "Antenna," "antenna array," or "wireless telecommunications antenna array" means one or more rods, poles, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennas (whip), directional antennas (panel), and parabolic antennas (disc), but excluding any support structure as defined below.

(3) "Co-location" means the use of a common wireless telecommunications antenna facility, or a common site, by two or more providers of wireless telecommunications services for more than one type of telecommunications technology.

(4) "FCC" means the Federal Communications Commission.

(5) "Mast" means a support structure that is designed and constructed for the specific purpose of elevating a satellite earth station antenna in order to receive broadcast signals of an acceptable quality.

(6) "Satellite earth station antenna" means a parabolic or dish-shaped antenna or other apparatus or device that is designed for the purpose of receiving radio or television broadcast signals.

(7) "Support structure," or "wireless telecommunications antenna array support structure," means a freestanding structure that is designed and constructed for the specific purpose of supporting an antenna array and that may consist of a monopole, a mast, a self-supporting lattice tower, a guy-wire support tower, or other similar structures.

(8) "Wireless telecommunications antenna facility," or "wireless communications antenna facility," means an unstaffed facility for the transmission or reception of wireless telecommunications services, commonly consisting of an antenna array, connection cables, a support structure to achieve the necessary elevation, and an equipment facility to house accessory equipment, which may include cabinets, pedestals, shelters, and similar protective structures.

(9) "Wireless telecommunications services," or "wireless communications services," means any personal wireless services as defined in the Federal Telecommunications Act of 1996, including federally licensed wireless telecommunications services consisting of cellular services, personal communications services (PCS), specialized mobile radio services (ESMR), paging, and similar services that currently exist or that may be developed in the future. (Ord. 587 § 20-1.2505).

20.96.030 Regulation of satellite earth station antennas.

(1) Permitted Accessory Uses. Satellite earth station antennas described in this subsection (1) may be installed as permitted accessory uses without site plan review and without obtaining a building permit; provided, that they comply with all applicable development standards set forth in subsection (2) of this section, as well as all applicable building codes, electrical codes, and fire codes:

(a) An antenna located in any land use zone, which antenna is designed to receive direct broadcast satellite service, including direct-to-home satellite services; provided, that such antenna is one meter (39 inches) or less in diameter and is either building-mounted or ground-mounted and elevated by a mast. If the diameter of the antenna is 18 inches or less, the antenna may extend above the roofline for only the height that is reasonably necessary to ensure the reception of broadcast signals of an acceptable quality. If the diameter of the antenna exceeds 18 inches, but does not exceed 39 inches, then the antenna must not extend above the roofline.

(b) An antenna that is designed to receive video programming services and that is located in any land use zone where commercial or industrial uses are generally permitted, which antenna is two meters (78 inches) or less in diameter and is either building-mounted or ground-mounted and elevated by a mast. In no event may any such antenna extend more than 12 inches above the roofline.

(c) An antenna located in any land use zone, which antenna is designed to receive video programming services by means of multipoint distribution services, including multichannel multipoint distribution services, and such antenna is one meter (39 inches) or less in diameter or diagonal measurement and is either building-mounted or ground-mounted and elevated by a mast. If the diameter or diagonal measurement is 18 inches or less, the antenna may extend above the roofline for only that height that is reasonably necessary to ensure the reception of broadcast signals of an acceptable quality. If the diameter or diagonal measurement is 18 inches or less, the antenna may extend above the roofline for only that height that is reasonably necessary to ensure the reception of broadcast signals of an acceptable quality. If the diameter or diagonal measurement exceeds 18 inches, but does not exceed 39 inches, then the antenna must not extend above the roofline.

(d) An antenna shall not be visible from a public street or shall be away from public view.

(2) Development Standards.

(a) The following development standards apply in all land use zones to the siting, construction, and operation of satellite earth station antennas referenced in subsection (1) of this section, and to all satellite earth station antennas that are subject to the site plan review and to the issuance of a building permit:

(i) No satellite earth station antenna may be installed in any land use zone if it will impede normal vehicular or pedestrian circulation, ingress to, or egress from any building, structure, or parking facility.

(ii) Satellite earth station antennas, whether ground-mounted or building-mounted, including any guy-wires, masts, and accessory equipment, must be located and designed so as to mitigate adverse visual impacts from adjacent properties and from public streets, which mitigation may involve screening by means of landscaping or the addition of new architectural elements that are compatible with the design of adjacent buildings. This screening requirement may be modified if the antenna's reception is impaired.

(iii) Satellite earth station antennas must be finished in a nonmetallic finish or painted in a color that is compatible with the surrounding environment.

(iv) Any mast that will be used to elevate a satellite earth station antenna must be constructed of noncombustible and corrosive-resistant materials.

(v) All satellite earth station antennas must be installed with adequate ground wire to protect against a direct strike of lightning. The ground

wire must be a type approved by the electrical code for ground wiring masts and lightning arresters.

(vi) All satellite earth station antennas must be located away from utility lines by a 12-foot vertical distance and a six-foot horizontal distance. Any mast that will be used to elevate a satellite earth station antenna must be secured by a separate safety wire in a direction away from adjacent power lines or other potential hazards.

(vii) To the extent feasible, all cables, wires, or similar electrical transmission devices that connect with a satellite earth station antenna must be placed underground.

(viii) If footings are required for the installation of a ground-mounted satellite earth station antenna, engineering calculations for those footings must be signed by a licensed structural or civil engineer.

(ix) All connectors on a satellite earth station antenna, and on any mast to be used for elevation, must be capable of sustaining a wind-load of at least 20 pounds.

(x) No satellite earth station antenna, nor any of its component parts or accessory facilities, may encroach into the public right-of-way unless that encroachment is authorized by the city engineer as provided for in this code.

(xi) All satellite earth station antennas must be properly maintained.

(b) In addition to the development standards set forth in subsection (2)(a) of this section, the following development standards apply in all residential land use zones to the siting, construction, and operation of satellite earth station antennas:

(i) The diameter of a satellite earth station antenna that is subject to site plan review may not exceed 10 feet.

(ii) A ground-mounted satellite earth station antenna must be located in the side yard or rear yard and at least five feet from any property line.

(c) In addition to the development standards set forth in subsection (2)(a) of this section, the following development standards apply in all nonresidential land use zones to the siting, construction, and operation of satellite earth station antennas:

(i) All ground-mounted satellite earth station antennas must be located at least five feet from any property line.

(ii) No ground-mounted satellite earth station antenna may be located in the area between the front property line and the main building or structure.

(iii) If roof-mounted, a satellite earth station antenna must either be affixed to a flat portion of the roof structure having parapets, or it must be integrated with the architectural design of the building in accordance with a plan that is approved by the director of community development.

(3) Site Plan Review Required.

(a) If a proposed satellite earth station antenna will exceed the permissible height limitations referenced in subsections (1)(a) through (c) of this section, or if the diameter or diagonal measurement of the proposed satellite earth station antenna exceeds the limitations specified in subsections (1)(a) through (c) of this section, then an application for site plan review must be submitted in accordance with Chapter 20.36 CMC, and, if the application is approved, a building permit must be obtained.

(b) The city council expressly finds and determines that these regulatory requirements relating to site plan review are necessary, desirable, and in the best interests of the community in order to protect the public health, welfare and safety, to promote aesthetic objectives, and to maintain property values. The city council further finds and determines that these regulatory requirements are applicable only to the proposed installation of satellite earth station antennas that are not permitted accessory uses and that do not meet the criteria for exemption from local regulation established by the Federal Communications Commission ("FCC") under the Telecommunications Act of 1996.

(c) In addition to the requirements set forth in Chapter 20.36 CMC, the application for site plan review must include the following:

(i) Construction drawings that show the proposed method of installation and the manufacturer's specifications.

(ii) A plot plan showing the proposed location of the satellite earth station antenna.

(iii) Engineering data evidencing that the satellite earth station antenna will be in compliance with all structural requirements of the building code. (Ord. 587 § 20-1.2510).

20.96.040 Regulation of wireless telecommunications antenna facilities.

(1) City-Owned Land, Buildings and Rights-of-Way. The regulatory provisions of this chapter do not apply to the siting of wireless telecommunications antenna facilities on city-owned land, buildings, and rights-of-way. The proposed siting of these facilities on all city-owned property is subject to development criteria and design guidelines adopted by the city council and will require a license agreement or lease agreement with the city council or another type of approval by the city council.

(2) Applicability of Regulations. Subject to the exception set forth in subsection (1) of this section, the regulatory provisions of this section are applicable to the siting of wireless telecommunications antenna facilities on all land and buildings located within all land use zones. The siting and construction of wireless telecommunications antenna facilities in all land use zones is subject to a conditional use permit issued by the planning commission.

(3) Application for Conditional Use Permit. In addition to the requirements set forth in Chapter 20.44 CMC the application for a conditional use permit must include the following:

(a) A site plan, drawn to scale, showing the proposed location of the wireless telecommunications antenna facility, the height of any existing or proposed new support structure, accessory equipment facility, guy-wires, above and below ground wiring and connection cables, existing or proposed easements on the property, the height above ground of any panels, microwave dishes, or whip antennas, and the distance between the antenna facility and any existing or proposed accessory equipment facility.

(b) A location map showing existing wireless telecommunications antenna sites within the city that are owned or operated by the applicant and any proposed sites in the city that may be required for future area coverage.

(c) Detailed engineering calculations for foundation and wind-loads, which calculations will be reviewed by the building department during plan check following the issuance of a conditional use permit.

(d) Documentation that the electromagnetic fields (EMFs) from the proposed wireless telecommunications facility will be within the limits approved by the FCC.

(e) A preliminary environmental review, with special emphasis placed upon the nature and extent of visual impacts.

(f) Evidence of any required licenses and approvals to provide wireless telecommunications services in the city.

(4) Factors Considered in Issuing Conditional Use Permits. The planning commission must consider the following factors in determining whether to issue a conditional use permit for a wireless telecommunications antenna facility:

(a) Height of the proposed facility.

(b) Proximity of the proposed facility to residential structures and to boundaries of residentially zoned districts.

(c) The nature of existing uses on adjacent and nearby properties.

(d) Surrounding topography.

(e) Surrounding tree coverage and foliage.

(f) Design of the proposed facility, with particular reference to design features that have the effect of reducing or eliminating visual obtrusiveness, such as a camouflaged facility, a facility screened by natural or artificial vegetation, or a facility located or co-located on an existing building or an existing support structure.

(g) Proposed ingress and egress.

(h) Availability of suitable existing buildings or support structures, as set forth in subsection (5) of this section.

(5) Development Standards.

(a) Antenna arrays on wireless telecommunications antenna facilities that are proposed to be sited on an existing nonresidential building or support structure must be integrated with the architectural design and coloring of that existing building or support structure.

(b) The siting of new support structures is subject to the following additional requirement:

No new support structure will be permitted unless the planning commission makes the additional finding that, based upon evidence submitted by the applicant, no existing building or support structure can reasonably accommodate the proposed wireless telecommunications antenna facility. Evidence supporting this finding will be reviewed by the planning commission and may consist of any of the following:

(i) No existing buildings or support structures are located within the geographic area proposed to be served by the applicant's facility.

(ii) Existing buildings or support structures are not of sufficient height or structural strength to meet the applicant's operational or engineering requirements.

(iii) The applicant's proposed facility would create electromagnetic interference with another facility on an existing structure, or the existing antenna array on an existing building or support structure would create interference with the applicant's proposed antenna array.

(iv) The costs, fees, or contractual provisions required by a property owner, or by an incumbent wireless telecommunications service provider, in order to co-locate a new antenna array on an existing building or support structure, or to adapt an existing building or support structure for the location of the new antenna array, are unreasonable.

(v) There are other limiting factors that render existing buildings and support structures unsuitable for use by the applicant.

(c) If co-location of the proposed facility cannot be accomplished, the proposed facility must be sited at least 1,500 feet from any existing facility unless the planning commission determines that a shorter distance is required for technological reasons, or that it would result in less visual obtrusiveness in the surrounding area.

(d) If a new support structure for a facility will be visible from adjacent residential properties or from major arterial streets, the planning commission may require that the support structure be screened or camouflaged to mitigate adverse visual impacts.

(e) Protective structures housing accessory equipment must not exceed 10 feet in height, must comply with all applicable setback requirements, and must be screened from public view or be made compatible with the color and architectural design of adjacent structures.

(f) If a proposed facility will be visible from a residential area or an arterial street, any required fencing must be of wrought iron or similar decorative materials.

(g) No new support structure may project from the roof of a building. A new freestanding support structure must be a minimum of 10 feet from a building on the same site unless that building houses equipment accessory to the support structure.

(h) A new support structure that is to be located near a residential use or the boundary of a residential zoning district must be set back from the nearest residential lot line or boundary a distance that is at least equal to the height of that support structure.

(i) The exterior of a new support structure must have a noncorrosive, nonmetallic finish that is not conducive to reflection or glare. The support structure, the antenna array, and the accessory equipment facility must all be of a neutral color.

(j) Buildings and support structures may not be illuminated unless specifically required by the Federal Aviation Administration or other governmental agencies.

(k) No off-premises or on-premises signs may be placed by a wireless telecommunications service provider on a telecommunications antenna facility is attached.

(l) The applicant and the property owner must sign an agreement, in a form to be provided by the city, that consents to the future co-location of facilities on the building or support structure to be used by the applicant, unless technical considerations preclude that co-location.

(6) Maintenance and Cessation of Use. The following requirements apply to wireless telecommunications antenna facilities located on existing buildings or support structures and on new support structures:

(a) The site must be maintained in a condition free of trash, debris, and refuse. All graffiti must be removed within 72 hours.

(b) If a support structure, or an antenna array affixed to a building or to a support structure, becomes inoperable or ceases to be used for a period of six consecutive months, the permittee must give written notice of such inoperability or nonuse to the director of community development. The antenna array and, if applicable, the support structure must be removed within a 90-day period. If such removal does not occur, the city may remove the antenna array and, if applicable, the support structure, at the permittee's expense; provided, however, that if other antenna arrays owned or operated by other service providers are affixed to the same support structure, then only the antenna

array that has become inoperable or has ceased to be used is required to be removed, and the support structure may remain in place until all service providers cease to use it. (Ord. 587 § 20-1.2515).

20.96.050 Variances.

(1) In accordance with the provisions of Chapter 20.44 CMC, application may be made for a variance from the restrictions and limitations imposed by this chapter upon the siting of satellite earth station antennas and wireless telecommunications antenna facilities.

(2) A variance may be issued if, in addition to the general variance standards, the following requirements are met:

(a) The applicant submits evidence satisfactory to the planning commission that location of the satellite earth station antenna or the wireless telecommunications antenna facility in the manner required by this chapter would (i) obstruct the antenna's reception window or otherwise interfere with reception, and such obstruction or interference involves factors beyond the applicant's control; or (ii) the cost of meeting the requirements of this chapter is excessive in relation to the cost of the proposed antenna or antenna facility.

(b) The applicant submits a certification, signed by a registered structural or civil engineer, that the proposed installation will be in compliance with all applicable requirements of the building code, including load distributions upon any proposed mast or other support structure.

(3) A variance may be revoked if the applicant or property owner fails to comply with any conditions that are imposed upon the issuance of that variance. (Ord. 587 § 20-1.2520).

20.96.060 Regulation of amateur radio station antennas.

(1) Site Plan Review Required. The proposed installation of an amateur radio station antenna in any land use zone must be preceded by an application for site plan review in accordance with Chapter 20.36 CMC, and, if the application is approved, a building permit must be obtained.

(2) Application for Site Plan Review. In addition to the requirements set forth in Chapter 20.36 CMC, the application for site plan review must include the following:

(a) Construction drawings that show the proposed method of installation and the manufacturer's specifications.

(b) A plot plan showing the proposed location and dimensions of the amateur radio station antenna.

(c) Engineering data evidencing that the amateur radio station antenna will be in compliance with all structural requirements of the building code.

(d) Copies of all licenses issued to the applicant by the FCC to engage in amateur radio service operations and to use the site as an amateur radio station.

(3) Factors Considered in the Site Plan Review Process.

(a) In conducting site plan review for a proposed amateur radio station antenna, the planning commission must consider the following factors:

(i) The proposed height of the amateur radio station antenna, and the applicant's representations as to the technological necessity of the height to engage in amateur radio service operations of the nature contemplated.

(ii) Proximity of the proposed amateur radio station antenna to inhabited buildings and structures.

(iii) The nature of existing uses on adjacent and nearby properties.

(iv) Surrounding topography, tree coverage, and foliage, and their effect on the proposed height of the amateur radio station antenna.

(v) Design of the proposed amateur radio station antenna, with particular reference to design features that provide for retraction of the antenna when not in use and design features that may reduce or eliminate visual obtrusiveness, particularly in residential zones.

(b) In making any determination during the site plan review process to deny or to condition the application for an amateur radio station antenna, the planning commission must adhere to the following guidelines:

(i) The imposition of conditions or restrictions relating to the placement, screening, or height of a proposed amateur radio station antenna, which conditions or restrictions are based upon protection of the public health, welfare, and safety, aesthetic considerations, or the preservation of property values, must be considered on a case-by-case basis,

taking into account the unique features of the proposed site, the factors specified in subsection (3)(a) of this section, and the reasonable accommodation required under subsection (3)(b)(ii) of this section.

(ii) The site plan review process must be conducted so as to (A) reasonably accommodate the paramount federal interest in promoting amateur radio communications as voluntary, noncommercial communications services, particularly with respect to emergency communications; and (B) impose the minimum practical restrictions, limitations, and conditions in order to achieve the city's legitimate regulatory objectives. (Ord. 587 § 20-1.2525).

20.96.070 Nonconforming antennas.

Any antenna constructed in violation of this chapter, or in violation of any prior ordinance or regulation, is subject to immediate abatement. Any antenna that is lawfully constructed prior to the effective date of the ordinance codified in this chapter, and that does not comply with the requirements of this chapter, will be deemed a nonconforming use and will be subject to the provisions of Chapter 20.24 CMC. Such nonconforming use is subject to abatement in accordance with CMC 20.24.020(3). (Ord. 587 § 20-1.2530).

20.96.080 Enforcement.

(1) All satellite earth station antennas, amateur radio station antennas, and wireless telecommunications antenna facilities are subject to periodic inspection by the city to determine whether they are in compliance with all applicable provisions of this chapter.

(2) If any condition is discovered that may result in a danger to life or property, the city will give written notice to the permittee or to the property owner, or both, at their last known address, describing the dangerous condition and demanding that the same be corrected within 10 days after that notice.

(3) Failure to comply with any applicable provision of this chapter, or with conditions that may be imposed in connection with site plan review, a conditional use permit, or any variance, will constitute a public nuisance as well as grounds for revocation of a conditional use permit. (Ord. 587 § 20-1.2535).

Chapter 20.100

SEXUALLY ORIENTED BUSINESSES

Sections:

20.100.010 Purpose.
20.100.020 Definitions.
20.100.030 Sexually oriented business operator permit.
20.100.040 Approval or denial of permit.
20.100.050 Nontransferable.
20.100.060 Location criteria.
20.100.070 Design standards.
20.100.080 Performance standards.
20.100.090 Gross receipts records.
20.100.100 Register and permit number of entertainers.
20.100.110 Employment of persons without permits.
20.100.120 Display of permit.
20.100.130 Inspections.
20.100.140 Conditions.
20.100.150 Sexually oriented business entertainer permit.
20.100.160 Grounds for denial.
20.100.170 Approval or denial of permit.
20.100.180 Nontransferable.
20.100.190 Display of permit.
20.100.200 Grounds for suspension or revocation.
20.100.210 Procedure for suspension or revocation.
20.100.220 Appeals.
20.100.230 Number of businesses.
20.100.240 Regulations nonexclusive.
20.100.250 Conflicts.

20.100.010 Purpose.

The purpose of this chapter is to prevent community-wide adverse secondary effects that can be brought about by: (1) the concentration of sexually oriented businesses; (2) the close proximity of sexually oriented businesses to incompatible uses such as schools for minors, religious institutions, parks and residential uses; and (3) the unregulated operation of sexually oriented businesses. These adverse secondary effects include, but are not limited to: depreciation of property values; increased vacancy rates in residential and commercial areas; increased criminal activity; increased litter, noise, and vandalism; and interference with the enjoy-

ment of residential property in the vicinity of such businesses. (Ord. 587 § 20-1.2600).

20.100.020 Definitions.

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

(1) "Sexually oriented business" shall mean any of the following:

(a) Sexually Oriented Arcade. A "sexually oriented arcade" is an establishment where, for any form of consideration, as a regular and substantial course of conduct one or more still or motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, computer-generated images, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.

(b) Sexually Oriented Cabaret. A "sexually oriented cabaret" is an establishment that serves food or beverages and that, for any form of consideration, as a regular and substantial course of conduct presents live performances that either: (i) are characterized by specified sexual activities; or (ii) feature any semi-nude person.

(c) Sexually Oriented Hotel/Motel. A "sexually oriented hotel/motel" is a hotel, motel or similar establishment offering public accommodations for any form of consideration that either:

(i)(A) Provides patrons with closed-circuit television transmissions, films, motion pictures, videos, slides or other photographic or electronic reproductions that are characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas; and

(B) Advertises the availability of such 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, leaflets, radio or television.

(ii) Rents, leases or lets any single guest room for less than any 10-hour period.

(iii) Rents, leases or lets any single guest room more than twice in any 24-hour period.

(iv) Allows a tenant or occupant to subrent a guest room for a time period less than 10 hours.

(d) Sexually Oriented Motion Picture Theater. A "sexually oriented motion picture theater" is an establishment that, for any form of consideration, as a regular and substantial course of conduct offers to show films, computer-generated images, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.

(e) Sexually Oriented Retail Store. A "sexually oriented retail store" is an establishment that, for any form of consideration, as a regular and substantial course of conduct offers for sale, rent, or viewing either sexually oriented material, sexually oriented merchandise or both.

(f) Sexually Oriented Theater. A "sexually oriented theater" is an establishment that, for any form of consideration, as a regular and substantial course of conduct presents live performances that either: (i) are characterized by specified sexual activities; or (ii) feature any semi-nude person.

(g) Any establishment that, for any form of consideration, as a regular and substantial portion of business offers to its patrons products, merchandise, services or entertainment that are distinguished or characterized by an emphasis on specified sexual activities or the exposure of specified anatomical areas.

(2) "Director" shall mean the director of community development or his or her designee.

(3) "Characterized by an emphasis upon" shall mean the dominant or essential theme of the object described by such phrase.

(4) "Entertainer" shall mean a person who, for any form of consideration, performs at a sexually oriented business. Such persons shall constitute "entertainers" regardless of their legal relationship (e.g., employee, owner or independent contractor) with the sexually oriented business.

(5) "Hearing officer" shall mean the city manager of the city of Cudahy, or the designee thereof.

(6) "Owner" shall mean the following: (a) the sole proprietor of a sexually oriented business; (b) any general partner of a partnership that owns and operates a sexually oriented business; (c) the owner of a controlling interest in a corporation that owns and operates a sexually oriented business; and (d)

the person designated by the officers of a corporation to be the permit holder for a sexually oriented business owned and operated by the corporation.

(7) "Park" shall mean a park, playground, swimming pool, golf course or athletic field within the city that is under the control, operation or management of the city or any other public agency.

(8) "Perform at a sexually oriented business" shall mean to engage in or participate in any live performance at a sexually oriented business that either: (a) is characterized by an emphasis upon specified sexual activities; or (b) features any semi-nude person.

(9) "Permittee" shall mean any person who has been issued a permit pursuant to this chapter.

(10) "Person" shall mean any individual, partnership, copartnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.

(11) "Regular and substantial course of conduct" and "regular and substantial portion of business" shall mean that any of the following conditions exist:

(a) At least 20 percent of the stock-in-trade is devoted to sexually oriented material, sexually oriented merchandise, or both; provided, however, that this criteria shall not apply to mail order businesses or wholesale businesses with no patrons on the premises.

(b) At least 20 percent of the total display area is devoted to sexually oriented material, sexually oriented merchandise, or both; provided, however, that this criteria shall not apply to mail order businesses or wholesale businesses with no patrons on the premises.

(c) The business presents any type of entertainment, live or otherwise, characterized by an emphasis on specified sexual activities or featuring any semi-nude person on any four or more separate days within any 30-day period.

(d) At least 20 percent of the gross receipts of the business are derived from the sale, trade, rental, display or presentation of services, products, materials or entertainment that is characterized by an emphasis on specified sexual activities or the exposure of specified anatomical areas.

(12) "Religious institution" shall mean a structure that is used primarily for religious worship and related religious activities.

(13) "School" shall mean: (a) any child or day care facility; and (b) any institution of learning for minors, whether public or private, offering instruction in the courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

(14) "Semi-nude" shall mean a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

(15) "Sexually oriented material" shall mean any book, periodical, magazine, photograph, drawing, sculpture, motion-picture film, videotape recording, or other visual representation, that is characterized by specified sexual activities or the exposure of specified anatomical areas.

(16) "Sexually oriented merchandise" shall mean sexually oriented implements or paraphernalia, such as, but not limited to: dildos; auto sucks; sexually oriented vibrators; edible underwear; benwa balls; inflatable orifices; anatomical balloons with orifices; simulated vaginas and similar sexually oriented devices that are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

(17) "Specified anatomical areas" shall mean the following:

(a) Less than completely and opaquely covered human (i) genitals or pubic region; (ii) buttocks; and (iii) female breast below a point immediately above the top of the areola;

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

(c) Any device, costume or covering that simulates any of the body parts included in subsection (17)(a) or (b) of this section.

(18) "Specified sexual activities" shall mean the following, whether performed directly or indirectly through clothing or other covering:

(a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;

(b) Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;

(c) Masturbation, actual or simulated;

(d) Excretory functions as part of, or in connection with, any of the other activities described in subsections (18)(a) through (c) of this section.

(19) "Substantially enlarged" shall mean the increase in floor area occupied by a sexually oriented business by more than 10 percent of its floor area as it existed at the time a sexually oriented business operator permit was issued for the business. (Ord. 587 § 20-1.2605).

20.100.030 Sexually oriented business operator permit.

(1) Permit Required. It is unlawful for any person to operate, engage in, conduct or carry on any sexually oriented business unless the owner of such business first obtains from the director, and continues to maintain in full force and effect, a sexually oriented business operator permit for such business.

(2) Persons Eligible. The owner of a proposed sexually oriented business shall be the only person eligible to obtain a sexually oriented business operator permit for such business. The owner shall not be eligible to obtain a sexually oriented business operator permit unless the owner is at least 18 years of age.

(3) Application Requirements. The following shall be submitted to the director at the time of application for a sexually oriented business operator permit:

(a) A completed application form signed by: (i) the applicant; and (ii) either the record owner of the property or the lessor of the premises (if the business premises are leased to the applicant business) where the sexually oriented business is to be conducted.

(b) The applicant's fingerprints on a form provided by the Los Angeles sheriff's department, and two color photographs, taken within six months prior to the date of the application, clearly showing the applicant's face. Any fees for the photographs and fingerprints shall be paid by the applicant.

(c) A letter of justification that describes the proposed sexually oriented business and how it will satisfy the requirements of this chapter.

(d) A site plan designating the building and/or unit proposed for the sexually oriented business. The site plan shall include a dimensional interior floor plan that depicts how the business will comply with the requirements of this chapter. The site plan shall also include a diagram of the off-street parking areas required by Chapter 20.80 CMC.

(e) The names of all known owners, employees, independent contractors, and other persons who will perform at the sexually oriented business and who are required by this chapter to obtain a sexually oriented business entertainer permit.

(f) A statement signed by the applicant certifying under penalty of perjury that all of the information submitted in connection with the application is true and correct.

(g) A nonrefundable application fee in an amount set by resolution of the city council.

(4) If the director determines that the applicant has completed the application improperly, the director shall promptly notify the applicant of such fact and shall return the application unprocessed. On request of the applicant, the director shall grant the applicant an extension of time of 10 days to complete the application properly. The time period for granting or denying the requested permit shall be stayed during the period in which the applicant is granted an extension of time. (Ord. 587 § 20-1.2607).

20.100.040 Approval or denial of permit.

The director shall, within 20 city business days of the filing of a complete application, approve and issue the sexually oriented business operator permit if the requirements of this chapter have been met; otherwise the permit shall be denied. Notice of the approval or denial of the permit shall be given to the applicant in writing by first class mail, postage prepaid, deposited in the course of transmission with the United States Postal Service within three city business days of the date of such decision. If the application is denied, the director shall attach to the notice a statement of the reasons for the denial. The times set forth in this section shall not be extended except upon the written consent of the applicant. Any interested person may appeal the decision of the director to the hearing officer in accordance with subsection 20-35A.22. (Ord. 587 § 20-1.2610).

20.100.050 Nontransferable.

(1) No person shall operate a sexually oriented business under the authority of a sexually oriented business operator permit at any place other than the address of the sexually oriented business stated in the application for the permit.

(2) No sexually oriented business operator permit issued pursuant to this chapter shall be transferable.

(3) Any attempt to transfer a sexually oriented business operator permit is hereby declared invalid and the permit shall automatically become void effective the date of such attempted transfer. (Ord. 587 § 20-1.2615).

20.100.060 Location criteria.

(1) A sexually oriented business may be located in the M-2 (Manufacturing and Industrial) Zone, provided such business complies with all of the following requirements:

(a) The sexually oriented business is not within 300 feet of any other sexually oriented business located within or outside of the city; and

(b) The sexually oriented business is not within 500 feet of any residential use located within or outside of the city; and

(c) The sexually oriented business is not within 1,500 feet of any park, religious institution or school located within or outside of the city.

(2) The distances set forth above shall be measured as a straight line, without regard to intervening structures, from the primary entrance of the sexually oriented business to the property line of the property so used at the time of submission of the permit application.

(3) No sexually oriented business may be located within the city except as provided in this section. (Ord. 587 § 20-1.2620).

20.100.070 Design standards.

(1) No sexually oriented business shall be located in any temporary or portable structure.

(2) Trash dumpsters shall be enclosed by a screening enclosure so as not to be accessible to the public.

(3) No landscaping shall exceed 30 inches in height, except trees with foliage not less than six feet above the ground.

(4) All off-street parking areas and premises entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system that provides an average maintained horizontal illumination of one footcandle of light on parking surfaces and walkways. The lighting shall be shown on the site plan required by subsection 20-35A.3(C)(4).

(5) The premises within which the sexually oriented business is located shall provide sufficient sound-absorbing insulation so that noise generated inside the premises shall not be audible anywhere on adjacent property, public rights-of-way or within any separate unit within the same building.

(6) All indoor areas of the sexually oriented business within which patrons are permitted, except restrooms, shall be open to view by the management at all times.

