ORDINANCE NO. 554

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, RESTATING, AMENDING, AND RECODIFYING TITLE 1 OF THE SANTEE MUNICIPAL CODE RELATING TO GENERAL PROVISIONS

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify its ordinances. Government Code section 50022.9 authorizes a city to adopt county codes by reference;

WHEREAS, in Ordinance 1, adopted as the first act of the City of Santee ("City") on December 2, 1980, the City temporarily adopted all county ordinances of the County of San Diego as its municipal code (the "Santee Municipal Code");

WHEREAS, in Ordinances 14 and 18, the City extended the validity of the county ordinances to provide additional time for the City to adopt its own ordinances;

WHEREAS, the City has not adopted a comprehensive code of ordinances, but has amended the county's ordinances in a piecemeal fashion more than 300 times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the City Council of the City of Santee held a series of public meetings to consider proposed restatement, amendment, and recodification issues for each title of the Santee Municipal Code as follows:

March 8, 2017	Titles 1 and 2
September 6, 2017	Titles 3 and 5
February 14, 2018	Titles 6, 8, and 9
March 28, 2018	Titles 12 and 13
August 8, 2018	Title 10
September 26, 2018	Titles 6, 15, and 16
November 14, 2018	Title 17

WHEREAS, the City desires to restate without substantive revision, amend, and recodify the ordinances codified in the Santee Municipal Code;

WHEREAS, the amendments to the Santee Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance;

WHEREAS, the descriptions included in the council agenda statement, staff report, and minutes contain the findings of the City Council in support of this Ordinance and serve as evidence of the City Council's intention in adopting this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. **Existing Law Continued**. The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance;

2.1.3. The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance;

2.1.4. Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance, resolution, or regulation;

2.1.5. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the Santee Municipal Code;

2.1.6. Santee Municipal Code sections cited on signs, forms, notices, or other materials within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in the new Santee Municipal Code for purposes of notice and enforcement.

2.2. **Exclusions from code**. Every ordinance governing the following subject matter is not affected by the adoption of this Ordinance:

2.2.1. Alteration of city boundaries;

2.2.2. Contracts to which the city is a party;

2.2.3. Elections to which the city is a party;

2.2.4. Fixing the rate and making a levy of city taxes;

2.2.5. Granting, altering or withdrawing a franchise;

2.2.6. Land use classifications of specific property;

2.2.7. Naming roads and streets.

2.3. **References to Prior Ordinances Apply to All Amendments.** Whenever a reference is made to this code as the "Santee Municipal Code" or to any portion thereof, or to any ordinance of the City of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.4. **Title, Chapter, and Headings**. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

2.5. **References to Specific Ordinances and Code Sections**. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Santee Municipal Code. Renumbering and relabeling of existing ordinance, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.6. **Effect of Ordinance on Past Actions**, **Obligations and Irregularities**. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict

therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the City, do not revive any rights repealed or extinguished by any prior ordinance of the City which is repealed by this Ordinance.

2.7. **Effect of Ordinance on Period of Limitation**. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.8. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Title 1 “General Provisions” of the Santee Municipal Code is hereby restated and amended as follows:

3.1. Chapter 1.01 “General Provisions” is restated and amended as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.2. Chapter 1.02 “Definitions and Rules of Construction” is restated and amended as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.3. Chapter 1.04 “General Penalties” is restated and amended as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.4. Chapter 1.08 “Administrative Citations and Fines – Procedures” is restated and amended as set forth in Exhibit 4 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.5. Chapter 1.10 “Nuisance Abatement” is restated and amended as set forth in Exhibit 5 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.6. Chapter 1.12 “Monetary Penalties and Cost Recovery” is restated and amended as set forth in Exhibit 6 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.7. Chapter 1.14 “Administrative Hearing and Judicial Review” is restated and amended as set forth in Exhibit 7 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.8. Chapter 1.16 “Claims Against the City” is restated and amended as set forth in Exhibit 8 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has “the potential for causing a significant effect on the environment.” (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (*Ibid*.) Here, the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 5. Codification. The City has adopted the “City of Santee Municipal Code Editorial Guidelines,” and, except as otherwise provided herein, authorizes Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinance to the guidelines. In the event a substantive conflict arises on the basis of the changes authorized by this Section, the language adopted by this Ordinance prevails. The City Clerk is authorized to provide certified copies and notice of this Ordinance or any part of this Ordinance required or advised by the law or any regulation.

SECTION 6. Parentheticals. Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the Santee Municipal Code.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Santee 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 section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary or 1/4 page advertisement of the same to be published as required by law.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 22 day of May 2019, and thereafter ADOPTED at a Regular Meeting of the City Council held on this 26 day of June 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____
JOHN MINTO, MAYOR

ATTEST:

_____
ANNETTE ORTIZ, CITY CLERK

EXHIBIT 1

Chapter 1.01 CODE ADOPTION

1.01.010 Adoption.

This code is known as the "Santee Municipal Code." It is sufficient to refer to this code as the "Santee Municipal Code" in any administrative proceeding, any prosecution for violations, and in any amendment or repeal of any portion of the code. Reference to the "Santee Municipal Code" includes references to any amendment, correction or additions to the code.

1.01.020 No Mandatory Duty—Civil Liability

It is the intent of the City Council of the City of Santee that any provision in this code establishing performance standards or establishing an obligation to act by a City Officer or employee does not create a mandatory duty for purposes of tort liability.

1.01.030 Delegation of authority

Unless prohibited by charter, state law or this code, whenever this code grants any power to or imposes a duty on a City Employee, a duly appointed deputy, designee or other authorized person may exercise the power or perform the duty.

1.01.040 Severability

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision does not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional. (Ord. 261 § 2, 1991)

1.01.050 City seal.

The official city seal of the City may be adopted by city resolution. The resolution describes the City seal in the following manner:

A. Two concentric circles separated by a narrow black border. Contained within the outer circle are the words "City of Santee, California" at the top and "Incorporated 1980" at the bottom. The inner circle consists of an artistic rendering of a green, grassy area in the foreground, a brown tree with green leaves in the right foreground, a brown knoll or rock in the left foreground fronting a strip of blue water. The background representation consists of a green bank of bushes fronting a range of brown hills and mountains. The background sky is blue.

B. For the purposes of this section any black and white representation of the above described city seal is considered as the official city seal. (Ord. 126-B § 1, 1984)

C. Unlawful use of seal. No person may use or allow to be used any reproduction or facsimile of the seal of the City for any purpose other than official business of the City, without prior authorization from the Mayor. (Ord. 126-B § 2, 1984)

D. Unlawful use of imitation. No person may use, or allow to be used, any colorable imitation of the seal of the City, when such use is likely to lead the ordinary observer to believe that the imitation is, in fact, the City seal. (Ord. 126-B § 3, 1984.)

EXHIBIT 2
Chapter 1.02 DEFINITIONS AND RULES OF CONSTRUCTION

1.02.010 Definitions.

When used in this code, the following words and phrases are construed as defined in this section unless the context intends a different meaning or unless a different meaning is specifically defined:

"Administrative citation" means a written notice that mandates corrective action, orders the cessation of illegal actions, and/or establishes a penalty. Administrative citation includes, but is not limited to, warning, notice of violation, cease and desist order, compliance order, notice to abate, abatement action, stop work order, ineligibility for land development, bonding requirement, referral to other enforcement authorities, permit suspension or revocation, and monetary penalties.

"City" means the City of Santee, California.

"City agreement" means any agreement between the City and any other person and includes, but is not limited to the following: development agreement, owner participation agreement, disposition and development agreement, road maintenance agreement, storm water facilities maintenance agreement, easement, license, other real property use agreement, and an agreement to implement an ordinance, plan, permit, entitlement, or environmental review approved by the City.

"City Council" and "Council" mean the City Council of the City of Santee.

"City Manager" means the City Manager of the City of Santee, or his or her designee.

"County" means the county of San Diego.

"Day" means a calendar day.

"Enforcement officer" means any person designated by the City Manager to enforce any provision of this code, including but not limited to a Sheriff's Deputy and the City Attorney.

"Environmental review" means and includes, but is not limited to, an environmental impact report, mitigated negative declaration, negative declaration, and determination of exemption under the California Environmental Quality Act, including any mitigation, monitoring and reporting program.

"Hearing officer" means the person selected by the City Manager to conduct an administrative hearing pursuant to the provisions of this chapter. The hearing officer must be neutral and unbiased toward any party in the hearing.

“Law” means any applicable federal constitution or law, the Constitution and statutes of the State of California, the ordinances of the City of Santee, and, when appropriate, any and all rules and regulations which may be promulgated thereunder and any caselaw.

“May” is permissive.

“Month” means a calendar month.

“Municipal Code” or “code” means the Santee Municipal Code.

“Must” is mandatory.

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

“Permit” or “entitlement” means and includes, but is not limited to, a development review permit, a conditional use permit, sign permit, variance, specific plan, parcel map, subdivision map, building or grading permit, encroachment or right-of-way permit, business license, stormwater permit, and any other permit required by the municipal code.

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

“Personal property” is every kind of property that is not real, including but not limited to money, goods, and evidences of debt.

“Property” includes real and personal property.

“Real property” has the definition set forth in California Civil Code Section 658 and consists of land, that which is affixed to land, incidental or appurtenant to land, and immovable by law.

“Responsible person” means any person or other legal entity, and who is responsible for causing or maintaining a violation of this code or applicable state code, and who is any of the following:

1. The person engaging in the action that constitutes a violation;

2. The owner, as that person’s identity is set forth in the county assessor's or county recorder's records, occupant or person in charge of the day-to-day activities of real property;

3. The holder or the agent of the holder of any permit or entitlement;

4. The party or the agent of a party to an agreement;

5. The owner or the authorized agent of any business, company, or entity; or

6. The parent or legal guardian of any person under the age of eighteen years who violates any provision of the municipal code, permit, entitlement, environmental review, or city agreement. (Ord. 463 § 2, 2007)

"State" means the State of California.

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

"Written" or "Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

"Year" means a calendar year. (Ord. 348 § 1, 1996; Ord. 70 § 1, 1983)

1.02.020 Title of office.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the City or anyone designated to act on that person's behalf as authorized by Section 1.01.030. (Ord. 70 § 2, 1983)

1.02.030 Interpretation of language.

All words and phrases in this code are to be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law will be construed and understood according to the peculiar and appropriate meaning. (Ord. 70 § 3, 1983)

1.02.040 Grammatical interpretation.

The following grammatical rules apply to this code, unless it is apparent from the context that a different construction is intended:

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

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

Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 70 § 4, 1983)

1.02.050 Prohibited acts include causing and permitting.

Whenever in the ordinances of the City of Santee any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 70 § 6, 1983)

1.02.060 Computation of time.

Except when otherwise provided, the time within which an act is required to be done is computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it is also excluded. (Ord. 70 § 7, 1983)

1.02.070 Construction.

The provisions of this code, and all proceedings under it are to be construed with a view to affect their objects and to promote justice. (Ord. 70 § 8, 1983)

1.02.080 Repeal does not revive any ordinances.

The repeal of an ordinance does not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 70 § 9, 1983)

EXHIBIT 3
Chapter 1.04 GENERAL PENALTIES

1.04.010 Purpose.

The Council finds that enforcement of the municipal code and applicable state codes throughout the City is an important public service. Code enforcement is vital to protect the public's health, safety and quality of life. The Council further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with code regulations.

1.04.020 General enforcement authority.

The City Manager and Enforcement Officers have the authority and powers necessary to gain compliance with the provisions of the municipal code and applicable state codes. These powers include, to the extent permitted by law, the power to issue informal and written warnings, administrative citations, and monetary penalties, inspect public and private property, arrest without a warrant whenever they have probable cause to believe the person to be arrested has committed a violation and use whatever judicial and administrative remedies are available under the municipal code or applicable state codes.

1.04.030 Continuing violation.

Every responsible person who maintains, permits, or allows a violation of this code, ordinance, order, permit, entitlement, condition or provision of approval, or term or condition of approval of the City of Santee is guilty of a separate offense for each and every day during any portion of which a violation is committed, continued or permitted by any such person within a twelve-month period.

1.04.040 Authority to enter and inspect.

Enforcement Officers are authorized to enter upon any property or premises to determine whether the provisions of the municipal code or applicable state codes are being obeyed, and to make any examinations and surveys necessary in the performance of their enforcement duties. These may include taking photographs, samples or other physical evidence. If an owner, occupant or agent refuses permission to enter or inspect, the Enforcement Officer may seek an administrative inspection warrant pursuant to the procedures provided for in California Code of Civil Procedure Section 1822.50 through 1822.59.

1.04.050 Violations – Criminal penalty.

A. To the fullest extent allowed by law, any person violating any provision or failing to comply with any of the mandatory requirements of this code is guilty of a misdemeanor; except that notwithstanding any other requirement of the code, any violation constituting

a misdemeanor under this code may, in the discretion of the City Attorney or other prosecutor, be charged and prosecuted as an infraction. Any violation of any provision or failure to comply with any of the mandatory requirements of this code may also be subject to an administrative citation and/or fine issued under this code or any other available remedy.

B. If any person is arrested for a violation of any one or more of the provisions of this code and such person does not demand to be taken before a judge, the arresting officer may issue a citation in the manner prescribed in Chapter 5C of Title 3 of Part 2 of the Penal Code (commencing with Section 853.5).

1.04.060 Fine and punishment—Misdemeanor.

Except in cases where a different punishment is prescribed by this code or any ordinance of the City of Santee, any person convicted of a misdemeanor for violating any provision of this code is punishable by a fine or imprisonment or both in the amounts established by Penal Code section 19 or such other provision of state law, as they currently exist or may hereafter be amended.

1.04.070 Fine and punishment—Infraction.

Any person convicted of an infraction for violating any provision of this code or ordinance of the City of Santee, is punishable by a fine not exceeding the amount established by Penal Code section 19.8 or other provision of state law, as they currently exist or may hereafter be amended.

1.04.080 Violations – Administrative and civil penalties.

A. Administrative penalties, generally. Any person violating any provision of the code may be subject to an administrative enforcement action pursuant to this code, as further set forth in Chapter 1.08, and administrative fines at a daily rate determined by the City Manager in accordance with Section 1.08.020; provided, however, that the amounts listed in that section are not a limitation on the City Manager's authority to negotiate settlements which exceed the maximum administrative penalty amounts or to establish administrative penalty amounts up to the maximum rate of $5,000 per violation in accordance with Section 1.08.020 and Government Code sections 54740 and 54740.5, if applicable, and the maximum total amount of $250,000, unless City Council provides otherwise by resolution.

B. Civil penalties, generally. Any provision of this code may be enforced by a civil enforcement action, including but not limited to an injunction issued by the Superior Court upon a suit brought by the City of Santee, an order for recovery of the City's enforcement costs in accordance with Section 1.08.020, and civil penalties sought by the City.

EXHIBIT 4

Chapter 1.08 ADMINISTRATIVE CITATIONS AND FINES – PROCEDURES

1.08.020 Issuance of administrative citations.

A. Generally. An Enforcement Officer may issue an administrative citation to any person who violates any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement. A violation of this code includes, but is not limited to, any failure to comply with a requirement contained in this code and the failure to comply with any condition imposed by any entitlement, permit, city agreement, administrative citation or environmental review issued or approved pursuant to this code.

B. Continuing violations. In accordance with Section 1.04.030, each and every day that a violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement continues to exist constitutes a separate and distinct offense. A separate citation may be issued for each day a violation continues to exist. A second or subsequent violation punishable as set forth below need only be of the same or similar provision of the municipal code, condition of approval of a permit or entitlement, condition or provision of an environmental review, or term or condition of any city agreement to require the larger fine, and need not involve the same personnel or property, provided that the same responsible person is cited. The fine amounts may be cumulative where multiple citations are issued.

C. Monetary penalties, generally. In accordance with Chapter 1.12, an Enforcement Officer may assess a monetary fine or civil penalty for any violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement by means of an administrative citation. Such fine or penalty is payable directly to the City of Santee. Monetary fines and penalties will be assessed in light of the criteria set forth in subdivision F, to the extent allowed by law, statute, resolution or ordinance of the City Council. The following amounts provide a guide and are not intended to replace the criteria in subdivision F, which criteria may justify higher penalty amounts:

1. $100 per violation per day for the first violation within 12 months;

2. $200 per violation per day for the second violation within 12 months;

3. $500 per violation per day for the third violation within 12 months;

4. $1,000 per violation per day for the fourth and any additional violations within 12 months.

D. Cost recovery, generally. Any person who violates any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement is liable for all

costs incurred by the City to investigate, remedy, and prosecute such violation, including, but not limited, to the cost to compile the invoice and attorneys' fees. The City will maintain an accurate accounting of its costs and may recover such costs in accordance with Chapter 1.12.

E. Warning. If a violation pertains to building, plumbing, electrical, or other similar structural or zoning issues, that does not create an immediate danger to health and safety, then the responsible person may be issued a warning only on the first violation. The warning will advise the responsible person of the nature of the violation and the date upon which the violation must be corrected. The responsible person may be given a reasonable amount of time to correct the violation. If the violation is not corrected within the specified time period, an administrative citation with a fine may be issued.

F. Criteria. In determining the type of administrative citation to issue, the amount of penalty to assess for a particular violation, and other actions that are part of enforcement proceedings, the Enforcement Officer may considers factors, including but not limited to the following:

1. the nature of the violation,
2. the level of seriousness or threat to public health, safety or welfare of the violation,
3. the duration of the violation,
4. efforts by the responsible person to correct the violation,
5. the impact of the violation on the community,
6. any instances in which the responsible person has been in violation of same or similar laws at the same or other locations in the City,
7. the good faith effort by the responsible person to comply,
8. the economic impact of the penalty on the responsible person,
9. the economic benefit of the violation to the responsible person,
10. whether the violation is easy to correct, and
11. any other factors that justice may require.