(7) All interior areas of the sexually oriented business shall be illuminated at a minimum of the following footcandles, minimally maintained and evenly distributed at ground level:

Area	Footcandles
Retail Stores	20
Theaters and Cabarets	5 (except during performances, at which times lighting shall be at least 1.25 footcandles)
Arcades	10
Motels/Hotels	20 (in public areas)

(8) The sexually oriented business shall provide and maintain separate restroom facilities for male patrons and employees, and female patrons and employees. Male patrons and employees shall be prohibited from using the restroom(s) for females, and female patrons and employees shall be prohibited from using the restroom(s) for males, except to carry out duties of repair, maintenance and cleaning of the restroom facilities. The restrooms shall be free from sexually oriented material and sexually oriented merchandise. Restrooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing provisions of this subsection shall not apply to a sexually oriented business that: (a) is not required to and does not provide restroom facilities to patrons or the general public;

and (b) deals exclusively with sale or rental of sexually oriented material or sexually oriented merchandise that is not used or consumed on the premises.

(9) Sexually oriented arcades shall comply with the following additional requirements:

(a) The interior of the premises shall be configured in such a manner that from a manager's station there is an unobstructed view of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. If the premises has two or more designated manager's stations, then the interior shall be configured in such a manner that from at least one of the manager's stations there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms. The view required in this subsection must be direct line of sight from the designated manager's station.

(b) The view specified in subsection (9)(a) of this section shall at all times remain unobstructed by doors, walls, merchandise, display racks, or other materials.

(c) The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times. The walls or partitions between viewing rooms or booths shall not contain holes between any two such rooms or booths such as would allow either:

(i) Viewing from one room or booth into another; or

(ii) Physical contact of any kind between the occupants of any two such rooms or booths.

(10) Sexually oriented cabarets and sexually oriented theaters, except for businesses regulated by the Alcoholic Beverage Control Commission, shall comply with the following additional requirements:

(a) Separate dressing room facilities for entertainers, exclusively dedicated to the entertainers' use, shall be provided.

(b) An entrance/exit for entertainers, separate from the entrance/exit used by patrons, shall be provided.

(c) Access between the stage and the entertainers' dressing room facilities, completely separated from the patrons, shall be provided. If such separate access is not physically feasible, a minimum three-foot-wide walk aisle between the entertainers' dressing room facilities and the stage shall be provided. Such walk aisle shall contain a railing, fence or other barrier separating the patrons and the entertainers. Such railing, fence or other barrier shall be at least 30 inches in height and shall be sufficient to prevent any physical contact between patrons and entertainers. (Ord. 587 § 20-1.2625).

20.100.080 Performance standards.

(1) No sexually oriented business shall be operated in a manner that permits the observation, from public rights-of-way or locations outside the establishment, of either: (a) sexually oriented material; (b) sexually oriented merchandise; (c) specified sexual activities; (d) specified anatomical areas; or (e) any semi-nude person. This provision shall apply to any display, decoration, sign, show window or other opening.

(2) Exterior doors and windows of the sexually oriented business shall not be propped or kept open at any time while the business is open.

(3) Patrons shall not be permitted access to any area of the sexually oriented business that has been designated as an area in which patrons will not be permitted.

(4) No person under the age of 18 years shall be permitted within the sexually oriented business at any time.

(5) The sexually oriented business shall maintain a security system that visually monitors and records all parking surfaces serving the business.

(6) Security guards shall be employed in order to maintain the public peace and safety, based upon the following standards:

(a) One security guard shall be on duty at all times while the business is open; provided, however, that an additional security guard shall be on duty if the occupancy limit of the premises is greater than 35 persons.

(b) The security guard(s) shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public.

(c) The security guard(s) shall be charged with preventing violations of law, enforcing patron compliance with the requirements of this chapter, and with notifying the Los Angeles sheriff's department of any violations of law observed.

(d) No security guard required pursuant to this subsection (6) shall act as a door person, ticket seller, ticket taker, admittance person, or sole occu-

pant of the manager's station while acting as a security guard.

(7) No sexually oriented business shall operate between the hours of 12:00 midnight and 8:00 a.m. on any day, except that this provision does not apply to businesses also regulated by the California Department of Alcoholic Beverage Control.

(8) No owner or other person with managerial control over a sexually oriented business shall permit any person on the premises of the sexually oriented business to engage in a live showing of specified anatomical areas.

(9) Sexually oriented arcades shall comply with the following additional requirements:

(a) No viewing room or video booth may be occupied by more than one person at any one time.

(b) At least one employee shall be on duty and stationed at each manager's station at all times that a patron is present inside the premises.

(c) Customers, patrons and visitors shall not be allowed to loiter in either: (i) the vicinity of viewing rooms or booths; or (ii) the common area of the business.

(d) Signs prohibiting loitering shall be posted in prominent places in and near viewing rooms and booths.

(e) The floors, seats, walls and other interior portions of viewing rooms and booths shall be maintained clean and free from waste and bodily secretions. The presence of human excrement, urine, semen or saliva in any viewing rooms or booths shall be evidence of improper maintenance and inadequate sanitary controls.

(10) Sexually oriented cabarets and sexually oriented theaters, except for businesses regulated by the Alcoholic Beverage Control Commission, shall comply with the following additional requirements:

(a) No entertainer shall perform except upon a stage that is both: (i) at least 18 inches above the level of the floor; and (ii) separated by a distance of at least 10 feet from the nearest area occupied by patrons.

(b) No patron shall be permitted within 10 feet of the stage while the stage is occupied by an entertainer.

(c) No patron shall be permitted within 10 feet of any person dancing for any form of consideration.

(d) No entertainer shall have physical contact with a patron before, during or after performances. This subsection shall only apply to physical contact on the premises of the business.

(e) No patron shall have physical contact with an entertainer before, during or after performances. This subsection shall only apply to physical contact on the premises of the business.

(f) No patron shall directly pay or give any gratuity to an entertainer.

(g) No entertainer shall solicit any gratuity from a patron. (Ord. 587 § 20-1.2630).

20.100.090 Gross receipts records.

The owner of a sexually oriented business shall maintain complete records that can be segregated with regard to all transactions involving products, merchandise, services or entertainment that are characterized by an emphasis on specified sexual activities or the exposure of specified anatomical areas. Such records shall be sufficient to establish the percentage of gross receipts of the business that is derived from such transactions. Such records shall be maintained for at least three years after the end of the calendar year for which the records were created. (Ord. 587 § 20-1.2635).

20.100.100 Register and permit number of entertainers.

(1) Maintenance. Every owner of a sexually oriented cabaret and every owner of a sexually oriented theater shall maintain on the premises of such business a register of all entertainers who perform at the business. Such register shall list each entertainer's legal name, stage name(s), and sexually oriented business entertainer permit number.

(2) Annual Filing. Every owner of a sexually oriented cabaret and every owner of a sexually oriented theater shall annually file with the director a copy of the register of entertainers who perform at the business. Such filing shall be accompanied by a statement, signed by the owner, that all of the information in the register is true and correct. (Ord. 587 § 20-1.2640).

20.100.110 Employment of persons without permits.

No permittee, owner, operator or other person in charge of a sexually oriented business shall allow any person to perform at the business unless such

person is in possession of a valid sexually oriented business entertainer permit. (Ord. 587 § 20-1.2645).

20.100.120 Display of permit.

Every sexually oriented business shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such business. The permit shall be displayed in a conspicuous place so that it may be readily seen by all persons entering the sexually oriented business. (Ord. 587 § 20-1.2650).

20.100.130 Inspections.

The owner, operator, or other person in charge of a sexually oriented business shall allow city officers and their authorized representatives to conduct unscheduled inspections of the premises of the sexually oriented business for the purpose of ensuring compliance with the law at any time the sexually oriented business is open for business or is occupied. (Ord. 587 § 20-1.2655).

20.100.140 Conditions.

The requirements of this chapter shall be deemed conditions of sexually oriented business operator permit approvals. Failure to comply with every such requirement shall be grounds for suspension or revocation of a sexually oriented business operator permit. (Ord. 587 § 20-1.2660).

20.100.150 Sexually oriented business entertainer permit.

(1) Permit Required. It is unlawful for any person to perform at a sexually oriented business unless such person first obtains from the director, and continues to maintain in full force and effect, a sexually oriented business entertainer permit.

(2) Persons Eligible. No person less than 18 years of age shall be eligible for a sexually oriented business entertainer permit.

(3) Application Requirements. The following shall be submitted to the director at the time of application for a sexually oriented business entertainer permit:

(a) A completed application form signed by: (i) the applicant; and (ii) the owner of the sexually oriented business in which the applicant intends to perform.

(b) The applicant's legal name and any other names (including stage names and aliases) used by the applicant.

(c) Age, date and place of birth.

(d) Height, weight, hair and eye color.

(e) Present residence address and telephone number.

(f) Whether the applicant has ever been convicted of:

(i) Any of the offenses set forth in Sections 315, 316, 266a, 266b, 266c, 266e, 266g, 266h, 266i, 647(a), 647(b) and 647(d) of the California Penal Code as those sections now exist or may hereafter be amended or renumbered.

(ii) The equivalent of any of the aforesaid offenses if committed outside the state of California.

(g) Whether such person is or has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution in such other jurisdiction. If any person mentioned in this subsection has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other state to engage in prostitution, a statement shall be submitted giving the place of such registration, licensing or legal authorization, and the inclusive dates during which such person was so licensed, registered, or authorized to engage in prostitution.

(h) State driver's license or identification number.

(i) Satisfactory written evidence that the applicant is at least 18 years of age.

(j) The applicant's fingerprints on a form provided by the Los Angeles sheriff's department, and two color photographs, taken within six months prior to the date of the application, clearly showing the applicant's face. Any fees for the photographs and fingerprints shall be paid by the applicant.

(k) A nonrefundable application fee in an amount set by resolution of the city council.

(4) If the director determines that the applicant has completed the application improperly, the director shall promptly notify the applicant of such fact and shall return the application unprocessed. On request of the applicant, the director shall grant the applicant an extension of time of 10 days to complete the application properly. The time period for granting or denying the requested permit shall

be stayed during the period in which the applicant is granted an extension of time. (Ord. 587 § 20-1.2665).

20.100.160 Grounds for denial.

The director shall deny an application for a sexually oriented business entertainer permit for any of the following causes:

(1) The applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application or in any report or document required to be filed with the application.

(2) The applicant is under 18 years of age.

(3) The sexually oriented business entertainer permit is to be used for performing in a business prohibited by state or city law. (Ord. 587 § 20-1.2670).

20.100.170 Approval or denial of permit.

The director shall, within four city business days of the filing of a compete application, approve and issue the sexually oriented business entertainer permit if there are no grounds for denial; otherwise, the permit shall be denied. Notice of the approval or denial of the permit shall be given to the applicant in writing by first class mail, postage prepaid, deposited in the course of transmission with the United States Postal Service within three city business days of the date of such decision. If the application is denied, the director shall attach to the notice a statement of the reasons for the denial. The times set forth in this section shall not be extended except upon the written consent of the applicant. Any interested person may appeal the decision of the director to the hearing officer in accordance with subsection 20-35A.22. (Ord. 587 § 20-1.2675).

20.100.180 Nontransferable.

(1) No sexually oriented business entertainer permit shall authorize the permittee to perform at a sexually oriented business other than the business stated in the application for the permit.

(2) No sexually oriented business entertainer permit issued pursuant to this chapter shall be transferable.

(3) Any attempt to transfer a sexually oriented business entertainer permit is hereby declared invalid and the permit shall automatically become void effective the date of such attempted transfer. (Ord. 587 § 20-1.2680).

20.100.190 Display of permit.

Every entertainer shall have his or her sexually oriented business entertainer permit available for inspection at all times during which such entertainer is on the premises of the sexually oriented business at which the entertainer performs. (Ord. 587 § 20-1.2685).

20.100.200 Grounds for suspension or revocation.

(1) The director shall suspend or revoke a sexually oriented business operator permit for the following causes:

(a) The permittee has knowingly made any false, misleading or fraudulent statement of material fact in the application, or in any report or record required to be filed with the city.

(b) The permittee, or an employee, owner, agent, partner, director, stockholder, or manager of the sexually oriented business has knowingly failed to comply with any of the requirements of this chapter.

(c) The permittee, or an employee, owner, agent, partner, director, stockholder, or manager of the sexually oriented business has knowingly allowed or permitted the occurrence of criminal activity on the premises of the sexually oriented business.

(d) The permittee, or an employee, owner, agent, partner, director, stockholder, or manager of the sexually oriented business has committed a misdemeanor or felony in the conduct of the business.

(e) The permittee, or an employee, owner, agent, partner, director, stockholder, or manager of the sexually oriented business has failed to abide by any disciplinary action previously imposed by an authorized city official.

(f) The approved use has been substantially enlarged without city approval.

(2) The director shall suspend or revoke a sexually oriented business entertainer permit for the following causes:

(a) The permittee has knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit, or in any report or record required to be filed with the city.

(b) The permittee has engaged in one of the activities described below while on the premises of a sexually oriented business:

(i) Unlawful sexual intercourse, sodomy, oral copulation, or masturbation.

(ii) Unlawful solicitation of sexual intercourse, sodomy, oral copulation, or masturbation.

(iii) Any conduct constituting a criminal offense that requires registration under Section 290 of the California Penal Code.

(iv) Lewdness, assignation, or prostitution, including any conduct constituting violations of Section 315, 316, or 318 or Subdivision b of Section 647 of the California Penal Code.

(v) An act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including but not limited to Sections 311 through 313.4.

(vi) Any conduct prohibited by this chapter.

(c) Failure to abide by a disciplinary action previously imposed by an authorized city official. (Ord. 587 § 20-1.2690).

20.100.210 Procedure for suspension or revocation.

(1) Notice. On determining that grounds for permit revocation exist, the director shall furnish written notice of the proposed suspension or revocation to the permittee. Such notice shall set forth the time and place of a hearing, and the ground(s) upon which the proposed suspension or revocation is based. The notice shall be mailed, postage prepaid, addressed to the last known address of the permittee, or shall be personally delivered to the permittee, at least 10 days prior to the hearing date.

(2) Hearing. Hearings shall be conducted in accordance with procedures established by the director. All parties involved shall have a right to: (a) offer testimonial, documentary and tangible evidence bearing on the issues; (b) be represented by counsel; and (c) confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness.

(3) Penalty. After holding the hearing in accordance with this section, upon determining that there are sufficient grounds for disciplinary action, the director shall impose one of the following penalties:

(a) A warning;

(b) Suspension of the permit for a specified period not to exceed six months;

(c) Revocation of the permit.

The director may, in conjunction with the issuance of a warning or the suspension of a permit, order the permittee to take appropriate corrective action. (Ord. 587 § 20-1.2695).

20.100.220 Appeals.

(1) Who May Appeal. Any interested person may appeal the director's issuance, denial of issuance, suspension or revocation of a sexually oriented business operator permit or sexually oriented business entertainer permit to the hearing officer in accordance with the provisions of this section.

(2) Appeal Period. A written appeal petition must be filed with the city clerk within five working days after the decision of the director; provided, however, that if the five days expire on a date that City Hall is not open for business, then the appeal period shall be extended to the next city business day. Failure to file a timely appeal petition deprives the hearing officer of jurisdiction to hear the appeal.

(3) Form of Appeal Petition. The appeal petition must indicate in what way the appellant contends the director's decision was incorrect or must provide extenuating circumstances that the appellant contends would justify reversal or modification of the director's decision.

(4) Director's Decision Stayed. The effectiveness of any decision of the director to suspend or revoke a sexually oriented business operator permit or sexually oriented business entertainer permit shall be stayed during: (a) the appeal period set forth in subsection (2) of this section; and (b) the pendency of any appeal.

(5) Notice of Hearing. The hearing officer shall consider a timely filed appeal no later than 30 city business days following the submission of the appeal, unless the appellant consents in writing to an extension. At least 10 calendar days prior to such hearing, written notice thereof shall be mailed

to the appellant by U.S. mail with a proof of service attached.

(6) Hearing Officer Consideration. Hearings shall be conducted in accordance with procedures established by the hearing officer. All parties involved shall have a right to:

(a) Offer testimonial, documentary and tangible evidence bearing on the issues;

(b) Be represented by counsel; and

(c) Confront and cross-examine witnesses.

Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness.

(7) Burden of Proof. Unless otherwise specifically provided by law, in any hearing under this section the burden is on the city to prove that the determination of the director that is being appealed is reasonable and not an abuse of discretion.

(8) Hearing Officer Decision. The hearing officer shall, within 10 city business days from the submission of the matter for decision, render a written decision supported by findings. No later than three city business days after the hearing officer's decision, notice of the decision and a copy thereof shall be mailed by first class mail, postage prepaid, to the appellant. Such notice shall contain the substance of the following statement: "You are hereby notified that the time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure Section 1094.6."

(9) Judicial Review. The appellant may seek judicial review of the hearing officer's decision in accordance with California Code of Civil Procedure Sections 1094.5 et seq. or as otherwise permitted by law. (Ord. 587 § 20-1.2696).

20.100.230 Number of businesses.

No building, structure or other facility shall contain more than one type of sexually oriented business, as such types of sexually oriented businesses are defined in this chapter. (Ord. 587 § 20-1.2697).

20.100.240 Regulations nonexclusive.

The provisions of this chapter regulating sexually oriented businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other applicable provisions of the Cudahy Municipal Code or other law. (Ord. 587 § 20-1.2698).

20.100.250 Conflicts.

If the provisions of this chapter conflict with or contravene any other provisions of the Cudahy Municipal Code, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter. (Ord. 587 § 20-1.2699).

Chapter 20.104

FENCES, WALLS AND HEDGES IN RESIDENTIAL DISTRICTS

Sections:

20.104.010 Applicability.
20.104.020 Height requirements.
20.104.030 Materials.
20.104.040 Barriers to separate an area from a street or highway.
20.104.050 Modifications of fence, wall and hedge requirements.
20.104.060 Legal nonconforming fences.
20.104.070 Intersection visibility.

20.104.010 Applicability.

The provisions of this chapter shall apply to fences, walls and hedges within all zones except as otherwise indicated. The provisions of this chapter shall not apply to a fence, wall or hedge for the public safety, a fence, wall or hedge required as an environmental mitigation measure or required by any law or regulation of the state or federal government or agency thereof. (Ord. 587 § 20-1.2700).

20.104.020 Height requirements.

(1) Front Yards.

(a) Except as otherwise permitted in this section, fences, walls, and hedges shall not exceed a height of 42 inches within the required front yards of lots in all zones.

(b) Chain Link Fence. No chain link fence shall be permitted in the front yard or side yard abutting a street in the LDR, MDR and HDR-G Zones.

(c) Within a required front yard, side yard or rear yard abutting a street in the LDR, MDR, or HDR-G Zones, a decorative fence, as such term is defined in CMC 20.104.030, or masonry wall may be constructed to a height not to exceed 42 inches, except that wrought iron fences may be constructed to a height not to exceed 48 inches; provided, that pilasters installed therewith shall not be less than eight feet apart.

(2) Side or Rear Yards. Except as otherwise permitted in this section, fences, walls and hedges erected or maintained within required side or rear yards shall satisfy the following height requirements:

(a) On any side or rear interior lot line of any parcel of land, the fence, wall or hedge shall not exceed a height limit of 96 inches (eight feet).

(b) On any side or rear lot line abutting a street, the fence, wall or hedge shall not exceed a height limit of 42 inches or a height of 96 inches (eight feet) when located within a required side yard more than 25 feet from the front lot line.

(c) Chain Link Fence. No chain link fence shall be permitted in the front yard or side yard abutting a street in the LDR, MDR and HDR-G zones.

(3) Additional Requirements and Exceptions to Fence Height. Wrought iron fences may be constructed to a height not to exceed 48 inches provided any pilasters installed in conjunction therewith shall not be less than eight feet apart.

(4) Hedges. All height restrictions applying to fences or walls shall also apply to hedges planted within required yards and forming a barrier serving the same purpose as a fence or wall. (Ord. 587 § 20-1.2705).

20.104.030 Materials.

(1) Decorative Fence. A "decorative fence" is defined as a fence which is constructed so that there is 80 percent visibility through the fence when viewed from a point located in the center of the adjacent street and perpendicular to the fence, and which is aesthetically attractive and compatible with the surrounding area. Masonry walls, wire mesh, steel mesh, chain link or wood stake fencing, trees, shrubs, and hedges shall not be considered decorative fencing.

(2) Chain Link Fence. No chain link fence shall be permitted in the front yard or side yard abutting a street in the LDR, MDR and HDR-G Zones.

(3) Prohibited Fence Material. No fence shall be used, constructed or maintained which contains broken glass or other sharp pointed material capable of causing serious bodily harm. The provision of this subsection shall not apply to barbed wire which is properly installed and clearly visible. (Ord. 587 § 20-1.2710).

20.104.040 Barriers to separate an area from a street or highway.

A barrier not to exceed 96 inches (eight feet) in height, serving to separate an area including several lots or parcels of land from the adjoining street

or highway, may be established within five feet of a street or highway provided such wall is approved by the director and is erected in accordance with the provisions of Chapter 20.36 CMC (Site Plan Review). (Ord. 587 § 20-1.2715).

20.104.050 Modifications of fence, wall and hedge requirements.

The director may, without notice or hearing, grant a modification of the fence, wall or hedge regulations for sites occupied by an agency of the federal, state, county, or city government or where topographic features, subdivision plans, or other conditions create an unnecessary hardship or unreasonable situation making it impractical to require compliance with the fence, wall and hedge provisions. All modifications on a lot or parcel of land shall be subject to the provisions of Chapter 20.36 CMC (Site Plan Review). (Ord. 587 § 20-1.2720).

20.104.060 Legal nonconforming fences.

Any fence which becomes a legal nonconforming structure as a result of the adoption of the ordinance which adopted this chapter, or any subsequent amendment thereto, may be maintained subject to the provisions of Chapter 20.24 CMC and this chapter. (Ord. 587 § 20-1.2725).

20.104.070 Intersection visibility.

On corner lots within all zones, no fence, wall, hedge, sign or other structure, shrubbery, mound of earth, or other visual obstruction over 42 inches in height above the nearest street curb elevation shall be erected, placed, planted, or allowed to grow within the triangular space formed by the intersection curb lines and a line joining points on the line extensions. In zones where the required front yard or side yard setback permits construction of a building within this triangular space, fences, walls, other structures or shrubbery behind the required front or street-side setback line are exempted. Trees which are trimmed to the trunk to a height at least six feet above the nearest street curb elevation are also exempt. Conditions existing as of the effective date of the ordinance codified in this title which do not conform to this chapter need only be brought into compliance upon the finding, by resolution of the city council, that a hazard to public safety exists. (Ord. 587 § 20-1.2730).

Chapter 20.108

LOW IMPACT DEVELOPMENT MEASURES FOR NEW DEVELOPMENT AND/OR REDEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES (LOW IMPACT DEVELOPMENT ORDINANCE)

Sections:

20.108.010 Definitions.
20.108.020 Low impact development measures for new development and/or redevelopment planning and construction activities.

20.108.010 Definitions.

If the definition of any term contained in this chapter conflicts with the definition of the same term in Order No. R4-2012-0175, then the definition contained in Order No. R4-2012-0175 shall govern:

"Automotive service facility" means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, permittees need not inspect facilities with SIC Codes 5013, 5014, 5511, 5541, 7532 through 7534, and 7536 through 7539; provided, that these facilities have no outside activities or materials that may be exposed to stormwater (Order No. R4-2012-0175).

"Basin plan" means the water quality control plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994, and subsequent amendments (Order No. R4-2012-0175).

"Best management practices (BMPs)" means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water (Order No. R4-2012-0175).

"Biofiltration" means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction.

Therefore, the term "biofiltration" as used in this chapter is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board's executive officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (Order No. R4-2012-0175).

"Bioretention" means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum two-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in this chapter, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by Order No. R4-2012-0175 as biofiltration (Order No. R4-2012-0175).

"Bioswale" means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (Order No. R4-2012-0175).

"City" means the city of Cudahy.

"Clean Water Act (CWA)" means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to waters of the United States unless the discharge is in accordance with an NPDES permit.

"Commercial development" means any development on private land that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes (Order No. R4-2012-0175).

"Commercial malls" means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers (Order No. R4-2012-0175).

"Construction activity" means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that results in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "routine maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, state general construction permit coverage by the state of California general permit for stormwater discharges associated with industrial activities or for stormwater discharges associated with construction activities is required if more than one acre is disturbed or the activities are part of a larger plan (Order No. R4-2012-0175).

"Control" means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities (Order No. R4-2012-0175).

"Development" means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other nonresidential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Order No. R4-2012-0175).

"Directly adjacent" means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area (Order No. R4-2012-0175).

"Discharge" means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

"Disturbed area" means an area that is altered as a result of clearing, grading, and/or excavation (Order No. R4-2012-0175).

"Flow-through treatment BMPs" means modular, vault type "high flow biotreatment" devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain (Order No. R4-2012-0175).

"Full capture system" means any single device or series of devices, certified by the executive officer, that traps all particles retained by a five-mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area (Order No. R4-2012-0175).

"General construction activities stormwater permit (GCASP)" means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions (Order No. R4-2012-0175).

"General industrial activities stormwater permit (GIASP)" means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions (Order No. R4-2012-0175).

"Green roof" means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (Order No. R4-2012-0175).

"Hillside" means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25 percent or greater and where grading contemplates cut or fill slopes (Order No. R4-2012-0175).

"Industrial/commercial facility" means any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional and nonprofessional services. This category of facilities includes, but is not limited to, any facility defined by either the Standard Industrial Classifications (SIC) or the North American Industry Classification System (NAICS). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition (Order No. R4-2012-0175).

"Industrial park" means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry (Order No. R4-2012-0175).

"Infiltration BMP" means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (Order No. R4-2012-0175).

"Low impact development (LID)" consists of building and landscape features designed to retain or filter stormwater runoff (Order No. R4-2012-0175).

"Municipal separate storm sewer system (MS4)" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

(a) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States;

(b) Designed or used for collecting or conveying stormwater;

(c) Which is not a combined sewer; and

(d) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR Section 122.2.

(40 CFR Section 122.26(b)(8)) (Order No. R4-2012-0175)

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA Sections 307, 402, 318, and 405. The term includes an "approved program" (Order No. R4-2012-0175).

"Natural drainage system" means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (Order No. R4-2012-0175).

"New development" means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision (Order No. R4-2012-0175).

"Non-stormwater discharge" means any discharge to a municipal storm drain system that is not composed entirely of stormwater (Order No. R4-2012-0175).

"Outfall" means a point source as defined by 40 CFR Section 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States. (40 CFR Section 122.26(b)(9)) (Order No. R4-2012-0175).

"Parking lot" means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces (Order No. R4-2012-0175).

"Pollutant" means any "pollutant" defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Section 13373 (Order No. R4-2012-0175). Pollutants may include, but are not limited to, the following:

(a) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).

(b) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and nonmetals such as phosphorus and arsenic).

(c) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease).

(d) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the state.

(e) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).

(f) Substances having characteristics such as pH less than six or greater than nine, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

"Project" means all development, redevelopment, and land disturbing activities. The term is not limited to "project" as defined under CEQA (Pub. Resources Code Section 21065) (Order No. R4-2012-0175).

"Rainfall harvest and use" means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or nonpotable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (Order No. R4-2012-0175).

"Receiving water" means "water of the United States" into which waste and/or pollutants are or may be discharged (Order No. R4-2012-0175).

"Redevelopment" means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain origi-

nal line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Order No. R4-2012-0175).

"Regional Board" means the California Regional Water Quality Control Board, Los Angeles Region.

"Restaurant" means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812) (Order No. R4-2012-0175).

"Retail gasoline outlet" means any facility engaged in selling gasoline and lubricating oils (Order No. R4-2012-0175).

"Routine maintenance" includes, but is not limited to, projects conducted to:

(a) Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

(b) Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.

(c) Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.

(d) Update existing lines* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.

(e) Repair leaks.

Routine maintenance does not include construction of new** lines or facilities resulting from compliance with applicable codes, standards and regulations.

* Update existing lines includes replacing existing lines with new materials or pipes.

** New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (Order No. R4-2012-0175).

"Significant ecological areas (SEAs)" means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County general plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

(a) The habitat of rare, endangered, and threatened plant and animal species.

(b) Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.

(c) Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.

(d) Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.

(e) Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.

(f) Areas important as game species habitat or as fisheries.

(g) Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.

(h) Special areas (Order No. R4-2012-0175).

"Site" means land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity (Order No. R4-2012-0175).

"Storm drain system" means any facility or any parts of the facility, including streets, gutters, conduits, natural or artificial drains, channels and watercourse that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the city.

"Storm water or stormwater" means runoff and drainage related to precipitation events (pursuant to 40 CFR Section 122.26(b)(13); 55 Fed. Reg. 47990, 47995 (Nov. 16, 1990)).

"Urban runoff" means surface water flow produced by storm and nonstorm events. Nonstorm events include flow from residential, commercial or industrial activities involving the use of potable and nonpotable water. (Ord. 640 § 1, 2014).

20.108.020 Low impact development measures for new development and/or redevelopment planning and construction activities.

(1) Objective. The provisions of this section establish requirements for construction activities and facility operations of development and redevelopment projects to comply with the current "municipal NPDES permit," lessen the water quality impacts of development by using smart growth practices, and integrate LID practices and standards for stormwater pollution mitigation through means of infiltration, evapotranspiration, biofiltration, and rainfall harvest and use. LID shall be inclusive of new development and/or redevelopment requirements.

(2) Scope. This section contains requirements for stormwater pollution control measures in development and redevelopment projects and authorizes the city to further define and adopt stormwater pollution control measures, and to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, grant waivers from the LID requirements, and collect funds for projects that are granted waivers. Except as otherwise provided herein, the city shall administer, implement and enforce the provisions of this section. Guidance documents supporting implementation of requirements in this chapter are hereby incorporated by reference, including SUSMP and LID guidelines (Exhibit A) (city of Cudahy low impact development (LID) guidelines) available from the city clerk.

(3) Applicability. Development projects subject to permittee conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s), are:

(a) All development projects equal to one acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.

(b) Industrial parks 10,000 square feet or more of surface area.

(c) Commercial malls 10,000 square feet or more of surface area.

(d) Retail gasoline outlets with 5,000 square feet or more of surface area.

(e) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.

(f) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.

(g) Streets and roads construction of 10,000 square feet or more of impervious surface area. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.

(h) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532 through 7534 and 7536 through 7539) 5,000 square feet or more of surface area.

(i) Projects located in or directly adjacent to, or discharging directly to an environmentally sensitive area (ESA), where the development will:

(i) Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and

(ii) Create 2,500 square feet or more of impervious surface area.

(j) Single-family hillside homes.

(k) Redevelopment Projects.

(i) Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on planning priority project categories.

(ii) Where redevelopment results in an alteration to more than 50 percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.

(iii) Where redevelopment results in an alteration of less than 50 percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.

(iv) Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways

which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.

(v) Existing single-family dwellings and accessory structures are exempt from the redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

(l) Any other project as deemed appropriate by the director based on finding that characteristics of either the project or the site may result in environmental effects that can be mitigated by application of this chapter.

(4) Effective Date. The planning and land development requirements contained in this chapter shall become effective 30 days from the adoption of the ordinance codified in this chapter. This includes planning priority projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the ordinance codified in this chapter. Project applications that have been deemed complete within 90 days of adoption of the ordinance codified in this chapter are not subject to the requirements of this chapter.

(5) Specific Requirements. The site for every planning priority project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

(a) A new single-family hillside home development shall include mitigation measures to:

(i) Conserve natural areas;

(ii) Protect slopes and channels;

(iii) Provide storm drain system stenciling and signage;

(iv) Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and

(v) Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.

(b) Street and road construction projects with construction costs greater than $500,000 and add at least 10,000 square feet of impervious surface shall follow the city of Cudahy's green streets policy manual (available from the city clerk).

(c) The remainder of planning priority projects shall prepare a LID plan to comply with the following:

(i) Retain stormwater runoff on site for the stormwater quality design volume (SWQDv) defined as the runoff from:

(A) The eighty-fifth percentile 24-hour runoff event as determined from the Los Angeles County eighty-fifth percentile precipitation isohyetal map; or

(B) The volume of runoff produced from a three-quarter-inch, 24-hour rain event, whichever is greater.

(ii) Minimize hydromodification impacts to natural drainage systems as defined in the municipal NPDES permit.

(iii) To demonstrate technical infeasibility, the project applicant must demonstrate that the project cannot reliably retain 100 percent of the SWQDv on site, even with the maximum application of green roofs and rainwater harvest and use, and that compliance with the applicable post-construction requirements would be technically infeasible by submitting a site-specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect. Technical infeasibility may result from conditions including the following:

(A) The infiltration rate of saturated in-situ soils is less than three-tenths inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv on site;

(B) Locations where seasonal high groundwater is within five to 10 feet of surface grade;

(C) Locations within 100 feet of a groundwater well used for drinking water;

(D) Brownfield development sites or other locations where pollutant mobilization is a documented concern;

(E) Locations with potential geotechnical hazards;

(F) Smart growth and infill or redevelopment locations where the density and/or nature of the project would create significant difficulty for compliance with the on-site volume retention requirement.

(iv) If partial or complete on-site retention is technically infeasible, the project site may biofiltrate one and one-half times the portion of the remaining SWQDv that is not reliably retained on site. Biofiltration BMPs must adhere to the design specifications provided in the municipal NPDES permit.

(A) Additional alternative compliance options such as off-site infiltration and groundwater replenishment projects may be available to the project site. The project site should contact the approving agency to determine eligibility.

(v) The remaining SWQDv that cannot be retained or biofiltered on site must be treated on site to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the municipal NPDES permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:

(A) One-fifth inch per hour, or

(B) The one-year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.

(6) Additional Requirements. The site for projects not classified with general applicability listed in subsection (3) of this section, but resulting in the creation or addition or replacement of 500 square feet or more of impervious surface area shall be designed to control pollutants, pollutant loads, and runoff volume per the city of Cudahy low impact development (LID) guidelines (available from the city clerk).

(7) Validity. If any provision of this chapter is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this chapter are declared to be severable. (Ord. 640 § 1, 2014).

Tables

	Page
2002 Code Cross-Reference Table	**1**
Ordinance Table and Disposition List	**13**

CROSS-REFERENCE TABLE

This table provides users with the current disposition of the sections in the Cudahy Municipal Code. Thus, 2002 Code Section 1-1.1 appears in this code as CMC 1.04.010.

2002 Code	Herein	2002 Code	Herein
1-1.1	1.04.010	2-5.1	3.04.010
1-1.2	1.04.020	2-5.2	3.04.020
1-2.1	1.36.010	2-5.3	3.04.030
1-2.2	1.36.020	2-5.4	3.04.040
1-2.3	1.36.030	2-5.5	3.04.050
1-2.4	1.36.040	2-5.6	3.04.060
1-3.1	1.32.010	2-5.7	3.04.070
1-3.2	1.32.020	2-5.8	3.04.080
1-4	1.08.010	2-5.9	3.04.090
1-5	1.12.010	2-6	3.12.010
1-6	1.16.010	2-7.1	3.16.010
1-7	1.20.010	2-7.2	3.16.020
1-8	1.24.010	2-7.3	3.16.030
2-1.1	2.04.010	2-7.4	3.16.040
2-1.2	2.04.020	2-7.5	3.16.050
2-1.3	2.04.030	2-7.6	3.16.060
2-1.4	Repealed by 622	2-7.7	3.16.070
2-1.5	2.04.050	2-7.8	3.16.080
2-1.6	2.04.060	2-7.9	3.16.090
2-1.7	2.04.070	2-7.10	3.16.100
2-1.8	2.04.080	2-7.11	3.16.110
2-1.9	2.04.090	2-7.12	3.16.120
2-2.1	2.08.010	2-7.13	3.16.130
2-2.2	2.08.020	2-8.1	1.28.010
2-3.1	2.12.010	2-8.2	1.28.020
2-3.2	2.12.020	2-8.3	1.28.030
2-3.3	2.12.030	2-9.1	2.44.010
2-3.4	2.12.040	2-9.2	2.44.020
2-3.5	2.12.050	2-9.3	2.44.030
2-3.6	2.12.060	2-9.4	2.44.040
2-4.1	2.16.010	2-9.5	2.44.050
2-4.2	2.16.020	2-9.6	2.44.060
2-4.3	2.20.010	2-9.7	2.44.070
2-4.4	2.24.010	2-9.8	2.44.080
2-4.5	2.28.010	2-9.9	2.44.090
2-4.6	2.32.010	2-9.10	2.44.100
2-4.7	2.36.010	2-10.1	3.20.010
2-4.8	2.40.010	2-10.2	3.20.020

2002 Code	Herein	2002 Code	Herein
2-10.3	3.20.030	3-1.41	9.04.390
2-10.4	3.20.040	3-1.42	9.04.400
2-10.5	3.20.050	3-1.43	9.04.410
2-10.6	3.20.060	3-1.44	9.04.420
3-1.1	9.04.010	3-1.45	9.04.430
3-1.2	9.04.020	3-1.46	9.04.440
3-1.3	9.04.030	3-1.47	9.04.450
3-1.4	9.04.040	3-1.48	9.04.460
3-1.5	9.04.050	3-3.1	8.24.010
3-1.6	9.04.060	3-3.2	8.24.020
3-1.7	9.04.070	3-3.3	8.24.030
3-1.8	9.04.080	3-3.4	8.24.040
3-1.9	9.04.090	3-3.5	8.24.050
3-1.10	9.04.100	3-3.6	8.24.060
3-1.11	9.04.110	3-3.7	8.24.070
3-1.12	9.04.120	3-3.8	8.24.080
3-1.13	9.04.130	3-3.9	8.24.090
3-1.14	9.04.140	3-3.10	8.24.100
3-1.15	9.04.150	3-3.11	8.24.110
3-1.16	9.04.160	3-3.12	8.24.120
3-1.17	9.04.170	3-3.13	8.24.130
3-1.18	9.04.180	3-3.14	8.24.140
3-1.19	9.04.190	3-3.15	8.24.150
3-1.20	9.04.200	3-4.1	Ch. 9.04
3-1.21	9.04.210	3-4.2	Ch. 9.04
3-1.22	9.04.220	3-5.1	10.16.010
3-1.25	9.04.230	3-5.2	10.16.020
3-1.26	9.04.240	3-5.3	10.16.030
3-1.27	9.04.250	3-5.4	10.16.040
3-1.28	9.04.260	3-5.5	10.16.050
3-1.29	9.04.270	3-5.6	10.16.060
3-1.30	9.04.280	3-5.7	10.16.070
3-1.31	9.04.290	3-5.8	10.16.080
3-1.32	9.04.300	3-5.9	10.16.090
3-1.33	9.04.310	3-6.1	9.04.490
3-1.34	9.04.320	3-6.2	9.04.500
3-1.35	9.04.330	3-6.3	9.04.510
3-1.36	9.04.340	3-6.4	9.04.520
3-1.37	9.04.350	3-6.5	9.04.530
3-1.38	9.04.360	3-7.1	9.04.540
3-1.39	9.04.370	3-8.1	9.08.070
3-1.40	9.04.380	3-8.2	9.08.080

2002 Code	Herein
3-8.3	9.08.090
3-9.1	9.04.550
3-9.2	9.04.560
3-9.3	9.04.570
3-9.4	9.04.580
3-10.1	8.16.010
3-10.2	8.16.020
3-10.3	8.16.030
3-10.4	8.16.040
3-10.5	8.16.050
3-10.6	8.16.060
3-10.7	8.16.070
3-10.8	8.16.080
3-10.9	8.16.090
3-10.10	8.16.100
3-10.11	8.16.110
4-1.1	6.04.010
4-1.2	6.04.020
4-1.3	6.04.030
5-1	9.08.010
5-2	9.08.020
5-3	9.08.030
5-4	9.08.040
5-5	9.08.050
5-6	9.08.060
6-1.1	5.04.010
6-1.2	5.04.020
6-1.3	5.04.030
6-2.1	5.04.040
6-2.2	5.04.050
6-2.3	5.04.060
6-2.4	5.04.070
6-2.5	5.04.080
6-2.6	5.04.090
6-2.7	5.04.100
6-2.8	5.04.110
6-2.9	5.04.120
6-3.1	5.04.130
6-3.2	5.04.140
6-3.3	5.04.150
6-3.4	5.04.160
6-3.5	5.04.170

2002 Code	Herein
6-3.6	5.04.180
6-4.1	5.04.190
6-4.2	5.04.200
6-4.3	5.04.210
6-4.4	5.04.220
6-5.1	5.04.230
6-5.2	5.04.240
6-5.3	5.04.250
6-5.4	5.04.260
6-5.5	5.04.270
6-5.6	5.04.280
6-5.7	5.04.290
6-5.8	5.04.300
6-5.9	5.04.310
6-5.10	5.04.320
6-6.1	5.04.330
6-6.2	5.04.340
6-7	5.08.010
6-8.1	5.08.100
6-8.2	5.08.110
6-8.3	5.08.120
6-8.4	5.08.130
6-8.5	5.08.140
6-8.6	5.08.150
6-8.7	5.08.160
6-8.8	5.08.170
6-9	5.08.020
6-10	5.08.030
6-11	5.08.040
6-12	5.08.050
6-13	5.08.060
6-14.1	5.08.180
6-14.2	5.08.190
6-14.3	5.08.200
6-14.4	5.08.210
6-14.5	5.08.220
6-14.6	5.08.230
6-14.7	5.08.240
6-14.8	5.08.250
6-14.9	5.08.260
6-14.10	5.08.270
6-14.11	5.08.280

2002 Code	Herein	2002 Code	Herein
6-14.12	5.08.290	6-25.3	5.08.680
6-14.13	5.08.300	6-25.4	5.08.690
6-14.14	5.08.310	6-25.5	5.08.700
6-14.15	5.08.320	6-25.6	5.08.710
6-14.16	5.08.330	6-26.1	5.08.720
6-15.1	5.08.340	6-27.1	5.08.730
6-15.2	5.08.350	6-27.2	5.08.740
6-16	5.08.360	6-27.3	5.08.750
6-17	5.08.070	6-27.4	5.08.760
6-18.1	5.08.370	6-27.5	5.08.770
6-18.2	5.08.380	6-28	5.08.780
6-19	5.08.080	6-29	5.08.790
6-20	5.08.090	6-30	5.08.800
6-21.1	5.08.390	6-31	5.08.810
6-21.2	5.08.400	6-32.1	5.08.820
6-21.3	5.08.410	6-32.2	5.08.830
6-21.4	5.08.420	6-32.3	5.08.840
6-21.5	5.08.430	6-32.4	5.08.850
6-21.6	5.08.440	6-32.5	5.08.860
6-21.7	5.08.450	6-32.6	5.08.870
6-21.8	5.08.460	6-32.7	5.08.880
6-21.9	5.08.470	6-32.8	5.08.890
6-21.10	5.08.480	6-32.9	5.08.900
6-21.11	5.08.490	6-32.10	5.08.910
6-21.12	5.08.500	6-32.11	5.08.920
6-21.13	5.08.510	6-32.12	5.08.930
6-21.14	5.08.520	6-32.13	5.08.940
6-21.15	5.08.530	6-32.14	5.08.950
6-22.1	5.08.540	6-32.14A	5.08.960
6-22.2	5.08.550	6-32.15	5.08.970
6-22.3	5.08.560	6-32.16	5.08.980
6-22.4	5.08.570	6-32.17	5.08.990
6-22.5	5.08.580	6-32.18	5.08.1000
6-22.6	5.08.590	6-32.19	5.08.1010
6-22.7	5.08.600	6-32.20	5.08.1020
6-23.1	5.08.610	6-32.21	5.08.1030
6-23.2	5.08.620	6-32.22	5.08.1040
6-23.3	5.08.630	6-32.23	5.08.1050
6-23.4	5.08.640	6-32.24	5.08.1060
6-24	5.08.650	6-32.25	5.08.1070
6-25.1	5.08.660	6-32.26	5.08.1080
6-25.2	5.08.670	6-32.27	5.08.1090

2002 Code	Herein	2002 Code	Herein
6-32.28	5.08.1100	6-37.2	5.08.1520
6-33.1	5.08.1110	6-37.3	5.08.1530
6-33.2	5.08.1120	6-37.4	5.08.1540
6-33.3	5.08.1130	6-37.5	5.08.1550
6-33.4	5.08.1140	6-37.6	5.08.1560
6-33.5	5.08.1150	6-37.7	5.08.1570
6-33.6	5.08.1160	6-37.8	5.08.1580
6-33.7	5.08.1170	6-37.9	5.08.1590
6-33.8	5.08.1180	6-38.1	5.08.1600
6-33.9	5.08.1190	7-1.1	3.24.010
6-33.10	5.08.1200	7-1.2	3.24.020
6-33.11	5.08.1210	7-1.3	3.24.030
6-33.12	5.08.1220	7-1.4	3.24.040
6-33.13	5.08.1230	7-1.5	3.24.050
6-33.14	5.08.1240	7-1.6	3.24.060
6-33.15	5.08.1250	7-1.7	3.24.070
6-34.1	5.08.1260	7-1.8	3.24.080
6-34.2	5.08.1270	7-1.9	3.24.090
6-34.3	5.08.1280	7-1.10	3.24.100
6-34.4	5.08.1290	7-1.11	3.24.110
6-34.5	5.08.1300	7-1.12A	3.24.120
6-34.6	5.08.1310	7-1.12B	3.24.130
6-34.7	5.08.1320	7-1.13	3.24.140
6-34.8	5.08.1330	7-1.14	3.24.150
6-34.9	5.08.1340	7-1.15	3.24.160
6-34.10	5.08.1350	7-2.1	3.28.010
6-34.11	5.08.1360	7-2.2	3.28.020
6-34.12	5.08.1370	7-2.3	3.28.030
6-34.13	5.08.1380	7-2.4	3.28.040
6-34.14	5.08.1390	7-2.5	3.28.050
6-34.15	5.08.1400	7-2.6	3.28.060
6-35.1	5.08.1410	7-2.7	3.28.070
6-35.2	5.08.1420	7-2.8	3.28.080
6-35.3	5.08.1430	7-2.9	3.28.090
6-35.4	5.08.1440	7-2.10	3.28.100
6-35.5	5.08.1450	7-3.1	3.32.010
6-36.1	5.08.1460	7-3.2	3.32.020
6-36.2	5.08.1470	7-3.3	3.32.030
6-36.3	5.08.1480	7-3.4	3.32.040
6-36.4	5.08.1490	7-3.5	3.32.050
6-36.5	5.08.1500	7-3.6	3.32.060
6-37.1	5.08.1510	7-3.7	3.32.070

2002 Code	Herein
7-3.8	3.32.080
7-3.9	3.32.090
7-3.10	3.32.100
7-3.11	3.32.110
7-3.12	3.32.120
7-3.13	3.32.130
7-3.14	3.32.140
7-4.1	3.40.010
7-4.2	3.40.020
7-4.3	3.40.030
7-4.4	3.40.040
7-4.5	3.40.050
7-4.6	3.40.060
7-4.7	3.40.070
7-5.1	3.36.010
7-5.2	3.36.020
7-5.3	3.36.030
7-5.4	3.36.040
7-5.5	3.36.050
7-5.6	3.36.060
7-5.7	3.36.070
7-5.8	3.36.080
7-5.9	3.36.090
7-5.10	3.36.100
7-5.11	3.36.110
7-5.12	3.36.120
7-5.13	3.36.130
7-5.14	3.36.140
7-5.15	3.36.150
7-5.16	3.36.160
7-5.17	3.36.170
7-5.18	3.36.180
7-5.19	3.36.190
7-5.20	3.36.200
7-5.21	3.36.210
7-6.1	3.08.010
7-6.2	3.08.020
7-6.3	3.08.030
7-6.4	3.08.040
7-6.5	3.08.050
7-7.1	3.38.010
7-7.2	3.38.020
7-7.3	3.38.030
7-7.4	3.38.040
7-7.5	3.38.050
7-7.6	3.38.060
7-7.7	3.38.070
7-7.8	3.38.080
7-7.9	3.38.090
7-7.10	3.38.100
7-7.11	3.38.110
7-7.12	3.38.120
7-7.13	3.38.130
7-7.14	3.38.140
7-7.15	3.38.150
7-7.16	3.38.160
7-7.17	3.38.170
7-7.18	3.38.180
7-7.19	3.38.190
7-7.20	3.38.200
7-7.21	3.38.210
8-1	10.04.010, 10.04.015
8-2	10.04.020
8-3	10.04.030
8-4	10.04.040
8-5	10.04.050
8-6	10.04.060
8-7	10.04.070
8-8	10.04.080
8-9	10.04.090
8-10.1	10.08.010
8-10.2	10.08.020
8-10.3	10.08.030
8-10.4	10.08.040
8-10.5	10.08.050
8-10.6	10.08.060
8-10.7	10.08.070
8-10.8	10.08.080
8-10.9	10.08.090
8-10.10	10.08.100
8-10.11	10.08.110
8-10.12	10.08.120
8-10.13	10.08.130
8-10.14	10.08.140

2002 Code	Herein	2002 Code	Herein
8-10.15	10.08.150	9-7.7	15.24.070
8-10.16	10.08.160	9-7.8	15.24.080
8-10.17	10.08.170	9-7.9	15.24.090
8-11	10.12.010	9-7.10	15.24.100
9-1.1	15.04.010	9-8.1	8.36.010
9-1.2	15.04.020	9-8.2	8.36.020
9-1.2.1	15.04.030	9-8.3	8.36.030
9-1.3	15.04.040	9-8.4	8.36.040
9-1.4	15.04.050	9-8.5	8.36.050
9-1.5	Repealed by 625	9-8.6	8.36.060
9-2.1	15.08.010	9-8.7	8.36.070
9-2.2	15.08.020	9-8.8	8.36.080
9-2.2.1	15.08.030	9-8.9	8.36.090
9-2.3	15.08.040	9-8.10	8.36.100
9-2.4	15.08.050	9-8.11	8.36.110
9-3.1	15.12.010	9-8.12	8.36.120
9-3.2	15.12.020	9-8.13	8.36.130
9-3.2.1	15.12.030	9-8.14	8.36.140
9-3.3	15.12.040	9-9	15.28.010
9-4.1	15.16.010	10-1.1	2.48.010
9-4.2	15.16.020	10-1.2	2.48.020
9-5.1	15.20.010	10-2.1	2.52.010
9-5.2	15.20.020	10-2.2	2.52.020
9-5.3	15.20.030	10-2.3	2.52.030
9-5.4	15.20.040	10-2.4	2.52.040
9-5.5	15.20.050	10-2.5	2.52.050
9-5.6	15.20.060	11-1.1	13.04.010
9-5.7	15.20.070	11-1.2	13.04.020
9-5.8	15.20.080	11-1.3	13.04.030
9-5.9	15.20.090	11-1.4	13.04.040
9-5.10	15.20.100	11-1.5	13.04.050
9-5.11	15.20.110	11-1.6	13.04.060
9-5.12	15.20.120	11-1.7	13.04.070
9-5.13	15.20.130	11-1.8	13.04.080
9-5.14	15.20.140	11-1.9	13.04.090
9-5.15	Repealed by 632	11-1.10	13.04.100
9-7.1	15.24.010	11-1.11	13.04.110
9-7.2	15.24.020	11-1.12	13.04.120
9-7.3	15.24.030	11-2.1	13.08.010
9-7.4	15.24.040	11-2.2	13.08.020
9-7.5	15.24.050	11-2.3	13.08.030
9-7.6	15.24.060	11-2.4	13.08.040

2002 Code	Herein
11-2.5	13.08.050
11-2.6	13.08.060
11-2.7	13.08.070
11-2.8	13.08.080
11-2.9	13.08.090
11-2.10	13.08.100
11-2.11	13.08.110
11-2.12	13.08.120
11-2.13	13.08.130
11-2.14	13.08.140
11-2.15	13.08.150
11-2.16	13.08.160
12-1	8.12.010
12-1.1	8.12.020
12-2.1	8.12.030
12-3.1	8.12.040
12-3.2	8.12.050
12-3.3	8.12.060
12-3.4	8.12.070
12-3.5	8.12.080
12-3.6	8.12.090
12-3.7	8.12.100
12-3.8	8.12.110
12-3.9	8.12.120
12-3.10	8.12.130
12-3.11	8.12.140
12-3.12	8.12.150
12-4.1	8.12.160
12-4.2	8.12.170
12-5.1	8.12.180
12-5.2	8.12.190
12-5.3	8.12.200
12-5.4	8.12.210
12-6.1	8.12.220
12-6.2	8.12.230
12-6.3	8.12.240
12-6.4	8.12.250
12-6.5	8.12.260
12-6.6	8.12.270
12-6.7	8.12.280
12-7.1	8.12.290
12-7.2	8.12.300
12-7.3	8.12.310
12-7.4	8.12.320
12-7.5	8.12.330
12-7.6	8.12.340
12-7.7	8.12.350
12-7.8	8.12.360
12-7.9	8.12.370
12-7.10	8.12.380
12-7.11	8.12.390
12-7.12	8.12.400
12-7.13	8.12.410
12-7.14	8.12.420
12-7.15	8.12.430
12-7.16	8.12.440
12-7.17	8.12.450
12-7.18	8.12.460
12-8.1	8.12.470
12-8.2	8.12.480
12-8.3	8.12.490
12-8.4	8.12.500
12-8.5	8.12.510
12-8.6	8.12.520
12-8.7	8.12.530
12-9.1	8.12.540
12-9.2	8.12.550
12-9.3	8.12.560
12-9.4	8.12.570
12-9.5	8.12.580
12-9.6	8.12.590
12-9.7	8.12.600
13-1.1	12.04.010
13-1.2	12.04.020
13-1.3	12.04.030
13-1.4	12.04.040
13-1.5	12.04.050
13-1.6	12.04.060
13-1.7	12.04.070
13-2.1	12.08.010
13-2.2	12.08.020
13-2.3	12.08.030
13-2.4	12.08.040
13-2.5	12.08.050

2002 Code	Herein	2002 Code	Herein
13-2.6	12.08.060	18-1.2	13.12.020
13-2.7	12.08.070	18-1.3	13.12.030
13-2.8	12.08.080	18-1.4	13.12.040
13-2.9	12.08.090	18-1.5	13.12.050
13-3.1	12.12.010	18-1.6	13.12.060
13-3.2	12.12.020	18-1.7	13.12.070
13-3.3	12.12.030	18-1.8	13.12.080
13-3.4	12.12.040	18-1.9	13.12.090
13-3.5	12.12.050	18-1.10	13.12.100
13-3.6	12.12.060	18-1.11	13.12.110
13-3.7	12.12.070	18-1.12	13.12.120
13-3.8	12.12.080	18-1.13	13.12.130
13-3.9	12.12.090	19-1.1	19.04.010
13-4	12.16.010	19-1.2	19.04.020
15-1.1	8.04.010	19-1.3	19.04.030
15-1.2	8.04.020	19-1.4	19.04.040
15-1.3	8.04.030	19-1.5	19.04.050
15-1.4	8.04.040	19-1.6	19.04.060
15-1.5	8.04.050	19-1.7	19.04.070
15-2.1	8.20.010	19-1.8	19.04.080
15-2.2	8.20.020	19-1.9	19.04.090
15-2.3	8.20.030	20-1.0100	20.04.010
15-2.4	8.20.040	20-1.0105	20.04.020
16-1.1	8.08.010	20-1.0110	20.04.030
16-1.2	8.08.020	20-1.0115	20.04.040
16-1.3	Repealed by 641	20-1.0120	20.04.050
16-1.4	8.08.040	20-1.0125	20.04.060
16-1.5	8.08.050	20-1.0130	20.04.070
17-1.1	8.28.010	20-1.0135	20.04.080
17-1.2	8.28.020	20-1.0140	20.04.090
17-1.3	8.28.030	20-1.0145	20.04.100
17-2.1	8.32.010	20-1.0200	20.08.010
17-2.2	8.32.020	20-1.0300	20.12.010
17-2.3	8.32.030	20-1.0305	20.12.020
17-2.4	8.32.040	20-1.0306	20.12.030
17-2.5	8.32.050	20-1.0310	20.12.040
17-2.6	8.32.060	20-1.0315	20.12.050
17-2.7	8.32.070	20-1.0320	20.12.060
17-2.8	8.32.080	20-1.0325	20.12.070
17-2.9	8.32.090	20-1.0330	20.12.080
17-2.10	8.32.100	20-1.0335	20.12.090
18-1.1	13.12.010	20-1.0340	20.12.100

2002 Code	Herein	2002 Code	Herein
20-1.0345	20.12.110	20-1.0740	20.28.090
20-1.0350	20.12.120	20-1.0745	20.28.100
20-1.0355	20.12.130	20-1.0750	20.28.110
20-1.0360	20.12.140	20-1.0755	20.28.120
20-1.0365	20.12.150	20-1.0800	20.32.010
20-1.0370	20.12.160	20-1.0805	20.32.020
20-1.0400	20.16.010	20-1.0810	20.32.030
20-1.0405	20.16.020	20-1.0815	20.32.040
20-1.0410	20.16.030	20-1.0900	20.36.010
20-1.0415	20.16.040	20-1.0905	20.36.020
20-1.0420	20.16.050	20-1.0910	20.36.030
20-1.0425	20.16.060	20-1.0915	20.36.040
20-1.0430	20.16.070	20-1.0920	20.36.050
20-1.0431	20.16.080	20-1.0925	20.36.060
20-1.0435	20.16.090	20-1.0930	20.36.070
20-1.0440	20.16.100	20-1.1000	20.40.010
20-1.0445	20.16.110	20-1.1005	20.40.020
20-1.0450	20.16.120	20-1.1010	20.40.030
20-1.0455	20.16.130	20-1.1015	20.40.040
20-1.0500	20.20.010	20-1.1020	20.40.050
20-1.0505	20.20.020	20-1.1025	20.40.060
20-1.0510	20.20.030	20-1.1030	20.40.070
20-1.0515	20.20.040	20-1.1035	20.40.080
20-1.0520	20.20.050	20-1.1040	20.40.090
20-1.0525	20.20.060	20-1.1100	20.44.010
20-1.0530	20.20.070	20-1.1105	20.44.020
20-1.0535	20.20.080	20-1.1110	20.44.030
20-1.0540	20.20.090	20-1.1115	20.44.040
20-1.0545	20.20.100	20-1.1120	20.44.050
20-1.0550	20.20.110	20-1.1125	20.44.060
20-1.0555	20.20.120	20-1.1130	20.44.070
20-1.0600	20.24.010	20-1.1135	20.44.080
20-1.0605	20.24.020	20-1.1140	20.44.090
20-1.0610	20.24.030	20-1.1145	20.44.100
20-1.0700	20.28.010	20-1.1150	20.44.110
20-1.0705	20.28.020	20-1.1155	20.44.120
20-1.0710	20.28.030	20-1.1160	20.44.130
20-1.0715	20.28.040	20-1.1165	20.44.140
20-1.0720	20.28.050	20-1.1170	20.44.150
20-1.0725	20.28.060	20-1.1175	20.44.160
20-1.0730	20.28.070	20-1.1180	20.44.170
20-1.0735	20.28.080	20-1.1182	20.44.180

2002 Code	Herein
20-1.1185	20.44.190
20-1.1190	20.44.200
20-1.1195	20.44.210
20-1.11200	20.44.220
20-1.1200	20.48.010
20-1.1205	20.48.020
20-1.1210	20.48.030
20-1.1215	20.48.040
20-1.1300	20.52.010
20-1.1310	20.52.020
20-1.1315	20.52.030
20-1.1415	20.56.010
20-1.1425	20.56.020
20-1.1430	20.56.030
20-1.1440	20.56.040
20-1.1450	20.56.050
20-1.1455	20.56.060
20-1.1460	20.56.070
20-1.1500	20.60.010
20-1.1505	20.60.020
20-1.1510	20.60.030

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2002 Code	Herein	2002 Code	Herein
20-1.1515	20.60.040	20-1.1940	20.72.090
20-1.1520	20.60.050	20-1.2000	20.76.010
20-1.1525	20.60.060	20-1.2005	20.76.020
20-1.1600	20.64.010	20-1.2010	20.76.030
20-1.1605	20.64.020	20-1.2015	20.76.040
20-1.1610	20.64.030	20-1.2020	20.76.050
20-1.1615	20.64.040	20-1.2035	20.76.060
20-1.1620	20.64.050	20-1.2040	20.76.070
20-1.1625	20.64.060	20-1.2045	20.76.080
20-1.1630	20.64.070	20-1.2050	20.76.090
20-1.1635	20.64.080	20-1.2055	20.76.100
20-1.1640	20.64.090	20-1.2060	20.76.110
20-1.1643	20.64.100	20-1.2065	20.76.120
20-1.1645	20.64.110	20-1.2070	20.76.130
20-1.1650	20.64.120	20-1.2075	20.76.140
20-1.1655	20.64.130	20-1.2080	20.76.150
20-1.1660	20.64.140	20-1.2085	20.76.160
20-1.1665	20.64.150	20-1.2090	20.76.170
20-1.1700	20.68.010	20-1.2095	20.76.180
20-1.1705	20.68.020	20-1.2096	20.76.190
20-1.1715	20.68.030	20-1.2097	20.76.200
20-1.1720	20.68.040	20-1.2098	20.76.210
20-1.1725	20.68.050	20-1.2099	20.76.220
20-1.1730	20.68.060	20-1.20100	20.76.230
20-1.1735	20.68.070	20-1.20105	20.76.240
20-1.1740	20.68.080	20-1.20110	20.76.250
20-1.1745	20.68.090	20-1.20111	20.76.260
20-1.1750	20.68.100	20-1.20112	20.76.270
20-1.1755	20.68.110	20-1.20113	20.76.280
20-1.1760	20.68.120	20-1.20114	20.76.290
20-1.1765	20.68.130	20-1.20115	20.76.300
20-1.1770	20.68.140	20-1.20118	20.76.310
20-1.1775	20.68.150	20-1.20119	20.76.320
20-1.1780	20.68.160	20-1.20120	20.76.330
20-1.1900	20.72.010	20-1.20130	20.76.340
20-1.1905	20.72.020	20-1.2100	20.80.010
20-1.1910	20.72.030	20-1.2105	20.80.020
20-1.1915	20.72.040	20-1.2110	20.80.030
20-1.1920	20.72.050	20-1.2115	20.80.040
20-1.1925	20.72.060	20-1.2120	20.80.050
20-1.1930	20.72.070	20-1.2125	20.80.060
20-1.1935	20.72.080	20-1.2130	20.80.070

2002 Code	Herein
20-1.2135	20.80.080
20-1.2140	20.80.090
20-1.2145	20.80.100
20-1.2146	20.80.110
20-1.2200	20.84.010
20-1.2205	20.84.020
20-1.2210	20.84.030
20-1.2215	20.84.040
20-1.2220	20.84.050
20-1.2225	20.84.060
20-1.2230	20.84.070
20-1.2235	20.84.080
20-1.2240	20.84.090
20-1.2245	20.84.100
20-1.2250	20.84.110
20-1.2255	20.84.120
20-1.2260	20.84.130
20-1.2300	20.88.010
20-1.2305	20.88.020
20-1.2310	20.88.030
20-1.2315	20.88.040
20-1.2320	20.88.050
20-1.2325	20.88.060
20-1.2330	20.88.070
20-1.2335	20.88.080
20-1.2340	20.88.090
20-1.2345	20.88.100
20-1.2350	20.88.110
20-1.2355	20.88.120
20-1.2400	20.92.010
20-1.2500	20.96.010
20-1.2505	20.96.020
20-1.2510	20.96.030
20-1.2515	20.96.040
20-1.2520	20.96.050
20-1.2525	20.96.060
20-1.2530	20.96.070
20-1.2535	20.96.080
20-1.2600	20.100.010
20-1.2605	20.100.020
20-1.2607	20.100.030
20-1.2610	20.100.040

2002 Code	Herein
20-1.2615	20.100.050
20-1.2620	20.100.060
20-1.2625	20.100.070
20-1.2630	20.100.080
20-1.2635	20.100.090
20-1.2640	20.100.100
20-1.2645	20.100.110
20-1.2650	20.100.120
20-1.2655	20.100.130
20-1.2660	20.100.140
20-1.2665	20.100.150
20-1.2670	20.100.160
20-1.2675	20.100.170
20-1.2680	20.100.180
20-1.2685	20.100.190
20-1.2690	20.100.200
20-1.2695	20.100.210
20-1.2696	20.100.220
20-1.2697	20.100.230
20-1.2698	20.100.240
20-1.2699	20.100.250
20-1.2700	20.104.010
20-1.2705	20.104.020
20-1.2710	20.104.030
20-1.2715	20.104.040
20-1.2720	20.104.050
20-1.2725	20.104.060
20-1.2730	20.104.070

Ordinance Table

This table lists all ordinances after Ordinance 236. If an ordinance is codified, its location in the code is cited by chapter number at the end of the ordinance description. Ordinances are codified if they are general, permanent, and/or include penalty provisions for noncompliance. "Not codified" indicates that the ordinance could have been codified but was not for some reason (superseded by a later ordinance, codified in a separate publication). "Special" means the ordinance was special in nature or for a specific period of time (e.g., budget, annexation, tax levy, street vacation).