1.08.030 Service procedures.

A. Except as otherwise provided in this code or by law, including but not limited to exceptions provided for notices issued pursuant to the nuisance abatement provisions in Chapter 1.10, wherever notice is required to be given, it may be served in any of the following manners:

1. Personal Service.

a. The Enforcement Officer must attempt to locate and personally serve the responsible person and obtain the signature of the responsible person on the administrative citation.

b. If the responsible person served refuses or fails to sign the administrative citation, the failure or refusal to sign does not affect the validity of the administrative citation or of subsequent proceedings.

c. If the Enforcement Officer is unable to provide notice by personal service, the Enforcement Officer must attempt service as set forth in subdivision A.2 or A.3 of this section.

2. Service by Mail. If the Enforcement Officer is unable to locate the responsible person, the administrative citation or other notice may be mailed to the responsible person by certified mail, postage prepaid with a requested return receipt. Simultaneously, the citation may be sent by first class mail. If the administrative citation is sent by certified mail and returned unsigned, then service is deemed effective by first class mail, provided the citation sent by first class mail is not returned by the United States Postal Service.

3. Service by Posting Notice. If the Enforcement Officer does not succeed in personally serving the responsible person, or by certified mail or first class mail, the Enforcement Officer may post the administrative citation or other notice on any real property within the City in which the City has knowledge that the responsible person has a legal interest, and such posting will be deemed effective service.

4. Service by Electronic Means. Unless otherwise provided in this code or by law, the Enforcement Officer may serve an administrative citation or other notice by electronic service when the person subject to an administrative citation has agreed to accept service electronically. Electronic service of a document is complete at the time of the electronic transmission of the document or at the time that the electronic notification of service of the document is sent. However, any period of notice, or any right or duty to do any act or make any response within any period or on a date certain after the service of the document will be extended after service by electronic means by two business days, but the extension of time will not apply to filing any notice of appeal or request for hearing.

B. Upon complying with the service procedures set forth in this section, the Enforcement Officer may complete a declaration of service documenting the date and manner of service. Failure to complete a declaration of service does not affect the validity of the service.

1.08.040 Contents of notice.

A. Each administrative citation must contain the following information, at a minimum:

1. Date, approximate time, and address or description of the location where the violation(s) was observed;

2. The provision of the municipal code, condition of approval of a permit, entitlement, condition or provision of an environmental review, or term or condition of the City agreement or order violated and a description of the violation(s);

3. An order to the responsible person to cease the violation, correct the violation(s) within the time specified, if applicable, and an explanation of the consequences of failure to correct the violation(s);

4. The amount of the fine for the violation(s), if any;

5. An explanation of how the fine, if any, must be paid and the time period by which it must be paid;

6. A notification that payment of the fine does not excuse or discharge the failure to correct the violation and does not bar further enforcement action by the City;

7. A statement that if the fine is not timely paid, a late payment penalty may be added to the fine, and interest may also apply to outstanding fines;

8. Identification of rights of appeal pursuant to chapter 1.14, including the time within which the citation may be appealed and the place to obtain a request for hearing form to appeal the administrative citation; and

9. The name and signature of the Enforcement Officer, the name and address of the responsible person and, if possible, the signature of the responsible person. (Ord. 463 § 2, 2007)

1.08.050 Satisfaction of administrative citation.

A. When the violations listed on the administrative citation have been corrected, the responsible person or property owner may file with the Enforcement Officer a written request for a Notice of Compliance. Once the Enforcement Officer receives this request, the Enforcement Officer must re-inspect the property within thirty (30) calendar days to determine whether the violations listed in the administrative citation have been corrected and whether all necessary permits have been issued and final inspections have been performed. The Enforcement Officer must serve a Notice of Compliance to the responsible person or property owner in the manner provided in Section 1.08.030 of this code if the Enforcement Officer determines that:

   1. all violations listed in the recorded administrative citation have been corrected; and

   2. all necessary permits have been issued and finalized;

   3. all fines and/or penalties assessed against the property as a result of the administrative citation have been paid.

1.08.060 Administrative citation – Types, procedures

Each type of administrative citation may be issued alone, or it may be combined with any other type of administrative citation. The City Manager is authorized to develop, adopt and amend procedures relating to the issuance of administrative citations for the purpose of implementing the provisions of this code. The procedures must provide guidance for the consideration of the criteria set forth in Section 1.08.020 and account for the following:

A. Notice of violation. A notice of violation may be issued in response to any violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement. A notice of violation may range from an informal warning to a formal enforcement action based on an evaluation of the criteria in Section 1.08.020.

B. Cease and desist order. A cease and desist order may be issued to require cessation of activities constituting a violation that poses a threat to health, safety or welfare or the environment.

C. Compliance order. A compliance order may be issued to require actions to remedy a violation, and may contain a compliance schedule with milestones, action plans, compliance meetings, or other measures necessary to achieve and maintain compliance.

D. Notice to abate. A notice to abate may be issued in accordance with Chapter 1.10.

E. Stop work order. A stop work order may be issued to immediately halt all construction, grading, building and other work undertaken with a city-issued permit or pursuant to a city-issued permit but in violation of applicable provisions of the code, permit, order or other regulatory requirements.

F. Ineligibility for land development. The Enforcement Officer may determine that any person who fails to perform construction, grading, building or other work in accordance with a city-issued permit or who performs construction, grading, building, or other work in violation of applicable provisions of this code or a city-issued permit, order or other regulatory requirements is ineligible to continue development or construction activities. During the effective dates of such ineligibility, no application for a building permit, administrative permit, site plan, use permit, variance, tentative parcel map, tentative map, parcel map or final map or any other permit for the development of the property on which the violation occurred and which resulted in the notice of ineligibility will be approved.

G. Bonding requirement. A bond or other security instrument may be required to assure that a violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement is corrected.

H. Referral to other enforcement authorities. Where required or appropriate, violations may be referred to agencies having authority over the action constituting a violation.

I. Permit suspension, revocation, and stay of issuance of municipal permits or other City authorization.

1. Suspension. Any permit, license, or other approval issued by the City is subject to immediate but temporary modification or suspension if the Enforcement Officer determines immediate modification or suspension is needed to mitigate an actual or imminent threat to public health, safety, or welfare. The scope and time of any temporary modification or suspension must be limited to mitigate the actual or

imminent threat and may only become permanent pursuant to the notice and hearing procedures in chapter 1.14.

2. Revocation. Any permit, license, or other approval issued by the City is subject to revocation after notice and an opportunity to be heard pursuant to the hearing procedures in chapter 1.14 for failure to comply with any provision of this code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement.

3. Non-issuance. The City may withhold permits or other approvals for any alteration, repair, or construction pertaining to any existing or new structures or signs on a property subject to an administrative or other enforcement action, or any permits pertaining to the use and development of the real property or the structure: 1) if a request to appeal has not been timely filed; or 2) after a hearing officer affirms the Enforcement Officer's decision to issue or record an administrative citation. The City may withhold permits until a Notice of Compliance has been issued by the Enforcement Officer in accordance with Section 1.08.060. The City may not withhold permits which are necessary to obtain a Notice of Compliance or which are necessary to correct serious health and safety violations.

EXHIBIT 5

Chapter 1.10 NUISANCE ABATEMENT

1.10.010 Intent of chapter.

This chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, or with private restrictions placed upon property by covenant, deed, or other private agreement or with restrictive covenants running with the land to which the City is a party. However, where this chapter imposes a greater restriction upon property or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this chapter control. The purpose of this chapter is to provide minimum standards for the maintenance of property in the City and to allow for abatement of nuisances on property through means other than criminal prosecution. At the direction of the Enforcement Officer and pursuant to a written agreement, the City may use the services of an independent contractor to implement the provisions of this chapter. (Ord. 443 § 1, 2004) (Ord. 375 § 2, 1998)

1.10.015 Definitions

When used in this chapter, the following definitions apply unless the context or more specific definition indicates otherwise:

"Sidewalk" means that portion of a street between the curb-line and the adjacent property line intended for the use of pedestrians and may be contiguous or non-contiguous to the curb.

"Street" includes all streets, highways, avenues, parkways, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

1.10.020 Responsibilities for property maintenance.

A. Every owner, lessee, occupant, or person having charge of property within the City is required to maintain such property in a manner so as not to violate the provisions of this code or any law, including obtaining all required permits or approvals from governmental agencies such as the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service, and such owner, lessee, occupant, or person having charge of property remains liable for violations regardless of any contract or agreement with any third party regarding such property. The duty imposed by this section on a property owner in no instance relieves those persons from the similar duty.

B. All parcels must be mowed and/or cleared a distance of one hundred feet from any structure or adjacent structure if the parcel is unimproved and up to fifty feet along each side of established regularly traveled roadways or driveways. Clearance of property must be accomplished by methods that will not disturb native soil or root stock. The required width is at the discretion of the Fire Chief or his or her authorized representative. (Ord. 443 § 1, 2004)

C. Any condition caused, maintained or permitted to exist in violation of any provisions of this code or applicable state codes that constitutes a public nuisance may be abated by the City pursuant to the procedures set forth in this chapter.

1.10.030 Classification of nuisances.

The following acts and conditions when performed or existing upon any property within the City are hereby declared to be unlawful and are defined as and declared to be public nuisances which are injurious or potentially injurious to the public health, safety and welfare and which have a tendency to degrade the appearance and property values of surrounding property or which cause damage to public rights-of-way:

A. Any condition of any structure or building, both permanent and temporary, or other lot improvements, or vacant or unimproved land that is caused, maintained or permitted to exist in violation of any provisions of this code or applicable state codes which constitutes a public nuisance, including but not limited to the following:

   1. Actions or conditions of property which threaten the public health, safety or welfare as determined by the City Manager or which create a violation of any provision of this Code;

   2. Buildings or structures which are built without the necessary permits or which are constructed or erected in violation of the provisions of Titles 11 and 13 of this Code;

   3. Buildings or structures which do not comply with the terms of a development permit, including landscaping requirements;

   4. Grading which does not comply with Chapter 11.40 of this code;

   5. Construction of an accessory unit that does not comply with the provisions of Section 13.10.030(G)(5) of this code.

B. Any condition of any structure or building, both permanent and temporary, or other lot improvements, or vacant or unimproved land which does not comply with the terms of a development permit, including landscaping requirements.

C. All weeds or dry grasses over four inches in height, dead shrubs, dead trees or tree limbs within ten feet of a chimney, rubbish, or any material growing or discarded upon the streets, parking areas, sidewalks, or upon private property within the City which bear seeds of a wingy or downy nature or which by reason of their size, manner of growth and location constitute a fire hazard to any building, improvement, crops or other property, and weeds or grasses which, when dry, will in reasonable probability constitute such a fire hazard are hereby declared to be a public nuisance. Cultivated and useful grasses and pastures are not a public nuisance; provided, however, that if the Fire Chief determines it necessary to protect adjacent improved property from fire exposure, an adequate fire break may be required.

D. Faulty weather protection including, but not limited to, crumbling, cracked, missing, broken, or loose exterior plaster or other siding, roofs, foundations or floors broken or missing windows or doors, or unpainted surfaces causing dry rot, warping, or termite infestation.

E. Fences or walls which are in a hazardous condition, or which are in disrepair, or which hinder free access to public sidewalks.

F. Vehicles, motor vehicles, campers, camper trailers, trailers, unmounted campers, trailer coaches, motorcycles, boats, and other similar conveyances stored on unpaved surfaces.

G. Storage or scattering over the property of any of the following:

1. Debris, rubbish, or trash not stored in trash receptacles;

2. Abandoned, discarded, broken, wrecked, inoperable or discarded household furnishings, appliances, machines, vehicles, tools, or similar objects or equipment;

3. Discarded building materials or machinery;

4. Any rubble, asphalt, concrete, plaster, tile, rubbish, crate, carton, or metal or glass container that, by reason of its location and character materially hampers or interferes with the prevention or suspension or suppression of fire on any lot, property or premises;

H. Signs which are a traffic hazard;

I. Unpaved or deteriorated parking lots containing uneven surfaces, drainage problems or that are hazardous to the public;

J. Continuing to use a property after a temporary use permit for that use expires;

K. Features installed or constructed to provide disabled access in conjunction with the requirements of a building permit issued by the City which are not maintained in such a manner as to continue to provide proper access to persons with disabilities and therefore have become hazardous to persons with disabilities and others. This does not include enforcement of the requirements of the Americans with Disabilities Act (ADA) which are not the enforcement responsibility of the local jurisdiction;

L. Maintenance of premises in such conditions as to be detrimental to the public health, safety, or general welfare or in such manner as to constitute a public nuisance as defined by Section 3480 of the California Civil Code;

M. Graffiti on private or public property creates a condition tending to reduce the value of private or public property, to promote blight and deterioration, to reflect badly on the community, and may be injurious to health, safety and general welfare. Furthermore, graffiti has been used as a forum for gang-related activities and can lead to an increase in crime in the City. Therefore, the presence of graffiti on private or public property is declared to constitute a public nuisance which may be abated as such in accordance with provisions of this chapter, or any other applicable provision of law;

N. The feeding of pigeons not maintained within a primary enclosure as defined in Title 6 or maintenance of premises in violation of Section 13.10.030(F)(3);

O. Failure to maintain the required off-street parking required by Chapter 13.24 of this code;

P. Any place where mosquitoes breed.

1.10.040 Declaration of nuisance – notice – service of notice.

A. Whenever the Director of Development Services, or when the violation relates to a fire hazard, the Fire Chief, or an authorized representative of either, finds that a nuisance exists in accordance with this code on any premises located within the City, he or she must cause, including through the use of a third party contractor, a notice to be issued to the property owner, lessee or occupant of the property on which the nuisance is located of the nuisance and direct that the nuisance be abated.

B. This notice may be sent by first class mail, postage prepaid and need not be served in accordance with Section 1.10.080. The notification must detail the violations and establish a reasonable abatement period which is not less than ten days.

1.10.050 Voluntary abatement of nuisances.

The owner, lessee or occupant of any building, structure or property alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time within the abatement period provided in Section 1.10.040 of this chapter by rehabilitation, repair, removal, or demolition. The owner, lessee, or occupant must advise the Development Services Director or, when applicable, the Fire Chief of the abatement. Once advised, the Development Services or the Fire Department or authorized representative of either must inspect, or cause to be inspected, the premises to insure that the nuisance has been abated.

1.10.060 Failure to voluntarily abate a declared nuisance – notice of intent to abate.

If an alleged nuisance is not properly abated within the period established under the provisions of Sections 1.10.040 and 1.10.050, the property owner, lessee or occupant must be served with a written notice of intention to abate the nuisance in accordance with Sections 1.10.070 and 1.10.080 of this chapter by the Director of Development Services, the Fire Chief, or an authorized representative of either.

1.10.070 Notice of intention to abate public nuisance – contents.

The notice of intention to abate public nuisance described in Section 1.10.060 of this chapter must provide all of the following:

A. contain a description of the property in general terms reasonably sufficient to identify the location of the property;

B. include a reference to the applicable code or statutory provision rendering the property a public nuisance;

C. describe and demand the action required to abate the public nuisance, which may include corrections, repairs, demolition, removal, obtaining the necessary permits, vacation of tenants or other appropriate action;

D. establish time frames by which each action must occur, which will not be less than ten days;

E. explain the consequences of failing to comply with the terms of the notice;

F. in the event the notice of intention to abate requires removal of graffiti, notice that if the property owner, within ten days after mailing of the notice, provides the City with a written consent to remove the graffiti, the City will remove the graffiti at no cost to the property owner, and that if the property owner does not provide the City with written consent to remove the graffiti, and the graffiti has not been removed within the ten day period, the City may commence nuisance abatement proceedings in accordance with this title; and

G. identify all applicable hearing and appeal rights as set forth in Section 1.10.100.

1.10.080 Service of notices and order to abate.
Service of notice of intent to abate must be made in accordance with the following methods:

A. By posting at a conspicuous place on the lot, property or premises or abutting public right-of-way for five consecutive days. Service is be deemed complete on the day after the fifth day after posting, and

B. By either of the following:

1. personal service on the owner, occupant or person in charge or control of the lot, property or premises. Service is complete upon such personal service; or

2. registered mail addressed to the owner or person in charge and control of the lot, property or premises, at the address shown on the last available property assessment roll, or as otherwise known. Service is deemed complete upon the deposit of said notice, postage prepaid, in the United States mail.

1.10.090 Authority to enter upon land.
The Enforcement Officer may enter upon the land for posting or serving notice.

1.10.100 Right to appeal.

A. The responsible person may appeal the notice of intent to abate issued under Section 1.10.060 and request a hearing in accordance with the procedures set forth in Section 1.14.030; provided however, that the written request for a hearing must be filed with the Office of the City Clerk within ten (10) calendar days after the date of service of the notice of intent to abate. The City Clerk must then forward the hearing request to the hearing officer.

B. Upon receiving a written request for a hearing on a notice of intent to abate, the hearing officer must follow the procedures set forth in Section 1.14.030 and hear any objections as to why abatement should not be ordered and effected.

C. In the event a responsible person files an appeal pursuant to this Section, abatement may not proceed until the administrative appeal process is complete, unless the City Manager concludes that an imminent threat to the public's health and safety exists and justifies summary abatement pursuant to Government Code section 38773.

1.10.110 Decision of the hearing officer.

A. In the case of weed and rubbish nuisances pursuant to Section 1.10.030, the decision of the hearing officer regarding the notice of intent to abate is the final and conclusive determination of the City, and no further administrative appeal of the notice of intent to abate is available.

B. In the case of all other nuisance abatement proceedings, if the hearing officer determines that a public nuisance exists and that there is sufficient cause to abate the nuisance, the City may abate the public nuisance pursuant to the procedures of this chapter if no appeal has been filed within the time specified for an appeal to the City Council in accordance with Section 1.10.190. "Sufficient cause" for purposes of graffiti abatement on private property exists where the Director of community services finds, in writing, that the graffiti tends to reduce the value of private property, to promote blight and deterioration and be injurious to the health, safety and general welfare, and that proposed abatement costs are reasonable. The decision of the hearing officer is final unless an appeal is filed in accordance with section 1.10.190.

C. In the event a responsible person files an appeal to City Council pursuant to this Section, abatement may not proceed until the appeal is complete, unless the City Manager concludes that an imminent threat to the public's health and safety exists and justifies summary abatement pursuant to Government Code section 38773.