38	Subdivisions (Title 19)
58	Notices and filings, city council (1.28, 2.04)
60	Solid waste handling and recycling services (8.12)
65	Business license tax (Title 5)
69	Business license tax (Title 5)
70	Highway permits (12.04)
72	Notices and filings, real property transfer tax (1.28, 3.28)
73	Firearms (9.04)
74	Firearms (9.04)
76	Underground utility districts – conversion of overhead lines (13.12)
78	City council (2.04)
79	Mechanical code (15.16)
83	City council (2.04)
86	Vehicles and traffic (Title 10)
88	Criminal code (9.04)
96	Building code (15.04)
97	Highway permits (12.04)
98	Criminal code (9.04)
117	Health code (8.04)
121	Building code (15.04)
129	Property maintenance (15.20)
133	Building code (15.04)
136	Solid waste handling and recycling services (8.12)
140	Abandoned vehicles (8.24)
142	Business license tax (Title 5)
150	Solid waste handling and recycling services (8.12)
155	Business license tax (Title 5)
158	Business license tax (Title 5)
160	Building code (15.04)
167	Newsracks (12.12)
169	Shopping carts (12.08)
172	City council (2.04)
173	Sales and use tax (3.24)
175	Criminal code (9.04)
176	Property maintenance (15.20)
178	Criminal code (9.04)
182	Solid waste handling and recycling services (8.12)
184	Newsracks (12.12)
189	Newsracks (12.12)
190	Property maintenance (15.20)
194	Building code (15.04)
195	Criminal code (9.04)
202	Bicycles (10.16)
204	Building code (15.04)
205	Business license tax (Title 5)
210	Building code (15.04)
213	City commissioners (2.32)
221	Building code (15.04)
222	Business license tax (Title 5)
228	Business license tax (Title 5)
229	Real property transfer tax (3.28)
230	Business license tax (Title 5)
231	Building code (15.04)
234	Business license tax (Title 5)
236	Amends Subsections 20-16.5 and 20-18.5, conditional use permit in C-M and M-2 Zones (Title 20)
237	Amends Subsection 7-2.2, transfer of real property (3.28)
238	Amends Subsection 20-9.3, storage of vehicles and boats in residential zones (Title 20)
239	Amends Subsection 20-26.10, paragraph a, parking of vehicles in front yards in residential zones, etc. (Title 20)
240	Amends Subsection 20-16.2, deleting storage buildings for household goods (Title 20)
241	Amends Subsection 6-42.3, license fees for coin-operated amusement devices and vending machines (Title 5)
242	Amends Section 11-1, adopting by reference the county sanitary sewer and industrial waste ordinance (13.04)
243	Urgency ordinance, one-year moratorium on uses in the C-M Zone (Not codified)
244	Amends Subsection 3-5.8, licensing of bicycles (10.16)
245	Amends Subsection 9-1.4, uniform building code (15.04)

246	Amends Subsection 13-2.2, fees for impounding shopping carts (12.08)
247	Amends Subsection 20-33.7, condominiums (Title 20)
248	One-year moratorium, certain uses in the C-M Zone (Not codified)
249	Amends Subsection 20-24.10, paragraph c, parking of vehicles in front yards of residential zones (Title 20)
250	Amends Subsection 20-39.18, variances for minor deviations (Title 20)
251	Amends Subsection 20-28.3, placement of broken glass or sharp materials on fences or walls (Title 20)
252	Amends Subsection 20-33.6, regulations of condominiums (Title 20)
253	Amends Subsections 12-1.2, 12-1.4 and 12-1.6, refuse containers (8.12)
254	Amends Section 10-1, contract with California Public Employees' Retirement System (2.48)
255	One-year moratorium on uses in C-M and M-2 Zones (Not codified)
256	Amends Subsection 20-14.4, residential uses in C-1 Zone (Title 20)
257	Extends moratorium for six months on uses in the C-M Zone (Not codified)
258	Amends Subsection 13-1.1, adopting by reference county highway permit ordinance (12.04)
259	Amends Subsection 20-12.6, paragraph h 2, required walls in R-3 Zone (Title 20)
260	Amends Subsections 20-16.2 and 20-16.5, certain uses in C-M Zone (Title 20)
261	Amends Section 6-32 and Subsection 6-42.18, collection of business licenses (Title 5)
262	Amends Sections 8-1 through 8-29, no parking (Title 10)
263	Amends Section 20-35, outdoor advertising (Title 20)
264	Amends Subsection 20-26.11, handicapped parking (20.80)
265	Amends Section 12-11, collection of garbage (8.12)
266	Amends Section 8-12, no parking (Title 10)
267	Amend Subsections 20-27.12 through 20-27.16, freestanding signs (Title 20)
268	Amends Subsection 20-16.5, auto laundries, car washes (Title 20)
269	Amends Sections 12-1 through 12-18, collection of garbage and rubbish (8.12)
270	Amends Section 13-15, excavation and encroachment (12.04)
271	Amends Section 4-22, dog license fees (6.04)
272	Adds Section 13-4, placement and maintenance of bus stop benches on city streets (12.16)
273	Adds Section 2-10, organization of city council (Repealed by 476)
274	Amends Subsection 6-42.19, paragraph b, waste haulers fee, and paragraph d, definition (Title 5)
275	Amends Ordinance No. 220, approving and adopting the first amendment to the redevelopment plan for the commercial-industrial redevelopment project (Not codified)
276	Adopts Section 9-6, rules and regulations governing new construction within floodplain (Title 16)
277	Adopts Subsection 1-1.2, adopting a recodified code (1.04)
278	Amends Subsection 20-16.5, paragraph a, conditional uses by permit in C-M Zone (Title 20)
279	Amends Section 8-30 and Subsection 20-24.10, paragraph d, establishing minimum fines for certain parking violations (Title 10, Title 20)
280	Amends Section 12-3, refuse receptacles required, and Section 12-7, exclusive franchise for refuse collection (8.12)
281	Adds Subsection 20-21.5, accessways for fire vehicles (Title 20)
282	Amends Subsection 2-8.7, bidding, Subsection 2-8.10, open market procedure and Subsection 2-8.11, formal contract procedure (3.16)
283	Card club ordinance (Title 5)
284	Adds Subsection 9-5.15, graffiti removal (Repealed by 632)
285	Amends Subsection 20-12.5, uses by conditional use permit, Zone R-3 (Title 20)
286	Amends Subsection 3-1.31, paragraph d, distribution to public property and vehicles (9.04)

287 Amends Subsection 20-3.13, "M" definitions; Subsection 20-10.2, principal uses permitted; Subsection 20-10.5, paragraph e, building bulk, and Subsection 20-34.6, development review procedures (Title 20)

288 Urgency ordinance amending Section 4-21 waiving penalty for animal license delinquencies for the 1982-83 fiscal year (6.04)

289 Adds Section 7-3 establishing a transient occupancy tax (3.32)

290 Adds Subsection 2-4.8 creating a planning commission (2.36)

291 Moratorium on video arcades (Not codified)

292 Compensation of city treasurer, adds Subsection 2-5.4 (Repealed by 476)

293 (Not received)

294 Amends Subsection 2-4.4, city treasurer (2.24)

295 (Not received)

296 Four-month moratorium on certain permits and on the processing or approval of tentative, final or parcel maps (Not codified)

297 Authorizes the licensing of card clubs, permitting certain games, authorizing the playing of bingo as permitted by law (Title 5)

298 Urgency ordinance amending Ordinance No. 296 (Not codified)

299 Urgency ordinance amending Ordinance No. 296 (Not codified)

300 (Not received)

301 Amends Subsection 20-3.1, "A" definitions, Subsection 20-14.4, uses by conditional use permit, Zone C-M, Subsection 20-18.5, uses by conditional use permit, Zone M-2, Section 20-33 by adding Subsection 20-33.8, amusement arcades (Title 20)

302 Urgency ordinance establishing moratorium on the installation and use of new coin-operated amusement devices (Repealed by 305)

303 Amends Subsection 20-28.3, fences, walls and hedges (Title 20)

304 Urgency ordinance amending Ordinance No. 296 (Not codified)

305 Amends general licensing – Section 6-28, multiple uses; Subsection 6-42.18, vending machines; and adds new Subsection 6-42.19, video games, and redesignates Subsection 6-42.19 as Subsection 6-42.20, waste collectors and haulers; repeals Ordinance No. 302 (Title 5)

306 (Not received)

307 Amends Section 3-2 in entirety, bingo for charitable purposes (Repealed by 425)

308 Urgency ordinance extending Ordinance No. 296 (Not codified)

309 Amends Subsection 20-16.2, principal uses permitted, C-M Zone, and Subsection 20-18.2, principal uses permitted, M-2 Zone, to allow card clubs (Title 20)

310 Adds Subsections 9-1.5 and 9-1.6, amendments to the Uniform Building Code (15.04)

311 Urgency ordinance extending Ordinance Nos. 296 and 308 (Not codified)

312 Amends Chapter XI, sewer and water, in entirety (13.04)

313 Amends Subsection 3-1.35, soliciting on public property (9.04)

314 Amends Ordinance No. 297 (Subsection 6-47.5) (Repealed by 336)

315 Adds Section 10-2, personnel system (2.52)

316 Urgency ordinance amending Ordinance Nos. 296 and 308 (Not codified)

317 Amends Subsection 20-10.3, paragraph e, Subsection 20-11.3, and Subsection 20-12.3, paragraph d, relating to yard, sale permits (Title 20)

318 Amends Subsection 20-3.19, "S" definitions, Subsection 20-10.3, paragraph f, and Subsection 20-10.5, paragraphs e and f, all amendments relating to second residential units (Title 20)

319 Amends Section 10-1, public employees' retirement system (2.48)

320 Amends zoning to add provisions pertaining to Atlantic Boulevard Corridor (Superseded by 321)

321 Amends Subsection 20-3.1, "A" definitions; Subsection 20-16.2, paragraph d; Subsection 20-16.6, paragraph a, 2; Subsection 20-18.2, paragraph d; Subsection 20-18.6,

	paragraph a, 2 and Subsection 20-22.1, paragraph a, 2; all amendments relating to Atlantic Boulevard Corridor (Title 20)
322	Amends Subsection 6-47.2 to delete paragraph b, license application for card clubs, certain games and bingo (Repealed by 336)
323	Amends Subsection 3-1.38, sales from public streets, and repeals Subsection 6-42.10, hawkers and retail sales of goods from wheeled vehicles (9.04)
324	Amends Subsection 1-2.1, violations, and adds new Section 3-8, alcoholic beverage containers adjacent to off-sale alcoholic beverage sales locations (1.36, 9.08)
325	(Not received)
326	Repeals Subsections 7-1.12, 7-1.13 and 7-1.14 and renumbers Subsections 7-1.15, 7-1.16 and 7-1.17 respectively and adds new Subsections 7-1.12A and 7-1.12B, all amendments relating to sales and use taxes (3.24)
327	Amends Subsection 2-5.2 pertaining to salaries for council members (Repealed by 476)
328	(Not received)
329	Adds Section 2-11, disaster council (2.44)
330	Amends Subsection 3-2.2, organizations eligible for city license to conduct bingo games (Repealed by 425)
331	Adds Subsection 3-1.39, public lodging regulations (9.04)
332	Amends Subsection 3-1.38, sales from public streets and sidewalks (9.04)
333	Adds Subsection 3-1.40, burglar alarms (9.04)
334	Adds Section 8-30, parking of detached trailers prohibited (Title 10)
335	Amends Subsection 20-12.5, uses by conditional use permit (Title 20)
336	Amends Section 6-47, card clubs; certain gambling games; bingo, in entirety; repeals Ordinance Nos. 314 and 322 (Title 5)
337	(Not adopted)
338	Repeals Subsection 9-1.3, redesignates Subsection 9-1.2 as 9-1.3, amends Subsections 9-1.1 and 9-1.4 and adds new Subsections 9-1.2 and 9-1.7, all relating to the building code; amends Subsections 9-3.1 and 9-3.3 relating to the plumbing code; and amends Subsections 9-4.1 and 9-4.3 relating to the mechanical code (15.04, 15.12, 15.16)
339	Amends Section 9-2, electrical code, in entirety (15.08)
340	Amends Subsection 3-1.2, unnecessary noises (9.04)
341	Amends official setback map adopted by reference in Subsection 20-5.2 (Not codified)
342	Amends Subsection 3-1.2, unnecessary noises (9.04)
343	Adds Subsection 3-1.41, commercial parties (9.04)
344	(Not received)
345	Amends Subsections 20-14.2, 20-14.4, 20-15.2, 20-15.5, 20-16.2, 20-16.5, 20-18.5 and adds Subsection 20-33.9, all amendments to require a conditional use permit for alcoholic beverages sales and services (Title 20)
346	Amends Subsection 20-28.6, mandatory street dedications (Title 20)
347	Amends Section 4-48, dog feces (6.04)
348	Amends Subsection 20-27.11, political signs (Superseded by 377)
349	Adds Subsection 19-12, vesting tentative maps (Title 19)
350	(Not adopted)
351	(Not adopted)
352	(Not adopted)
353	(Not utilized)
354	(Not adopted)
355-U	Business license tax (Title 5)
355	Adds Section 6-48, massage establishments and massage technicians (Title 5)
356-U	Business license tax (Title 5)
356	Adds Section 6-49, stress relief establishments and stress relief therapists (Title 5)
357	(Tabled)
358	Fire code; repeals Subsection 16-1.3 (8.08)
359	Urgency ordinance concerning signs (Not codified)
360	Adds Subsection 2-4.9, relocation appeals board (2.40)

361	Repeals Subsection 3-1.37 and adds Subsection 6-42.21, fortune telling and similar practices (Title 5)
362-U	Urgency moratorium on development of residential dwellings (Not approved)
363	Amends Subsection 6-48.1, massage establishments (Title 5)
364	Amends Subsection 20-12.6, standards for development (Title 20)
365	Amends Subsection 20-26.4, required parking spaces (Title 20)
366	Amends Subsections 16-1.1 and 16-1.5, fire prevention code (8.08)
367	Amends Subsections 11-1.1, 11-1.2, 11-1.3, 11-1.5 and 11-1.11, sewage and industrial waste (13.04)
368	Amends Subsection 20-36.5, fees and deposits (Title 20)
369	Adds Subsection 20-28.7, dedication of park and recreation facilities (Title 20)
370	Adds Section 19-13, dedication of park and recreational facilities (Title 19)
371	(Removed by city council)
372	Adds Subsections 3-1.42 and 3-1.43, sale or storage of controlled substances from buildings or places (9.04)
373	Adds Subsection 3-1.44, fees for the use of police personnel at loud or unruly assemblages (9.04)
374	Amends Subsection 6-47.17, card club/casino parking, amends Subsections 20-26.4, 20-6.6, parking spaces, and adds Subsection 20-26, compact spaces, and 20-26.13, tandem parking (Title 5, 20.80)
375	Amends Subsection 13-1.6, certificates of insurance (12.04)
376	Adds Section 7-4, fee and service charge revenue/cost comparison system (3.40)
377	Amends Subsection 20-27.11, political signs (Title 20)
378	Amends Subsection 7-3.3, tax imposed (3.32)
379	Amends Subsection 6-41.3, license tax; gross receipts (Repealed by 402)
380	Amends Subsection 20-26.6, minimum driveway width standards (20.80)
381	Adds Subsection 2-1.7, amends Subsections 2-3.8 and 2-3.9, and adds Subsection 2-3.10, all amendments to designate certain powers and duties of the city manager (2.04, 2.12)
383	Adds Section 15-2, bathhouses and similar commercial establishments (8.20)
384	Urgency moratorium on issuance of business licenses for the operation of acupressure centers in commercial and industrial zones (Not codified)
385	Urgency interim zoning ordinance (Not codified)
386	Amends official zoning map adopted by reference in Section 20-5.1 (Not codified)
387	Amends Subsection 20-12.6, open space requirements in Zone R-3 (Title 20)
388	Amends Subsection 20-12.2, principal uses within R-3 Zone (Title 20)
389	Amends Subsection 20-28.5, planned unit developments (Title 20)
390	Urgency moratorium on hotel and motel construction and/or expansion on C-M Zoned property (Not codified)
391	Urgency moratorium on mini-mall and strip center construction on C-M Zoned property (Not codified)
392	Amends Section 8-5, vehicle weight limits (Title 10)
393	Amends Section 8-5, vehicle weight limits (Title 10)
394	Adds Subsection 3-4.10, replica firearms (9.04)
395	Amends Subsection 2-4.6, commission membership (2.32)
396	Amends the following Sections and Subsections: 2-4.1b, 2-4.2, 2-5.3, 2-5.4, 2-6.5, 3-1.26, 3-1.27, 3-1.28, 3-1.29, 3-3.5, 3-3.8, 3-3.9, 3-5.1, 3-5.3, 3-5.4, 3-5.5, 3-5.6, 3-5.7, 3-5.9, 6-1, 6-3, 6-10, 6-12, 6-13, 6-14, 6-17, 6-18, 6-19, 6-20, 6-24, 6-29.1, 6-29.5, 6-31, 6-32, 6-33, 6-34, 6-35, 6-36, 6-37, 6-39, 6-41.2, 6-42.2, 6-42.8, 6-42.15, 6-42.16, 6-42.20, 6-42.21, 6-48.5, 6-48.7, 6-48.10, 6-48.12, 6-48.13, 6-49.5, 6-49.6, 6-49.8, 6-49.10, 6-49.11, 6-49.12, 6-49.13, 6-49.15, 8-8, 9-5.6, 9-5.9, 12-17, 13-2.2, 13-2.3, 13-4, 20-5.1, 20-5.2, 20-11.3, 20-12.3 and 20-33.5, all amendments with respect to the office, duties and compensation of the city clerk (2.16, 3.04, Title 5, 8.12, 8.24, 9.04, Title 10, 10.16, 12.16, 13.12, 15.20, Title 20)

397	Urgency ordinance extending Ordinance No. 390 (Not codified)
398	Urgency ordinance extending Ordinance No. 391 (Not codified)
399	Amends Subsection 6-42.20, waste collection and hauling franchise, and amends Section 12-15, refuse containers (Title 5, 8.12)
400	Amends Subsections 6-48.1, 6-48.4, 6-48.5, 6-48.11, 6-48.12, 6-48.13, and 6-48.15, massage establishments and massage technicians, and amends Subsection 6-49.5, stress relief establishments and stress relief therapists, and amends Subsection 20-15.5, Zone C-3 (Medium Commercial) (Title 5, Title 20)
401	Amends Section 5-1, fines for drinking upon public streets (9.08)
402	Repeals Ordinance No. 379 and reinstates Ordinance No. 228, business license taxes (Title 5)
403	Repeals Ordinance No. 379 and reinstates Ordinance No. 228, business license taxes (Title 5)
404	Amends Subsection 6-47.3, alcoholic beverages in card clubs and casinos (Title 5)
405	Adds Subsection 3-1.45, curfew (9.04)
406	Adds Section 6-50, aerosol spray paint and dye sale, distribution and possession (Title 5)
407	(Not adopted)
408	Amends Subsections 20-15.2, 20-15.5 and 20-16.2, hotels and motels; adds Subsection 20-33.10, hotels and motels (Title 20)
409	Adds Section 3-9, drug dealing – eviction (9.04)
410	Urgency ordinance extending Ordinance Nos. 391 and 398 (Not codified)
411	Amends Chapter IV, animal control regulations, in its entirety (6.04)
412	(Not adopted)
413	Urgency ordinance extending Ordinance Nos. 391, 398 and 410 (Not codified)
414	Amends Subsections 2-1.2 and 2-1.4, city council meetings (2.04)
415	Amends Subsection 20-21.5, accessways for fire vehicles (Title 20)
416	Amends Subsections 9-1.1, 9-1.7, 9-2.1, 9-2.5, 9-3.1, 9-3.3, 9-3.5, 9-4.1 and 9-4.3; adds Subsections 9-1.8, 9-3.5 and 9-4.4, building codes (15.04, 15.08, 15.12, 15.16)
417	Amends Subsections 6-47.14 and 6-47.17, licenses to conduct gambling games (Title 5)
418	Amends Subsections 3-2.2, 3-2.7 and 3-2.11, adds Subsection 3-2.15, licenses to conduct bingo games (Repealed by 425)
419U	Urgency moratorium on the issuance of building permits and/or granting of discretionary approvals for the construction of residential units in the R-3 Zone (Not codified)
420	Amends Section 10-1, public employees' retirement system (2.48)
421	Amends Section 8-31; adds Sections 8-32, 8-33, 8-34, 8-35, 8-36, parking of vehicles (Title 10)
422	Amends Subsection 2-5.2, increase in councilmanic salaries (Repealed by 476)
423	Urgency ordinance extending Ord. No. 419U (Not codified)
424	Amends Subsections 19-1.7, 20-38.6 and 20-39.19, siting of hazardous waste materials (Title 19, 20.44)
425	Repeals Section 3-2, bingo for charitable purposes (Repealer)
426	Amends Subsections 20-10.3, 20-11.3 and 20-12.3, accessory uses permitted (Title 20)
427	Amends Chapter IV, animals (6.04)
428	Amends Chapter XIX, subdivision regulations (19.04)
429	Amends Section 8-5, vehicle weight limits (Title 10)
430	Amends Subsections 20-12.4, 20-15.4 and 20-16.4, conduct of carnivals in the R-3, C-3 and CM Zones (Title 20)
431	Adds Section 20-45, development agreements; amends Subsection 20-36.5, fees and deposits (Title 20)
432	Amends Subsection 2-1.2a, council meetings (2.04)
433	Adds Subsection 1-2.4, penalties and arrests for violations of code (1.36)
434	Amends Subsections 18-1.4, 18-1.6 and 18-1.10g, conversion of overhead lines (13.12)

435	Extends Ordinance No. 419-U (Not codified)
436	Amends Section 16-1, adoption of county fire code (8.08)
437	Adds Subsections 20-16.2a, 10A and 20-18.5a, 22A; amends Subsection 20-33.3; repeals Subsections 20-16.2a, 125 and 20-30.2, mobile home parks (Title 20)
438	Amends Section 20-34, development review (Title 20)
439-U	Adds Subsection 6-42.10, rental property managers (Title 5)
439	Adds Subsection 6-42.10, rental property managers (Title 5)
440	Adds Section 7-6, air quality improvement trust fund (3.08)
441	Adds Section 7-5, utility user tax (3.36)
442	Amends Subsections 6-47.10 and 6-47.12, casino licenses (Title 5)
443	Amends Section 13-1, adoption of highway permit ordinance, and Section 15-1, adoption of health code (8.04, 12.04)
444	Amends Subsection 20-37.1c, additions to a lawful nonconforming use (Title 20)
445	Amends Subsection 1-2.1, violations (1.36)
446	Amends Subsection 6-42.10, rental property managers (Title 5)
447	Prezone property (Not codified)
448	Amends Subsection 20-34.4, planning commission hearing and notice (Title 20)
449	Amends Subsection 1-2.1, misdemeanors (1.36)
450	Amends Subsection 2-3.9, paragraphs m. and n., execution of contracts by city manager (2.12)
451	Amends Subsection 2-8.1, posting of notices (1.28)
452	Amends Subsections 3-1.31 and 3-1.35, distribution of handbills (9.04)
453	Amends Section 3-4, firearms (9.04)
454	Adds Subsections 20-10.3g, 20-11.3f, 20-12.3f, 20-14.3d, 20-15.3d, 20-16.3c, 20-18.3d, and 20-20.1c; amends Subsections 20-3.4, 20-12.5, 20-15.5, 20-35.9, 20-36.2, 20-36.5, 20-39.1, 20-39.15, 20-40.4, 20-40.6, 20-40.9, and Sections 20-41 through 20-43; repeals Subsections 20-12.4, 20-15.4, 20-16.4, 2018.4, 20-39.16, and 20-40.3, regulation of temporary and other land uses and procedure for zoning appeals (Title 20, 20.44)
455-U	Amends Subsection 2-2.2, city offices; hours (2.08)
455	Amends Subsection 2-2.2, city offices; hours (2.08)
456	Amends Subsections 9-1.1, 9-1.5 through 9-1.8, Uniform Building Code; amends Subsections 9-2.1, 9-2.5; repeals Subsection 9-2.3, National Electrical Code; amends Subsections 9-3.1, 9-3.3, 9-3.5, Uniform Plumbing Code; amends Subsections 9-4.1, 9-4.3 and 9-4.4; Uniform Mechanical Code (15.04, 15.08, 15.12, 15.16)
457	Amends Section 16-1, Uniform Fire Code (8.08)
458	Rezone property (Not codified)
459	Adds Subsection 19-1.2f, definitions, and Subsection 19-1.9, dedication of land for parks and recreational facilities (19.04)
460-U	Amends Subsections 6-42.20 h2 and h7 and Sections 12-8 and 12-11, collection of fees for garbage collection services (Title 5, 8.12)
460	Amends Subsections 6-42.20 h2 and h7, Sections 12-8 and 12-11, collection of fees for garbage collection services (Title 5, 8.12)
461	Amends Subsection 4-1.1, adoption of animal control and animal health code by reference (6.04)
462	Amends Section 20-7 and Subsections 20-10.5g, 20-11.5g, 20-12.6g, 20-14.5f and 20-16.5f, signs (Title 20)
463-U	Amends Section 10-1, public employees' retirement system (2.48)
463	Amends Section 10-1, public employees' retirement system (2.48)
464	Adds Section 1-3, statute of limitations for challenging administrative or quasi-judicial actions; amends Sections 1-4 through 1-8 by renumbering (1.08, 1.12, 1.16, 1.20, 1.24, 1.32)
465	Amends redevelopment plan for Cudahy redevelopment project area (Not codified)
466	Amends Subsection 3-1.37, leaf and debris blowers (9.04)