1.10.120 Service of the abatement order.

Within five days after issuance of the hearing officer's decision pursuant to Section 1.10.100, the property owner, lessee, occupant or the person having charge or control of the property must be served with a copy of the written order in the manner provided in Section 1.10.080. Failure to serve the decision does not affect the validity of the decision or actions taken in reliance thereon.

1.10.130 Abatement by property owner.

The property owner, lessee, occupant, or person having care or control of the property may, at his or her own expense, abate the nuisance as prescribed by the Enforcement Officer or hearing officer at any time prior to abatement by the City. If the nuisance has been inspected by a representative of the City and has been abated in accordance with the requirements, proceedings will be terminated. (Ord. 375 § 2, 1998)

1.10.140 Abatement by the City.

If a declared nuisance is not completely abated by the owner, lessee, occupant, or person having charge or control of the property within the time prescribed by the Enforcement Officer or hearing officer, the Enforcement Officer, or any designated city official, is authorized and directed to cause the nuisance to be abated by city forces or private contract. In furtherance of this section, the Enforcement Officer or any designated agent is expressly authorized to enter upon the premises for the purpose of abating the nuisance. (Ord. 375 § 2, 1998)

1.10.150 Record of cost for abatement - Invoice.

A. The Enforcement Officer or such other city official or private contractor as may be designated, must keep an account of the costs of abating a nuisance on each separate lot or parcel of land where the work is done and render an itemized report, in writing, to the

Director of Development Services or the Fire Chief, showing the cost of abatement and the rehabilitation, demolition or repair of the premises, building or structures, less any salvage value relating thereto. The costs must include the City's administrative costs, which may be twenty-five percent of the other costs and which include the expense and costs of the City in preparing notices, specifications and contracts, in inspecting the work, legal fees, and other related costs required hereunder.

B. The Director of Development Services, the Fire Chief, Enforcement Officer, or such other City Official or private contractor as may be designated, must send an invoice for the costs of abating the nuisance to the owner of the property where the abatement activity occurred. Service of the invoice must be made in a manner provided in Section 1.10.080. (Ord. 379 § 3, 1998; Ord. 375 § 2, 1998)

1.10.160 Invoice —Hearing and proceedings.

A. A property owner who receives an invoice for the abatement of a weed or rubbish nuisance or a graffiti nuisance may challenge the costs set forth in the invoice at the hearing held pursuant to either Section 1.12.040 or Section 1.12.050.

B. A property owner who receives an invoice for the abatement of a nuisance other than weed, rubbish, or graffiti nuisances, may request an administrative hearing on the costs set forth in the invoice in accordance with the procedures set forth in Section 1.10.190 by filing an appeal with the City Clerk within 10 days after receiving the invoice.

1.10.170 Assessment of costs against property.

When the total cost for abating a nuisance is received by the Finance Department of the City, the City may collect the cost as a special assessment or a lien pursuant to Chapter 1.12 against the respective lot or parcel of land to which it relates.

1.10.180 Violations.

A. Any owner, lessee, occupant, or other person having charge or control of any such buildings, or premises, who maintains any public nuisance defined in this chapter, and who fails to comply with the order of abatement served as provided in Section 1.10.080 of this chapter violates this code and is guilty of a misdemeanor.

B. Any person who removes any notice or order posted as required in this chapter, for the purposes of interfering with the enforcement of the provisions of this chapter, violates this code and is guilty of a misdemeanor.

C. Any person who obstructs, impedes or interferes with any representative of the City or with any person who owns, leases or occupies property when any of the aforementioned individuals are lawfully engaged in proceedings involving the abatement of a nuisance under this chapter violates this code and is guilty of a misdemeanor.

1.10.190 Grievance with final order – Appeal to City Council.

A. Except as otherwise provided in this chapter for weed and rubbish abatement proceedings, whenever any person is aggrieved by any final order of the hearing officer issued pursuant to Section 1.10.110, such person may appeal to the City Council the issuance of the order by filing a written notice of appeal with the City Clerk no later than two days after the date of

the hearing under Section 1.10.110 and paying any appeal fee established by resolution of the City Council.

B. The written notice of appeal must be filed with the City Clerk and state the grounds for the appeal and the specific factual and/or legal errors committed by the hearing officer in issuing its order.

C. The City Clerk must transmit one copy of said notice of appeal to the Director of Development Services, Fire Chief, or authorized representative.

D. The Director of Development Services, Fire Chief, or the authorized representative of either, must transmit to the City Council, no later than twenty days after receiving a notice of appeal, and copies of all other papers constituting the record upon which the decision was taken, including, but not limited to, the minutes of all hearings thereon, a written report, prepared from the record upon which the final determination was made, stating the factual and legal basis on which the Director, Fire Chief or the authorized representative reached his or her decision.

E. The City council may affirm, reverse or modify, in whole or in part, any final determination, assessment, or order of the hearing officer, Director, Fire Chief or authorized representative which is subject to an appeal pursuant to this section. After reviewing the proceedings relating to the decision appealed from, including, but not limited to, minutes of hearings, notice of appeal and the report of the Director, Fire Chief, or authorized representative, the City Council, by resolution, may affirm without further action the determination, assessment, or order appealed from.

F. Except as provided in Section 1.10.200, on the date a notice of appeal is filed under this section, all proceedings in furtherance of the determination or order appealed from must be stayed until the final determination by the City Council of the appeal.

G. All decisions of the hearing officer, Director of Development Services, Fire Chief, or the authorized representative of either are final unless appealed within the time prescribed herein.

H. A hearing held pursuant to this Section may be combined with the hearing required pursuant to Section 1.12.040 or Section 1.12.050. (Ord. 375 § 2, 1998)

1.10.200 Summary Abatement

A. Notwithstanding other provisions in this code, whenever the City Manager determines that an imminent life safety hazard exists that requires immediate correction or elimination, the City Manager may exercise the following powers without prior notice to the responsible person:

1. Order the immediate vacation of any tenants and prohibit occupancy until all repairs are completed;

2. Post the premises as unsafe, substandard or dangerous;

3. Board, fence or secure the building or site;

4. Raze and grade that portion of the building or site to prevent further collapse and remove any hazard to the general public;

5. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or

6. Take any other action as appropriate under the circumstances.

B. The City Manager may pursue only the minimum level of correction or abatement necessary to eliminate the immediacy of the hazard. Costs incurred by the City during the summary abatement process will assessed and recovered against the Responsible Person through the procedures established in Sections 1.10.150 through 1.10.170 of this Chapter.

C. The City Manager may also pursue any administrative or judicial remedy to abate any remaining public nuisance

1.10.210 Limitation on filing judicial action.

The responsible person aggrieved by any final decision of the City in ordering the abatement of any public nuisance under the provision of this chapter, must bring an action to appeal such decision within thirty days after the date of such decision of the City Council. Otherwise, all objections to such decision are deemed waived. (Ord. 375 § 2, 1998)

1.10.220 Alternatives.

A. Nothing in the foregoing sections prevent the City Council from ordering the City Attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable Civil or Penal Code provisions as an alternative to the proceedings set forth herein.

B. In any action, administrative proceeding, or special proceeding to abate a public nuisance, the prevailing party is entitled to recover reasonable attorneys' fees. Notwithstanding the foregoing, recovery of attorneys' fees is available only in those actions or proceedings in which the City elects, at the initiation of such action or proceeding, to seek recovery of its own attorneys' fees, if it prevails in the action or proceeding. Prior to invoking such a right to recover attorneys' fees, the City Attorney must obtain authorization from the City Council. In no action, administrative proceeding, or special proceeding may an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding. (Ord. 483 § 1, 2009; Ord. 375 § 2, 1998)

EXHIBIT 6

Chapter 1.12 MONETARY PENALTIES AND COST RECOVERY

1.12.010 Payment of fines, penalties and costs.

A. To the extent permitted by law, the City may collect any unpaid monetary fines, civil penalties and costs imposed pursuant to this code as a personal obligation of the responsible person or a lien or special assessment against the real property on which the violation occurred.

B. Notwithstanding subdivision A, the City, in its discretion, may pursue any and all legal and equitable remedies for the collection of unpaid fines, interest and penalties relating to any administrative citation. The use of one recovery method does not preclude the use of any other recovery method. (Ord. 463 § 2, 2007)

1.12.020 Recovery as a personal obligation

A. Any fines, costs, or penalties subject to collection under this code may be recovered as a personal obligation against the responsible person. The Enforcement Officer must keep an itemized account of the fines, costs, penalties and abatement and or enforcement costs incurred by the City.

B. Invoice. The Enforcement Officer may submit an invoice to the responsible person for the costs incurred by the City and for any unpaid fines and penalties associated with the enforcement action. The invoice must notify the responsible person of the following:

1. A description of the abatement or enforcement action taken by the City, a description of the property subject to the abatement or enforcement, and the total amount of the fines, penalties and costs incurred by the City;

2. That if the responsible person fails to pay the fines, penalties, and costs within thirty days from the date of service of the invoice in accordance with the service procedures set forth in Section 1.08.030, the fines, penalties, and costs may be collected in any or all of the following ways: by a collection agency as a personal obligation, by the City Attorney through judicial action, as a lien attached to the subject property, as a special assessment on the subject property; or in any other manner authorized by law.

C. Collection agency. The Enforcement Officer may refer to a collection agency or the City Attorney all costs incurred by the City and fines and penalties associated with the enforcement action which remain unpaid for ten (10) days past the due date. Upon referral, the collection agency or the City Attorney may seek collection through any legal means provided to them, including judicial action.

D. Judicial action. The failure of any person to pay the fines, penalties and costs imposed by an administrative citation within the time specified on the citation may result in the filing of a claim with the small claims court or the superior court for recovery of the fine. The only issue to be adjudicated by the court is whether or not the fines were paid. A person cited may only obtain judicial review of the validity of the administrative citation by writ of mandate

after exhausting their administrative remedies by requesting and participating in a preliminary hearing and a hearing before a hearing officer. In the court action, the City may also recover its collection costs, including costs relating to the hearing before the hearing officer, and any court fees, according to proof.

1.12.030 Confirmation of costs

The City may collect costs under the procedures provided for liens or special assessments in Section 1.12.040 and Section 1.12.050 after such costs are confirmed under the procedures and requirements found in Sections 1.10.150 through 1.10.160.

1.12.040 Recovery as a lien

A. To the extent permitted by law, the City may establish a lien in the amount of the fee, cost, or charge confirmed by the City in accordance with Section 1.12.030 against the real property where the violation occurred, unless the City has established an assessment for those same fees, costs, or charges pursuant to Section 1.12.050. If the real property where the violation occurred is not occupied by the owner, the lien amount may also include accrued fines and penalties.

B. Notice of lien prior to recording. Prior to recording a lien, notice must be served on the owner of record based on the last equalized assessment roll or the supplemental roll, whichever is more current, in the same manner as 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 owner of record cannot be found after a diligent search, the notice may be served by posting copy of the notice in a conspicuous place on the property for a period of ten (10) days and publishing the notice in a newspaper of general circulation published in San Diego County pursuant to Government Code section 6062.

C. Content of notice. The notice of lien for recordation must be in a form substantially as follows:

NOTICE OF LIEN

(Claim of City of Santee)

Pursuant to the authority vested by the provisions of Section 1.10.140 of the City of Santee Municipal Code, the Director of Development Services of the City of Santee, the Fire Chief, or an authorized representative of either of the above did, on or about the _____ day of _____, 20_____, cause the premises hereinafter described, to be rehabilitated, or the building or structure of the property hereafter described, to be repaired or demolished in order to abate a public nuisance on said real property; and the Director of Development Services, the Fire Chief, or the authorized representative of either of the above or the City Council, did on the _____ day of _____, 20_____, assess the cost of such rehabilitation, repair or demolition upon the real property hereinafter described and that said City of Santee

does hereby claim a lien on such rehabilitation, repair or demolition in the amount of said assessment, to wit: the sum of $_____ and the same is 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 lying and being in the City of Santee, County of San Diego, State of California, and particularly described as follows:

(Description)

Assessor's Parcel No. _____

Street Address: _____

Name of owner of record: _____

DATED: This _____ day of _____, 20____.

_____

City Clerk of the City of Santee, California

(ACKNOWLEDGMENT)

1.12.050 Recovery as a special assessment.

A. To the extent permitted by law, the City may establish an assessment in the amount of the fee, cost, or charge confirmed by the City in accordance with Section 1.12.030 against the real property where the violation occurred, unless the City has established a lien for those same fees, costs, or charges pursuant to Section 1.12.040. If the real property where the violation occurred is not occupied by the owner, the assessment amount may also include accrued fines and penalties.

B. Notice of assessment. Prior to establishing an assessment, notice must be served on the owner of record based on the last equalized assessment roll or the supplemental roll, whichever is more current, in the same manner as 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 owner of record cannot be found after a diligent search, the notice may be served by posting copy of the notice in a conspicuous place on the property for a period of ten (10) days and publishing the notice in a newspaper of general circulation published in San Diego County pursuant to Government Code section 6062.

1. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes are applicable to the special assessment.

2. If the identity of the owner of the real property can be determined, the City must send notice of the special assessment to the owner by certified mail at the time of imposing the assessment. Such notice will specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. The Tax Collector's power of sale is not affected by the failure of the property owner to receive notice. Assessment of administrative fines as provided hereunder does not preclude assessment of other costs of abatement of any nuisance against the same property at a later date.

3. If any real property against which the special assessment relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement will not result in a lien against the real property but instead will be transferred to the unsecured roll for collection.

4. A sale of vacant residential developed property for which the payment of a special assessment imposed pursuant to this chapter is delinquent may be conducted, subject to the requirements applicable to the sale of property pursuant to Section 3691 of the Revenue and Taxation Code.

5. Notices or instruments relating to the special assessment are entitled to recordation.

1.12.060 Recovery of weed and rubbish abatement costs

A. For weed and rubbish abatement procedures, the provisions of Government Code sections 39580 through 39585, inclusive, are incorporated into this chapter by reference; provided, however, that the authority for this chapter is Government Code section 39502, and provided, further, that the City does not adopt the alternative provisions established by Government Code section 39560 et seq., except as expressly provided herein.

   1. After confirmation of costs in accordance with Section 1.12.030 and recordation of a notice of lien, a copy must be filed with the assessor and tax collector of San Diego County, acting for the City in order that the county officials may add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels or land, and thereafter said amounts will be collected at the same time and in the same manner as ordinary municipal taxes are collected and be subject to the same procedure under foreclosure and sale in case 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;

   3. Such notice of lien for recordation must be in form substantially as provided in Section 1.12.040.

1.12.070 Recovery of graffiti abatement costs

A. Application. This section is intended to implement the provisions of Sections 38772, 38773.2, and 38773.6 of the California Government Code making the costs of abatement of a nuisance caused by graffiti of personal or real property a lien or special assessment

on the real property of a minor or other person causing the graffiti or the parent or guardian of the minor.

B. Definitions. For purposes of this section the terms "graffiti," "expense of abatement," "minor," and "responsible person" have the same meaning as specified in this code and in Government Code Sections 38772, 38733.2, and 38773.6.

C. Procedures. The procedures to assess or lien property under this section are those provided in this section and Section 1.12.030 relating to confirmation of costs, unless otherwise provided in Government Code Sections 38772, 38733.2, and 38773.6.

D. Notices. All notices required or allowed under this section must be provided to all record owners of the real property that will be subject to the special assessment or lien. A notice of lien or special assessment must notify the minor or other person causing the graffiti, or the parent or guardian of the minor that caused the graffiti, that if costs go unpaid under this section, the property owned by them will be subject to a lien or special assessment.

E. Form of Notice of Graffiti Abatement Lien. The Notice of Graffiti Abatement Lien must be in substantially the following form:

NOTICE OF GRAFFITI ABATEMENT LIEN

Pursuant to the authority vested in the City of Santee by the City of Santee Municipal Code Chapter ____ and Government Code Sections 38772 and 53069.3, the City did on or about the _____ day of _____/_____/_____, 20_____, cause the abatement of graffiti on public or private, real or personal property. _____/_____/_____ is/are the record owner(s) of the premises described below ("Subject Property") and is the minor/person causing graffiti/parent or guardian of the minor who caused the graffiti. The City did, on the _____ day of _____, 20_____, confirm the costs of the graffiti abatement, and the costs have not been paid, and the said City of Santee claims a lien on the Subject Property in the amount of _____ Dollars ($_____) under Government Code Section 38773.2. The lien is on the property until the amount is paid, plus legal rate of interest to be accrued from the date of recording this lien, and any and all administrative costs to file and record the lien. The claimed lien having been imposed to collect for graffiti abatement costs has the priority of a judgment lien and attaches upon the recording of this Notice. The Subject Property upon which the lien is claimed is located at _____ in the City of Santee, County of San Diego, State of California, and is more particularly described as APN #_____ and:

[LEGAL DESCRIPTION OF PROPERTY]

The record owner(s) of the Subject Property is/are _____ who reside(s) at: _____

Dated: This _____ day of _____, 20_____.

F. Form of Graffiti Abatement Special Assessment. The form for a special assessment for graffiti abatement must be in substantially the following form:

NOTICE OF GRAFFITI ABATEMENT SPECIAL ASSESSMENT

Pursuant to the authority vested in the City of Santee by the City of Santee Municipal Code Chapter ____ and Government Code Sections 38772 and 53069.3, the City did on or about the _____ day of _____/_____/_____, 20_____, cause the abatement of graffiti on public or private, real or personal property. _____/_____/_____ is/are the record owner(s) of the premises described below ("Subject Property") and is the minor/person causing graffiti/parent or guardian of the minor who caused the graffiti. The City did, on the _____ day of _____, 20_____, confirm the costs of the graffiti abatement, and the costs have not been paid, and the said City of Santee claims a lien on the Subject Property in the amount of _____ Dollars ($_____) under Government Code Section 38773.6, and the assessment has not been paid, and the City of Santee claims a lien on the Subject Property in the amount of _____ Dollars ($_____). The claimed amount having been assessed to collect for graffiti abatement costs has the priority of a tax lien and attaches upon the recording of this Notice. The assessment will be on the property until the amount is paid, plus legal rate of interest to be accrued from the date of recording this assessment, and any and all administrative costs to file and record the lien. The Subject Property may be sold after three years pursuant to Revenue and Tax Code § 3691 for unpaid delinquent assessments. The Subject Property upon which the lien is claimed is located at _____ in the City of Santee, County of San Diego, State of California, and is more particularly described as APN #_____ and:

[LEGAL DESCRIPTION OF PROPERTY]

The record owner(s) of the Subject Property is/are _____ who reside(s) at _____.