467	Adds Subsection 16-1.3, fireworks; amends Subsections 16-1.4 through 16-1.6, fire prevention (8.08)
468	Amends Subsection 20-39.9, expiration of conditional use permits (Title 20)
469	Amends Subsection 1-2.3, violations of administrative provisions of code (1.36)
470	Amends Subsection 16-1.3g., fireworks (8.08)
471	Adds Subsection 20-28.8, transportation demand management infrastructure requirements for large nonresidential developments (Title 20)
472	Adds Section 2-12, disposition of unclaimed property (3.20)
473	Amends Subsection 20-5.1, zoning map (Title 20)
474-U	Public employees' retirement system (2.48)
474	Amends Subsections 10-1.1 and 10-1.2, public employees' retirement system (2.48)
475	Adopts the third amendment to the redevelopment plan for the Cudahy redevelopment project area (Not codified)
476	Amends Subsections 2-1.7, 2-1.8, 2-1.9, 2-3.3, 2-3.9, 2-4.2, 2-4.3, 2-4.4, 2-4.7, 2-4.8, 2-5.9, 2-7.2, 2-7.7, 2-7.10, 2-7.11, 2-7.13, 2-8.2, 2-9.7, Sections 2-6, 2-7, 2-8, 2-9, 2-11; deletes Sections 2-5 and 2-10, administration (1.28, 2.04, 2.12, 2.16, 2.20, 2.24, 2.36, 2.40, 2.44, 3.04, 3.12, 3.16)
477	Amends Sections 8-36 and 8-37, traffic citations and violations (Title 10)
478-U	Amends Section 12-8, collection of fees for refuse collection services (8.12)
478	Amends Section 12-8, collection of fees for refuse collection services (8.12)
479-U	Amends Subsection 3-1.44, use of police personnel at loud or unruly assemblages (9.04)
479	Amends Subsection 3-1.44, use of police personal at loud or unruly assemblages (9.04)
480	Amends Subsection 20-5.1, zoning map (Title 20)
481	Amends Chapter VIII, traffic and parking violations (10.04, 10.08, 10.12)
482	Amends Subsection 2-4.6b, terms of city commissioners (2.32)
483	Amends Subsections 20-3.3, 20-3.4, 20-3.6, 20-10.3, 20-10.4, 20-11.3, 20-11.4, 20-12.3, 20-12.5, 20-14.3, 20-14.4, 20-15.2, 20-26.4 and 20-39.6 through 20-39.20; adds Subsections 20-33.11, 20-39.4 and 20-39.5, family day care centers (Title 20, 20.44)
484	Amends Subsections 3-1.33 and 6-42.11; adds Subsection 3-1.46, solicitations and nighttime residential privacy (Title 5, 9.04)
485	Amends Subsection 20-28.7, dedication of land for parks and recreational facilities (Title 20)
486	Amends Subsection 2-4.8i, organization of the planning commission (2.12, 2.36)
487	Amends Subsection 20-24.10d, use of yards (Title 20)
488	Amends Subsection 8-10.2, definition of vehicle (10.08)
489	Amends Subsection 20-34.3a, development review permits (Title 20)
490	Amends Subsections 2-4.7i and 2-4.8i, organization of the planning commission and relocation board of appeals (2.36, 2.40)
491	Change in election date (Not codified)
492	Renumbers Section 2-12 to 2-10, disposition of unclaimed property (3.20)
493-U	Amends Section 12-8a, b, collection fees for refuse collection (8.12)
493	Amends Section 12-8a, b, collection fees for refuse collection (8.12)
494	Amends Subsection 20-27.3r, temporary signs, and Subsection 20-27.6d, special events signs (Title 20)
495	Amends Subsection 2-2.2, city offices; hours (2.08)
496	Amends Subsection 3-1.3, obstruction of public ways (9.04)
497	Adds Section 6-51, public telephones (Title 5, 5.08, 8.16)
498	Amends Subsections 3-1.20 through 3-1.22, regulations for city parks (9.04)
499	Amends redevelopment plan for Cudahy redevelopment project (Not codified)
500	Amends Subsection 3-1.4, loitering (9.04)

501	Amends Subsection 20-27.8a, signs permitted without a permit in residential zones (Title 20)
502-U	Amends Section 12-8a, b, collection fees for refuse collection (8.12)
502	Amends Section 12-8a, b, collection fees for refuse collection (8.12)
503-U	Amends Subsection 20-27.6c, 2, freestanding signs (Title 20)
503	Amends Subsection 20-27.6c, 2, freestanding signs (Title 20)
504	Amends Subsections 20-10.5f, 20-11.5f and 20-26.4a, parking for multiple-family residential developments (Title 20)
505	Amends Chapter VI, business license tax (5.04, 5.08)
506	Amends Subsections 6-32.14, 6-32.17, Rule No. 8, adds Subsection 6-32.7f, license issuance fee (5.08)
507	Amends Subsections 6-32.1c, d, e, f, 6-32.3q, 6-32.8b, c, d (5.08)
508-U	Amends Sections 9-1, building code; 9-2, electrical code; 9-3, plumbing code; 9-4, mechanical code; and 16-1, uniform fire code (8.08, 15.04, 15.08, 15.12, 15.16)
508	Amends Sections 9-1, building code; 9-2, electrical code; 9-3, plumbing code; 9-4, mechanical code; and 16-1, uniform fire code (8.08, 15.04, 15.08, 15.12, 15.16)
509	Amends Subsections 20-14.3, 20-14.5, 20-16.3, and 20-16.6, water vending machines (Title 20)
510	Amends Subsections 9-5.2 and 9-5.3, swimming pools (15.20)
511	Amends Subsections 2-5.2, 6-5.2, 7-3.2, 7-3.12 and 7-5.17, claims against the city (3.04, 3.32, 3.36, 5.04)
512	Amends Subsection 3-1.44, use of police personnel at loud or unruly assemblages (9.04)
513	Amends Section 12-8, collection of fees for refuse collection services (8.12)
514	Adds Section 9-7, pre-sale housing inspection (15.24)
515	Adds Subsection 20-28.9, public telephone regulations; amends Subsection 20-3.1, uses and developments permitted upon review and approval (Title 20)
516	Adds Section 11-2, storm water and urban runoff pollution control (13.08)
517	Amends Subsection 20-27.6, wall identification signs in commercial and manufacturing zones (Title 20)
518	Amends Subsections 20-3.19, 20-7.1 through 20-7.5 and 20-12.5; adds Subsections 20-7.6 and 20-7.7, senior housing overlay zone (Title 20)
519	Rezone property (Not codified)
520-U	Amends Subsection 2-1.2, council meetings (2.04)
520	Amends Subsection 2-1.2, council meetings (2.04)
521	Amends Subsections 20-16.6, 20-32.1, 20-32.2 and 20-32.3, temporary land uses (Title 20)
522	Amends Subsection 2-1.9, organization of city council (2.04)
523	Amends Section 13-2, shopping carts (12.08)
524	Amends Subsection 20-28.3, fences, walls and hedges (Title 20)
525	Amends Subsection 20-12.6a, 2, lot area per dwelling unit (Title 20)
526-U	Amends Section 12-8, collection of fees for refuse collection services (8.12)
526	Amends Section 12-8, collection of fees for refuse collection services (8.12)
527	Amends Subsection 3-1.45, curfew for minors (9.04)
528	Amends Subsection 3-1.38, parking of vehicles for sale; repeals Subsection 3-1.23, smoking on buses, and 3-1.24, smoking at polling places (9.04)
529	Amends Subsections 15-1.1 and 15-1.5, adoption of health code; violations and penalties (8.04)
530	Amends Subsection 20-28.3, fences, walls and hedges (Title 20)
531	Amends Subsection 6-3.2, investigation upon application and notice of change of address for business licenses (5.04)
532	Amends Chapter XII, solid waste handling and recycling services, and Subsection 6-26.1, annual fees for solid waste and recycling services (5.08, 8.12)
533	Adds Section 20-35A, sexually oriented businesses (Title 20)
534-U	Amends Subsection 12-4.2, billing and collection rates for solid waste and recycling (8.12)

534	Amends Subsection 12-4.2, billing and collection rates for solid waste and recycling (8.12)
535	Amends Subsection 20-3.6, definition of family day care (Title 20)
536	Amends Subsection 20-32.1a, temporary land use (Title 20)
537	Amends Subsections 6-32.3q, 6-32.4b, 6-32.18 and 6-32.19i; adds Subsections 6-32.14A and 6-32.27, casinos, certain gambling games, bingo (5.08)
538	Amends Subsection 8-10.13e, community service in lieu of payment for parking violations (10.08)
539	Amends Sections 8-8a, 4, white curb markings (10.04)
540	Amends Subsection 12-2.1, definition of solid waste (8.12)
541	Amends Chapter XX, wireless telecommunications facilities as conditionally permitted use (Title 20)
542	Adds Section 20-35B, radio and television antennas and wireless telecommunications antenna facilities (Title 20)
543	Amends Subsection 1-3.1, judicial review of city decision on permit and license; superseded by Ord. No. 555 (1.32)
544	Amends Subsection 13-1.4, certificates of insurance for building permit (12.04)
545	Amends Subsection 3-1.45d, daytime curfew exemptions (9.04)
546U	Amends Chapter IX, building and housing, and Chapter XVI, fire prevention. Adopts Los Angeles County building, electrical, mechanical, plumbing and fire codes (8.08, 15.04, 15.08, 15.12, 15.16)
546	Amends Chapter IX, building and housing, and Chapter XVI, fire prevention. Adopts Los Angeles County building, electrical, mechanical, plumbing and fire codes (8.08, 15.04, 15.08, 15.12, 15.16)
547	Amends Subsection 20-32.1, outdoor sales as temporary land use (Title 20)
548U	Amends Subsection 16-1.3, sale of fireworks for December 1999 (Repealed by 641)
548	Amends Subsection 16-1.3, sale of fireworks for December 1999 (Repealed by 641)
549	Amends Subsection 20-28.7a, dedication of land for park and recreational facilities (Title 20)
550	Amends Chapter XX, affordable housing overlay zone (Title 20)
551	Amends Sections 9-1 through 9-4, building code fees (15.04, 15.08, 15.12)
552	Amends zoning map to add affordable housing overlay zone (Not codified)
553	Amends Sections 6-21 and 6-22, taxicab licenses (5.08)
554	Adds Subsection 3-1.47, loitering, criminal street gangs (9.04)
555	Amends Subsection 1-3.1, statute of limitations, and Subsection 1-3.2, judicial review (1.32)
556	Declares need for community development commission (Not codified)
557	Declares city council to be the community development commission (Not codified)
558	Adds Subsection 20-9.4, motor vehicle repair and service (Title 20)
559	Amends Subsections 20-27.4 and 20-35.1; adds Subsection 20-35.11, advertising alcohol on billboards (Title 20)
560U	Declares an interim moratorium on issuance of conditional use permits for sale of alcohol (Not codified)
561	Extends interim moratorium on issuance of conditional use permits for sale of alcohol (Not codified)
562	Amends Section 2-3; repeals city manager, adds city administrator (2.12)
563	Adds Section 9-8, vector control and management (8.36)
564	Adds Subsection 9-5.2u, seasonal displays (15.20)
565	Amends Section 2-3; repeals city administrator, adds city manager (2.12)
566	Amends Subsections 13-1.3 and 13-1.7, street pavement (12.04)
567	Amends Subsections 11-2.2 through 11-2.16, storm water management plan (13.08)
568	Amends Subsection 20-32.1c, sale of Christmas trees and wreaths (Title 20)
569	Adds Section 6-38, wireless digital communications franchise (5.08)
570	Amends Chapter IV, animals (6.04)
571	Prezone property (Not codified)

572	Adds Section 6-37, pushcarts (5.08)
573	Amends Subsection 6-21.14, taxicab drivers to operate (5.08)
U574	Interim moratorium on condominium and multifamily dwelling developments (Not codified)
U575	Interim moratorium on condominium and multifamily dwelling developments (Not codified)
U576	Interim moratorium on issuance of conditional use permits for sale of alcohol (Not codified)
577	Adds Section 9-9, registration of homeowners' associations (15.28)
578	Amends Subsection 2-4.8, organization of planning commission (2.36)
579	Extends interim moratorium on issuance of conditional use permits for sale of alcohol (Not codified)
580	Approves and adopts redevelopment plan for city-wide redevelopment project (Not codified)
581U	Amends Subsections 9-1.1 and 9-1.5, California Building Code; Subsections 9-2.1 and 9-2.4, California Electrical Code; Subsections 9-3.1 and 9-3.3, California Plumbing Code; and Subsections 9-4.1 and 9-4.3, California Mechanical Code (15.04, 15.08, 15.12, 15.16)
582U	Extends interim moratorium on issuance of conditional use permits for sale of alcohol (Not codified)
583	Adds Subsection 3-1.48, public skate park facilities (9.04)
584	Extends interim moratorium on condominium and multifamily dwellings (Not codified)
U585	Extends interim moratorium on the issuance of conditional use permits for the sale of alcoholic beverages (Not codified)
586	Renumbers §§ 6-28 and 6-28.1 to §§ 6-38 and 6-38.1, wireless digital communications franchises (5.08)
587	Adopts zoning ordinance (20.04, 20.08, 20.12, 20.16, 20.20, 20.24, 20.28, 20.32, 20.36, 20.40, 20.44, 20.48, 20.52, 20.56, 20.60, 20.64, 20.68, 20.72, 20.76, 20.80, 20.84, 20.88, 20.92, 20.96, 20.100, 20.104)
588	Adds §§ 6-32.3(r), 6-32.7(g), 6-32.8(e) and 6-32.14A(f); amends §§ 6-32.1(f) and (l), 6-32.3, 6-32.5(a) and (b), 6-32.12(b), (c) and (d), 6-32.13(b), 6-32.14A(c), 6-32.16(a) and (b), 6-32.17, 6-32.18(a)(1) and (4) and 6.32.19(e)(1), casinos, gambling games (5.08)
U589	Amends §§ 11-2.4, 11-2.6, 11-2.12 and 11-2.13(a) [11-2.12(a)], storm water and urban runoff pollution control (13.08)
590	Amends redevelopment plan (Special)
591	Amends § 2-2.2, city offices (2.08)
592	Moves date of general municipal election (Repealed by 594)
593	Amends § 2-5.5, warrants, signatures (3.04)
593-P	Amends § 7-5, utility user tax (3.36)
594	Repeals Ord. 592; reinstates Ord. 491, municipal election date (Not codified)
595	Amends Ch. IV, animals (6.04)
596	Adds § 9-8.14, abatement of mosquito breeding sources (8.36)
U597	Amends Ord. 557, declares city council to be community development commission (Not codified)
U598	Amends Ord. 556, declares need for housing authority (Special)
599U	Amends § 2-5.5, warrants, signatures (3.04)
600	Amends §§ 20-1.1660(b) and 20-1.1665(b), zoning (20.64)
601	Adopts floodplain management plan (16.04, 16.08, 16.12, 16.16, 16.20, 16.24, 16.28, 16.32, 16.36)
602	Amends § 3-1.45(b), curfew (9.04)
603U	Describes eminent domain program (Special)
604	Adds § 6-32.28, wagering limits (5.08)
605	Extends time limit of effectiveness of and payment of indebtedness for redevelopment project plans (Special)
606	Extends time limit of effectiveness of and payment of indebtedness for redevelopment project plans (Special)
607	Extends time limit of effectiveness of and payment of indebtedness for redevelopment project plans (Special)
608	Adds Section 7-7, telecommunication users' tax reduction and modernization (3.38)
609	Amends Ch. VIII, § 8-1, impounding vehicles for cruising violations (10.04)
U610	Interim ordinance temporarily prohibiting processing and approval of

	sexually oriented/adult business use applications (Special)
611	Amends §§ 5.08.840 and 5.08.870, casino licenses (5.08)
612	Amends §§ 20-1.1750 and 20-1.1775, conditional uses in CC and C-M zones (20.68)
613	(Number not used)
614	(Number not used)
615	Reinstates and continues powers of the community development commission (Not codified)
U616	Establishes temporary moratorium on the establishment and operation of medical marijuana cultivation and dispensaries (Special)
617	Moratorium on medical marijuana cultivation and dispensaries (Special)
618	Amends public employees' retirement system contract (2.48)
619	Amends § 2.04.020, council meetings (2.04)
620	(Number not used)
621	Adds Art. XXV to Ch. 5.08; amends § 20.08.010, medical marijuana dispensaries and cultivation facilities (5.08, 20.08)
622	Amends § 2.04.020; repeals § 2.04.040, council meetings (2.04)
623	Adds §§ 2.04.090(4) and (5) and 2.12.030(13), administration and personnel (2.04, 2.12)
624	Amends § 2.04.020, council meetings (2.04)
625	Adds Chs. 15.29 and 15.32; amends §§ 15.04.010, 15.04.020, 15.04.050, 15.08.010, 15.08.050, 15.12.010, 15.12.040, 15.16.010 and 15.16.030; repeals § 15.04.060, building codes (15.04, 15.08, 15.12, 15.16, 15.29, 15.32)
626	Amends § 3.16.100, purchase and sale of supplies and equipment (3.16)
627	(Number not used)
628	Amends § 2.04.020, council meetings (2.04)
629	Adds Ch. 2.54, campaign ethics regulations (2.54)
630	Adds Ch. 2.56, post-government employment restrictions (2.56)
631	Commences process to relinquish authority and obligation to enforce state laws at mobile home parks to State Housing and Community Development Department (Special)
632	Adds Ch. 9.12 and § 15.20.020(22); repeals § 15.20.150, graffiti (9.12, 15.20)
633	Amends § 2.04.020, council meetings (Not adopted)
634	Amends §§ 20.08.010, 20.64.040 and 20.68.080, emergency shelters and transitional and supportive housing (20.08, 20.64, 20.68)
635	Amends § 5.08.070, bingo games (Tabled)
636	Amends Ch. 2.54, campaign ethics regulations (Not introduced)
637	Amends Art. II of Ch. 9.04, firearms (9.04)
638	Amends § 2.04.020, council meetings (Tabled)
639	Adds § 8.08.060; amends §§ 8.08.010, 8.08.040, 8.08.050, 15.04.010, 15.04.020, 15.04.050, 15.08.010, 15.08.050, 15.12.010, 15.12.040, 15.16.010, 15.16.030, 15.29.010, 15.29.020, 15.29.030, 15.32.010, 15.32.020 and 15.32.030, building codes (8.08, 15.04, 15.08, 15.12, 15.16, 15.29, 15.32)
640	Adds Ch. 20.108, low impact development (20.108)
641	Adds Ch. 8.52; repeals § 8.08.030, fireworks (8.52)
642	(Pending)
643	Adds Ch. 13.16, water conservation (13.16)

INDEX PREFACE

The index to the code is primarily for assisting the code user to find provisions not readily accessible through the table of contents. An index entry has been created for each section of the code. Additional entries have been made for the following topics:

Bond. When a bond is required for a particular enterprise, a separate entry in the index has been created under **Bonds**.

License. Any section requiring a license is also indexed under **Licenses**.

Permit. Any section requiring a permit is also indexed under **Permits**.

CROSS-REFERENCES

Cross-references have been included to assist the user in finding code provisions indexed under another heading. If the index does not appear to list a topic, the code may not regulate the provision.

The following kinds of cross-references appear in the index:

Entry	*Purpose/Description*
Weeds *See* **Nuisances**	Specific nuisances are indexed under **Nuisances**.
See also **Zoning**	Additional entries on the subject may appear in **Zoning**.
Airport *See* **Zoning**	The entry for Airport appears as a subheading under Zoning.
Animal control officer *See under* **Animal**	The entry appears as a subheading under a different heading.
See also definitions *under* Character generators	There are additional, and related, entries under a separate subheading under the same main heading.
Cafe *See* **Cabaret**	No entry for **Cafe**, but refers user to a related subject.

An electronic version of the code may be available. For information, contact the publisher.

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— A —

Abandoned vehicles
Abatement, removal
authority 8.24.080
hearing
determination 8.24.110
request, notice 8.24.100
notice of intention 8.24.090
Administration 8.24.050
Administrative costs 8.24.070
Appeals 8.24.120
Costs assessment 8.24.150
Definitions
highway 8.24.020
owner of the land 8.24.020
owner of the vehicle 8.24.020
public property 8.24.020
vehicle 8.24.020
Effect of provisions on other laws 8.24.040
Enforcement 8.24.050
Exceptions 8.24.030
Findings, determinations 8.24.010
Removal
disposal to scrapyard 8.24.130
notice 8.24.140
Right of entry 8.24.060
Accessory buildings, structures *See* **Zoning code**
Advertising
Business license tax fee 5.08.010
Aerosol spray paint, dye *See* **Business license tax**
Air pollution sampling stations *See* **Zoning code**
Air quality improvement trust fund
Audits 3.08.040
Definitions
fee administrator 3.08.020
mobile source air pollution reduction program 3.08.020
Established 3.08.030
Interest, intent 3.08.050
Purpose 3.08.010
Airports *See* **Zoning code**
Alcoholic beverages
See also **Zoning code**
Consuming
in vehicles on streets 9.08.060
on streets, highways 9.08.050
Containers on off-sale locations
prohibited 9.08.070
sign posting 9.08.080
violation, penalty 9.08.090
Drinking
public places 9.08.010
vehicles 9.08.040
School grounds 9.08.030
Setups 9.08.020
Ambulance attendants
Business license tax fee 5.08.140
Ambulance drivers
Business license tax fee 5.08.130
Ambulance operators
See also **Business license tax**
Business license tax fee 5.08.110
Amusement arcades *See* **Zoning code**
Animals
County code
adopted by reference 6.04.010
violations, penalties 6.04.030
Definitions
board of supervisors 6.04.020
county 6.04.020
county of Los Angeles 6.04.020
Los Angeles county 6.04.020
unincorporated territory of the county of Los Angeles 6.04.020
Antique shops *See* **Zoning code**
Archery ranges *See* **Zoning code**
Art schools *See* **Zoning code**
Auction sales
Business license tax fee 5.08.030
Auditoriums *See* **Zoning code**
Auto emission testing stations
Business license tax fee 5.08.040
Auto wrecking
Business license tax fee 5.08.050
Automobile sales *See* **Zoning code**
Automobile service, repair *See* **Zoning code**

— B —

Bakeries *See* **Zoning code**
Banks *See* **Zoning code**
Barber shops *See* **Zoning code**
Bathhouses
Definitions
bathhouse or similar commercial establishment 8.20.020
hotel 8.20.020
motel 8.20.020
private room 8.20.020
restricted activity 8.20.020
Findings 8.20.010
Nuisance
abatement 8.20.040
declaration 8.20.030
Beauty schools *See* **Zoning code**

Bees *See* **Vector control, management**
Bible-study meeting halls *See* **Zoning code**
Bicycles
Buying, selling 10.16.050
License
duration 10.16.030
fee 10.16.080
plates
display 10.16.020
replacement fee 10.16.090
requirements 10.16.040
Registration
cards 10.16.040
required 10.16.010
Removing, altering numbers, plates, cards 10.16.070
Rentals *See* **Zoning code**
Reports of sales 10.16.060
Bids *See* **Purchasing system**
Billiard halls *See* **Zoning code**
Blueprint shops *See* **Zoning code**
Boarding houses *See* **Zoning code**
Boat sales *See* **Zoning code**
Bonds
City clerk 2.20.010
City manager 2.12.050
City treasurer 2.24.010
Director of finance 2.16.020
Book stores *See* **Zoning code**
Bowling
Alleys *See* **Zoning code**
Business license tax fee 5.08.020
Building code
See also **Buildings**
Adopted 15.04.010
Board of appeals 15.04.040
Definitions
board of appeals 15.04.020
building department 15.04.020
city 15.04.020
county 15.04.020
county engineer 15.04.020
county of Los Angeles 15.04.020
electrical code 15.04.020
fire code 15.04.020
general fund 15.04.020
green building standards code 15.04.020
health code 15.04.020
Los Angeles County Health Code 15.04.020
mechanical code 15.04.020
plumbing code 15.04.020
residential code 15.04.020
unincorporated territory of the county of Los Angeles 15.04.020
Fees 15.04.030
Section 105 amended 15.04.040
Violation, penalty 15.04.050
Building materials sales *See* **Zoning code**
Buildings
See also **Building code**
Homeowners' associations 15.28.010
Pre-sale housing inspection
access to buildings 15.24.050
applicability 15.24.030
definitions
agreement of sale 15.24.010
owner 15.24.010
residential real property 15.24.010
extension endorsement 15.24.080
fee 15.24.100
liability of city 15.24.070
real property report
contents 15.24.040
delivery 15.24.060
required 15.24.020
violation, penalty 15.24.090
Burglar alarms *See* **Criminal code**
Bus stations *See* **Zoning code**
Bus stop benches
On city streets 12.16.010
Business license tax
Aerosol spray paint, dye
display 5.08.1420
possession 5.08.1430, 5.08.1440
regulations 5.08.1410
violation, penalty 5.08.1450
Ambulance operators
insurance
amounts 5.08.150
cancellation 5.08.160
notice of cancellation 5.08.170
license required
attendant 5.08.140
driver 5.08.130
operator 5.08.110
Appeals 5.04.290
Applicability 5.04.040
Audits, adjustments 5.04.260
Contractors
license required 5.08.630
outside 5.08.790
Deemed debt to city 5.04.310

Definitions
agent 5.04.030
ambulance driver 5.08.120
ambulance operator 5.08.100
basis 5.04.030
board 5.08.1000
broker 5.04.030
business 5.04.030
business license 5.04.030
business license tax 5.04.030
business tax 5.04.030
casino 5.08.820
commence 5.08.820
conduct 5.08.820
conduct business 5.04.030
director 5.04.030, 5.08.1460, 5.08.1510
division 5.08.1000
employee 5.08.820, 5.08.1110, 5.08.1260
employee work permit 5.08.1000
engage in business 5.04.030
fortune-telling 5.08.730
gambling establishment employee 5.08.1000
gambling game 5.08.820
gambling games 5.08.820
game room 5.08.820
gross gaming revenue 5.08.860
gross receipts 5.04.030
gross revenues 5.08.1600
hotel 5.08.370
license 5.04.030, 5.08.820
license tax 5.04.030
licensee 5.04.030, 5.08.820
massage 5.08.1110, 5.08.1260
massage establishment 5.08.1110
massage technician 5.08.1110
massage trainee 5.08.1110
motel 5.08.370
operate business 5.04.030
operator 5.08.1510
operator's permit 5.08.1510
out call massage service 5.08.1110
out call stress relief therapy 5.08.1260
owner 5.08.820, 5.08.1510
owner's permit 5.08.1510
patrol system 5.08.180
patrolman 5.08.230
person 5.08.820, 5.08.1510
pointholder 5.08.820
public property 5.08.1460
public telephone 5.08.1460
public telephone vendor 5.08.1460
purport to commence 5.08.820
purport to conduct 5.08.820
pushcart 5.08.1510
recognized school of massage 5.08.1110
secondhand dealer 5.08.340
secondhand dealers 5.08.340
sidewalk 5.08.1460
stress 5.08.1260
stress relief establishment 5.08.1260
stress relief therapist 5.08.1260
stress relief therapy 5.08.1260
tax basis 5.04.030
taxicab 5.08.390
taxicab driver 5.08.540
taxicab operator 5.08.400
uniform 5.08.1510
unimproved property 5.08.1460
vend 5.08.1510
vending 5.08.1510
video game 5.08.670
Delinquency, penalties, interest 5.04.230
Delivery by vehicles 5.08.780
Designated 5.04.330, 5.04.340
Exemptions 5.04.120
Fees
advertising 5.08.010
ambulance
attendants 5.08.140
drivers 5.08.130
operators 5.08.110
amusements 5.08.020
auction sales 5.08.030
auto emission testing stations 5.08.040
auto wrecking 5.08.050
bowling 5.08.020
circuses, carnivals, side shows 5.08.020
contractors
general 5.08.610
subcontractors 5.08.620
dance halls, night clubs 5.08.020
fortune-telling 5.08.740
hotels, motels 5.08.380
junk dealers 5.08.060
massage establishments 5.08.1140
massage technicians 5.08.1220
patrol systems 5.08.190
patrolmen 5.08.240
peddlers, solicitors 5.08.070
secondhand dealers 5.08.350
stress relief establishments 5.08.1300
stress relief therapist 5.08.1370
taxicab
drivers 5.08.580
operators, vehicles 5.08.410
theaters 5.08.020

trailer parks 5.08.080
trucks, trucking, U-hire 5.08.090
video games 5.08.660
waste collection, handling franchises 5.08.720
Fortune-telling
license
application 5.08.760
investigation, approval 5.08.770
issuance 5.08.770
required 5.08.740
violation, penalty 5.08.750
Gambling, casinos, bingo
amendment of rules, provisions 5.08.1060
bingo 5.08.1070
employee work permits 5.08.1000
games not permitted 5.08.1040
investigation, reports 5.08.870
license fees
deposits 5.08.850
designated 5.08.860
licenses
action by city, hearing officer 5.08.900
amendment 5.08.920
application grant, denial 5.08.880
applications 5.08.840
expiration 5.08.930
grounds for denial 5.08.890
issuance, term 5.08.910
number 5.08.950
required 5.08.830
revocation 5.08.980
transferability 5.08.970
operating requirements 5.08.960
pointholders 5.08.1010
presumptions 5.08.1030
records 5.08.860
repeal of provisions 5.08.1080
rules, regulations
designated 5.08.990
enactment 5.08.1090
tournaments 5.08.940
unlawful locations, games 5.08.1020
violation, penalty 5.08.1050
wagering limits 5.08.1100
Licensee records confidential 5.04.270
Licenses
affidavits, records 5.04.080
application
investigation, change of address 5.04.140
required 5.04.130
denial
effect 5.04.170
grounds 5.04.160
determination of business class, reclassification 5.04.150
display, posting 5.04.110
failure to procure 5.04.250
issuance, term, transferability 5.04.180
modification, suspension, revocation
effect 5.04.220
generally 5.04.190
grounds 5.04.210
hearing 5.04.200
multiple 5.04.090
real party in interest 5.04.100
renewal 5.04.080
required 5.04.050
rules, regulations 5.04.150
unlawful business 5.04.070
using fictitious names 5.04.060
Massage establishments
applicability 5.08.1120
change of location, name 5.08.1200
facilities requirements 5.08.1180
inspection 5.08.1190
license
application 5.08.1150
assignability 5.08.1160
renewal 5.08.1210
required, qualifications 5.08.1140
operating requirements 5.08.1170
out call massage service 5.08.1130
technicians
See also technicians license
prohibited conduct 5.08.1240
technicians license
See also technicians
application 5.08.1230
renewal 5.08.1250
required, qualifications 5.08.1220
Notices 5.04.280
Oil wells 5.08.810
Outside businesses 5.08.800
Private patrol systems
badges 5.08.290
change of employers
modification of license 5.08.260
revocation of license 5.08.270
duplication of areas 5.08.220
duty to report 5.08.330
equipment 5.08.300
illegal activities 5.08.280
letter of certification 5.08.250
licenses
application, contents 5.08.200
patrol system 5.08.190

patrolmen 5.08.240
transferability, sale 5.08.210
selling of badges, equipment 5.08.320
uniforms 5.08.310
Public telephones
encroachment permit
application contents 5.08.1480
grant, denial, appeal 5.08.1500
issuance 5.08.1490
required 5.08.1470
prohibited locations 5.08.1470
Purpose 5.04.020
Pushcarts
general prohibitions 5.08.1520
impounding 5.08.1580
nuisance declaration 5.08.1570
permits
required 5.08.1530
revocation, appeal 5.08.1590
prohibited conduct 5.08.1540
standards 5.08.1550
zoning regulations 5.08.1560
Refunds 5.04.240
Remedies cumulative 5.04.320
Rental property managers 5.08.360
Stress relief establishments
applicability 5.08.1270
change of location, name 5.08.1350
inspection 5.08.1340
license
application 5.08.1310
assignability 5.08.1320
renewal 5.08.1360
required 5.08.1300
massage license required 5.08.1290
operating requirements 5.08.1330
out call therapy 5.08.1280
therapist
See also therapist license
prohibited conduct 5.08.1390
therapist license
application 5.08.1380
renewal 5.08.1400
required 5.08.1370
Subcontractors
license required 5.08.640
Taxicab drivers
direct routes 5.08.560
exclusive rights of passengers 5.08.570
license
application 5.08.600
required 5.08.580
photograph, fingerprints 5.08.590
state license required 5.08.550
Taxicab operators
change
corporation directors 5.08.470
vehicles, location, stands 5.08.480
driver
See also Taxicab drivers
requirements 5.08.520
insurance
amounts 5.08.500
number of policies 5.08.510
required 5.08.490
license
affixing 5.08.450
application, contents 5.08.420
denial, suspension, revocation, modification 5.08.440
required 5.08.410
requirements for granting 5.08.430
updated, change of information 5.08.530
vehicle substitution 5.08.460
Title 5.04.010
Vending machines 5.08.650
Video games
five or more 5.08.710
license display 5.08.690
location 5.08.680
regulations 5.08.700
Violation, penalty 5.04.300
Wireless digital communications franchises 5.08.1600
Business schools *See* **Zoning code**

— C —

Cafes *See* **Zoning code**
Campaign ethics
Campaign contributions
limitations 2.54.020
records disclosure 2.54.060
soliciting, accepting prohibited for three months after permit or decision approval 2.54.040
Definitions
campaign committee 2.54.010
city candidate 2.54.010
city official 2.54.010
contribution 2.54.010
gift 2.54.010
loan 2.54.010
person 2.54.010
Enforcement, referral 2.54.070
Soliciting contributions, gifts, loans prohibited 2.54.030, 2.54.050

Statute of limitations 2.54.080
Candy stores *See* **Zoning code**
Canvas manufacturing, assembly *See* **Zoning code**
Casinos *See* **Gambling, casinos, bingo** *under* **Business license tax; Zoning code**
Catering services *See* **Zoning code**
Child care centers *See* **Zoning code**
Churches *See* **Zoning code**
Circuses, carnivals, side shows
See also **Zoning code**
Business license tax fee 5.08.020
City clerk
Duties, bond, compensation 2.20.010
City commissioners
Qualifications, terms, absences 2.32.010
City council
Appointment authority 2.04.070
Chambers 2.04.010
Compensation 2.04.080
Filing fees 2.04.060
Meetings 2.04.020
Organization 2.04.090
Presenting matters 2.04.030
Robert's Rules of Order 2.04.050
City decisions, orders
Challenging, statute of limitations 1.32.010
Judicial review 1.32.020
City funds, warrants
Payment
budgeted items 3.04.070
salaries 3.04.060
Removal of documents from City Hall 3.04.090
Sufficient money in treasury 3.04.080
City manager
Appointment 2.12.020
Bond 2.12.050
Compensation 2.12.060
Office established 2.12.010
Powers, duties 2.12.030
Residence requirements 2.12.040
City officers, employees
See also **Personnel system; Public employees' retirement system**
Acts by deputies 2.28.010
Contracts with Los Angeles County for performance, duties 1.24.010
Post-government employment
enforcement 2.56.030
lobbying 2.56.020
with city, prohibited when 2.56.010
City offices
Hours 2.08.020
Location 2.08.010
City treasurer
Duties, bond, compensation 2.24.010
Claims against city
Approved, disposition 3.04.030
Procedure 3.04.020
Services, supplies, equipment, materials 3.04.010
Warrants
drawn 3.04.040
signatures 3.04.050
Cleaning, dyeing agencies *See* **Zoning code**
Clothing stores *See* **Zoning code**
Clubs *See* **Zoning code**
Code
Adopted 1.04.020
Definitions
board of supervisors 1.08.010
chapter 1.16.010
city 1.12.010
city clerk 1.12.010
clerk 1.12.010
council 1.12.010
county 1.08.010, 1.12.010
county of Los Angeles 1.08.010
county officer 1.08.010
generally 1.12.010
goods 1.12.010
may 1.08.010
month 1.12.010
oath 1.08.010
occupant 1.12.010
office 1.12.010
operate 1.12.010
owner 1.12.010
person 1.12.010
sale 1.12.010
section 1.16.010
shall 1.08.010
sheriff 1.12.010
state 1.12.010
street 1.12.010
subsection 1.16.010
tenant 1.12.010
title 1.16.010
unincorporated territory 1.08.010
writing 1.08.010
written 1.08.010
year 1.12.010
Divisions 1.16.010
Rules of construction 1.08.010
Severability 1.20.010
Title 1.04.010
Violations
administrative provisions 1.36.030

misdemeanors, infractions 1.36.010
nuisances 1.36.020
penalties, arrest procedures 1.36.040
Colleges *See* **Zoning code**
Commercial uses *See* **Zoning code**
Communications facilities *See* **Zoning code**
Condominiums *See* **Zoning code**
Construction materials storage *See* **Zoning code**
Contractors *See* **Business license tax**
Controlled substances *See* **Criminal code**
Cosmetics manufacturing *See* **Zoning code**
Country clubs *See* **Zoning code**
Criminal code
Abandoned chests, latch removal 9.04.540
Aircraft 9.04.070
Burglar alarm requirements, permit 9.04.380
Commercial parties 9.04.390
Controlled substances 9.04.400
Curfew for minors 9.04.430
Damaging property
private 9.04.130
public 9.04.140
Definitions
aircraft 9.04.070
alarm agent 9.04.380
alarm business 9.04.380
alarm system 9.04.380
audible alarm 9.04.380
charitable organization 9.04.310
charitable purpose 9.04.310
city manager 9.04.310
coerce, threaten, hound, or intimidate 9.04.340
contribution 9.04.310
custodial person 9.04.430
department 9.04.460
direct alarm 9.04.380
direct dial alarm 9.04.380
director 9.04.460
drug-related nuisance 9.04.550
emergency 9.04.430
employment 9.04.330
establishment 9.04.430
evaluation of false alarms 9.04.380
false alarm 9.04.380
identification card 9.04.310
illegal drug dealing activities or purposes 9.04.550
in-line skates 9.04.460
mechanical blower 9.04.350
minor 9.04.430
proprietor alarm 9.04.380
public place 9.04.430, 9.04.450
public skate park facility 9.04.460
roller skates 9.04.460
skate activity 9.04.460
skateboard 9.04.460
skater 9.04.460
solicit 9.04.310, 9.04.330
solicitation 9.04.310, 9.04.340
sound amplifying equipment 9.04.250
supervised alarm 9.04.380
terminal monitor module 9.04.380
Disorderly conduct 9.04.010
Disorderly houses 9.04.300
Disturbance of nighttime residential privacy 9.04.440
Dumping, illegal 9.04.110
Evictions for drug dealing
conditions 9.04.550
failure to institute action 9.04.580
legal proceedings 9.04.570
notification 9.04.560
False names 9.04.090
Firearms
ammunition sales 9.04.478
definitions
ammunition 9.04.471
firearm 9.04.471
peace officer 9.04.471
person 9.04.471
sale 9.04.471
discharging prohibited 9.04.475
on city property
possession prohibited 9.04.474
sale of prohibited 9.04.473
possession of large-capacity ammunition magazines prohibited 9.04.472
purpose, findings 9.04.470
safe storage 9.04.476
theft, loss, duty to report 9.04.477
Flowing mud, water on highways 9.04.120
Gate-crashing 9.04.150
Gates
obstruction 9.04.060
restrictions 9.04.050
Handbills distribution 9.04.290
Horses, speed 9.04.080
Leaf, debris blowers 9.04.350
Lodging regulations 9.04.370
Loitering
by criminal street gangs 9.04.450
generally 9.04.040
Lookout for illegal acts 9.04.160
Noises, unnecessary 9.04.020
Nuisance hearings 9.04.410
Obscene publications 9.04.100

Obstruction of public ways 9.04.030
Parade requirements, permit 9.04.240
Parks
rules, regulations
adopted 9.04.200
posting 9.04.210
violations, penalties 9.04.220
Police fees at loud, unruly assemblages 9.04.420
Radios receiving police calls 9.04.180
Registration of felons
change of address 9.04.500
paroled persons 9.04.520
records 9.04.510
requirements 9.04.490
sex offenders 9.04.530
Skate park facilities 9.04.460
Solicitation
aggressive 9.04.340
in public ways 9.04.330
permit requirements 9.04.310
Sound amplifying equipment 9.04.250
Throwing missiles 9.04.230
Trespassing 9.04.190
Unsightliness 9.04.320
Vehicles
commercial advertising permits
applications 9.04.270
requirements 9.04.260
for sale, parking 9.04.360
operation on private property 9.04.280
Wearing mask, disguise 9.04.170
Crop growing *See* **Zoning code**
Curfew for minors *See* **Criminal code**
Cyber cafes *See* **Zoning code**

— D —

Damaging property *See* **Criminal code**
Dance halls, clubs
See also **Zoning code**
Business license tax fee 5.08.020
Day care centers, homes *See* **Zoning code**
Delicatessens *See* **Zoning code**
Dental clinics *See* **Zoning code**
Department stores *See* **Zoning code**
Director of finance
Assessor/tax collector offices abolished, duties transferred 2.16.010
Bond 2.16.020
Duties 2.16.020
Disaster council
Director, assistant director of emergency services offices created 2.44.050
powers, duties 2.44.060
Emergency
defined 2.44.020
organization 2.44.070
plan 2.44.080
Expenditures 2.44.090
Membership 2.44.030
Powers, duties 2.44.040
Purposes 2.44.010
Violation, penalty 2.44.100
Disorderly conduct *See* **Criminal code**
Donut manufacturing *See* **Zoning code**
Dormitories *See* **Zoning code**
Dress shops *See* **Zoning code**
Drive-through services *See* **Zoning code**
Drug stores *See* **Zoning code**
Dry goods stores *See* **Zoning code**
Dumping, illegal *See* **Criminal code**

— E —

Electrical code
See also **Building code**
Adopted 15.08.010
Definitions
building department 15.08.020
building official 15.08.020
electrical safety engineer 15.08.020
Fees 15.08.030
Section 230-33 added 15.08.040
Undergrounding 15.08.040
Violation, penalty 15.08.050
Electrical distribution substations *See* **Zoning code**
Emergencies *See* **Disaster council**
Emergency shelter *Sec* **Zoning code**
Employment agencies *See* **Zoning code**
Equipment rental services *See* **Zoning code**

— F —

False names *See* **Criminal code**
Feed, grain sales *See* **Zoning code**
Fees
See also Specific Fee
Cost recovery
appeal 3.40.070
authority 3.40.020
cost reasonably borne defined 3.40.030
data 3.40.060
intent 3.40.010
public meeting 3.40.050
schedule of fees, service charges 3.40.040
Felt manufacturing, assembly *See* **Zoning code**

Fences
See also Fences, walls, hedges *under* **Zoning code**
Bodies of water, wells, excavations
bodies of water 8.32.080
door, gate regulations 8.32.050
exceptions 8.32.020, 8.32.070
failure, refusal to comply 8.32.090
filing of protest 8.32.100
oil well shaft maintenance 8.32.060
preamble 8.32.010
required 8.32.030
requirements 8.32.040
Film laboratories *See* **Zoning code**
Fire code
See also **Building code**
Adopted 8.08.010
Definitions
board of appeals 8.08.060
building department 8.08.060
city 8.08.060
county 8.08.060
county engineer 8.08.060
county of Los Angeles 8.08.060
electrical code 8.08.060
fire code 8.08.060
general fund 8.08.060
green building standards code 8.08.060
health code 8.08.060
Los Angeles County Health Code 8.08.060
mechanical code 8.08.060
plumbing code 8.08.060
residential code 8.08.060
unincorporated territory of the county of Los Angeles 8.08.060
Fireworks
administrative citations 8.52.120
administrative fines
generally 8.52.130
purpose 8.52.110
administrative hearing
decision, appeal 8.52.160
procedures 8.52.150
right to 8.52.140
definitions
citation 8.52.010
citee 8.52.010
code 8.52.010
hearing officer 8.52.010
issuance 8.52.010
issued 8.52.010
person 8.52.010
responsible person 8.52.010
violation 8.52.010
violates 8.52.010
discharge prohibitions 8.52.040
permits
issuance 8.52.070
prerequisites 8.52.060
sales stands
general requirements 8.52.100
location approval 8.52.080
operation 8.52.090
storage, sale 8.52.050
type, time 8.52.020
use 8.52.030
Liability, responsibility 8.08.020
Violation
infractions 8.08.050
penalty 8.08.040
Fire stations *See* **Zoning code**
Firearms *See* **Criminal code**
Fishing, casting pools *See* **Zoning code**
Floodplains
Abrogation, greater restrictions 16.12.040
Alluvial fans
development hazards 16.28.010
removal of land based on fill placement 16.28.020
task force 16.28.030
Appeals 16.16.040
Applicability of lands 16.12.010
Basis for establishing special flood hazard 16.12.020
Compliance 16.12.030
Definitions
100-year flood 16.08.010
accessory structure, low-cost and small 16.08.010
accessory use 16.08.010
actual start 16.08.010
actual start of construction 16.08.010
alluvial fan 16.08.010
apex 16.08.010
appeal 16.08.010
area of shallow flooding 16.08.010
area of special flood-related erosion hazard 16.36.010
area of special mudslide (i.e., mudflow) hazard 16.36.010
base flood 16.08.010
base flood elevation (BFE) 16.08.010
basement 16.08.010
city 16.08.010
development 16.08.010
encroachment 16.08.010

existing manufactured home park or subdivision 16.08.010
expansion to an existing manufactured home park or subdivision 16.08.010
flood 16.08.010
flood boundary and floodway map (FBFM) 16.08.010
flood insurance rate map (FIRM) 16.08.010
flood insurance study 16.08.010
flood water 16.08.010
flood-prone area 16.08.010
flood-related erosion 16.36.010
flood-related erosion area 16.36.010
flood-related erosion area management 16.36.010
flood-related erosion prone area 16.36.010
flooding 16.08.010
floodplain 16.08.010
floodplain administrator 16.08.010
floodplain management 16.08.010
floodplain management regulations 16.08.010
floodproofing 16.08.010
floodway 16.08.010
floodway fringe 16.08.010
fraud and victimization 16.08.010
functionally dependent use 16.08.010
governing body 16.08.010
hardship 16.08.010
highest adjacent grade 16.08.010
historic structure 16.08.010
levee 16.08.010
levee system 16.08.010
lowest floor 16.08.010
manufactured home 16.08.010
manufactured home park or subdivision 16.08.010
market value 16.08.010, 16.32.010
mean sea level 16.08.010
minimum necessary 16.24.020
mudslide 16.36.010
mudslide (i.e., mudflow) prone area 16.36.010
new construction 16.08.010
new manufactured home park or subdivision 16.08.010
obstruction 16.08.010
program deficiency 16.08.010
public safety and nuisance 16.08.010
recreational vehicle 16.08.010
regulatory floodway 16.08.010
remedy a violation 16.08.010
riverine 16.08.010
special flood hazard area (SFHA) 16.08.010
start of construction 16.08.010
structure 16.08.010
substantial damage 16.08.010, 16.32.010
substantial improvement 16.08.010
variance 16.08.010
violation 16.08.010
water surface elevation 16.08.010
watercourse 16.08.010
Development permit 16.16.030
Findings of fact 16.04.020
Floodplain administrator
designated 16.16.010
duties, responsibilities 16.16.020
Floodways 16.20.060
Higher standards recommendation 16.32.010
Interpretation 16.12.050
Method of reducing flood losses 16.04.040
Purpose 16.04.030
Severability 16.12.070
Special requirements 16.36.010
Standards
construction 16.20.010
manufactured homes 16.20.040
recreational vehicles 16.20.050
subdivisions, other development 16.20.030
utilities 16.20.020
Statutory authorization 16.04.010
Variances
appeal board 16.24.030
conditions 16.24.020
nature 16.24.010
Warning, disclaimer of liability 16.12.060
Florist shops *See* **Zoning code**
Food markets *See* **Zoning code**
Fortune-telling
See also **Business license tax**
Business license tax fee 5.08.740
Fraternity houses *See* **Zoning code**
Funds *See* Specific Fund
Fur manufacturing, assembly *See* **Zoning code**
Furniture stores *See* **Zoning code**

— G —

Gambling, casinos, bingo *See* **Business license tax**
Gas stations *See* **Zoning code**
General contractors
Business license tax fee 5.08.610
Gift shops *See* **Zoning code**
Golf courses *See* **Zoning code**
Graffiti
Administrative fines 9.12.140
Alternate actions 9.12.170
Attorneys' fees recovery 9.12.160

Civil liability of parents 9.12.150
Community service 9.12.180
Definitions
aerosol paint container 9.12.020
etching cream 9.12.020
etching tool 9.12.020
felt tip marker 9.12.020
graffiti 9.12.020
graffiti implement 9.12.020
graffiti stick 9.12.020
gum label 9.12.020
minor 9.12.020
paint stick 9.12.020
responsible party 9.12.020
Display for sale 9.12.060
Driving privilege suspension, delay 9.12.190
Implement possession 9.12.050
Land use permits 9.12.200
Lien assessment procedure
alternate, special 9.12.120
generally 9.12.110
Minor, parent responsibility for violations 9.12.100
Misdemeanor criminal offense 9.12.130
Nuisance declared 9.12.030
Prohibited 9.12.040
Purpose, intent 9.12.010
Removal
generally 9.12.080
standards 9.12.070
Reward 9.12.090
Green building standards code
See also **Building code**
Adopted 15.32.010
Definitions
board of appeals 15.32.020
building department 15.32.020
city 15.32.020
county 15.32.020
county engineer 15.32.020
county of Los Angeles 15.32.020
electrical code 15.32.020
fire code 15.32.020
general fund 15.32.020
health code 15.32.020
Los Angeles County Health Code 15.32.020
mechanical code 15.32.020
plumbing code 15.32.020
residential code 15.32.020
unincorporated territory of the county of Los Angeles 15.32.020
Penalty 15.32.030
Gymnasiums *See* **Zoning code**

— H —

Handbills distribution *See* **Criminal code**
Hardware stores *See* **Zoning code**
Hat cleaning, blocking establishments *See* **Zoning code**
Health code
County code
adopted by reference 8.04.010
amendments 8.04.030
Definitions
board of supervisors 8.04.020
county 8.04.020
county of Los Angeles 8.04.020
unincorporated area 8.04.020
unincorporated territory of the county of Los Angeles 8.04.020
Enforcement 8.04.040
Violation, penalty 8.04.050
Health food stores *See* **Zoning code**
Highway permits
Certificates of insurance 12.04.040
Construction without 12.04.070
County code
adopted by reference 12.04.010
Chapter 16.24 deleted 12.04.050
Definitions
board of supervisors 12.04.020
clerk of the board of supervisors 12.04.020
county 12.04.020
county of Los Angeles 12.04.020
superintendent of streets 12.04.020
Excavation, encroachment permits 12.04.030
Violation, penalty 12.04.060
Hobby supply shops *See* **Zoning code**
Home occupations *See* **Zoning code**
Homes for the aged *See* **Zoning code**
Hospitals *See* **Zoning code**
Hotels
See also **Zoning code**
Business license tax fee 5.08.380
Household appliance stores *See* **Zoning code**

— I —

Ice cream shops *See* **Zoning code**
Ice sales *See* **Zoning code**
Industrial waste *See* **Sewage, industrial waste**
Insects, flies *See* **Vector control, management**
Interior decorating shops *See* **Zoning code**

— J —

Jails *See* **Zoning code**
Jewelry stores *See* **Zoning code**
Junk dealers
Business license tax fee 5.08.060

— K —

Knit shops *See* **Zoning code**

— L —

Laundries *See* **Zoning code**
Leather goods stores *See* **Zoning code**
Libraries *See* **Zoning code**
Licenses
See also **Business license tax**
Solid waste collectors 8.12.090
Liquefied petroleum gas storage, sales *See* **Zoning code**
Liquor *See* **Alcoholic beverages**
Locksmith shops *See* **Zoning code**
Lodging regulations *See* **Criminal code**
Loitering *See* **Criminal code**

— M —

Mail order houses *See* **Zoning code**
Manicure parlors *See* **Zoning code**
Manufactured homes *See* **Zoning code**
Marine sales *See* **Zoning code**
Massage establishments
See also **Business license tax; Zoning code**
Business license tax fee 5.08.1140
Massage technicians
See also **Business license tax**
Business license tax fee 5.08.1220
Meat markets *See* **Zoning code**
Mechanical code
See also **Building code**
Adopted 15.16.010
Definitions
board of supervisors 15.16.020
building department 15.16.020
building official 15.16.020
chief 15.16.020
county 15.16.020
county of Los Angeles 15.16.020
Los Angeles County Ordinance No. 1494 15.16.020
the zoning ordinance 15.16.020
unincorporated area 15.16.020
Violation, penalty 15.16.030
Medical clinics *See* **Zoning code**
Medical marijuana dispensaries, cultivation facilities
Administrative remedies 5.08.1750
Criminal penalties 5.08.1740
Definitions
medical marijuana cultivation 5.08.1760
medical marijuana dispensary 5.08.1760
person 5.08.1760
Findings 5.08.1770
Prohibited 5.08.1710
Public nuisance, civil injunction 5.08.1730
Separate offense each day 5.08.1720
Metals manufacturing *See* **Zoning code**
Millinery, hat shops *See* **Zoning code**
Mobile home parks *See* **Zoning code**
Mortuaries *See* **Zoning code**
Mosquitoes *See* **Vector control, management**
Motels
See also **Zoning code**
Business license tax fee 5.08.380
Motion picture studios *See* **Zoning code**
Museums *See* **Zoning code**
Music stores *See* **Zoning code**

— N —

Newsracks
See also **Zoning code**
Certificates of insurance 12.12.070
Conflicting provisions 12.12.090
Definitions
newsrack 12.12.020
parkway 12.12.020
roadway 12.12.020
sidewalk 12.12.020
street 12.12.020
Identification 12.12.060
Prohibited
placement 12.12.030
sales, displays 12.12.040
Purpose, findings 12.12.010
Removal 12.12.080
Standards 12.12.050
Night clubs
See also **Zoning code**
Business license tax fee 5.08.020
Noises, unnecessary *See* **Criminal code**
Notices
Document filing 1.28.030
Posting
places designated 1.28.010

requirements 1.28.020
Novelty, notions stores *See* **Zoning code**
Nuisances
Abatement
by city 8.16.060
cost
assessment 8.16.060
charges billed 8.16.080
court action to collect 8.16.090
lien 8.16.070
hearing, decision 8.16.050
notice
contents 8.16.040
issuance 8.16.030
summary 8.16.100
Defined 8.16.010
Duty of owner, possessor of property 8.16.020
Violation, penalty 8.16.110
Nurseries *See* **Zoning code**

— O —

Obscene publications *See* **Criminal code**
Obstruction of public ways *See* **Criminal code**
Oil wells *See* **Zoning code**
Open area uses *See* **Zoning code**
Optical goods manufacturing *See* **Zoning code**
Orphanages *See* **Zoning code**
Outdoor advertising signs *See* **Zoning code**

— P —

Packaging businesses *See* **Zoning code**
Paint stores *See* **Zoning code**
Paper manufacturing, assembly *See* **Zoning code**
Parades *See* **Criminal code**
Parking citations
See also Parking *under* **Traffic**
Appeals review procedures 10.08.040
Contesting 10.08.130
Contract with outside agencies 10.08.030
Definitions
administrative policy 10.08.020
city 10.08.020
contestant 10.08.020
department 10.08.020
hearings examiner 10.08.020
issuing agency 10.08.020
issuing officer 10.08.020
operator 10.08.020
parking citation 10.08.020
parking penalty 10.08.020
processing agency 10.08.020
registered owner 10.08.020
vehicle 10.08.020
violation 10.08.020
working day 10.08.020
Issuing process 10.08.050
Liability
leased, rented vehicle 10.08.110
sale of vehicle 10.08.120
Notice of delinquent parking violation
contents 10.08.090
copy upon request 10.08.100
Penalties
collection of unpaid 10.08.140
deposit with city 10.08.160
established, accrued 10.08.060
payment
not received by date fixed 10.08.080
received by date fixed 10.08.070
processing agency obligations once paid 10.08.150
Reports, filing 10.08.170
Title 10.08.010
Parks *See* **Criminal code; Zoning code**
Patrol systems
Business license tax fee 5.08.190
Patrolmen
Business license tax fee 5.08.240
Peddlers, solicitors
Business license tax fee 5.08.070
Perfume manufacturing, blending, bottling *See* **Zoning code**
Permits
Alarms 9.04.380
Gambling, casinos, bingo employees 5.08.1000
Parades 9.04.240
Public telephones encroachment 5.08.1470
Pushcarts 5.08.1530
Solicitations 9.04.310
Solid waste collectors 8.12.090
Personnel system
See also **City officers, employees; Public employees' retirement system**
Adopted 2.52.010
Classified service 2.52.030
Contracting for special services 2.52.040
Funds appropriation 2.52.050
Personnel officer 2.52.020
Pet shops *See* **Zoning code**
Photography studios *See* **Zoning code**
Pie factories *See* **Zoning code**
Planning commission
Created, membership, meetings 2.36.010
Plastics manufacturing, assembly *See* **Zoning code**

Playgrounds *See* **Zoning code**
Plumbing code
See also **Building code**
Adopted 15.12.010
Definitions
board of supervisors 15.12.020
building department 15.12.020
building official 15.12.020
chief plumbing inspector 15.12.020
county 15.12.020
county of Los Angeles 15.12.020
Los Angeles County Ordinance No. 1494 15.12.020
the zoning ordinance 15.12.020
unincorporated territory 15.12.020
unincorporated territory of the county of Los Angeles 15.12.020
Fees 15.12.030
Violation, penalty 15.12.040
Police stations *See* **Zoning code**
Pool halls *See* **Zoning code**
Pottery stores *See* **Zoning code**
Printing services *See* **Zoning code**
Private patrol systems *See* **Business license tax**
Produce markets *See* **Zoning code**
Professional offices *See* **Zoning code**
Property maintenance
See also Damaging property *under* **Criminal code**
Findings 15.20.010
Hearings
appeals from decision 15.20.090
determinations 15.20.080
notices
form 15.20.050
service 15.20.060, 15.20.070
Nuisances
abatement
by repair, rehabilitation, demolition 15.20.030
orders 15.20.100
abatement by city
costs assessment, liens 15.20.130
reports of costs 15.20.120
when 15.20.110
alternate proceedings 15.20.140
designated 15.20.020
determination by resolution 15.20.040
Prohibited conditions 15.20.020
Public employees' retirement system
See also **City officers, employees; Personnel system**
Contract amendment
authorized 2.48.010
execution 2.48.020
Public telephones *See* **Business license tax**
Public utility facilities *See* **Zoning code**
Publishers *See* **Zoning code**
Purchasing system
Adopted 3.16.010
Authority, adherence 3.16.020
Bidding 3.16.070
Encumbrance of funds 3.16.090
Estimates 3.16.050
Exemptions, applicability 3.16.030
Inspection, testing 3.16.120
Procedures
formal contract 3.16.110
open market 3.16.100
Purchase orders 3.16.080
Purchasing officer 3.16.040
Requisitions 3.16.060
Surplus supplies, equipment 3.16.130
Pushcarts *See* **Business license tax**

— R —

Racetracks *See* **Zoning code**
Radio broadcasting studios *See* **Zoning code**
Railroad stations *See* **Zoning code**
Real estate offices *See* **Zoning code**
Real property transfer tax
County recorder duties 3.28.090
Exception 3.28.040
Imposed 3.28.020
Nontaxable transactions
certain conveyances 3.28.070
designated 3.28.060
partnerships 3.28.080
Persons liable 3.28.030
Public entities 3.28.050
Refunds 3.28.100
Title 3.28.010
Recording studios *See* **Zoning code**
Recreation vehicle sales *See* **Zoning code**
Recycling *See* **Solid waste services**
Refuse *See* **Solid waste services**
Registration of felons *See* **Criminal code**
Relocation appeals board
Organization, membership, jurisdiction, procedures 2.40.010
Research laboratories *See* **Zoning code**
Reservoirs *See* **Zoning code**
Residential code
See also **Building code**
Adopted 15.29.010

Definitions
board of appeals 15.29.020
building department 15.29.020
city 15.29.020
county 15.29.020
county engineer 15.29.020
county of Los Angeles 15.29.020
electrical code 15.29.020
fire code 15.29.020
general fund 15.29.020
green building standards code 15.29.020
health code 15.29.020
Los Angeles County Health Code 15.29.020
mechanical code 15.29.020
plumbing code 15.29.020
unincorporated territory of the county of Los Angeles 15.29.020
Penalty 15.29.030
Residential uses *See* **Zoning code**
Rest homes *See* **Zoning code**
Restaurants *See* **Zoning code**
Rooming houses *See* **Zoning code**

— S —

Sales and use tax
Amendments 3.24.140
Contract with state 3.24.050
Enjoining collection forbidden 3.24.150
Exclusions, exemptions 3.24.120, 3.24.130
Imposed
sales tax 3.24.060
use tax 3.24.080
Operative date 3.24.030
Place of sale 3.24.070
Purposes 3.24.040
Rate 3.24.020
Seller's permit 3.24.110
Short title 3.24.010
State law
adopted 3.24.090
limitations 3.24.100
Violation, penalty 3.24.160
Schools *See* **Zoning code**
Scientific instrument, equipment manufacturing *See* **Zoning code**
Scooter rentals *See* **Zoning code**
Secondhand dealers
Business license tax fee 5.08.350
Senior housing projects *See* **Zoning code**
Sewage, industrial waste
See also **Storm water and urban runoff pollution control**
Connection charge 13.04.050
Cooling water 13.04.090
County code
adopted by reference 13.04.010
amendments
Section 20.28.050 13.04.030
Section 20.32.150 13.04.050
Section 20.32.200 13.04.100
Section 20.32.280 13.04.070
Section 20.32.320 13.04.060
Section 20.32.690 13.04.080
Section 20.36.440 13.04.090
Sections 20.32.140, 20.32.290 repealed 13.04.040
Definitions
board of supervisors 13.04.020
building department 13.04.020
building official 13.04.020
county 13.04.020
county engineer 13.04.020
county of Los Angeles 13.04.020
county sewer maintenance district 13.04.020
incorporated area 13.04.020
ordinance 13.04.020
public sewer 13.04.020
trunk sewer 13.04.020
unincorporated territory of the county of Los Angeles 13.04.020
Modification, enforcement 13.04.110
Recordkeeping 13.04.060
Reimbursement
agreement 13.04.030
violator 13.04.080
Submittal of monies 13.04.070
Tap fee 13.04.100
Violations, penalties 13.04.120
Sexually oriented businesses *See* **Zoning code**
Shoe stores *See* **Zoning code**
Shooting galleries, ranges *See* **Zoning code**
Shopping carts
Defined 12.08.010
Disposal of unclaimed 12.08.070
Fine 12.08.090
Impeding emergency services 12.08.040
Impounding
affixed with signs 12.08.020
fee 12.08.080
location 12.08.050
not affixed with signs 12.08.030
notice 12.08.060
Signs *See* **Zoning code**
Skate park facilities *See* **Criminal code**
Skating rinks *See* **Zoning code**