Dated: This _____ day of _____/_____/_____, 20_____.

1.12.080 Release of special assessment and lien

In the event a special assessment or lien is discharged, released, or satisfied, through payment, foreclosure or forgiveness, notice of the discharge containing the information specified below must be recorded by the City or be provided by the City to the responsible party to be recorded. The notice of discharge must specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the record owner of the parcel.

1.12.090 Reduction of cumulative fines.

If the violation is corrected within a reasonable time after the date of the administrative citation or the decision of the City Manager or the hearing officer, as applicable, the City Manager has the discretion to reduce any cumulative fines on good cause shown by the responsible person. The determination of the City Manager is final and not subject to appeal or judicial review. Fines must not otherwise be reduced. (Ord. 463 § 2, 2007)

1.12.100 Late payment charges.

Any responsible person who fails to pay a fine imposed by this chapter on or before the date that payment is due, may be liable for the payment of a late payment charge of twenty-five percent of the fine. In addition, delinquent fines accrue interest at the rate of five percent per year, accruing and payable monthly, excluding penalties, from the due date. (Ord. 463 § 2, 2007)

EXHIBIT 7

Chapter 1.14 ADMINISTRATIVE HEARING AND JUDICIAL REVIEW

1.14.005 Purpose.

A. This chapter sets for the procedures for the following types of hearings:

1. Hearings on appeals from any administrative citation, order, permit, or other action of the City;

2. Hearings required or authorized by this code or other law without an appeal; and

3. Hearings provided for in this code where no other procedures are specified.

1.14.010 Appeal of citation.

A. Except as otherwise provided in this code, any recipient of an administrative citation may appeal that there was a violation of the municipal code, condition of approval of a permit or entitlement, condition or provision of an environmental review, or term or condition of any city agreement, or that he or she is the responsible person by completing a request for hearing form and returning it to the office of the City Clerk within thirty days from the date of service of the administrative citation, unless a different time is specified in this code or in the administrative citation. A citation may specify a different time to appeal and seek a hardship waiver if a consideration of the factors in Section 1.08.020 justifies a different time to appeal.

B. The request for hearing form must be accompanied by an advanced deposit of the fine, payment of an appeal fee in an amount established by resolution of the City Council, or a request for hardship waiver pursuant to Section 1.14.020 of this chapter. To be effective, the form requesting the hearing and hardship waiver, if any, together with all supporting documentation must be received by the office of the City Clerk, unless a different time is specified in the citation in accordance with Section 1.14.010A, no later than one day prior to the compliance deadline in the administrative citation, or if the administrative citation does not specify a deadline, within no more than twenty-five days after the date of service of the administrative citation in accordance with Section 1.08.030 or within thirty (30) days after the date of the administrative citation, whichever is later.

C. Any administrative citation fine which has been deposited must be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation.

1.14.020 Hardship waiver.

A. A person who files a request for a hearing pursuant to Section 1.14.010 may also request at the same time a hardship waiver of the fine deposit and any appeal fee. In order to initiate a hardship waiver request, the responsible person must check the box indicating this request on the administrative citation appeal form and attach a sworn affidavit stating the grounds for the request.

B. The City Manager will consider the sworn affidavit and supporting documents or materials, determine whether the information demonstrates that advanced deposit of the fine constitutes a financial hardship and will inform the responsible person in writing of whether the waiver

was approved, by serving a determination on the responsible person in accordance with Section 1.08.030. The City Manager's determination is final and is not subject to appeal or judicial review.

C. If the hardship waiver is denied, the responsible person must pay the fine amount within ten days of service of the denial. Failure to pay the fine by the time required is deemed an abandonment of the appeal and renders the fine delinquent.

1.14.030 Hearing procedures.

A. The procedures in this section apply to the following:

1. An appeal from any administrative citation, order, permit, or other action of the City; and

2. Hearings required or authorized by this code or other law without an appeal or where no other procedures are specified.

B. Initiating a hearing.

1. No hearing pursuant to subdivision A.1 may be held unless and until a request for administrative hearing form has been completed and submitted, and the fine or appeal fee, if any, have been deposited in advance, or a hardship waiver application has been approved.

2. No hearing pursuant to subdivision A.2 must be held if the responsible party waives the right to a hearing.

C. Scheduling a hearing. Within fifteen days after receipt of a request for an administrative hearing subject to subdivision A.1 and accompanying deposit or waiver, or by a date mutually agreeable to the parties, the hearing officer will contact the appellant to schedule a hearing on the appeal. For hearings subject to subdivision A.2, the hearing officer will schedule a hearing as required by the administrative citation, this code, or other applicable law.

D. Conducting the hearing.

1. The responsible person or his or her representative and any other interested party may attend the hearing. The hearing officer may consolidate hearings on multiple administrative citations issued to the same responsible person.

2. At or before a hearing held pursuant to subdivision A.1, the responsible person must submit to the hearing officer copies of the citation, report, permit, order, or other city action at issue, and any other documents and evidence submitted or relied upon by the responsible person, and may submit any reasonable evidence relevant to whether an alleged violation occurred, whether the responsible person has caused or maintained the violation(s), and whether the City action at issue is supported by facts. No other discovery is permitted. Formal rules of evidence do not apply.

3. At or before a hearing held pursuant to subdivision A.2, the City must submit to the hearing officer copies of the citation, report, permit, order, or other city action at issue. The responsible person may submit any other documents and evidence relevant to whether an alleged violation occurred, whether the responsible person has caused or maintained the violation(s), and whether the City action at issue is supported by facts. No other discovery is permitted. Formal rules of evidence do not apply.

E. Issuing a decision. The hearing officer may issue an oral decision at the conclusion of the hearing, and must issue a written decision, which may be on a city form. If the hearing officer determines that First Amendment rights are involved, the decision must be issued orally at the conclusion of the hearing and will be effective immediately. The written decision will be provided to the responsible person within ten days after the hearing and either affirm the issuance of the administrative citation, or modify or dismiss the administrative citation. The decision must briefly state the reasons for the hearing officer's conclusion and reference any relevant facts supporting the decision, including but not limited to facts relevant to the criteria listed in Section 1.08.020.

1. If the hearing officer affirms the issuance of the administrative citation, then the City will retain the deposit. If a hardship waiver was granted, the decision may set forth a payment schedule for the fine.

2. If the hearing officer determines that the administrative citation should be canceled and the fine was deposited with the City, then the City will refund the deposit within ten days after the decision.

3. The hearing officer may reduce a monetary penalty and impose conditions and deadlines to correct any violations or require payment of any outstanding penalties.

F. Finalizing a decision. The written decision of the hearing officer is the final action of the City, provided that the hearing officer is not the City Council, unless within ten days of the issuance of the hearing officer's written decision, the responsible person files a request for a hearing before the City Council on such form as the City may prescribe. No appeal to the City Council is available where otherwise provided in this code. (Ord. 463 § 2, 2007)

1.14.040 Judicial review.

Any responsible party may obtain review of the final decision of the City on an administrative citation by filing a petition with the superior court of San Diego in accordance with the timelines and provisions set forth in California Government Code Section 53069.4. Judicial review is not available without first participating in all hearing procedures as provided in this code. (Ord. 463 § 2, 2007)

1.14.050 Procedural compliance.

Failure to comply with any procedural requirement of this chapter, to receive any notice or decision specified in this chapter, or to receive any copy required to be provided by this chapter does not affect the validity of proceedings conducted hereunder unless the responsible person is denied constitutional due process thereby. (Ord. 463 § 2, 2007)

EXHIBIT 8

CHAPTER 1.16 CLAIMS AGAINST THE CITY

DIVISION I. TORT CLAIMS ACT CLAIMS

1.16.010 Generally.

No action for money or damages may be brought against the City, any board or council member, commissioner, officer, agent or employee of the City on any claim or demand founded on a tort occurring during the course of service or employment of such Board or Council Member, Commissioner, Officer, Agent or Employee until a claim is filed as provided in this chapter. (Ord. 450 § 2, 2005)

1.16.020 Filing.

All claims must be filed in accordance with the provisions of the Government Code. (Ord. 450 § 2, 2005)

1.16.025 Compromise.

Pursuant to Government Code Section 935, the City Manager is authorized to allow, compromise, or settle liability claims against the City pursuant to Section 2.04.060 and the City's risk manager is authorized to allow, compromise or settle liability claims against the City in amounts not to exceed, per claim, the contract awarding authorization amounts established for the purchasing agent in Section 3.24.180. The City council has sole authority to allow, compromise, or settle liability claims against the City exceeding the City Manager's authorized amount and to reject any liability claim.

DIVISION II. OTHER CLAIMS

1.16.030 State provisions—Applicability of division.

The provisions of this division recognize that the general claims procedures applicable to the City are governed by the provisions of the Government Code, Chapters 1 and 2 of Division 3.6, commencing with Section 900 and following. The provisions of this division are enacted pursuant to Government Code Section 935 and apply to all claims against the City for money or damages, provided that such claims are not governed by any other statutes or regulations. (Ord. 450 § 2, 2005)

1.16.040 Presentation of claims—Prerequisite for bringing suit.

No suit subject to this division may be brought against the City until a claim has been presented to and acted upon by the City, pursuant to the provisions of Government Code Section 945.4. Any action brought against the City on a claim after it has been presented to and acted upon by the City is subject to the provisions of Government Code Sections 945.6 and 946. (Ord. 450 § 2, 2005)

1.16.050 Contents of claim—Review of sufficiency.

A claim must be presented to the City Clerk by the claimant or by a person acting on the claimant's behalf and must show all information as required by Government Code Section 910. The City Manager, or designee, will review all claims for sufficiency of information. The City Manager, or designee, may, within twenty days of receipt of a claim, either personally deliver or mail to the claimant a notice stating the deficiencies in the claim presented. If such notice is delivered or sent to the claimant, the City will not act upon the claim until at least fifteen days after such notice is sent. (Ord. 450 § 2, 2005)

1.16.060 Time limitation for presentation of claims.

Any claim specified in Section 1.16.030 of this division must be presented within the following time limitations pursuant to Government Code Section 911.2:

A. Claims relating to a cause of action for death, injury to person or to personal property, or growing crops must be presented within six months after the accrual of the cause of action.

B. Claims relating to any other cause of action must be presented within one year after the accrual of the cause of action. (Ord. 450 § 2, 2005)

1.16.070 Time for action by city.

Pursuant to Government Code Section 912.4, the City must act on a claim within forty-five days after the claim has been presented. By mutual agreement of the claimant and the City, such forty-five day period may be extended by written agreement. If the claim is not acted on within forty-five days, it is deemed to have been rejected on the forty-fifth day unless such time period has been extended, in which case it will be denied on the last day of the period specified in the extension agreement. (Ord. 450 § 2, 2005)

1.16.080 Application to file a late claim.

Any applicant who fails to file a claim within the time period required by Section 1.16.060 of this division may submit a written application to the City for leave to present a late claim, pursuant to the provisions of Government Code Section 911.4. The City will grant or deny the application to present a late claim within forty-five days after it is presented to the City, in accordance with the provisions of Government Code Sections 911.6 through 912.2, inclusive. (Ord. 450 § 2, 2005)

1.16.090 Time barred claim.

Nothing in this division revives or reinstates any cause of action that, on the effective date of this division, is barred by failure to comply with any previously applicable statute, ordinance, or regulation requiring the presentation of a claim prior to a suit, or by failure to commence any action thereon within the period prescribed by an applicable statute of limitations. (Ord. 450 § 2, 2005)

1.16.100 Effective date of division.

Subject to Section 1.16.090, the provisions of this division apply retroactively to any causes of action occurring prior to the effective date of this division. (Ord. 450 § 2, 2005)

ORDINANCE NO. 555

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, RESTATING, AMENDING, AND RECODIFYING TITLE 2 OF THE SANTEE MUNICIPAL CODE RELATING TO ADMINISTRATION AND PERSONNEL

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify its ordinances. Government Code section 50022.9 authorizes a city to adopt county codes by reference;

WHEREAS, in Ordinance 1, adopted as the first act of the City of Santee ("City") on December 2, 1980, the City temporarily adopted all county ordinances of the County of San Diego as its municipal code (the "Santee Municipal Code");

WHEREAS, in Ordinances 14 and 18, the City extended the validity of the county ordinances to provide additional time for the City to adopt its own ordinances;

WHEREAS, the City has not adopted a comprehensive code of ordinances, but has amended the county's ordinances in a piecemeal fashion more than 300 times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the City Council of the City of Santee held a series of public meetings to consider proposed restatement, amendment, and recodification issues for each title of the Santee Municipal Code as follows:

March 8, 2017	Titles 1 and 2
September 6, 2017	Titles 3 and 5
February 14, 2018	Titles 6, 8, and 9
March 28, 2018	Titles 12 and 13
August 8, 2018	Title 10
September 26, 2018	Titles 6, 15, and 16
November 14, 2018	Title 17

WHEREAS, the City desires to restate without substantive revision, amend, and recodify the ordinances codified in the Santee Municipal Code;

WHEREAS, the amendments to the Santee Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance;

WHEREAS, the descriptions included in the council agenda statement, staff report, and minutes contain the findings of the City Council in support of this Ordinance and serve as evidence of the City Council's intention in adopting this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. **Existing Law Continued**. The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance;

2.1.3. The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance;

2.1.4. Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance, resolution, or regulation;

2.1.5. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the Santee Municipal Code;

2.1.6. Santee Municipal Code sections cited on signs, forms, notices, or other materials within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in the new Santee Municipal Code for purposes of notice and enforcement.

2.2. **Exclusions from code**. Every ordinance governing the following subject matter is not affected by the adoption of this Ordinance:

2.2.1. Alteration of city boundaries;

2.2.2. Contracts to which the city is a party;

2.2.3. Elections to which the city is a party;

2.2.4. Fixing the rate and making a levy of city taxes;

2.2.5. Granting, altering or withdrawing a franchise;

2.2.6. Land use classifications of specific property;

2.2.7. Naming roads and streets.

2.3. **References to Prior Ordinances Apply to All Amendments.** Whenever a reference is made to this code as the "Santee Municipal Code" or to any portion thereof, or to any ordinance of the City of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.4. **Title, Chapter, and Headings**. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

2.5. **References to Specific Ordinances and Code Sections**. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Santee Municipal Code. Renumbering and relabeling of existing ordinance, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.6. **Effect of Ordinance on Past Actions**, **Obligations and Irregularities**. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict

therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the City, do not revive any rights repealed or extinguished by any prior ordinance of the City which is repealed by this Ordinance.

2.7. **Effect of Ordinance on Period of Limitation**. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.8. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Title 2 “Administration and Personnel” of the Santee Municipal Code is hereby restated and amended as follows:

3.1. Chapter 2.01 “Form of Government” is added as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.2. Chapter 2.02 “City Council” is restated and amended as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.3. Chapter 2.03 “Planning Commission” is restated without substantive amendment as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.4. Chapter 2.04 “City Manager” is restated and amended as set forth in Exhibit 4 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.5. Chapter 2.06 “City Attorney” is added as set forth in Exhibit 5 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.6. Chapter 2.08 “City Clerk” is added as set forth in Exhibit 6 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.7. Chapter 2.16 “City Departments” is added as set forth in Exhibit 7 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.8. Chapter 2.18 “Internal Relations” is restated as set forth in Exhibit 8 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.9. Chapter 2.24 “Personnel” is restated and amended as set forth in Exhibit 9 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.10. Chapter 2.32 “Emergency Services” is restated without substantive amendment as set forth in Exhibit 10 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.11. Chapter 2.36 “General Elections” is restated without substantive amendment as set forth in Exhibit 11 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.12. Chapter 2.38 “City Council Elections” is restated without substantive amendment as set forth in Exhibit 12 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.13. Chapter 2.40 “Election Campaign Finance and Control” is restated without substantive amendment as set forth in Exhibit 13 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.14. Chapter 2.44 “Manufactured Home Fair Practices Commission” is incorporated into this Ordinance without amendment as set forth in Exhibit 14 to this Ordinance.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has “the potential for causing a significant effect on the environment.” (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (*Ibid*.) Here, the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical

change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 5. Codification. The City has adopted the "City of Santee Municipal Code Editorial Guidelines," and, except as otherwise provided herein, authorizes Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinance to the guidelines. In the event a substantive conflict arises on the basis of the changes authorized by this Section, the language adopted by this Ordinance prevails. The City Clerk is authorized to provide certified copies and notice of this Ordinance or any part of this Ordinance required or advised by the law or any regulation. No changes are authorized to Chapter 2.44, which is incorporated into the Municipal Code as part of a voter approved citizen initiative.

SECTION 6. Parentheticals. Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the Santee Municipal Code.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Santee 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 section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary or 1/4 page advertisement of the same to be published as required by law.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 22 day of May 2019, and thereafter ADOPTED at a Regular Meeting of the City Council held on this 26 day of June 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____
JOHN MINTO, MAYOR

ATTEST:

_____
ANNETTE ORTIZ, CITY CLERK

EXHIBIT 1

CHAPTER 2.01 GENERAL PROVISIONS

2.01.010 Form of Government

In accordance with the City Charter, city has a “Council-Manager” form of government. The City Council establishes the policy of the City and the City Manager carries out that policy.

EXHIBIT 2

CHAPTER 2.02 CITY COUNCIL

2.02.010 City council

The City Council consists of five elected members: four Council Members and one Mayor. All powers of the City are vested in the City Council except as otherwise provided by law, the City Charter, or this code.

2.02.020 Meetings

The City Council may establish by resolution or minute order the time and location of regular meetings of the City Council. Any regular meeting may be canceled by a vote of the City Council.

2.02.030 Mayor

The Mayor is the presiding officer at all meetings of the City Council. The Mayor is the official head of the City for all ceremonial purposes. The Mayor has the primary but not exclusive responsibility for interpreting the policies, programs and needs of the City government. The Mayor advises the City Council on all matters of policy and public relations and performs such other duties as may be prescribed by the City Charter, this code, or the City Council.