Solicitors, solicitation *See* **Criminal code; Peddlers, solicitors**
Solid waste services
See also **Sewage, industrial waste**
Accumulation, nuisance declaration 8.12.450
Clean up by builders, contractors 8.12.440
Collection agreement
appeals 8.12.140
authority, contract 8.12.040
collector fee 8.12.070
collector permits, licenses
required 8.12.090
revocation 8.12.110
suspension 8.12.120
contents 8.12.050
council action 8.12.150
hearing, notice 8.12.130
resolution of conflicts 8.12.080
revocation 8.12.110
suspension 8.12.120
transferability 8.12.100
Collection hours 8.12.330
Commercial/industrial collection
containers
care 8.12.580
generally 8.12.560
maintenance, placement 8.12.570
disposal, status 8.12.540
frequency 8.12.550
special circumstances 8.12.600
Containers
unauthorized 8.12.460
unauthorized removal 8.12.320
Definitions
bulky goods 8.12.030
city manager 8.12.030
collection 8.12.030
collection agreement 8.12.030
collector 8.12.030
commercial/industrial business owner 8.12.030
commercial/industrial collector 8.12.030
commercial/industrial premises 8.12.030
construction or demolition site 8.12.030
construction or demolition waste 8.12.030
control 8.12.030
disposal 8.12.030
exclusive solid waste and recyclable materials handling services 8.12.030
green waste 8.12.030
hazardous waste 8.12.030
holiday 8.12.030
in the city 8.12.030
manure 8.12.030
multi-unit residential buildings 8.12.030
person 8.12.030
processing 8.12.030
public agency 8.12.030
recyclable materials 8.12.030
recycling 8.12.030
recycling container 8.12.030
residential collector 8.12.030
residential householder 8.12.030
residential owner 8.12.030
residential premises 8.12.030
resource recovery 8.12.030
solid waste 8.12.030
solid waste and recyclable materials handling services 8.12.030
solid waste container 8.12.030
solid waste enterprise 8.12.030
source-separated recyclable materials 8.12.240
standard commercial/industrial solid waste container 8.12.030
standard residential solid waste container 8.12.030
vacant property 8.12.030
within the city 8.12.030
yard waste 8.12.030
Disposal 8.12.360
Exclusions
commercial/industrial 8.12.240
contractors 8.12.250
document destruction service 8.12.260
gardeners 8.12.230
general requirements 8.12.280
residential householder 8.12.220
self-haul 8.12.270
Findings, intent 8.12.020
Insurance
collector's liability 8.12.410
worker's compensation 8.12.400
Liability 8.12.420
Litter 8.12.300
Mandatory 8.12.290
Office for inquiries, complaints 8.12.430
Ownership of materials 8.12.350
Rates
billing, collection 8.12.170
regulations 8.12.160
Reports
annual 8.12.390
required 8.12.380
Residential collection
containers
care 8.12.520
placement, removal 8.12.510

recycling 8.12.500
solid waste 8.12.490
disposal 8.12.470
frequency 8.12.480
special services 8.12.530
Resource recovery 8.12.340
Title 8.12.010
Transfer of loads 8.12.310
Trespass 8.12.370
Vehicles
identification 8.12.180
operation of equipment 8.12.200
standards
compliance 8.12.210
designated 8.12.190
Sorority houses *See* **Zoning code**
Sound amplifying equipment *See* **Criminal code**
Special gas tax street improvement fund
Created, deposits, expenditures 3.12.010
Sporting goods stores *See* **Zoning code**
Stadiums *See* **Zoning code**
Stained glass assembly *See* **Zoning code**
Stationery stores *See* **Zoning code**
Storage buildings *See* **Zoning code**
Storm water and urban runoff pollution control
See also **Sewage, industrial waste**
Administration responsibilities 13.08.050
Applicability, construction 13.08.060
Constructions projects 13.08.120
Definitions
area susceptible to runoff 13.08.040
authorized enforcement officer 13.08.040
automotive repair shops 13.08.040
best management practices (BMPs) 13.08.040
commercial developments 13.08.040
illicit connection 13.08.040
illicit discharge 13.08.040
MS4 13.08.040
new development 13.08.040
new development project 13.08.040
NPDES 13.08.040
one-hundred-thousand-square-foot commercial development 13.08.040
peak storm runoff rate 13.08.040
pollutant 13.08.040
redevelopment 13.08.040
restaurant 13.08.040
single-family hillside residence 13.08.040
Standard Industrial Code (SIC) 13.08.040
Standard Urban Storm Water Mitigation Plan (SUSMP) 13.08.040
storm drain system 13.08.040
storm water runoff 13.08.040
subdivision of 10 lots or more 13.08.040
Disclaimer of liability 13.08.150
Educational program 13.08.130
Elimination of pollutants 13.08.070
Enforcement 13.08.100
Existing properties 13.08.090
Findings 13.08.020
Inspection 13.08.140
Plan for new developments 13.08.110
Prohibited activities 13.08.080
Purpose, intent 13.08.030
Taking 13.08.160
Title 13.08.010
Stress relief establishments
See also **Business license tax**
Business license tax fee 5.08.1300
Stress relief therapist
See also **Business license tax**
Business license tax fee 5.08.1370
Subcontractors
Business license tax fee 5.08.620
Subdivisions
See also **Zoning code**
Consistency with hazardous waste management plan 19.04.080
County code
adopted by reference 19.04.010
deletions
Chapter 21.12 19.04.040
Chapter 21.38 19.04.070
Section 21.28.140 19.04.090
Section 21.28.140 added 19.04.090
violations, penalties 19.04.030
Dedication of land for park, recreational facilities 19.04.090
Definitions
board of supervisors 19.04.020
county 19.04.020
county engineer 19.04.020
county of Los Angeles 19.04.020
Los Angeles county 19.04.020
planning director 19.04.020
planning director of the regional planning commission 19.04.020
regional planning commission 19.04.020
Title 22 of this code 19.04.020
unincorporated territory of the county of Los Angeles 19.04.020
vesting tentative map 19.04.070
Recommendation to planning commission 19.04.050
Vesting tentative maps 19.04.070
Supportive housing *See* **Zoning code**

Swimming pools *See* **Zoning code**

— T —

Tailor shops *See* **Zoning code**
Tax *See* Specific Tax
Taxicab
Drivers
See also **Business license tax**
Business license tax fee 5.08.580
Operators, vehicles
See also **Business license tax**
Business license tax fee 5.08.410
Stations *See* **Zoning code**
Television stores *See* **Zoning code**
Telecommunication users' tax
Actions to collect 3.38.090
Administrative remedy, nonpaying service users 3.38.110
Appeals 3.38.150
Bundling taxable, nontaxable items 3.38.050
Collection penalties, service suppliers 3.38.080
Definitions
800 service 3.38.020
900 service 3.38.020
ancillary telecommunication services 3.38.020
billing address 3.38.020
conference bridging service 3.38.020
detailed telecommunications billing service 3.38.020
directory assistance 3.38.020
mobile telecommunications service 3.38.020
month 3.38.020
paging service 3.38.020
person 3.38.020
place of primary use 3.38.020
post-paid telecommunication service 3.38.020
prepaid telecommunication service 3.38.020
private telecommunication service 3.38.020
service address 3.38.020
service supplier 3.38.020
service user 3.38.020
state 3.38.020
streamlined sales and use tax agreement 3.38.020
tax administrator 3.38.020
telecommunication services 3.38.020
vertical service 3.38.020
voice mail service 3.38.020
VoIP (voice over Internet protocol) 3.38.020
Deficiency determination, assessment, tax application errors 3.38.100
Duty to collect, procedures 3.38.070
Established 3.38.040
Exemptions 3.38.030
Future amendments to cited statutes 3.38.180
Independent audit of collection, exemption, remittance, expenditure 3.38.190
Injunction, writ of mandate 3.38.160
Interaction with prior tax 3.38.200
Notice of changes 3.38.170
Records 3.38.130
Refunds 3.38.140
Remedies cumulative 3.38.210
Substantial nexus, minimum contacts 3.38.060
Tax administrator duties, powers 3.38.120
Title of provisions 3.38.010
Temples *See* **Zoning code**
Testing laboratories *See* **Zoning code**
Textiles manufacturing, assembly *See* **Zoning code**
Theaters
See also **Zoning code**
Business license tax fee 5.08.020
Throwing missiles *See* **Criminal code**
Tobacco shops *See* **Zoning code**
Tourist information centers *See* **Zoning code**
Townhouses *See* **Zoning code**
Toy shops *See* **Zoning code**
Trade schools *See* **Zoning code**
Traffic
See also **Parking citations**
Bicycles *See* **Bicycles**
County code adopted, amendments 10.04.010
Cruising, vehicle impoundment 10.04.015
Curb markings 10.04.080
Driving on public property, parks 10.04.060
Parking
all-night 10.04.040
election day polling place 10.04.070
municipally owned off-street facilities restrictions 10.04.050
peddlers, vendors restrictions 10.04.090
Vehicle weight limits
exceptions 10.04.030
requirements 10.04.020
Violation, penalty 10.12.010
Trailer parks
See also **Zoning code**
Business license tax fee 5.08.080
Transient occupancy tax
Appeal 3.32.100
Deemed debt to city 3.32.130
Definitions
hotel 3.32.020
occupancy 3.32.020
operator 3.32.020

person 3.32.020
rent 3.32.020
tax administrator 3.32.020
transient 3.32.020
Exemptions 3.32.040
Failure/refusal to collect, remedies 3.32.090
Hotel registration 3.32.060
Imposed 3.32.030
Operator responsibility 3.32.050
Penalties, interest 3.32.080
Records 3.32.110
Refunds 3.32.120
Reporting, remitting 3.32.070
Title 3.32.010
Violation, penalty 3.32.140
Transitional housing *See* **Zoning code**
Trash *See* **Solid waste services**
Trespassing *See* **Criminal code**
Truck rentals *See* **Zoning code**
Trucks, trucking, U-hire
Business license tax fee 5.08.090

— U —

Unclaimed property disposition
Appeal 3.20.050
Authority to use, sell, destroy 3.20.020
Consent of ownership 3.20.040
Definitions
abandoned property 3.20.010
hearing officer 3.20.010
property 3.20.010
unclaimed property 3.20.010
Notice of intent 3.20.030
Storage fees 3.20.060
Underground utility districts
Definitions
commission 13.12.010
district 13.12.010
person 13.12.010
poles, overhead wires, and associated overhead structures 13.12.010
underground utility district 13.12.010
utility 13.12.010
Designation by resolution 13.12.040
Exceptions
emergencies, unusual circumstances 13.12.060
other 13.12.070
Notices 13.12.080
Public hearings 13.12.020
Report 13.12.030
Responsibilities
city 13.12.110
property owners 13.12.100
utility companies 13.12.090
Time extension 13.12.120
Unlawful acts 13.12.050
Violations, penalties 13.12.130
Universities *See* **Zoning code**
Utility user tax
Collection
actions 3.36.120
duty 3.36.130
Definitions
charges 3.36.060, 3.36.070, 3.36.080, 3.36.090, 3.36.100
city 3.36.030
electrical corporation 3.36.030
gas corporation 3.36.030
month 3.36.030
nonutility supplier 3.36.030
person 3.36.030
service supplier 3.36.030
service user 3.36.030
tax administrator 3.36.030
telephone corporation 3.36.030
telephone services 3.36.030
waste hauler 3.36.030
water corporation 3.36.030
Electricity user tax 3.36.070
Exemptions
constitutional 3.36.040
other 3.36.050
Failure to pay, assessment, remedy 3.36.150
Gas user tax 3.36.080
Implementation schedule 3.36.180
Interest, penalties 3.36.110
Jurisdiction of public utilities commission 3.36.200
Purpose 3.36.020
Records 3.36.160
Refunds 3.36.170
Severability 3.36.210
Tax administrator powers, duties 3.36.140
Telephone user tax 3.36.060
Termination, suspension 3.36.190
Title 3.36.010
Waste hauler user tax 3.36.090
Water user tax 3.36.100

— V —

Vector control, management
Abatement
costs repayment by property owner 8.36.070
lien
foreclosure 8.36.110

notice, filing 8.36.080
recording 8.36.090
release of property, subordination 8.36.100
purposes, authority 8.36.060
sale of property 8.36.130
summary, mosquito breeding sources 8.36.140
Action brought in name of city 8.36.120
Apiaries prohibited 8.36.030
Definitions
authorized city representative 8.36.020
beehive 8.36.020
district 8.36.020
emergency situation 8.36.020
feral bee 8.36.020
infestation 8.36.020
nest 8.36.020
public nuisance 8.36.020
swarm 8.36.020
vector 8.36.020
Infested building, structure 8.36.040
Measures 8.36.050
Nuisance declaration 8.36.040
Purpose, authority 8.36.010
Vegetable gardening *See* **Zoning code**
Vehicles
See also **Traffic; Parking citations**
Abandoned *See* **Abandoned vehicles**
Rentals *See* **Zoning code**
Vending machines *See* **Business license tax; Zoning code**
Video games
See also **Business license tax**
Business license tax fee 5.08.660

— W —

Warehouses *See* **Zoning code**
Warrants *See* **City funds, warrants; Claims against city**
Waste collection, handling franchises
Business license tax fee 5.08.720
Watch repair shops *See* **Zoning code**
Water conservation
Water usage prohibitions 13.16.010
Water vending machines *See* **Zoning code**
Wearing apparel shops *See* **Zoning code**
Wedding chapels *See* **Zoning code**
Wells
See also Water wells *under* **Zoning code**
Capping, filling 8.28.020
Definitions
may 8.28.010
person 8.28.010
shall 8.28.010
Enforcement, failure of owner to act 8.28.030
Wholesale businesses *See* **Zoning code**
Wireless communications facilities *See* **Wireless digital communications franchises** *under* **Business license tax; Wireless telecommunications antenna facilities** *under* **Zoning code**

— Y —

Yarn manufacturing, assembly *See* **Zoning code**

— Z —

Zoning code
Accessory buildings, structures
C-M zone 20.68.140
CC zone 20.68.090
NC zone 20.68.040
Accessory uses
C-M zone 20.68.140
CC zone 20.68.090
NC zone 20.68.040
residential zones 20.64.080
Acupressure centers
CC zone 20.68.100
Administration
applications
fees, deposits 20.12.080
filing 20.12.060
hearing 20.12.090
withdrawal procedure 20.12.100
duties of governmental bodies 20.12.050
purpose, authority 20.12.010
Air pollution sampling stations
C-M zone 20.68.150
Airports
off-street parking 20.80.110
Alcoholic beverages, services
appeals, review 20.72.080
conditional use permit
beer, wine convenience stores 20.72.050
expiration, discontinuance, revocation 20.72.090
gas stations 20.72.040
grocery stores 20.72.060
required 20.72.020
restaurants 20.72.030
definitions
alcoholic beverages 20.72.010
chief of police 20.72.010
gasoline service station 20.72.010
off-site 20.72.010
on-site 20.72.010
regulations 20.72.020
sales
C-M zone 20.68.150
CC zone 20.68.100
NC zone 20.68.050
temporary use permit for consumption 20.72.070
Amendments
action
community development department 20.16.060
council 20.16.100
planning commission 20.16.090
applications
contents, fees 20.16.050
time limits on new 20.16.120
approval effective date 20.16.130
initiation 20.16.020
map change 20.16.110
public hearing
conduct 20.16.080
required 20.16.070
purpose, authority 20.16.010
rezone
application 20.16.030
consistency with hazardous waste management plan 20.16.040
Amusement arcades
C-M zone 20.68.150
CC zone 20.68.100
NC zone 20.68.050
regulations 20.56.040
Amusement theme parks
C-M zone 20.68.150
CC zone 20.68.100
Antennas *See* Wireless telecommunications antenna facilities
Antique shops
C-M zone 20.68.130
CC zone 20.68.080
Appeals
authority to grant 20.20.030
city council
action by 20.20.090
procedures 20.20.070
conflict, applicability 20.20.120
denial without prejudice 20.20.110
filing
effect 20.20.020
procedure 20.20.010
hearing transcript 20.20.100
notice
decision 20.20.040
hearing 20.20.080
planning commission
action by 20.20.060
procedures 20.20.050
Applicability 20.04.040
Aquariums
C-M zone 20.68.150
CC zone 20.68.100
Archery ranges
CC zone 20.68.100
Art schools
C-M zone 20.68.150

CC zone 20.68.100
Art supply shops
C-M zone 20.68.130
CC zone 20.68.080
Assaying
C-M zone 20.68.130
Auction houses
C-M zone 20.68.150
CC zone 20.68.100
Auditoriums
C-M zone 20.68.130
CC zone 20.68.100
off-street parking 20.80.110
Authority, components 20.04.030
Automobile body shops
C-M zone 20.68.150
Automobile oil lube, tune ups, transmission work
C-M zone 20.68.150
CC zone 20.68.100
NC zone 20.68.050
Automobile rental agencies
C-M zone 20.68.150
Automobile sales
C-M zone 20.68.150
CC zone 20.68.100
NC zone 20.68.050
Automobile service, repair
C-M zone 20.68.150
CC zone 20.68.100
NC zone 20.68.050
Automobile service stations
See also Gas stations
C-M zone 20.68.150
Automobile smog testing
C-M zone 20.68.150
CC zone 20.68.100
NC zone 20.68.050
Automobile supply stores
C-M zone 20.68.130
CC zone 20.68.080
Automotive-oriented uses
C-M zone 20.68.150
CC zone 20.68.100
NC zone 20.68.050
Bakeries
C-M zone 20.68.130
goods distributors
C-M zone 20.68.130
shops
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Banks
C-M zone 20.68.130
CC zone 20.68.100
Barber schools
C-M zone 20.68.150
CC zone 20.68.100
Barber shops
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Bars
off-street parking 20.80.110
Beauty schools
C-M zone 20.68.150
CC zone 20.68.100
Beauty shops
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Bible-study meeting halls
CC zone 20.68.100
NC zone 20.68.050
Bicycle rentals
C-M zone 20.68.130
CC zone 20.68.080
Bicycle sales
C-M zone 20.68.130
CC zone 20.68.080
Billboards
C-M zone 20.68.150
CC zone 20.68.100
Billiard halls
CC zone 20.68.100
Blueprint shops
CC zone 20.68.080
Boarding houses
off-street parking 20.80.110
Boat sales
C-M zone 20.68.150
CC zone 20.68.100
Body shops
C-M zone 20.68.150
Bone manufacturing, assembly
C-M zone 20.68.130
Book binders
C-M zone 20.68.130
Book stores
C-M zone 20.68.130
CC zone 20.68.080
Bowling alleys
C-M zone 20.68.130
CC zone 20.68.100
off-street parking 20.80.110

Building height *See* Development standards
Building materials sales
C-M zone 20.68.130
Bus stations
C-M zone 20.68.130
CC zone 20.68.100
Business offices
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
O zone 20.60.030
off-street parking 20.80.110
Business schools
C-M zone 20.68.150
CC zone 20.68.100
off-street parking 20.80.110
Business, general
off-street parking 20.80.110
C-M zone
See also Commercial zones
accessory uses 20.68.140
conditional uses 20.68.150
development standards 20.68.160
established 20.52.010
intent, purpose 20.68.120
principal uses 20.68.130
Cafes
off-street parking 20.80.110
Candy manufacturing
C-M zone 20.68.130
Candy stores
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Canvas manufacturing, assembly
C-M zone 20.68.130
Car rental facilities
CC zone 20.68.100
NC zone 20.68.050
Car washes, automobile laundries
C-M zone 20.68.150
Card clubs
C-M zone 20.68.150
off-street parking 20.80.110
Carnivals
C-M zone 20.68.150
Casinos
off-street parking 20.80.110
Catering services
C-M zone 20.68.150
CC zone
See also Commercial zones
accessory uses 20.68.090
conditional uses 20.68.100
development standards 20.68.110
established 20.52.010
intent, purpose 20.68.070
principal uses 20.68.080
Cellophane manufacturing, assembly
C-M zone 20.68.130
Certificates of occupancy 20.12.110
Chapels
off-street parking 20.80.110
Child care centers
off-street parking 20.80.110
Children's book stores
CC zone 20.68.080
Children's clothing apparel stores
C-M zone 20.68.130
CC zone 20.68.080
Children's rides
C-M zone 20.68.140
CC zone 20.68.090
NC zone 20.68.040
Churches
CC zone 20.68.100
HDR-G zone 20.64.090
off-street parking 20.80.110
Circuses
C-M zone 20.68.150
Civic center overlay zone
established 20.52.010
Cleaning, dyeing agencies
C-M zone 20.68.130
NC zone 20.68.030
Cloth manufacturing, assembly
C-M zone 20.68.130
Clothing stores
C-M zone 20.68.130
CC zone 20.68.080
Clubs
CC zone 20.68.100
off-street parking 20.80.110
Colleges
C-M zone 20.68.150
CC zone 20.68.100
Commercial equipment buildings
NC zone 20.68.050
Commercial manufacturing zone *See* C-M zone
Commercial uses
off-street parking 20.80.110
Commercial zones
See also CC zone; C-M zone; NC zone
designation, defined 20.68.010
Communication equipment buildings
C-M zone 20.68.150

CC zone 20.68.100
Communications facilities
HDR-G zone 20.64.090
Community commercial zone *See* CC zone
Community development director
authority 20.12.020
enforcement duties 20.12.030
Community social centers
C-M zone 20.68.130
CC zone 20.68.100
Compliance, enforcement 20.12.130
Computer labs
C-M zone 20.68.150
CC zone 20.68.100
regulations 20.56.040
Concert halls
C-M zone 20.68.150
CC zone 20.68.100
Conditional use permits
appeal 20.44.180
application
manufacturing, storage of explosives 20.44.040
other than a cemetery 20.44.030
procedure, hearing 20.44.020
assurance, surety bond
deposit 20.44.160
filing, required 20.44.150
basis for approval, denial 20.44.070
consistency with hazardous waste management plan 20.44.210
day care homes 20.44.050
effective date 20.44.110
expiration 20.44.120
insurance required 20.44.170
large family day care homes 20.44.060
maintenance of nuisance 20.44.190
notice of action taken 20.44.100
purpose, authority 20.44.010
revocation, modification 20.44.090, 20.44.220
termination 20.44.130
validity 20.44.140
Conditional uses
C-M zone 20.68.150
CC zone 20.68.100
NC zone 20.68.050
residential zones 20.64.090
Condominium
conversions 20.56.030
Condominiums
HDR-G zone 20.64.090
regulations 20.56.020
Confectionery manufacturing
C-M zone 20.68.130
Confectionery stores
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Conference rooms
C-M zone 20.68.130
CC zone 20.68.100
Construction materials storage
C-M zone 20.68.140
CC zone 20.68.090
NC zone 20.68.040
Contractor's temporary offices
C-M zone 20.68.140
CC zone 20.68.090
NC zone 20.68.040
Conveyances, voidability 20.12.140
Conviction of crimes 20.04.100
Cookie manufacturing
C-M zone 20.68.130
Cosmetics manufacturing
C-M zone 20.68.130
Costume design studios
C-M zone 20.68.130
CC zone 20.68.080
Country clubs
CC zone 20.68.100
HDR-G zone 20.64.090
Crop growing
C-M zone 20.68.150
CC zone 20.68.100
LDR zone 20.64.040
Cudahy redevelopment area
established 20.52.010
Cyber cafes
C-M zone 20.68.150
CC zone 20.68.100
regulations 20.56.040
Dams
C-M zone 20.68.150
CC zone 20.68.100
Dance halls, clubs
C-M zone 20.68.150
CC zone 20.68.100
off-street parking 20.80.110
Dance schools
C-M zone 20.68.150
CC zone 20.68.100
Day care centers, homes
CC zone 20.68.100
large family
CC zone 20.68.100

HDR-G zone 20.64.090
LDR zone 20.64.090
MDR zone 20.64.090
NC zone 20.68.050
off-street parking 20.80.110
regulations 20.56.060
NC zone 20.68.050
small family
NC zone 20.68.040
Definitions
abut 20.08.010
abutting 20.08.010
access 20.08.010
accessory use 20.08.010
adjacent 20.08.010
adjoining 20.08.010
affordable unit 20.08.010
alley 20.08.010
amendment 20.08.010
amusement arcade 20.08.010
amusement game 20.08.010
animals – retail sales 20.08.010
antique shop 20.08.010
apartment house 20.08.010
apartment unit 20.08.010
artists' studio 20.08.010
assessor 20.08.010
Atlantic Boulevard Corridor 20.08.010
automobile dismantling 20.08.010
automobile wrecking 20.08.010
awning 20.08.010
balcony 20.08.010
balcony, unenclosed 20.08.010
balloon 20.08.010
banks 20.08.010
bars 20.08.010
basement 20.08.010
billiard parlor 20.08.010
building 20.08.010
building – accessory 20.08.010
building height 20.08.010
building – main 20.08.010
building material sales 20.08.010
building wall 20.08.010
business and trade school 20.08.010
camp – day 20.08.010
canopy 20.08.010
carport 20.08.010
center-line 20.08.010
certified processor 20.08.010
certified recycling facility 20.08.010
check-cashing 20.08.010
child care center 20.08.010
church 20.08.010
city 20.08.010
club, private 20.08.010
clubs 20.08.010
cocktail lounges 20.08.010
commercial printing 20.08.010
commercial vehicle 20.08.010
commission 20.08.010
communications facilities, wireless 20.08.010
communications facility 20.08.010
community center 20.08.010
condominium 20.08.010
condominium common area 20.08.010
condominium documents 20.08.010
condominium project 20.08.010
convalescent facilities 20.08.010
convalescent home 20.08.010
conversion (condominium) 20.08.010
county 20.08.010
court 20.08.010
day 20.08.010
day care center, adult 20.08.010
day care center, children 20.08.010
deck 20.08.010
director 20.08.010
director of planning 20.08.010
driveway 20.08.010
duplex 20.08.010
dwelling 20.08.010
dwelling, multiple-family 20.08.010
dwelling, single-family 20.08.010
dwelling unit 20.08.010
emergency shelter 20.08.010
establishment with drive-up service 20.08.010
facilities maintenance and construction shops 20.08.010
family 20.08.010
family day care home – large 20.08.010
family day care home – small 20.08.010
fence 20.08.010
firearm sales or firearms business 20.08.010
floor area, gross 20.08.010
floor area, net 20.08.010
floor area ratio 20.08.010
food and beverage sales 20.08.010
food manufacturing 20.08.010
garage, common parking garage 20.08.010
garage, private 20.08.010
general plan 20.08.010
grade, existing 20.08.010
grade, finished 20.08.010
grade, ground level 20.08.010
gradient 20.08.010

guest house 20.08.010
hazardous waste 20.08.010
hazardous waste facility 20.08.010
health and physical fitness clubs 20.08.010
height 20.08.010
home occupation 20.08.010
hospital 20.08.010
hotel 20.08.010
household 20.08.010
household pet 20.08.010
inner court 20.08.010
junk yard 20.08.010
kennel 20.08.010
kitchen 20.08.010
laboratory 20.08.010
landscaping 20.08.010
liquor store 20.08.010
loading space 20.08.010
lodges 20.08.010
lot 20.08.010
lot area 20.08.010
lot, corner 20.08.010
lot, cul-de-sac 20.08.010
lot depth 20.08.010
lot, interior 20.08.010
lot, key 20.08.010
lot line 20.08.010
lot line, exterior 20.08.010
lot line, front 20.08.010
lot line, interior 20.08.010
lot line, rear 20.08.010
lot line, side 20.08.010
lot line, zero 20.08.010
lot, reversed corner 20.08.010
lot, through 20.08.010
lot width 20.08.010
main building 20.08.010
maintenance and repair services 20.08.010
mansard 20.08.010
mansard roof 20.08.010
manufactured housing 20.08.010
medical clinic 20.08.010
medical marijuana cultivation 20.08.010
medical marijuana dispensary 20.08.010
mini-warehouse 20.08.010
mobile home park 20.08.010
mortuary 20.08.010
motel 20.08.010
motor vehicle repair garage 20.08.010
multifamily residential development 20.08.010
nonconforming improvement 20.08.010
nonconforming structure, lawful or legal 20.08.010
nonconforming use, lawful or legal 20.08.010
off-street parking facility 20.08.010
offices, government 20.08.010
offices, medical 20.08.010
offices, professional 20.08.010
outdoor advertising 20.08.010
outdoor living space 20.08.010
parcel 20.08.010
parking space 20.08.010
parks and recreation facilities 20.08.010
pawn shop 20.08.010
performance art facilities 20.08.010
personal convenience service 20.08.010
personal improvement service 20.08.010
planned unit development 20.08.010
planning director 20.08.010
plant nursery 20.08.010
public building 20.08.010
public safety facility 20.08.010
public utility facility 20.08.010
recreational facility 20.08.010
recyclable material 20.08.010
recycling, collection facility 20.08.010
recycling facility 20.08.010
recycling, processing facility 20.08.010
rental unit 20.08.010
required area 20.76.060
residence 20.08.010
residential care facility, limited 20.08.010
restaurant, delivery 20.08.010
restaurant, fast-food 20.08.010
restaurant, sit-down 20.08.010
restaurant, take-out 20.08.010
retail sales 20.08.010
room 20.08.010
savings and loans 20.08.010
school, private 20.08.010
secondary residential unit 20.08.010
self-storage facilities 20.08.010
senior housing project 20.08.010
setback 20.08.010
setback, between buildings 20.08.010
setback between dwelling units 20.08.010
setback, exterior side 20.08.010
setback, front 20.08.010
setback, rear 20.08.010
setback, side 20.08.010
shall 20.08.010
sign 20.08.010
sign, A-frame 20.08.010
sign, animated 20.08.010
sign area 20.08.010
sign, awning or canopy 20.08.010

sign, balloon 20.08.010
sign, banner or flag 20.08.010
sign, billboard 20.08.010
sign, construction 20.08.010
sign copy 20.08.010
sign, directional 20.08.010
sign, directory 20.08.010
sign, freestanding 20.08.010
sign, hanging 20.08.010
sign, identification 20.08.010
sign, information 20.08.010
sign, logo 20.08.010
sign, menu board 20.08.010
sign, monument 20.08.010
sign, pennant 20.08.010
sign, pole 20.08.010
sign, political 20.08.010
sign, portable 20.08.010
sign, projecting 20.08.010
sign, pylon 20.08.010
sign, reader board and changeable copy 20.08.010
sign, real estate 20.08.010
sign, roof 20.08.010
sign, temporary 20.08.010
sign, time-temperature 20.08.010
sign, vehicle 20.08.010
sign, wall 20.08.010
sign, window 20.08.010
snack shop 20.08.010
solid fill 20.08.010
story 20.08.010
story, half 20.08.010
street 20.08.010
street line 20.08.010
structural alteration 20.08.010
structure 20.08.010
structure, advertising 20.08.010
supportive housing 20.08.010
swap meet 20.08.010
tandem parking 20.08.010
target population 20.08.010
thrift shop 20.08.010
townhouse 20.08.010
trailer coach 20.08.010
trailer park 20.08.010
trailer site 20.08.010
transfer station, waste 20.08.010
transitional housing 20.08.010
triplex 20.08.010
trucking terminal 20.08.010
use 20.08.010
variance 20.08.010
vehicle – automobile washing 20.08.010
vehicle – body and fender shop 20.08.010
vehicle – rentals 20.08.010
vehicle – repair garage 20.08.010
vehicle – service station 20.08.010
vehicle – towing/storage 20.08.010
visual obstruction 20.08.010
wall 20.08.010
warehouse retail 20.08.010
warehouse retail, specialty 20.08.010
wholesale dry-cleaning plant 20.08.010
wholesaling, distribution and storage 20.08.010
without prejudice 20.08.010
yard 20.08.010
yard, front 20.08.010
yard, rear 20.08.010
yard, side 20.08.010
zoning map 20.08.010
Delicatessens
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Density *See* Development standards
Dental clinics
C-M zone 20.68.130
CC zone 20.68.100
Department stores
C-M zone 20.68.130
CC zone 20.68.080
Development agreements
amendment, cancellation 20.28.090
application 20.28.020
approval 20.28.060
enforcement 20.28.120
hearing 20.28.030
modification, suspension 20.28.100
purpose 20.28.010
recording 20.28.070
review 20.28.080
rules, regulations, policies 20.28.110
scope, contents 20.28.050
Development review permits
application
contents 20.40.020
required, submittal 20.40.010
compliance 20.40.060
consideration 20.40.050
exemption 20.40.070
expansion 20.40.090
modification 20.40.080
recommendations 20.40.040
required 20.40.030

Development standards
access ways for fire vehicles 20.76.050
accessory buildings
location, yard requirements 20.76.190
open areas, rear yards 20.76.220
accessory uses 20.76.340
building height limit 20.76.270
C-M zone 20.68.160
CC zone 20.68.110
conformity 20.76.020, 20.76.310
definitions
driveway 20.76.250
required front yard and side yard areas 20.76.250
distance between buildings 20.76.210
floor area ratio 20.76.290
HDR-G zone 20.64.150
intent, purpose 20.76.010, 20.76.300
LDR zone 20.64.130
lot area
increase required 20.76.070
reduced for public use 20.76.090
requirements 20.76.060
rescission of agreements 20.76.080
lot coverage 20.76.280
lot lines identification, designation 20.76.120
lot width
modification 20.76.140
reduced for public use 20.76.130
requirements 20.76.100
rescission of agreements 20.76.150
maintenance of facilities 20.76.030
MDR zone 20.64.140
NC zone 20.68.060
nuisances 20.76.040
O zone 20.60.040
principal uses 20.76.320
property adjoining street, highway 20.76.230
setbacks *see* yards
SH zone 20.60.060
street frontage 20.76.110
transitional uses 20.76.330
under-width streets 20.76.240
yards
front 20.76.160
projections into 20.76.200
rear 20.76.180
reduced for public use 20.76.260
side 20.76.170
use, storage 20.76.250
Donut manufacturing
C-M zone 20.68.130
Dormitories
off-street parking 20.80.110
Drama schools
C-M zone 20.68.150
CC zone 20.68.100
Dress shops
C-M zone 20.68.130
CC zone 20.68.080
Drive-through services
C-M zone 20.68.150
CC zone 20.68.100
NC zone 20.68.050
Driving ranges
CC zone 20.68.100
Drug stores
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Dry goods stores
C-M zone 20.68.130
CC zone 20.68.080
Eating establishments
C-M zone 20.68.130
CC zone 20.68.100
Electric facilities
off-street parking 20.80.110
Electrical appliances assembly
C-M zone 20.68.130
Electrical distribution substations
C-M zone 20.68.150
CC zone 20.68.100
HDR-G zone 20.64.090
NC zone 20.68.050
Electronic instruments assembly
C-M zone 20.68.130
Emergency shelters
CC zone 20.68.080
Employment agencies
C-M zone 20.68.130
CC zone 20.68.100
Environmental performance standards
dust, paint 20.88.040
electromagnetic interference 20.88.090
enforcement 20.88.120
hazardous materials 20.88.070
hours of operation 20.88.110
light, glare, heat 20.88.060
noise 20.88.020
odors, gases 20.88.100
purpose, intent 20.88.010
radioactive materials 20.88.080
smoke 20.88.050
vibration 20.88.030

Environmental review 20.12.070
Equipment rental services
C-M zone 20.68.130
CC zone 20.68.080
Feed, grain sales
C-M zone 20.68.130
CC zone 20.68.080
Fees 20.04.060
Felt manufacturing, assembly
C-M zone 20.68.130
Fences, walls, hedges
applicability 20.104.010
barriers 20.104.040
decorative fence defined 20.104.030
height requirements 20.104.020
intersection visability 20.104.070
legal nonconforming 20.104.060
materials 20.104.030
modifications 20.104.050
Film laboratories
C-M zone 20.68.130
Financial institutions
C-M zone 20.68.130
CC zone 20.68.100
Fire stations
C-M zone 20.68.130
CC zone 20.68.080
HDR-G zone 20.64.090
Fishing, casting pools
CC zone 20.68.100
Floor area *See* Development standards
Florist shops
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Flower gardening
C-M zone 20.68.150
CC zone 20.68.100
LDR zone 20.64.040
Food commissaries
C-M zone 20.68.130
Food markets
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.050
Fraternity houses
CC zone 20.68.100
off-street parking 20.80.110
Fur manufacturing, assembly
C-M zone 20.68.130
Furniture repair, restoration
CC zone 20.68.080
Furniture stores
C-M zone 20.68.130
CC zone 20.68.080
Furrier shops
C-M zone 20.68.130
G zone
established 20.52.010
Gas facilities
off-street parking 20.80.110
Gas measurement stations
C-M zone 20.68.150
Gas stations
See also Automobile service stations
C-M zone 20.68.150
CC zone 20.68.100
NC zone 20.68.050
Gauging stations
C-M zone 20.68.150
CC zone 20.68.100
General regulations 20.04.040
Gift shops
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Glass edging, beveling, silvering
C-M zone 20.68.130
Glass manufacturing, assembly
C-M zone 20.68.130
Golf balls manufacturing
C-M zone 20.68.130
Golf courses
CC zone 20.68.100
HDR-G zone 20.64.090
miniature
C-M zone 20.68.150
off-street parking 20.80.110
Gymnasiums
C-M zone 20.68.130
CC zone 20.68.100
off-street parking 20.80.110
Hardware stores
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Hat cleaning, blocking establishments
C-M zone 20.68.130
CC zone 20.68.080
Hay barns
C-M zone 20.68.130
HDR-G zone
See also Residential zones
development standards 20.64.150
established 20.52.010

principal uses 20.64.070
Health centers
C-M zone 20.68.130
CC zone 20.68.080
Health food stores
C-M zone 20.68.130
CC zone 20.68.080
Hedges *See* Fences, walls, hedges
High-density residential – garden overlay zone *See* HDR-G zone
Hobby supply shops
C-M zone 20.68.130
CC zone 20.68.080
Home occupations
HDR-G zone 20.64.070
LDR zone 20.64.040
MDR zone 20.64.060
Homes for the aged
HDR-G zone 20.64.090
Hospitals
C-M zone 20.68.150
CC zone 20.68.100
HDR-G zone 20.64.090
off-street parking 20.80.110
Hotels
C-M zone 20.68.150
CC zone 20.68.100
off-street parking 20.80.110
regulations 20.56.050
Household appliance stores
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Ice cream manufacturing
C-M zone 20.68.130
Ice cream shops
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Ice sales
C-M zone 20.68.130
CC zone 20.68.080
Industrial uses
off-street parking 20.80.110
Interior decorating shops
C-M zone 20.68.130
CC zone 20.68.080
Interpretation of provisions 20.04.050, 20.12.120
Jails
off-street parking 20.80.110
Jewelry manufacturing
C-M zone 20.68.130
Jewelry stores
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Knit shops
C-M zone 20.68.130
CC zone 20.68.080
Labor temples
CC zone 20.68.100
Lapidary shops
C-M zone 20.68.130
Laundries
agencies
C-M zone 20.68.150
NC zone 20.68.050
C-M zone 20.68.150
hand
C-M zone 20.68.150
CC zone 20.68.100
self-service
C-M zone 20.68.150
CC zone 20.68.100
NC zone 20.68.050
LDR zone
See also Residential zones
development standards 20.64.130
established 20.52.010
principal uses 20.64.040
second residential units, restrictions 20.64.050
Leather goods stores
C-M zone 20.68.130
CC zone 20.68.080
Leather manufacturing, assembly
C-M zone 20.68.130
Libraries
C-M zone 20.68.130
CC zone 20.68.080
HDR-G zone 20.64.090
Light, glare, heat *See* Environmental performance standards
Lighting *See* Development standards
Liquefied petroleum gas storage, sales
C-M zone 20.68.150
Loading *See* Off-street parking
Locksmith shops
C-M zone 20.68.130
CC zone 20.68.080
Lodge halls
CC zone 20.68.100
Lot area, width *See* Development standards
Low-density residential zone *See* LDR zone

Low impact development
definitions
automotive service facility 20.108.010
basin plan 20.108.010
best management practice (BMP) 20.108.010
biofiltration 20.108.010
bioretention 20.108.010
bioswale 20.108.010
city 20.108.010
Clean Water Act (CWA) 20.108.010
commercial development 20.108.010
commercial malls 20.108.010
construction activity 20.108.010
control 20.108.010
development 20.108.010
directly adjacent 20.108.010
discharge 20.108.010
disturbed area 20.108.010
flow-through treatment BMPs 20.108.010
full capture system 20.108.010
general construction activities storm water permit (GCASP) 20.108.010
general industrial activities storm water permit (GIASP) 20.108.010
green roof 20.108.010
hillside 20.108.010
industrial/commercial facility 20.108.010
industrial park 20.108.010
infiltration BMP 20.108.010
low impact development (LID) 20.108.010
municipal separate storm sewer system (MS4) 20.108.010
National Pollutant Discharge Elimination System (NPDES) 20.108.010
natural drainage system 20.108.010
new development 20.108.010
non-stormwater discharge 20.108.010
outfall 20.108.010
parking lot 20.108.010
pollutant 20.108.010
project 20.108.010
rainfall harvest and use 20.108.010
receiving water 20.108.010
redevelopment 20.108.010
Regional Board 20.108.010
restaurant 20.108.010
retail gasoline outlet 20.108.010
routine maintenance 20.108.010
significant ecological areas (SEAs) 20.108.010
site 20.108.010
storm drain system 20.108.010
storm water or stormwater 20.108.010
urban runoff 20.108.010
measures for new development, redevelopment 20.108.020
Mail order houses
C-M zone 20.68.130
CC zone 20.68.100
Manager's offices
CC zone 20.68.080
Manicure parlors
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Manufactured homes
HDR-G zone 20.64.090
LDR zone 20.64.040
Manufacturer's agents
C-M zone 20.68.130
CC zone 20.68.080
Manufacturing and industrial zone *See* MI zone
Map 20.52.020

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Marine sales
C-M zone 20.68.150
CC zone 20.68.100
Massage establishments
CC zone 20.68.100
MDR zone
See also Residential zones
development standards 20.64.140
established 20.52.010
principal uses 20.64.060
Meat markets
C-M zone 20.68.130
CC zone 20.68.080
Medical clinics
C-M zone 20.68.130
CC zone 20.68.080, 20.68.100
Medical offices
O zone 20.60.030
Medium-density residential zone *See* MDR zone
Menageries
C-M zone 20.68.150
Metals manufacturing
C-M zone 20.68.130
MI zone
established 20.52.010
Millinery, hat shops
C-M zone 20.68.130
CC zone 20.68.080
Mirror, glass decorating furniture sales
C-M zone 20.68.130
Mobile home parks
C-M zone 20.68.150
CC zone 20.68.100
HDR-G zone 20.64.090
regulations 20.56.010
Mortuaries
C-M zone 20.68.130
CC zone 20.68.080
off-street parking 20.80.110
Motels
C-M zone 20.68.150
CC zone 20.68.100
off-street parking 20.80.110
regulations 20.56.050
Motion picture processing, reconstruction, synchronizing
C-M zone 20.68.130
Motion picture studios
C-M zone 20.68.130
Multifamily/multiple-family dwellings
CC zone 20.68.100
HDR-G zone 20.64.070, 20.64.090
off-street parking 20.80.110
Museums
C-M zone 20.68.130
CC zone 20.68.080
HDR-G zone 20.64.090
Music schools
C-M zone 20.68.150
CC zone 20.68.100
Music stores
C-M zone 20.68.130
CC zone 20.68.080
NC zone
See also Commercial zones
accessory uses 20.68.040
conditional uses 20.68.050
development standards 20.68.060
established 20.52.010
intent, purpose 20.68.020
principal uses 20.68.030
Neighborhood commercial zone *See* NC zone
Newspaper stores
C-M zone 20.68.130
CC zone 20.68.080
Newsracks
C-M zone 20.68.140
CC zone 20.68.090
NC zone 20.68.040
Night clubs
off-street parking 20.80.110
Noise *See* Environmental performance standards
Nonconforming uses
continuation of existing 20.24.030
extension 20.24.020
public uses, utilities 20.24.020
regulations 20.24.010
revocation 20.24.020
substitution 20.24.020
termination 20.24.020
Notices
discretionary review, related actions 20.48.020
exceptions 20.48.040
purpose 20.48.010
temporary uses 20.48.030
Novelty, notions stores
C-M zone 20.68.130
CC zone 20.68.080
Nurseries
C-M zone 20.68.150
CC zone 20.68.100
Nursery stock growing
C-M zone 20.68.150
CC zone 20.68.100
LDR zone 20.64.040

O zone
See also Overlay zones
development standards 20.60.040
established 20.52.010
principal uses 20.60.030
Odors, gases *See* Environmental performance standards
Off-street parking
See also Development standards
circulation 20.80.040
computing, fractional remainders 20.80.020
facilities
location 20.80.010
maintenance, operation 20.80.070
handicapped 20.80.080
layout, driveways 20.80.030
loading facilities
location 20.80.010
requirements 20.80.060
site plans 20.80.050
spaces
compact 20.80.090
dimensions 20.80.030
number required 20.80.110
tandem 20.80.100
Oil wells
C-M zone 20.68.150
One-family dwellings
LDR zone 20.64.040
MDR zone 20.64.060
off-street parking 20.80.110
Open area uses
off-street parking 20.80.110
Optical goods manufacturing
C-M zone 20.68.130
Orphanages
CC zone 20.68.100
Outdoor advertising signs
C-M zone 20.68.150
CC zone 20.68.100
Overlay zones
See also O zone; SH zone
designation, defined 20.60.010
intent, purpose 20.60.020
Oxygen, compressed gas storage
C-M zone 20.68.130
Packaging businesses
C-M zone 20.68.130
Paint stores
C-M zone 20.68.130
CC zone 20.68.080
Paint, varnish sales, manufacturing
C-M zone 20.68.150
Paper manufacturing, assembly
C-M zone 20.68.130
Parking *See* Off-street parking
Parking buildings
C-M zone 20.68.130
CC zone 20.68.100
NC zone 20.68.050
Parking lots
C-M zone 20.68.130
CC zone 20.68.100
LDR zone 20.64.040
MDR zone 20.64.060
NC zone 20.68.050
O zone 20.60.030
Parks
C-M zone 20.68.130
CC zone 20.68.080
Perfume manufacturing, blending, bottling
C-M zone 20.68.130
Pet shops
C-M zone 20.68.130
CC zone 20.68.080
Pet supply shops
C-M zone 20.68.130
CC zone 20.68.080
Phonograph manufacturing, assembly
C-M zone 20.68.130
Photo engraving
C-M zone 20.68.130
Photography shops
C-M zone 20.68.130
CC zone 20.68.080
Photography studios
C-M zone 20.68.130
CC zone 20.68.080
Pie factories
C-M zone 20.68.130
Places of public assembly
off-street parking 20.80.110
Places of religious worship
CC zone 20.68.100
HDR-G zone 20.64.090
Planned unit developments 20.56.020, 20.56.070
Planning commission 20.12.040
Plastics manufacturing, assembly
C-M zone 20.68.130
Playgrounds
C-M zone 20.68.130
CC zone 20.68.080
Plumbing shops
C-M zone 20.68.130
CC zone 20.68.080

Police stations
C-M zone 20.68.130
CC zone 20.68.080
HDR-G zone 20.64.090
Pool halls
CC zone 20.68.100
Post offices
C-M zone 20.68.130
CC zone 20.68.080
Pottery stores
C-M zone 20.68.130
CC zone 20.68.080
Poultry markets
C-M zone 20.68.130
CC zone 20.68.080
Power, duty of public officers 20.04.080
Precious, semi-precious stones manufacturing
C-M zone 20.68.130
Precision machine shops
C-M zone 20.68.130
Prefabricated homes
HDR-G zone 20.64.090
Principal uses
C-M zone 20.68.130
CC zone 20.68.080
HDR-G zone 20.64.070
LDR zone 20.64.040
MDR zone 20.64.060
NC zone 20.68.030
O zone 20.60.030
SH zone 20.60.050
Printers
C-M zone 20.68.130
Printing services
C-M zone 20.68.130
CC zone 20.68.080
Produce markets
C-M zone 20.68.130
Professional offices
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
O zone 20.60.030
off-street parking 20.80.110
Professional schools
C-M zone 20.68.150
CC zone 20.68.100
off-street parking 20.80.110
Property management offices
CC zone 20.68.080
Public buildings
off-street parking 20.80.110
Public markets
C-M zone 20.68.130
Public telephone regulations 20.92.010
Public utility facilities
microwave
C-M zone 20.68.150
CC zone 20.68.100
HDR-G zone 20.64.090
NC zone 20.68.050
off-street parking 20.80.110
Publishers
C-M zone 20.68.130
Pumping stations
C-M zone 20.68.150
CC zone 20.68.100
Purpose 20.04.020
Racetracks
off-street parking 20.80.110
Radio broadcasting studios
C-M zone 20.68.130
CC zone 20.68.100
Radio manufacturing, assembly
C-M zone 20.68.130
Radio stations, towers
C-M zone 20.68.150
Radio stores
C-M zone 20.68.130
CC zone 20.68.080
Radioactive materials *See* Environmental performance standards
Railroad stations
C-M zone 20.68.130
CC zone 20.68.100
Real estate offices
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Recording studios
C-M zone 20.68.130
Recreation vehicle sales
C-M zone 20.68.150
CC zone 20.68.100
NC zone 20.68.050
Reducing salons
C-M zone 20.68.130
CC zone 20.68.100
References applies to amendments 20.04.090
Regional center overlay zone
established 20.52.010
Research laboratories
C-M zone 20.68.130
Reservoirs
C-M zone 20.68.150

CC zone 20.68.100
Residential garden zone *See* G zone
Residential offices
O zone 20.60.030
Residential uses
off-street parking 20.80.110
Residential zones
See also HDR-G zone; LDR zone; MDR zone
accessory uses 20.64.080
conditional uses 20.64.090
design review, standards 20.64.100
designated, defined 20.64.010
intent, purpose 20.64.020
lot width 20.64.120
open space requirements 20.64.110
storage prohibitions 20.64.030
Rest homes
C-M zone 20.68.150
HDR-G zone 20.64.090
off-street parking 20.80.110
Restaurants
C-M zone 20.68.130
CC zone 20.68.100
off-street parking 20.80.110
Rodeos
C-M zone 20.68.150
CC zone 20.68.100
Rooming houses
off-street parking 20.80.110
Salt Lake improvement district
established 20.52.010
Schools
C-M zone 20.68.150
CC zone 20.68.100
HDR-G zone 20.64.090
off-street parking 20.80.110
Scientific instrument, equipment manufacturing
C-M zone 20.68.130
Scooter rentals
C-M zone 20.68.130
CC zone 20.68.080
Second residential units
LDR zone 20.64.050
Secondhand stores
C-M zone 20.68.150
CC zone 20.68.100
Senior housing projects
HDR-G zone 20.64.090
SH zone 20.60.050
Senior housing zone *See* SH zone
Setbacks *See* yards *under* Development standards
Sexually oriented businesses
appeals 20.100.220
conditions 20.100.140
conflicts 20.100.250
definitions
characterized by an emphasis upon 20.100.020
director 20.100.020
entertainer 20.100.020
hearing officer 20.100.020
owner 20.100.020
park 20.100.020
perform at a sexually oriented business 20.100.020
permittee 20.100.020
person 20.100.020
regular and substantial course of conduct 20.100.020
regular and substantial portion of business 20.100.020
religious institution 20.100.020
school 20.100.020
semi-nude 20.100.020
sexually oriented arcade 20.100.020
sexually oriented business 20.100.020
sexually oriented cabaret 20.100.020
sexually oriented hotel/motel 20.100.020
sexually oriented material 20.100.020
sexually oriented merchandise 20.100.020
sexually oriented motion picture theater 20.100.020
sexually oriented retail store 20.100.020
sexually oriented theater 20.100.020
specified anatomical areas 20.100.020
specified sexual activities 20.100.020
substantially enlarged 20.100.020
design standards 20.100.070
entertainers permit
approval, denial 20.100.170
display 20.100.120, 20.100.190
grounds for denial 20.100.160
grounds for suspension, revocation 20.100.200
required 20.100.110, 20.100.150
suspension, revocation procedures 20.100.210
transferability 20.100.180
exclusivity of regulations 20.100.240
gross receipts records 20.100.090
inspections 20.100.130
location criteria 20.100.060
maintenance, filing of entertainers number 20.100.100
number 20.100.230

operator permit
approval, denial 20.100.040
required 20.100.030
transferability 20.100.050
performance standards 20.100.080
purpose 20.100.010
SH zone
See also Overlay zones
development standards 20.60.060
established 20.52.010
principal uses 20.60.050
Shell manufacturing, assembly
C-M zone 20.68.130
Shoe repair shops
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Shoe stores
C-M zone 20.68.130
CC zone 20.68.080
Shoeshine stands
C-M zone 20.68.130
Shooting galleries, ranges
C-M zone 20.68.150
off-street parking 20.80.110
Signs
See also Development standards
all zones 20.84.070
changeable copy 20.84.120
commercial zones 20.84.060
definitions
banner signs 20.84.030
billboard 20.84.030
changeable copy sign 20.84.030
construction sign 20.84.030
director 20.84.030
flag 20.84.030
for sale, rent or lease sign 20.84.030
freestanding sign 20.84.030
identification sign 20.84.030
inflatable sign 20.84.030
legal nonconforming sign 20.84.030
marquee sign 20.84.030
monument sign 20.84.030
pennants 20.84.030
portable sign 20.84.030
premises 20.84.030
roof sign 20.84.030
sign area 20.84.030
temporary sign 20.84.030
wall-mounted on an exterior sign 20.84.030
legal nonconforming 20.84.130
maintenance 20.84.090
manufacturing zones 20.84.060
permits required 20.84.050
policies 20.84.020
program 20.84.100
prohibited 20.84.040
purpose 20.84.010
residential zones 20.84.080
service station 20.84.110
Single-family dwellings
CC zone 20.68.100
NC zone 20.68.050
Site plan review
action by city 20.36.050
application 20.36.030
basis for approval, disapproval 20.36.060
intent, purpose 20.36.010
notice of action 20.36.070
submittal 20.36.020
variances, conditional use permits 20.36.040
Site-built homes
LDR zone 20.64.040
Skating rinks
C-M zone 20.68.130
off-street parking 20.80.110
Smoke *See* Environmental performance standards
Sorority houses
CC zone 20.68.100
off-street parking 20.80.110
Sporting goods stores
C-M zone 20.68.130
CC zone 20.68.080
Sports arenas
CC zone 20.68.100
off-street parking 20.80.110
Stadiums
CC zone 20.68.100
off-street parking 20.80.110
Stained glass assembly
C-M zone 20.68.130
Stationery stores
C-M zone 20.68.130
CC zone 20.68.080
NC zone 20.68.030
Storage buildings
off-street parking 20.80.110
Stress relief clinics
CC zone 20.68.100
Supportive housing
LDR zone 20.64.040
Swimming pools
CC zone 20.68.100
off-street parking 20.80.110

Swimming schools
C-M zone 20.68.150
CC zone 20.68.100
Tailor shops
C-M zone 20.68.130
CC zone 20.68.080
Tanks
C-M zone 20.68.150
CC zone 20.68.100
Taxicab stations
C-M zone 20.68.130
CC zone 20.68.100
Telegraph facilities
off-street parking 20.80.110
Telephone facilities
off-street parking 20.80.110
Telephone stations, towers
C-M zone 20.68.150
Telephone storage yards
C-M zone 20.68.150
Television set manufacturing, assembly
C-M zone 20.68.130
Television stations, towers
C-M zone 20.68.150
Television stores
C-M zone 20.68.130
CC zone 20.68.080
Temples
CC zone 20.68.100
HDR-G zone 20.64.090
Temporary use permits
appeals 20.32.040
application 20.32.020
approval, disapproval, notice 20.32.030
required, approval 20.32.010
uses permitted 20.32.010
Testing laboratories
C-M zone 20.68.130
Textiles manufacturing, assembly
C-M zone 20.68.130
Theaters
C-M zone 20.68.150
CC zone 20.68.100
off-street parking 20.80.110
Three-family dwellings
MDR zone 20.64.060
Tile sales, ornamental
C-M zone 20.68.130
CC zone 20.68.080
Title 20.04.010
Tobacco shops
C-M zone 20.68.130
CC zone 20.68.080
Toiletries manufacturing
C-M zone 20.68.130
Tourist information centers
C-M zone 20.68.130
CC zone 20.68.080
Townhouses 20.56.020
Toy shops
C-M zone 20.68.130
CC zone 20.68.080
Trade schools
off-street parking 20.80.110
Trailer parks
CC zone 20.68.100
off-street parking 20.80.110
Trailer rentals
C-M zone 20.68.150
Trailer sales
C-M zone 20.68.150
CC zone 20.68.100
NC zone 20.68.050
Trampoline centers
CC zone 20.68.100
Transitional housing
LDR zone 20.64.040
Transmitter, microwave, repeater stations, towers
C-M zone 20.68.150
Treatment plants
C-M zone 20.68.150
CC zone 20.68.100
Truck rentals
C-M zone 20.68.150
Truck sales
C-M zone 20.68.150
CC zone 20.68.100
NC zone 20.68.050
Two-family dwellings
MDR zone 20.64.060
Typewriter sales, repairs
C-M zone 20.68.130
CC zone 20.68.080
Universities
C-M zone 20.68.150
CC zone 20.68.100
Used articles sales
CC zone 20.68.090
Validity of provisions 20.04.070, 20.12.160
Variances
appeal 20.44.180
application
manufacturing, storage of explosives 20.44.040
other than a cemetery 20.44.030
procedure, hearing 20.44.020

assurance, surety bond
deposit 20.44.160
filing, required 20.44.150
basis for approval, denial 20.44.080
consistency with hazardous waste management
plan 20.44.210
effective date 20.44.110
expiration 20.44.120

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insurance required 20.44.170
maintenance of nuisance 20.44.190
minor deviations 20.44.200
notice of action taken 20.44.100
purpose, authority 20.44.010
revocation, modification 20.44.090, 20.44.220
termination 20.44.130
validity 20.44.140
Vegetable gardening
C-M zone 20.68.150
CC zone 20.68.100
LDR zone 20.64.040
Vehicle rentals
C-M zone 20.68.130
CC zone 20.68.080
Vending machines
C-M zone 20.68.140
CC zone 20.68.090
NC zone 20.68.040
Vibration *See* Environmental performance standards
Video machines
C-M zone 20.68.140
CC zone 20.68.090
NC zone 20.68.040
Violation, penalty 20.12.150
Wallpaper stores
C-M zone 20.68.130
CC zone 20.68.080
Walls *See* Fences, walls, hedges
Warehouse storage facilities
off-street parking 20.80.110
Warehouses
off-street parking 20.80.110
Watch repair shops
C-M zone 20.68.130
CC zone 20.68.080
Water facilities
off-street parking 20.80.110
Water obtainment, storage, distribution facilities
C-M zone 20.68.150
CC zone 20.68.100
Water vending machines
C-M zone 20.68.140
CC zone 20.68.090
NC zone 20.68.040
Water wells
C-M zone 20.68.150
CC zone 20.68.100
Wearing apparel shops
C-M zone 20.68.130
CC zone 20.68.080
Wedding chapels
CC zone 20.68.100
Wholesale businesses
C-M zone 20.68.130
Wholesale, jobbers markets
C-M zone 20.68.130
Wireless telecommunications antenna facilities
antennas
amateur radio station 20.96.060
nonconforming 20.96.070
satellite earth station 20.96.030
CC zone 20.68.100
compliance, nuisance 20.96.080
definitions
amateur radio station antenna 20.96.020
antenna 20.96.020
antenna array 20.96.020
co-location 20.96.020
FCC 20.96.020
mast 20.96.020
satellite earth station antenna 20.96.020
support structure 20.96.020
wireless communications antenna facility 20.96.020
wireless communications services 20.96.020
wireless telecommunications antenna array 20.96.020
wireless telecommunications antenna array support structure 20.96.020
wireless telecommunications antenna facility 20.96.020
wireless telecommunications services 20.96.020
enforcement 20.96.080
HDR-G zone 20.64.090
LDR zone 20.64.090
MDR zone 20.64.090
NC zone 20.68.050
purpose, intent 20.96.010
regulations 20.96.040
variances 20.96.050
Yards *See* Development standards
Yarn manufacturing, assembly
C-M zone 20.68.130
Zones
boundaries 20.52.030
established 20.52.010
Zoos
C-M zone 20.68.150