2.02.040 Appointment

The City Council appoints the City Manager, City Attorney, and City Clerk, who, subject to limitations provided by law, serve at the pleasure of the City Council.

2.02.050 Salaries and reimbursement.

A. The salary of Council Members must be established periodically by the City Council in accordance with the provisions of the City Charter.

B. The directly-elected Mayor will be paid a salary in addition to any salary received as a Council Member. The amount of such additional salary must be established periodically by the City Council in accordance with the provisions of the City Charter.

EXHIBIT 3

CHAPTER 2.03 PLANNING COMMISSION

2.03.010 City council designated as planning agency.

The City Council is designated as the planning agency for the City. (Ord. 304 § 2, 1993)

2.03.020 Term "planning commission" defined.

Wherever the term "planning commission" appears in this code or any regulation of the City, such term means the City Council. (Ord. 304 § 2, 1993)

EXHIBIT 4

CHAPTER 2.04 CITY MANAGER

2.04.010 Created.

The office of the City Manager is created and established. The City Manager is appointed by the City Council on the basis of administrative and executive ability and qualifications and holds office for and during the pleasure of the City Council. (Ord. 10 § 1, 1981)

2.04.020 Eligibility.

No member of the City Council is eligible for appointment as City Manager until one year has elapsed after the Council Member ceases to be a member of the City Council. (Ord. 10 § 3, 1981)

2.04.030 Bond.

The City Manager and acting City Manager must furnish a corporate surety bond to be approved by the City Council in such sum as may be determined by the City Council, and must be conditioned upon the faithful performance of the duties imposed on the City Manager and acting City Manager as herein prescribed. Any premium for the bond is a proper charge against the City. (Ord. 10 § 4, 1981)

2.04.040 Designation of acting City Manager.

The City Manager, by written correspondence filed with the City Clerk or Deputy City Clerk, may designate a qualified city employee to exercise the powers and perform the duties of City Manager during any temporary absence or disability of the City Manager. In case of the absence or disability of the City Manager and a failure to appoint someone to perform the duties of the City Manager, the council may designate a duly qualified person to perform the duties of the City Manager during the period of absence or disability of the City Manager.

2.04.050 Compensation.

The City Manager will receive compensation, benefits and expense reimbursements as the City Council determines from time to time.

2.04.060 Powers and duties generally.

The City Manager is the administrative head of the government of the City under the direction and control of the City Council except as otherwise provided in this chapter. The City Manager is responsible for the efficient administration of all the affairs of the City under the control of the City Council. To the extent allowed by law, the City Manager may contract with any qualified person or public or private agency for the performance of all or any of the responsibilities and duties imposed by this chapter. In addition to general powers as administrative head, and not as a limitation thereon, the City Manager has the duties and powers set forth below:

A. Enforce all laws and ordinances of the City and to see that all franchises, contracts, permits and privileges granted by the City Council are faithfully observed;

B. Appoint, remove, promote, and demote any and all officers and employees of the City except the City Clerk and the City Attorney who shall serve at the pleasure of the City Council, subject to all applicable personnel rules and regulations which may be adopted;

C. Control, order and give directions to all department heads who are subject to the City Manager's appointment and removal authority and to subordinate officers and employees of the City under the City Manager's jurisdiction through their department heads;

D. Conduct studies and effect such organization and reorganization of offices, positions or units under his or her direction as may be indicated in the interest of efficient, effective and economical conduct of the City's business;

E. Recommend to the City Council for adoption such measures and ordinances as the City Manager deems necessary;

F. Attend all meetings of the City Council unless excused therefrom by the Mayor individually or the City Council as a whole, except when the City Manager's removal is under consideration;

G. Prepare and submit the proposed annual budget and the proposed annual salary plan to the City Council for its approval;

H. Keep the City Council at all times fully advised as to the financial condition and needs of the City;

I. Make investigations into the affairs of the City and any department or division thereof and any contract or other obligation of the City; and further to investigate all complaints in relation to matters concerning the administration of the City government.

J. Exercise general supervision over all public buildings, public parks, and all other public properties which are under the control and jurisdiction of the City;

K. Have the same authority as the Mayor, as the convenience of the parties may dictate, to sign documents specified in Section 40602 of the California Government Code whenever such documents have been approved by the City Council for execution by resolution, motion, minute order or other appropriate action;

L. Pursuant to Government Code Section 935, reject, allow, compromise, or settle liability claims against the City in amounts not to exceed, per claim, the City Manager's contract authorization in Chapter 3.24. The City Council has sole authority to reject, allow, compromise, or settle liability claims against the City exceeding the City Manager's authorized amount.

M. Perform such other responsibilities and exercise such other powers as may be delegated to the City Manager from time to time by ordinance or resolution or other official action of the City Council

(Ord. 10 § 7, 1981)

2.04.070 Removal from office.

Notwithstanding the provisions of Section 2.04.010 of this chapter, the City Manager must not be removed from office, other than for misconduct in office, during or within a period of ninety days after any general municipal election held in the City at which a member of the City Council is elected or when a new City Council member is appointed; the purpose of this provision is to allow any newly elected or appointed member of the City Council or a reorganized City Council to observe the actions and ability of the City Manager in the performance of the powers and duties of the office. After the expiration of the ninety-day period aforementioned, the provisions of this chapter as to the removal of the City Manager will apply and be effective. The removal of the City Manager shall be effected only by a majority vote of the whole council (three votes).

2.04.080 Limitations.

Nothing in this chapter may be construed as a limitation on the power or authority of the City Council to enter into any agreement with the City Manager delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter.

EXHIBIT 5

CHAPTER 2.06 CITY ATTORNEY

2.06.010 Created.

The office of the City attorney is created and established. The City Attorney is appointed by the City Council on the basis of ability and qualifications and holds office for and during the pleasure of the City Council.

2.06.020 Duties.

The City Attorney advises city officials in legal matters pertaining to city business, frames ordinances and resolutions required by the City Council, and performs other legal services as required by the City Council.

2.06.030 Compensation.

The City Attorney will receive compensation and benefits as the City Council determines from time to time.

EXHIBIT 6

CHAPTER 2.08 CITY CLERK

2.08.010 Created.

The office of the City clerk is created and established. The City Clerk is appointed by the City Council on the basis of ability and qualifications and holds office for and during the pleasure of the City Council. (Ord. 10 § 1, 1981)

2.08.020 Duties.

The City Clerk administers elections, maintains the official records of the proceedings of the City Council, serves as the compliance officer for federal, state and local statutes, serves as the custodian of the City seal, and performs other duties as required by the City Council.

2.08.030 Compensation.

The City Clerk will receive compensation and benefits as the City Council determines from time to time.

EXHIBIT 7

CHAPTER 2.16 CITY DEPARTMENTS

2.16.010 Generally.

A. Except as otherwise provided in subdivision B and subject to budget approval by the City Council, the City Manager is authorized to establish, without amendment to this code, and supervise departments in the City, and to appoint the director of each department. The following departments are currently established and supervised by the City Manager

1. Community Services;

2. Development Services;

3. Fire and Life Safety Services;

4. Human Resources and Risk Management; and

5. Finance.

B. There are in the City the following departments, which coordinate with the City Manager, but whose directors are appointed by the City Council:

1. City Manager;

2. City Clerk; and

3. City Attorney.

2.16.020 Duties.

The duties of the City departments include those required by the Constitution of the State of California and the laws of the United States and the State of California. The City Manager may organize and reorganize the City departments as necessary to accomplish the duties of the City, subject to the City Council's authority to approve the City budget and to appoint the City Clerk and City Attorney.

EXHIBIT 8

CHAPTER 2.18 INTERNAL RELATIONS

2.18.010 Council-manager relations.

A. The City Council and its members may deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and no member of the City Council is permitted to give orders or instructions to any subordinates of the City Manager. The City Manager takes orders and instructions from the City Council only when sitting in a duly convened meeting of the City Council and no individual Council Member may give any orders or instructions to the City Manager.

B. The City Manager may attend any and all meetings of commissions, boards, or committees created by the City Council, upon the manager's own volition or upon direction of the City Council. At such meetings which the City Manager attends, the manager must be heard by such commissions, boards or committees as to all matters upon which the City Manager wishes to address the members thereof. The City Manager must inform the members as to the status of any matter being considered by the City Council pertaining to that body, and the City Manager must cooperate to the fullest extent with the members of all the commissions, boards, or committees appointed by the City Council. (Ord. 350 § 1, 1996; Ord. 347 § 6, 1996; Amended during 1989 supplement; Ord. 10 § 8, 1981)

2.18.020 Departmental cooperation.

It is the duty of all department heads, the City Clerk, and the City Attorney to assist the City Manager in administering the affairs of the City efficiently, economically and cooperatively.

EXHIBIT 9

CHAPTER 2.24 PERSONNEL

2.24.010 Adoption of personnel system.

In order to establish an equitable and uniform system for dealing with personnel matters, the following personnel system is adopted as set out in this chapter. (Ord. 228 § 1, 1989)

2.24.020 Personnel officer.

The City Manager is the personnel officer. The City Manager may delegate any powers and duties to any other officer or employee of the City. Specific duties of the City Manager may be performed by others under contract to the City.

The City Manager or delegate must:

A. Act as the appointing authority for the City in accordance with section 2.24.050 of this code;

B. Prepare, or cause to be prepared personnel rules and procedures and any revisions to the rules or procedures;

C. Recommend to the City Council personnel policy issues involving financial commitments such as, but not limited to, pay rates, and employee benefit programs;

D. Administer all provisions of this chapter and the personnel rules not specifically reserved to the City Council;

E. Prepare and revise, or cause to be prepared and revised, a position classification and compensation plan, including class specifications;

F. Have the authority to discipline employees in accordance with this chapter, the personnel rules of the City, or any applicable memorandum of understanding;

G. Provide for the recruitment and selection of city employees and perform any other duty that may be required to administer the personnel system; and

H. Request from the State Department of Justice a copy of the State Summary Criminal History Information for any position — regular or part-time — involving the care or supervision of children, minors, the elderly, the handicapped, or the mentally impaired, or for any other position with the City wherein such information is deemed important to the selection process. The City Manager or designee shall utilize the process and procedure set forth in article 3 or chapter 1 of title 1 of part 4 of the Penal Code (commencing with section 11100).

2.24.030 Competitive service.

The provisions of this chapter apply to all offices, positions and employees in the service of the City except:

A. Members of the City Council

B. The City Manager;

C. The City Attorney and any assistant or Deputy City Attorney;

D. All city management;

E. Members of appointive boards, commissions and committees;

F. Persons engaged under contract to supply expert professional, technical, or any other services;

G. Volunteer personnel;

H. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property;

I. Employees, other than those listed elsewhere in this section, who are not regularly employed in permanent positions. “Regularly employed in permanent positions” means an employee hired for an indefinite term into a budgeted position, and who has successfully completed the probationary period and been retained as provided in this chapter and personnel rules;

J. Any position primarily funded under a state or federal employment program;

K. Any person exempt on the effective date of this section.

2.24.040 Adoption and amendment of personnel rules.

The City Manager is authorized to amend the City of Santee Personnel Rules adopted on or about July 26, 1989; provided, however, that any policy matters involving the commitment of financial resources must be recommended to and approved by the City Council prior to implementation. The policies governing the personnel system must include but not be limited to:

A. Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class;

B. Preparation, revision and administration of a plan of compensation directly correlated with the position classification plan providing a rate or range of pay for each class;

C. Recruitment and selection procedures;

D. Certification and appointment of persons from employment lists, and the making of provisional appointments;

E. Establishment of probationary testing periods;

F. Evaluation of employees during the probationary testing period and thereafter;

G. Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the competitive service;

H. Separation of employees from the City service; and

I. The establishment of any necessary appeal procedures.

2.24.050 Appointments.

The City Manager acts as the appointing authority for appointments made pursuant to this section.

A. Appointments to vacant positions in the competitive service must be made in accordance with the personnel rules. Appointments and promotions must be based on merit and fitness to be ascertained so far as practicable by competitive examination.

B. The appointing authority of employees in the competitive service is the City Manager. The City Manager may delegate the appointing authority to any other employee of the City. (Ord. 228 § 6, 1989)

2.24.060 Probationary period.

All regular appointments, including promotional appointments, are for a probationary period in accordance with applicable provisions of the personnel rules. Determinations as to satisfactory completion or extension of the probationary period, and/or rejection of an employee during the probationary period, must be consistent with the applicable provisions of the personnel rules.

2.24.070 Status of present employees.

A. Any person holding a position included in the competitive service who, on the effective date of the ordinance codified in this chapter, shall have served continuously in such position, or in some other position in the competitive service, for a period equal to the probationary period prescribed in the personnel rules for his or her class, will assume regular status in the competitive service in the position held on such effective date, and will thereafter be subject in all respects to the provisions of this chapter and the personnel rules.

B. Any other persons holding positions in the competitive service will be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the rules before obtaining regular status. The probationary period will be computed as set forth in the personnel rules.

C. No position in the competitive service has been removed from the competitive service through enactment of these revisions to the competitive service.

2.24.080 Employee Discipline.

The City Manager has the authority to discipline any regular employee for cause in accordance with procedures included in the personnel rules or current memorandum of understanding, including any right to appeal discipline as established in the rules or memorandum of understanding. (Ord. 228 § 9, 1989)

2.24.090 At-will employees.

Employees not included in the competitive service under Section 2.24.030 of this chapter serve at the will of their appointing authority. (Ord. 228 § 10, 1989)

2.24.100 Abolition of positions.

Except as the City Council may otherwise provide, the City Council may abolish any position or employment in the competitive service and the employee holding such position for employment may be laid off, demoted or transferred without right of appeal. (Ord. 228 § 11, 1989)

2.24.110 Layoff and reemployment.

Layoff and reemployment actions follow the process outlined in the personnel rules or the applicable memorandum of understanding. (Ord. 228 § 13, 1989)

2.24.120 Political activity.

The political activities of city employees must conform to pertinent provisions of state law and any local provisions adopted pursuant to state law. (Ord. 228 § 14, 1989)

EXHIBIT 10

CHAPTER 2.32 EMERGENCY SERVICES

2.32.010 Purpose and intent.

A. The purpose of this chapter is to provide for the preparation and execution of plans designed for the protection of persons and property in an emergency or disaster. It provides for direction of emergency services in the City and for the coordination, with all other city departments, public agencies, corporations, organizations, and affected private persons, situated in whole, or in part, within the San Diego County operational area, including incorporated cities which have acted voluntarily to accept such coordination, unification and consolidation, and with other affected persons, corporations and organizations. It also provides:

1. A description of the Unified San Diego County Emergency Services Organization in the San Diego County Operational Area and the City of Santee's participation therein;

2. Authorization for activities which will mitigate hazardous conditions, the preparation of citywide plans, and the development and execution of joint agreements in the San Diego County Operational Area for such services that are county wide;

3. That all city expenditures made in connection with such emergency services activities, including mutual aid activities, are deemed conclusively to be for the direct protection and benefit of all the inhabitants and property in the City of Santee. (Ord. 344 (§ 1 part), 1996)

2.32.020 Definitions.

"Board of Supervisors" means the Board of Supervisors of San Diego County, California.

"Curfew" means an order establishing a time in which certain regulations apply, especially that no unauthorized person or persons may be outdoors or that places of public assembly must be closed.

"Director" means the Director of Emergency Services.

"Emergency" means an actual incident or threatened existence of conditions of incidents or of extreme peril to the safety of persons and property within the City caused by such conditions as air pollution, fire, flood, storm, epidemic, civil disorder, or earthquake, or other conditions which may be or are beyond control of the services, personnel, equipment, and facilities of the City.

"Emergency Council" means the Emergency Services Council of the City of Santee, California.

"Emergency operation plan" means the plan that identifies the actual operational procedures for mitigating emergency incidents within the City.

"Emergency preparedness plan" means the plan which determines the authority and responsibilities for the mitigation of emergency incidents within the City consistent with the SEMS as required by Government Code section 8607(a) for management of response to emergency incidents.

"Emergency services agreement" means the San Diego County Unified Emergency Services Agreement, to which the City is a party.

"ICS" means the Incident Command System which is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure with responsibility for the management of assigned resources to effectively accomplish stated objectives pertaining to an emergency.

"Local emergency" means the duly proclaimed existence within the City of conditions of emergency or disaster or of extreme peril to the safety of persons and property within the City caused by such conditions as air pollution, civil disorder, earthquake, epidemic, fire, flood, storm, or other conditions.

"Marshal law" means the laws that are invoked and administered by military forces in an emergency when civilian law enforcement agencies are unable to maintain public order and safety.

"SEMS" means the Standardized Emergency Management System as required by Government Code § 8607(a) for management of responses to emergency incidents in California.

"State of emergency" means the duly proclaimed existence within the state of conditions of emergency or disaster or of extreme peril to the safety of persons and property within the City caused by such conditions as air pollution, civil disorder, earthquake, epidemic, fire, flood, storm, or other conditions.

"State of war emergency" means the condition which exists immediately, with or without a proclamation thereof by the Governor whenever the state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

"Unified disaster council" means the group which serves as the policy making body of the Unified Emergency Services Organization.

"Unified emergency services organization" means the group created for the purpose of coordinating and facilitating operational area plans and programs for the preservation and safety of life and property in the event of emergencies. (Ord. 344 (§ 1 part), 1996)

2.32.030 Emergency council.

A. The Emergency Council is created and consists of the following:

1. The Mayor, who is the chairperson;

2. The Director, who is vice-chairperson;

3. The Assistant Director of Emergency Services;

4. Such department heads and/or chiefs of Emergency Services as are provided for in the current emergency operations and/or preparedness plan of the 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 approval of the City Council.

2.32.040 Emergency council—Powers and duties.

It is the duty of the Emergency Council, and it is empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Emergency Council must meet once a year and upon the call of the chairperson or, in the chairperson's absence from the City or inability to call such meeting, upon the call of the vice chairperson. (Ord 344 (§ 1 part), 1996)

2.32.050 Director and assistant Director of Emergency Services.

A. The City Manager is the Director of Emergency Services.

B. The Director of Fire and Life Safety serves as the Assistant Director of Emergency Services. (Ord. 344 (§ 1 part), 1996)

2.32.060 Director and assistant Director of Emergency Services—Powers and duties.

A. The Director is empowered to:

1. Request the City Council to proclaim the existence or threatened existence of a local emergency if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council must take action to ratify the proclamation within seven days thereafter or the proclamation will have no further notice or effect;

2. Request the Governor to proclaim a state of emergency when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency;

3. Control and direct the efforts of the emergency organization of the City for the accomplishment of the purposes of this chapter;

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

5. Represent the City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein;

6. In the event of a proclamation of a local emergency as herein provided, the proclamation of a state of emergency by the Governor or by the Director of the state Office of Emergency Services, or the existence of a state of war emergency, the Director is hereby empowered:

(a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;

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

(c) To require emergency services of any city employee, and, in the event of the proclamation of a state of emergency in the county in which the City is located or the existence of a state of war emergency, to commandeer the aid of as many citizens of the community as the Director may deem necessary in the execution of the Director's duties; such persons will be entitled to all privileges, benefits, and immunities as are provide by state law for registered disaster service workers.

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

(e) To execute all ordinary powers as City Manager, all of the special powers conferred upon the Director by this chapter or by resolution or emergency plan pursuant hereto adopted by the City Council, and by any other lawful authority.

B. The Director must designate the order of succession to that office, to take effect in the event the Director is unavailable to attend meetings and otherwise perform duties during an emergency. Such order of succession must be approved by the City Council.

C. The Assistant Director is empowered to:

1. Develop emergency plans, and manage the emergency programs and services of the City;

2. Attend and represent the City at all meetings of the unified disaster council;

3. Attend and represent the City at meetings of local, state, and federal emergency services, and disaster services organizations;

4. Act for and have all the powers and duties of the Director in the Director's absence;

5. Serve as the incident manager for all emergency incidents within the City;

6. Such other powers and duties as may be assigned by the Director. (Ord. 344 § 1, 1996)

2.32.070 Emergency organization.

All employees of the City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons pressed into service under the provisions of Section 2.32.060 (A)(6)(c), charged with the duties incident to the protection of life and property in the City during such emergency, constitute the emergency organization of the City. (Ord. 344 § 1, 1996)

2.32.080 Emergency preparedness plan.

The Director of Fire and Life Safety is responsible for the development of the City Emergency Preparedness Plan, which must provide for the effective mobilization of all resources of the City, both public and private, to meet any condition constituting a local emergency, and for the organization, powers and duties, services, and staff of the emergency organization. Such plan takes effect upon adoption of a resolution by the City Council and may include a continuity of operations element that may be updated as staff changes, without action by the City Council. (Ord. 344 § 1, 1996)

2.32.090 Emergency operational plan.

A. The Director of Fire and Life Safety is responsible for the development of the City Emergency Operational Plan, which must provide for the effective response to various categories of emergencies, including but not limited to apparatus type, personnel, and communications.

B. The Fire and Life Safety Director has the authority by this chapter to update this plan as necessary, in order to meet the latest emergency management operational guidelines. (Ord. 344 § 1, 1996)

2.32.100 Incident command system.

The City's Emergency Preparedness Plan and Emergency Operational Plan must conform to the Incident Command System and its definitions. (Ord. 344 § 1, 1996)

2.32.110 Standardized emergency management system.

The City's Emergency Preparedness Plan must conform to the Standardized Emergency Management System as required by Government Code section 8607(a) for management of response to emergency incidents. (Ord. 344 § 1, 1996)

2.32.120 Curfew.

During a local emergency, the Director, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof must be in writing and be given widespread publicity and notice. (Ord. 344 § 1, 1996)

2.32.130 Price stabilization.

The Director may, in the event of an emergency, order all business within the City to not increase prices on goods sold to citizens of the City, pursuant to chapter 7.36. Furthermore it is a violation of this chapter for businesses within the City to knowingly and maliciously raise prices of goods such as, fuel, food items, emergency survivor items, etc. during such an emergency event. (Ord. 344 § 1, 1996)

2.32.140 Violations.

A. It is a misdemeanor for any person, during a state of war emergency, state of emergency or local 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/her by virtue of this chapter;

2. Perform any act forbidden by lawful rule or regulation issued pursuant to this chapter, if such act is likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of the City, or to prevent, hinder, or delay the defense or protection thereof. (Ord. 344 § 1, 1996)

EXHIBIT 11

CHAPTER 2.36 GENERAL ELECTIONS

2.36.010 Consolidation with state election.

The general municipal elections of the City of Santee are consolidated with the day of the Statewide General Election. (Ord. 45, 1982; Ord. 37, 1982)

EXHIBIT 12

CHAPTER 2.38 CITY COUNCIL ELECTIONS

2.38.010 Declaration of Purpose.

The City Council of the City of Santee is elected through a by-district election system. (Ord. 551 § 1, 2018)

2.38.020 City Council Districts Established.

Four City Council districts are hereby established in the City of Santee. The boundaries and identifying number of each district shall be as described on the City of Santee Council District Map attached hereto as Exhibit "A," a copy of which shall be on file in the City Clerk's office.

Exhibit A

City of Santee Council District Map

(Ord. 551 § 1, 2018)

2.38.030 Election of Members of the City Council by District.

A. Members of the City Council shall be elected in the electoral districts established by Section 2.38.020 of this Chapter and subsequently reapportioned as provided by State law. Elections shall take place "by district" as that term is defined in California Government Code Section 34871, meaning one Council Member shall be elected from each district, by the voters of that district alone.

B. No term of any Member of the City Council that commenced prior to the effective date of this Ordinance shall be affected by the adoption of this Ordinance.

C. A Council Member elected or appointed to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must reside in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued.

D. Termination of residency in a district by a Council Member shall create a vacancy for that City Council district unless a substitute residence within the district is immediately declared and established within thirty (30) days after the termination of residency.

E. Notwithstanding any other provision of this Section, the Council Members in office at the time this Chapter takes effect shall continue in office until the expiration of the term to which he or she was elected. In the event a vacancy occurs before the expiration of the term of a Council Member in office at the time this Chapter takes effect, a person who is appointed or elected by special election to fill such vacancy may reside anywhere within the corporate boundaries of the City. A person appointed or elected to fill such a vacancy shall hold the office in accordance with Government Code Section 36512.

F. Except for the initial two-year term described in Section 2.38.040(B), the terms of the office of each Member elected to the City Council shall remain four (4) years. (Ord. 551 § 1, 2018)

2.38.040 Commencement of By-District Elections.

The by-district system of elections shall be implemented, beginning at the general municipal election held in November 2018, as follows:

A. Members of the City Council shall be elected in Districts 1 and 2 beginning at the general municipal election in November 2018, and every four years thereafter; and

B. A Member of the City Council shall be elected in District 3 at the general municipal election in November 2018 to serve an initial two year term, and beginning at the general election in November 2020, will be elected every four years thereafter; and

C. A Member of the City Council shall be elected in District 4 beginning at the general municipal election in November 2020, and every four years thereafter. (Ord. 551 § 1, 2018)

2.38.050 Amendment of District Boundaries.

Pursuant to Elections Code Section 21601, as it may be amended from time to time, the City Council shall adjust the boundaries of any or all of the districts following each decennial federal census to ensure that the districts are in compliance with all applicable provisions of law. (Ord. 551 § 1, 2018)

EXHIBIT 13

CHAPTER 2.40 ELECTION CAMPAIGN FINANCE AND CONTROL

2.40.010 Purpose and intent.

Inherent in the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. It is the purpose and intent of the Santee City Council in enacting this chapter:

A. To preserve an orderly political forum in which individuals may express themselves effectively, and to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in county elections;

B. To prohibit contributions by organizations in order to develop a broader base of political efficacy within the community;

C. To limit the use of loans and credit in the financing of city election campaigns;

D. To provide full and fair enforcement of all the provisions of this chapter; and

E. To encourage the public to participate as candidates in elections by simplifying the local regulations as much as possible in matters adequately regulated by state law. (Ord. 419 § 1, 2002)

2.40.020 Citation.

This chapter may be cited as the "City of Santee Election Campaign Finance and Control Ordinance." (Ord. 419 § 1, 2002)

2.40.030 Definitions.

The terms and phrases in this chapter are defined as those terms and phrases are defined in the Political Reform Act of 1974, as amended (Government Code § 81000, et seq.), unless otherwise specified in this chapter:

"Broadcast station" means a person who engages in the dissemination of radio communication as defined in the Federal Communications Act of 1934. "Broadcast station" includes each cable television system franchised or otherwise licensed by the county of San Diego or any city within the county of San Diego.

"Candidate" means an individual who is listed on the ballot, who has qualified to have write-in votes on that individual's behalf counted by election officials, or who has begun to circulate nominating petitions or authorized others to circulate nominating petitions on the individual's behalf for nomination for or election to any elective city office, or who receives a contribution or makes an expenditure or gives consent for any other person to receive a contribution or makes an expenditure with a view to bringing about the individual's nomination or election to any elective city office, whether or not the specific elective office for which the candidate will seek

nomination or election is known at the time the contribution is received or the expenditure is made and whether or not the candidate has announced the candidacy or filed a declaration of candidacy at such time. “Candidate” also includes any holder of an elective city office who is the subject of a recall election. “Candidate” does not include any person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971.

An individual who becomes a candidate retains status as a candidate until such time as that status is terminated pursuant to Government Code Section 84214.

“City election” means any primary, general, or special election, including a recall election held within the City for elective city office or on a city measure. Each primary, general or special election is a separate election for purposes of this chapter.

“City measure” means:

1. Any proposition for the issuance of funding or refunding of bonds of the City, or any other question or proposition submitted to the voters of the City at any election held throughout the entire city.

2. “City measure” includes any measure under subdivision (1) of this subsection which is submitted to a popular vote at an election by action of the City Council or which is submitted or is intended to be submitted to a popular vote at an election by initiative, referendum, or recall procedure, whether or not it qualified for the ballot.

“Enforcement authority” under this chapter, means that special counsel appointed by the City Manager in consultation with the City Attorney pursuant to Section 2.40.120.

(Ord. 419 § 1, 2002)

2.40.050 Campaign statements.

Each candidate and committee must file campaign statements in the time and manner required by the Political Reform Act of 1974 as amended (Gov. Code § 84100, et seq.). Compliance with the requirements of that act are deemed to be in compliance with this chapter. (Ord. 419 § 1, 2002)

2.40.060 Campaign contributions—Limitations.

A. No person other than the candidate is permitted to make, and no campaign treasurer may solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed seven hundred dollars ($700).

B. The terms of this section are applicable to any contributions made to a candidate or committee hereunder, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in prior campaigns, or otherwise.

C. The dollar limitation set forth in subdivision (A) of this section may be adjusted by an ordinance adopted by the Santee City Council to reflect changes in the Consumer Price Index, rounded to the nearest fifty dollars, on or after January 2 of the year 2003 and on or after January 2 of every odd-numbered year thereafter. (Ord. 532 § 2, 2015; Ord. 485 § 1, 2009; Ord. 476 § 1, 2008; Ord. 448 § 1, 2005; Ord. 419 § 1, 2002)

2.40.070 Organizational contributions.

A. No person, other than an individual or a professional corporation that includes only one individual, may make a contribution to any candidate or committee; provided, however, that this section does not apply to contributions made to a committee which is organized solely for the purpose of supporting or opposing the qualification for the ballot or adoption of one or more city measures. If the contribution is made by a professional corporation that includes only one individual, that individual may not make any contribution in that person's individual capacity which, if combined with the contributions made as a professional corporation, would exceed the individual contribution limit as set forth in Section 2.40.060.

B. No employee, agent or attorney or other representative of a person covered by this division may aid, abet, advise or participate in a violation of this section.

C. No person may knowingly accept a payment or contribution made in violation of this section.

D. If a campaign treasurer is offered a contribution which would be in excess of the limitation, the treasurer must refuse the contribution. If, however, a contribution which is in violation of this section is deposited into the campaign trust account, the campaign treasurer must report in writing within five days of the receipt of the contribution to the City Clerk the facts surrounding such payment or contribution. (Ord. 419 § 1, 2002)

2.40.080 Candidate's loans to campaign.

A. The provisions of this section regarding loans apply to extensions of credit, but do not apply to loans made to a candidate by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.

B. A candidate for elective city office may not personally loan to the candidate's campaign an amount, the outstanding balance of which exceeds one hundred thousand dollars. A candidate may not charge interest on any loan the candidate made to the candidate's campaign. (Ord. 419 § 1, 2002)

2.40.090 Advertising rates—Service fees and charges.

To the extent that any person sells space in any newspaper or magazine or sells time on a broadcast station to a candidate or committee or performs other services in connection with the campaign of the candidate or for or against the measure, the charges made for the use of such space or time may not exceed the charges normally made to comparable use of such space or time by other users thereof. (Ord. 419 § 1, 2002)

2.40.100 Suppliers of good and services—Disclosure of records required.

No person who supplies goods or services or both goods and services to a candidate or committee for use in connection with the campaign of the candidate or for or against the measure may refuse knowingly to divulge or disclose to the enforcement authority that person's record of any expenditures made by the candidate or committee in payment for such goods or services or both. (Ord. 419 § 1, 2002)

2.40.110 Duties of City Clerk.

In addition to other duties required of the City clerk under the terms of this chapter, the City clerk must:

A. Supply appropriate forms and manuals prescribed by the California Fair Political Practices Commission. These forms and manuals must be furnished to all candidates and committees, and to all other persons required to report;

B. Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of state law;

C. Notify promptly all persons and known committees who have failed to file a document in the form and at the time required by state law;

D. Report apparent violations of this chapter and applicable state law to the enforcement authority;

E. Compile and maintain a current list of all statements or parts of statements filed with the clerk's office pertaining to each candidate and each measure;

F. Cooperate with the City attorney and enforcement authority in the performance of the duties of the enforcement authority as prescribed in this chapter and applicable state laws and to determine the appropriate enforcement in accordance with Section 1.08.030. (Ord. 419 § 1, 2002)

2.40.120 Enforcement authority—Duties, complaints, legal action, investigatory powers.

A. The City Attorney must not investigate or prosecute any alleged violation of this Chapter, but will defend the constitutionality and legality of this Chapter in any civil proceeding in which the City or the City Council is a party.

B. Review of complaints of violation of this Chapter and criminal prosecution thereof may be commenced only by the enforcement authority appointed by the City Attorney. The Enforcement Authority is authorized to commence and prosecute civil litigation to compel compliance with this Chapter or to enjoin conduct in violation of this Chapter. At least 120 days prior to a City election, the City Attorney will appoint an Enforcement Authority for that election. If the appointment of an additional Enforcement Authority becomes necessary or appropriate, the City Attorney will appoint such additional Enforcement Authority as may be

required. No enforcement or prosecution or action of the Enforcement Authority is subject to the review or control of the City Council or the City Attorney.

C. Any person residing in the City who believes that a violation of this Chapter has occurred may file a written complaint requesting investigation of such violation by the Enforcement Authority. If the Enforcement Authority determines that there is reason to believe a violation of this Chapter has occurred, the Enforcement Authority conduct an investigation and may commence such administrative, civil or criminal legal action as it deems necessary for the enforcement of this Chapter. The Enforcement Authority must decline to investigate any alleged violation hereof which is also an alleged violation of State law and is the subject of a complaint filed with the Fair Political Practices Commission, until the investigation of that complaint is complete.

D. The Enforcement Authority has such investigative powers as are necessary for the performance of duties described in this Chapter and may demand and be furnished records of campaign contributions and expenditures of any person or committee at any time. In the event that production of such records is refused, the Enforcement Authority may commence civil litigation to complete such production.

E. The Enforcement Authority is immune to liability for its enforcement of this Chapter.

F. Any action alleging violation of this Chapter must be commenced within two years of the time the alleged violation occurred.

2.40.130 Penalties.

Any person who knowingly or willfully violates any provisions of this chapter is guilty of a misdemeanor. In addition to any other penalty provided by law, any willful or knowing failure to report contributions, done with intent to mislead or deceive, is punishable by a fine of not less than five hundred dollars. (Ord. 419 § 1, 2002)

2.40.140 Rules of construction.

This chapter will be construed liberally in order to effectuate its purposes. No error, irregularity, informality, neglect or omission of any person in any procedure taken under this chapter which does not directly affect the jurisdiction of the City to control campaign contributions and expenditures voids the effect of this chapter. (Ord. 419 § 1, 2002)

EXHIBIT 14

CHAPTER 2.44 MANUFACTURED HOME FAIR PRACTICES COMMISSION

2.44.010 Preamble.

A. Limited manufactured home park space. There is presently, within the City and surrounding communities, a shortage of rental spaces for the location of manufactured homes relative to the demand therefor. This limited market situation has resulted in low vacancy rates and contributes or threatens to contribute to rapidly escalating rents. This situation has resulted or threatens to result in financial hardship, serious concern, anguish and stress among a significant portion of Santee residents living in manufactured home parks.

B. Inability to Relocate. Alternative sites for the relocation of manufactured homes are difficult to find due to the shortage of vacant spaces, the restrictions on the age, size or style of manufactured homes permitted in many parks, and requirements related to the installation of manufactured homes, including permits, landscaping and site preparation. Additionally, the cost for moving a manufactured home is substantial, and the risk of damage in moving is significant. The result of these conditions creates a captive situation for manufactured home owners. This immobility, in turn, contributes to the creation of a monopolistic market and great imbalance in the bargaining position of the park owners and manufactured home owners in favor of the park owners.

C. Unreasonable Rent Increases. Manufactured home owners are property owners with sizeable investments in their manufactured homes and appurtenances. Collectively, the manufactured home owners often have a greater investment than does the manufactured home park owner. The continuing possibility of unreasonable space rental increases in manufactured home parks threatens to diminish the value of the investment of the manufactured home owners. Further, existing state law permits manufactured home park owners to require manufactured home owners to make reasonable modifications to their homes or spaces for safety purposes, landscaping or conformity to park maintenance standards that amount to capital improvements which accrue to the benefit of the park owner by potentially increasing the market value of the park itself.

D. Facilitation of Bargaining. The people of the City of Santee finds and declares it necessary to facilitate and encourage fair bargaining between manufactured home owners and park owners in order to achieve mutually satisfactory agreements regarding space rental rates in manufactured home parks. Absent such agreements, the people further finds and declares it necessary to protect the owners of manufactured homes from unreasonable space rental increases while simultaneously recognizing and providing for the need of the park owners to receive a just and reasonable return on their property. (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 329 § 1, 1994; Ord. 324 § 1, 1994)

2.44.020 Definitions.

"Administration" includes enforcement of this chapter.

"Commission" means the Manufactured Home Fair Practices Commission established by this chapter.

"Consumer price index" means the San Diego Consumer Price Index-Urban Consumers, (CPI-U) published by the U.S. Bureau of Labor Statistics. The CPI-U base period shall be 1982-84 = 100.

"Manufactured Home" For the purposes of this chapter, the term "manufactured home" shall be synonymous with the term "mobile home".

"Manufactured Home Park" means an area of land where two or more manufactured home sites are rented, or held out for rent to the public by the same person or entity, to accommodate manufactured homes used for human habitation. Also referred to herein as a "park".

"Manufactured Home Park Owner" means the owner, lessor, operator or designated agent thereof of a manufactured home park. Also referred to in this chapter as a "park owner".

"Manufactured Home Owner" means any person entitled to occupy a manufactured home as the owner thereof. Also referred to herein as a "home owner".

"Rental Agreement" means an contractual agreement between the manufactured home park owner and a manufactured home owner pertaining to leasing a space for the manufactured home within a manufactured home park and establishing the terms and conditions of such tenancy including month to month tenancy agreements.

"Space" means the area or site in a manufactured home park, within the legal lot lines designated for the location of a manufactured home.

"Space Rent" means the consideration, including any bonus, benefits or gratuities, demanded or received for and in connection with the use or occupancy of a manufactured home space within a manufactured home park or the transfer of a rental agreement of such a manufactured home space. Consideration shall include the right of occupants of the manufactured home on the space covered by the rental agreement to use all facilities, services and amenities accruing to the residents of the park for which a separate fee authorized by the Mobile home Residency Law (California Civil Code Section 798 et seq.) is not charged. Nothing in this chapter shall be construed to prevent a park owner from establishing such fees as may be authorized by the Mobile home Residency Law. "Space rent" shall not include utility charges for utility services, including gas, electricity, water, trash and/or sewer service, provided to an individual manufactured home residence (as opposed to the park in general) where such charges are billed to such a residence separately from the space rent and such charges are limited to the actual value of the utility services provided to the individual residence. Charges can only be made for services actually rendered.

"Vacancy." A vacancy in a manufactured home park is a site that is not occupied by a manufactured home. Vacancy does not include any space not available for rental by the public for placement of a mobile home. (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 324 § 2, 1994)

2.44.030 Applicability.

A. Chapter Applies to all Parks Except Those Specifically Exempted. The provisions of this chapter shall apply to all manufactured home parks as defined in Section 2.44.020 and to all spaces in such parks and to all tenancies in such parks including tenancies and/or space established or covered by pre-existing leases including month to month and/or one year rental agreements unless otherwise exempted by subsections B or C of this section or any other provisions of this chapter.

B. Exemption of Tenancies Subject to Rental Agreements and Rent Schedules. The provisions of this chapter shall not apply to any tenancy in a manufactured home park that is covered by a rental agreement but only if the status of the parties to the rental agreement, as well as the form of the rental agreement, comply with the requirements of Section 798.17 of the California Civil Code to the extent necessary to exempt the rental agreement from rent control. Space rent agreements which meet the criteria of Section 2.44.080 of this chapter are also exempt. These exemptions shall not negate the registration requirements of this chapter as provided in Section 2.44.050 of this chapter. The exemptions shall apply only for the duration of the rental agreement or only so long as Section 798.17 of the California Civil Code or an equivalent statute remains in effect. Upon the expiration or other termination of above-defined space rental agreement, this chapter shall automatically become applicable to the tenancy.

C. Regulation of Rental Agreements for Spaces Which Contain Park-Owned Coaches. Residents who lease or rent a manufactured home and the space from the manufactured home park owner do no come within the purview of this ordinance, as the conditions listed in section 2.44.010 do not apply. However, a park owner shall register with the commission, a rental agreement between it and a tenant who occupies a park owned coach, which registration discloses the allocation of rent between rent for space owned by the park and coach owned by the park. The allocation for space rent shall be designated as the controlled rent. Upon transfer of ownership of the manufactured home, the controlled rent shall apply. The space rent ceiling date of provisions of Section 2.44.090 of this chapter shall apply. Park-owned coaches are exempt from any application of section 2.44.080 of this chapter, effective from the space rent ceiling date of December 31, 1989.

D. Exemption for New Construction. This chapter shall not apply to any “new construction” as defined in Civil Code Sections 798.7 and 798.45. (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 329 § 2, 1994; Ord. 324 § 3, 1994)

2.44.040 Manufactured Home Fair Practice Commission.

A. Establishment. The Manufactured Home Fair Practices Commission of the City is established.

B. Membership.

1. Qualifications. The commission shall consist of a total of five regular members. All members shall be resident electors of the City. No member shall be:

a. A manufactured home owner or resident;

b. An owner, operator or manager of a manufactured home park;

c. Any person owning or possessing any interest in, or operating or managing, any other rental property totaling four (4) or more dwelling units, whether such four (4) units are located on one parcel or lot, or are spread among several parcels or lots. As used in this section, "dwelling unit" shall mean an apartment unit, a condominium unit, or a single family residence.

d. A person with an identifiable economic or professional interest in the rights of park owners or residents.

2. Attendance at Meetings. All members of the commission shall be required to attend all commission meetings and hearings unless such member has been disqualified from participation.

3. Absences. When a regular member is absent from a meeting, the meeting shall be governed by rules adopted by the commission.

C. Nomination and Appointment. Council members may make recommendations to the Mayor for nominations to the commission. The Mayor shall nominate persons for appointment to the commission. Each such nomination shall be subject to the approval of the City Council by majority vote.

D. Term.

1. Terms of Office. Each regular member of the commission shall serve for a term of two years except as otherwise provided in this chapter. For the first commission, the Mayor shall designate which three regular members shall serve two year terms and two regular members for one year terms. Thereafter, the successors of these members shall be appointed for terms of two years. Each regular member shall hold office until a new member has been duly appointed.

2. Vacancies on Commission. If a vacancy shall occur otherwise than by expiration of the term, it shall be filled by appointment for the unexpired portion of each member's term.

3. Removal of Commissioners. The provisions of this subsection notwithstanding, a member may be removed, at any time, with or without cause, by a majority vote of the City Council.

4. Unexcused Absences. Any member who is absent, without sufficient cause, from three successive meetings of the commission which such member was required to attend shall be deemed to have vacated that office.

E. Meetings. Except as expressly provided in this chapter, the commission shall establish the time and place of its meetings. All meetings of the commission shall be conducted in accordance with the provisions of the Brown Act (Gov. Code Section 54950 et seq.).

F. City Council Guidelines Commission Rules and Regulations.

1. The City Council shall from time to time adopt by resolution such guidelines as it deems necessary to assist and direct the commission in the accomplishment of its duties.

a. The City Council shall not delegate the responsibilities for legal defense of this chapter to the commission.

2. The commission may make and adopt its own rules and regulations for conducting its business consistent with the laws of the state, this chapter, and any guidelines adopted by the City Council. Any such rules and regulations shall be reduced to writing and be on file with the secretary of the commission at all times.

G. Officers. The commission may appoint such officers as it may deem necessary to carry out its duties hereunder.

H. Records. The commission shall keep a record of its proceedings, which shall be open for inspection by any member of the public.

I. Appointment of Committees and Hearing Officers. The commission may appoint committees or hearing officers, subject to the provisions of Section 2.44.040 (B) (1), to hear matters on which testimony must be taken, which committees and officers shall report to the commission the findings and results of any such hearing on a matter referred to such committee or person.

J. Compensation. Each member of the commission shall be entitled to such compensation as may be set by the City Council. Such members shall be entitled to reimbursement for expenses incurred in the performance of their official duties. The commission shall not have any authority to expend or authorize the expenditure of any public funds, except with the prior expressed approval of the City Council.

K. Staff. The City Manager shall provide all administrative staff necessary to serve the commission. The City Manager (or designee) shall serve as the secretary of the commission and shall be responsible for the maintenance of all records of the commission. The City Attorney or his/her designee shall act as legal counsel to the commission for the administration of this chapter.

L. Duties. The commission shall undertake and have the following duties, responsibilities and functions, together with all powers reasonably incidental thereto:

a. To meet on a regular basis as may be specified by the rules and regulations of the commission in order to carry out its duties;

b. To notify the designated representatives of the resident home owner associations and other associations representing park residents of all such meetings;

c. To require such registration of manufactured home parks as the commission may deem necessary to enable it to carry out its duties;

d. To make adjustments in space rent ceilings as provided for in this chapter;

e. To make such studies, surveys and investigations, including the establishment of a uniform system of reports, conduct such hearings necessary to carry out its powers and duties;

f. To adopt, promulgate, amend and rescind such administrative rules as may be necessary to effectuate the purposes and policies of this chapter and to enable the commission to carry out its powers and duties thereunder.

g. To render at least semiannually a comprehensive written report to the City Council concerning the commission's activities, decisions, actions, results of hearings, and all other matters pertinent to this chapter.

h. The commission has the authority to ignore, for purposes of this chapter, a contractual rental agreement when in it opinion it is illegal, when it is procured by fraud, duress, coercion or other improper conduct or if it is not exempt under Section 798.17 of the Civil Code. Prior to ignoring a contractual rental agreement, the commission shall cause a hearing to be conducted by a neutral hearing officer, licensed by the state to practice law. The hearing official's decision shall be final unless the commission finds, by a preponderance of the evidence, that the decision is in error.

i. To undertake such other related duties as may be assigned by the City Council.

2. The decisions of the commission shall be final unless the City Council shall find by preponderance of the evidence that the decision is in error, the commission violated the Brown Act(Gov. Code Section 54950 et seq.) or provisions of Section 2.44.040 (B) (1) of this chapter.

3. The City Council shall conduct a hearing and issue a finding on any alleged error made by the commission within a period of not more than thirty days after the commission decision.

4. The commission shall cause a re-hearing to be conducted within thirty days of any findings of error or if a previous decision is in violation of any provision of this amended ordinance. (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 329 §§ 3—5, 1994; Ord. 324 § 4, 1994)

2.44.050 Registration.

A. Time Limit to Register. Within ninety calendar days after the date any manufactured home park, or manufactured home space, initially becomes subject to the provisions of this chapter, the owner of the park shall register the park.

B. Initial Registration. The initial registration shall include the name(s), business address(es), business telephone number(s) of each person or legal entity possessing an ownership interest in the park and the nature of such interest; the number of all manufactured home rental spaces within the park; a schedule of all space rents within the park in effect on the "space rent ceiling

date" specified in Section 2.44.090 (A) of this chapter; a schedule of space rents within the park on the effective date of this chapter; a copy of all rental agreements then in effect in the park; a listing of all other charges, including utilities not included in space rent, paid by manufactured home residents within the park and the amount of each such charge; the name and address to which all required notices and correspondence may be sent; and any other information deemed relevant by the commission.

C. Subsequent Registration. The commission is hereby empowered to require such re-registration as it deems necessary, including but not limited to any change in the terms of the rental agreement or occupancy of a space pursuant to the provisions of subsection B of this section.

D. Registration Must be Current. No park owner shall be eligible to receive any rent ceiling adjustment, with the exception of the initial permissive adjustment provided for in Section 2.44.100 (B) (1) of this chapter, unless such current registration is on file with the commission.

E. All Parks Must Register. The registration requirements provided for in this section or which may be established by the commission shall apply to all manufactured home parks and park spaces, including those exempt from the space rent ceiling limitation by reason of the existence of a valid park rent schedule exemption or an exemption based on Civil Code Section 798.17. (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 329 § 6, 1994; Ord. 324 § 5, 1994)

2.44.070 Manufactured Home Park Assessment.

A. Monthly Assessment.

1. Each park shall be assessed the amount of three dollars per month per manufactured home space to help defray the reasonable and necessary costs associated with the administration of the regulations contained in this chapter. For the purposes of this chapter, the annual administration assessments paid by each park shall be treated as reasonable operating expenses, recoverable as allowed under Section 2.44.150 of this chapter. The assessment is payable quarterly in advance beginning with the first day of the month following the effective date of the chapter.

2. Each park shall be assessed the amount of two dollars per month per manufactured home space to help defray the reasonable and necessary costs associated with the defense of the regulations contained in this chapter. The monthly assessment may be recovered, at the option of the park, as a "pass-through" payment by park tenants to be added to the monthly space rent allowed under the chapter. The assessment is payable quarterly in advance beginning with the first day of the month following the effective date of the chapter.

B. Administration of Assessment Funds.

1. Administration Assessment. The revenue generated from the assessment pursuant to subsection (A) (1) of this section shall be deposited with the City treasurer in a separate fund identified as the "park administration fund". The revenue shall be utilized only for the purpose of paying the reasonable and necessary expenses for the administration of the provisions of this chapter

2. Legal Defense Assessment. The revenue generated from the assessment pursuant to subsection (A) (2) of this section will be deposited in the legal defense assessment fund to defray the reasonable and necessary legal expenses to defend the validity of the provisions of this chapter.

C. Periodic Review.

1. A review shall be conducted by the commission annually of funds collected from park owners pursuant to subsection (B) (1) of this section. The commission, jointly with the City Manager, shall advise and recommend to the City Council any changes in the park assessment amount.

2. The City Council shall seek to maintain a legal defense fund pursuant to subsection (B) (2) of this section in an amount not less than fifty thousand dollars nor more than one hundred fifty thousand dollars giving consideration to current and anticipated legal expenses to defend the validity of the provisions of this chapter; and shall have the power to suspend this monthly assessment by reasonable notice to the park owners and manufactured home owners when such limit has been attained.

D. Accounting Responsibility. The City Manager is directed to maintain a separate and accurate accounting of all direct costs of legal defense and administering the regulations contained in this chapter. The City Manager shall submit a report to the commission and City Council of such costs at least annually. The report shall be available to the public at the cost of a reasonable copying charge.

E. Late Charges. If a park owner does not pay the amount of the assessment provided for in subsection A (1) (2) of this section within the time period established therein, a late charge shall be assessed in an amount equal to one dollar for each manufactured home space within the park for each month or fraction thereof that such payment is delinquent, and shall be deposited pursuant to Section (B) (1) (2) of this section. The delinquency payment shall not be considered a governmental assessment within the meaning of this chapter.

F. No Petitions Accepted. For any manufactured home park for which there is an unpaid assessment bill, no petition will be accepted from any park owner for any space rent ceiling adjustment, no hearing or other proceeding shall be scheduled or take place, and no space rent ceiling adjustment shall be granted or take effect; with the exception of the initial permissive adjustment provided for in Section 2.44.100 (B) (1) of this chapter.

G. Exemption from Assessment. Assessments made under this section shall not be applicable to park spaces which are exempt from such charges pursuant to the California Civil Code, Section 798.17. (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 324 § 7, 1994)

2.44.080 Park Rent Schedule Exemption.

A. Generally. Any manufactured home park in which all available rental spaces are 90% occupied by manufactured home owners with rental agreements not exempted, pursuant to section 2.44.030 (B) and (C) of this chapter, may elect to be subject to a space rent agreement. An agreement meeting the criteria set forth in this section shall be exempt from the space rent ceiling provisions of this chapter for the duration of such agreement.

B. Space Rent Agreement Criteria. An exemption as provided for in subsection A of this section shall be effective only if the space rental agreement meets the following criteria:

1. Space Rent Agreement Duration. This agreement between the park owner and the residents thereof must establish a space rent schedule for the park for a minimum period of two years and for a maximum period of four years from the date of commencement of the agreement.

2. Minimum Number of Consenting Manufactured Home Owner. The agreement must be voluntarily consented to by at least one adult manufactured home owner from 67% of the occupied manufactured home rental spaces within the park which are not exempted from the provisions of this chapter pursuant to the provisions of Section 2.44.030.B) and (C). This consent shall be evidenced by the signature of such manufactured home owner, heir or assignee, on such consent form as may be required by the commission. The form shall show the date each such signature was affixed. Any signature over sixty days old may not be counted in determining whether the required 67% majority has been achieved. The consent form shall be circulated or provided for signature only in accordance with such rules and regulations as may be established by the commission.

3. Approval by Commission. Upon approval by the commission, the park rent schedule shall apply to all home owners in the park not exempt under Civil Code Section 798.17 including those manufactured home owners not consenting to the park rent schedule.

C. Procedure for Obtaining a Park Rent Schedule Exemption.

1. Exemption. The exemption provided for in subsection A of this section is only available with respect to those manufactured home parks which are not less than 90% occupied by manufactured home owners and which have formed a home owner association. The home owner association shall have a board of directors elected by a majority of the home owners in the park. Such association shall be organized and governed by guidelines as suggested by the California Department of Real Estate for home owner associations. No member of the board of directors shall be an owner, an agent for the owner, operator, manager or employee of the manufactured home park. Nothing contained in this section is intended to suggest that residents/ and or manufactured home owners may not form associations for other purposes including but not limited to mutual benefit and entertainment.

2. Park Rent Schedule. If a manufactured home park has a home owner association as described in subsection (C)(1) of this section, the park owner shall, before submitting to the commission an application for this exemption, first submit to the home owner association a proposed park rent schedule form, as provided by the commission. The home owner association

shall have not less than ten days after receipt of such form to respond to same and/or comment regarding the same.

3. Park Rent Schedule Contents. The park rent schedule shall indicate (1) the proposed park rent schedule, (2) the proposed duration of the rent schedule, and (3) any other provisions or conditions related to the proposed park rent schedule. The park rent schedule shall be signed by the park owner, or an agent of the park owner and receipted for by the home owners association.

4. Delivery to Home Owners. The park owner shall hand deliver, or mail by first class mail postage prepaid, a copy of the completed park rent schedule form to all of the affected manufactured home owners in the park. Included with the park rent schedule form shall be any comments, criticisms or recommendations of the home owner association, a consent form, as provided by the commission, and stamped envelope pre-addressed to the City Manager of the City.

5. Consent of Home Owners to Schedule. In order for any park owner to receive a park rent schedule exemption, as provided in this section, the City Manager must receive a completed consent form, indicating consent to the park rent schedule, signed by a manufactured home owner from at least 67% of the eligible spaces in the park. Such consent must be received by the City Manager within the time period determined by the commission.

6. Application of Schedule to Future Homeowners. Any park rent schedule approved in accordance with the provisions of this section shall apply to all persons who became residents after adoption of this schedule until expiration of the schedule.

7. Commission Procedures. The commission may supplement the procedures and requirements provided in this chapter in order to effectuate the purpose and intent of this section.

D. Expiration of Space Rent Agreement.

1. Termination of Rent Schedule Exemption. The exemption as provided for in subsection A of this section shall terminate upon the expiration of the space rental agreement unless such agreement is renewed or extended by mutual agreement of the park owner and requisite number of home owners in the park. Any such renewal or extension of such agreement must meet the criteria set forth in subsections B and C of this section and shall expire on the same date for all spaces.

2. Rent Upon Termination of Exemption. Upon termination of the exemption, the manufactured home park shall be subject to the space rent ceiling in effect at the date of termination in accordance with the provisions of this chapter.

3. The monthly assessment provisions of section 2.44.070 shall apply. (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 324 § 8, 1994)

2.44.090 Space rent ceiling.

A. Space Rent Ceiling Date. Except as otherwise provided in this chapter, no owner of a manufactured home park, or agent of such owner, shall demand, accept or retain space rent for

any manufactured home space subject to the provisions of this chapter as provided in Section 2.44.030, in an amount greater than the space rent in effect on December 31, 1989. This date shall be known as the "space rent ceiling date". The space rent in effect on that date shall be known as the "space rent ceiling".

B. Space Rent Ceiling for Spaces Later Rented. If there was no space rent in effect on the space rent ceiling date, the space rent ceiling shall be the space rent that was charged for that space on the first date that space rent was charged for that space subsequent to the space rent ceiling date.

C. Space Rent Ceiling Upon Expiration of Exemption. If a manufactured home space is exempted from the space rental ceiling provisions of this chapter by reason of the provisions of Civil Code Sec. 798.17, or is exempt as part of a park rent schedule exemption as provided in Section 2.44.080 of this chapter, and the agreement applicable to that space expires, the space rent ceiling for that space shall be the space rent in effect for that space on the expiration date of the agreement. (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 324 § 9, 1994)

2.44.100 Space Rent Ceiling Adjustments.

A. Increase Prohibited. No increases in space rent ceilings shall be permitted except as provided for in this section.

B. Initial Adjustments.

1. Permissive Adjustment. For spaces which were charged a monthly space rental, park owners shall be entitled to a percentage adjustment in the space rents in effect on December 31, 1989 equal to 100% of the increase in the San Diego Consumer Price Index (CPI-U: All Items) for the period from December 31, 1989 to June 30, 1994, adjusted further by projections to September 1, 1994 starting with the last published Consumer Price Index Value that is available for the period ending December 31, 1989. If Consumer Price Index data is not available for the entire period to be covered, projections may be made based upon the published information available from the Bureau of Labor Statistics. The initial permissive percentage adjustment factor shall be calculated by the City Manager and reported, by letter, to park owners. The initial adjustment in space rents shall be effective upon receipt of the notice of allowable initial permissive percentage adjustment figure from the City Manager, with CPI projected to September 1, 1994. The park owner may notice an initial permissive adjustment in accordance with the provision of this section and the California Mobile home Residency Law upon receipt of the allowable initial permissive adjustment factor from the City Manager. The park owner shall report any permissive adjustment to commission within ten days of implementing the adjustment. The report shall be on a commission prepared form.

2. Net Operating Income (NOI) Adjustment. In the event a park owner believes he will not receive a just and reasonable net operating income after receiving the maximum permissive adjustment provided for above, a park owner may file an application with the commission for an initial adjustment of the space rent ceiling based upon the park net operating income (NOI). Park net operating income (NOI) shall be determined by substituting a scheduled of rent (rent based on the initial permissive adjustment for a 12 month period) and deducting actual operating

expenses for the 12 month period ended December 31, 1993 or June 30, 1994 depending upon the availability of accounting records. A park owner shall be entitled to an adjustment of the space rent ceiling so as to enable the park owner's base year net operating income (NOI) to be increased by a rate equal to 100% of the percentage increase in the San Diego Consumer Price Index (CPI-U: All Items) measured from the end of the base year to the last reported CPI-U index number available on July 1, 1994, projected to August 31, 1994. The base year for the purposes of this NOI adjustments shall be the twelve (12) months ending December 31, 1989. Park owner shall be entitled to collect from park tenants, as "back rent", the difference between the rent determined by the initial permissive adjustment and the rent determined by the initial net operating income (NOI) adjustment. The "back rent" period shall start from the effective date of the initial permissive adjustment and end on effective date of the initial net operating income (NOI) adjustment.

3. Filing of Application. An application for an initial NOI adjustment may be filed with the secretary of the commission no sooner than September 1, 1994 and no later than January 1, 1995. The application shall be submitted on such form as may be provided by the commission. The commission shall review any such application in accordance with the provisions of this chapter

4. Initial Adjustments Inapplicable to Exempt Spaces. The initial adjustments provided under this section shall not apply to any manufactured home parks or manufactured home park spaces exempted from the space rent ceiling provisions by virtue of Section 2.44.030 and 2.44.080 of this chapter.

C. Annual Adjustment.

1. Permissive Adjustment. A park owner shall be entitled to an annual permissive adjustment of gross space rental income equal to: 100% of the average rate of change in the San Diego CPI-U: All Items Index, for the prior year whenever that rate of change is five percent or less; plus 70% of the that portion of the CPI increase which is greater than five percent.

The first annual adjustment shall occur September 1, 1995, and shall continue thereafter on September 1st of each subsequent year, until September 1, 1998, and further projected to December 31, 1998. Thereafter on January 1, of each subsequent year the annual permissive adjustment of gross space rental income shall be equal to: 70% of the average rate of change in the San Diego CPI-U: All Items Index, based on the most recent 12 month period for which the CPI is published, whenever that rate of change is three percent or less; plus 40% of that portion of the CPI increase which is greater than three percent but no greater than eight percent. The City Manager shall notify the park owners of the permissive adjustment figure by the prior September 1. The notice shall be on a commission prepared form and attached to any notification of a rent adjustment. In order for the rent ceiling adjustment to become effective on January 1, the park owner must notify the home owners in writing no later than the prior October 1 pursuant to the provisions of section 798.30 of the California Civil Code.

2. Annual NOI Adjustment. In the event a park owner believes that the net operating income will be less than provided for in section 2.44.110 (C) (1) a park owner shall be entitled to elect instead of the annual permissive adjustment, to file an application with the commission for an

annual adjustment of the space rent ceilings so as to enable the park owner's net operating income (NOI) for the subsequent year to be increased by a rate equal to the allowable percentage increase in the CPI for the most recent 12 month period for which the CPI is published prior to the effective date of the annual adjustment.

3. In the event the park owner elects to seek an NOI adjustment in lieu of a permissive adjustment and if commission in awarding such NOI adjustment fails to give the park owner a rent increase in excess of the increase he would have been entitled to under the permissive adjustment provisions, the commission shall order that the park owner pay reasonable attorneys' fees and related costs incurred by home owners of the park or the home owner association in opposing the park owner's NOI adjustment claim. The NOI adjustment awarded by the commission to the park owner shall be effective subject to the provisions of subsection 2.44.100 (C) (4) of this chapter as of the first day of the year to which it pertains, but the park owner shall be entitled to no increase of the rent until he has paid all fees and related expenses, if any awarded by the commission to a home owners association or a home owner opposing the application.

4. Effect of Previous NOI Adjustment. No NOI adjustment shall become effective if a previous NOI adjustment became effective within the previous 12 months. An NOI adjustment may, however, be approved by the commission within such 12 month period provided that such an adjustment shall not become effective within such 12 month period.

5. Pass Through Adjustments. A park owner shall be entitled to elect to pass through utility expenses and any other expenses expressly authorized by Civil Code Section 798.41, provided, however, if he elects to do so, the pass through expenditures shall be excluded in any computation made in connection with the application for an NOI adjustment.

D. Uniform Space Rent Ceiling Adjustments. In reviewing petitions under subsection (B) or (C) of this section, the commission shall determine the amount of gross space rental income that the park owner will be entitled to receive in order to obtain the appropriate adjustment. In translating this total dollar adjustment into specific space rent ceiling adjustments, the park owner shall be required to adjust the space rent ceiling amount for each manufactured home rental space within the park by an equal percentage. Nothing contained in this section is intended to suggest that the space rent for each space in a park must be the same. (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 329 §§ 8—12, 1994; Ord. 324 § 10, 1994)

2.44.110 Fair Return Review Hearings And Special Adjustments.

A. Presumption That NOI Provided Fair Return. Given the absence of space rent regulations which could have restricted rent increases prior to the space rent ceiling date of December 31, 1989 it shall be presumed that the net operating income produced by a manufactured home park during the 12 months prior to the space rent ceiling date did, subject to rebuttal, provide the park owner with a just and reasonable return. Park owners shall be entitled to maintain and, as justified, increase their net operating income from year to year in accordance with the adjustment procedures contained in this ordinance.

B. Presumption That NOI Adjustment Under the Chapter Provides a Fair Return. It shall be further presumed that the adjustments provided for in this chapter, including any adjustments to the base year NOI ending December 31, 1989, and any annual adjustments thereafter, provide all adjustments necessary to allow the park owner a just and reasonable return on investment for any given year.

C. NOI Less Than 50% Percent of Gross Income. It shall be further presumed that where the NOI for the base year ending December 31, 1989, is less than 50% of the gross income in the base year, the park owner was receiving less than a just and reasonable return on the manufactured home park.

D. Application for Special Adjustment. However, in the event a park owner contends that the initial permissive adjustment and its NOI alternative adjustment, or the annual permissive adjustment and its NOI option, does not result in a just and reasonable return to the park owner, the park owner may apply for an additional "special adjustment". The application for a special adjustment shall be in writing in such form as provided by the commission and shall be heard by the commission at a public hearing to be known as a "fair return hearing". The application shall not be deemed complete unless it contains a recital that the park owner has previously received a decision on an application for an NOI adjustment and the date of that decision. Notice of the fair return hearing shall be given to the park owner/applicant and to the residents of the park by first-class mail sent not less than twenty days before the date set for the hearing.

E. Fair Return Hearing. At the fair return hearing, the park owner shall bear the burden of presenting evidence rebutting the presumption stated in subsection A of this section and the commission shall consider and hear all relevant evidence, and determine, based upon the evidence presented, whether the adjustments as provided in this chapter are adequate to allow the park owner a just and reasonable return, and whether and to what extent a special adjustment is necessary to realize a just and reasonable return. The commission shall grant a special adjustment to the extent and only to the extent it finds by clear and convincing evidence such adjustment is necessary to effectuate a just and reasonable return to that park owner/applicant under the law. In applying the standard, the commission shall consider all relevant factors bearing upon the fair return for the park owner including but not limited to: a) changes in the Consumer Price Index; b) capital improvements made to the park and the costs for such improvements; c) changes in property taxes or other assessed taxes to the park; d) rent paid by park owner/applicant for leased land; e) change in utility charges or rates; f) changes in reasonable operating and maintenance expenses; g) the need for repairs caused by circumstances other than ordinary wear and tear; h) the amount and quality of services and amenities provided by the park owner/applicant to the home owners of the park; i) the park owner/applicant's return on investment considering initial cash investment, additional investment, appreciation, depreciation, and possible tax benefits; and j) any particular hardship circumstances of the park owner/applicant or the home owners and residents; k) the salability and sales price of manufactured homes in the park and whether the same are selling for fair market value or greater or less than a fair market amount; and l) the quality of management of the park, the fairness and reasonableness of park rules and any other factors which affect the quality of life in the park. It shall be the responsibility of the applicant for a special adjustment to provide the commission

with a financial statement reviewed by a certified public accountant for accuracy and any such evidence available to him or her upon request by the commission.

F. Attorney's Fees and Related Costs. In the event the park owner elects to seek an adjustment under section 2.44.100 (B) (2) and section 2.44.110 and if the commission in awarding such adjustment fails to give park owner a rent increase in excess of the increase he was entitled to under the other adjustment provisions of this ordinance, the commission shall order that park owner pay reasonable attorneys' fees and related costs incurred by home owners in the park and/or the home owners' association in opposing the park owner's special adjustment claim. (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 324 § 12, 1994)

2.44.120 Base year periods.

For the initial permissive adjustment, its optional NOI adjustment, and annual permissive adjustments, the base year period shall be the 12 months preceding December 31, 1989. For annual NOI adjustments thereafter, the base year period shall be the 12 months ending December 31, 1993. (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 324 § 12, 1994)

2.44.130 Net operating income (NOI).

For purposes of this chapter, the net operating income (NOI) of a manufactured home park shall equal gross income (GI) less operating expenses (OE). (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 324 § 13, 1994)

2.44.140 Gross Income (GI).

For purposes of this chapter, the gross income (GI) of a manufactured home park shall equal the following:

A. Gross space rents, computed as gross space rental income of all spaces in the park at 100% occupancy; plus

B. Other income generated as a result of the operation of the park, including but not limited to laundry and recreational vehicle storage; including rents collected from park owned manufactured homes; plus

C. Revenue received by the park owner from the sale of the gas and electricity to park residents where such utilities are billed individually to the park residents by the park owner, which revenue shall equal the total cost of the utilities to the residents minus the amount paid by the park owner for such utilities to the utility provider; minus

D. Uncollected space rents due to vacancy and bad debts to the extent that the same are beyond the park owner's control;

1. Uncollected space rents in excess of three percent of gross space rents shall be presumed to be unreasonable unless established otherwise and shall not be included in computing gross income. (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 324 § 14, 1994)

2.44.150 Operating expenses (OE).

A. For the purposes of this chapter, the operating expenses (OE) of a manufactured home park shall include the following:

1. Real property taxes and assessments;

2. Utility costs to the extent that they are included in space rent;

3. Reasonable and necessary advertising to ensure occupancy only, legal and accounting services as permitted herein;

4. Normal repair and maintenance expenses for the grounds and common facilities, including but not limited to landscaping, cleaning, repair of equipment and facilities;

5. Management expenses, including the compensation of administrative personnel (may include the value of any manufactured home space offered as part of compensation for such services). In addition to the management expenses listed above, where the owner performs managerial or maintenance services which are uncompensated, the owner may include the reasonable cost of this owner-performed labor in operating and/or maintaining the park. In making an allowance for such services, the commission shall require reasonable documentation of the hours utilized in performing such services and the nature and extent of the services provided. There shall be a maximum allowance of five percent of gross income for management expenses unless such a limitation would be substantially unfair in a given case. No allowance for such services shall be authorized unless a park owner documents the hours utilized in performing such services and the nature of the services provided, and the value of such services, pursuant to subsection 12 of this section;

6. Operating supplies such as janitorial supplies, gardening supplies, stationery and so forth;

7. Insurance premiums prorated over the life of the policy;

8. Taxes, fees and permits;

9. The reasonable cost or expenditure for capital improvements to upgrade existing facilities or increase amenities or services, subject to subsection (A)(10) of this section, only if documented and only if the park owner has:

a. Consulted with the home owners prior to initiating construction of the improvements, regarding the nature and purpose of the improvements and the estimated cost of the improvements,

b. Obtained the prior written consent, of at least one home owner (co-owners count as one) from 51% of the manufactured home owner rental spaces, to include the cost of the improvement as an operating expense. Evidence of such consent and the fact it was fairly obtained must be

presented at the time of filing the application seeking to include such a capital improvement expenditure as an operating expense;

10. All expenditures for capital improvements shall be subject to the following:

a. Any capital improvement expenditure shall be amortized over the reasonable life of the improvement or such other period as may be deemed reasonable by the commission under the circumstances,

b. In the event that the capital improvement expenditure is necessitated as a result of an accident, disaster or other event for which the park owner receives insurance benefits, only those capital improvement costs otherwise allowable exceeding the insurance benefits may be calculated as operating expenses,

c. No expense for capital improvements shall be allowed if said expense is necessitated by deferred maintenance of the park as evidenced by physical deterioration and/or lack of expenditures for maintenance, or failure of park owner to obtain adequate insurance for normally covered losses.

d. Any capital improvement expenditure which is recovered, in whole or in part, by an operating expense allowance, shall not be included as part of the capital investment upon which a determination of a just and reasonable return may be based;

11. Operating expenses shall not include the following:

a. All debt service expenses and rental payments made on leases of land.

b. Depreciation,

c. Any expense for which the park owner is reimbursed,

d. Attorneys' fees and costs incurred in proceedings before the commission, or in connection with legal proceedings against the commission, or challenging this chapter,

e. Any late charges incurred by the park owner for failure to pay any assessment fee to the City authorized by this chapter;

f. Any debt service expense or land lease rent between related parties. For purposes of this provision related parties include persons within one degree of consanguinity, husband and wife, corporations, partnerships and trusts and other entities.

g. Any interest expense incurred due to the withdrawal of non-debt capital from the park;

12. All Operating Expenses Must be Reasonable. Whenever a particular expense exceeds the normal industry or other comparable standard for the Santee area, the park owner shall bear the burden of proving the reasonableness of the expense. To the extent that the commission finds any

such expense to be unreasonable, the commission shall adjust the expense to reflect the normal industry or other comparable standard in the Santee area. All expenditures for repair and replacement and all other major expenses shall be documented by canceled checks or invoices. (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 329 § 14, 1994; Ord. 324 § 15, 1994)

2.44.160 Changes in Services or Maintenance.

A. Changes in service or maintenance. In the event that the landlord reduces services or maintenance the rent may be adjusted by an amount proportionate to the change in value of the premises amenities or premises due to the change in services or maintenance, at the discretion of the commission.

B. Home Owner Application for Rent Reduction. The resident home owners in a park may apply to the commission for a rent decrease proportionate to the reduction in services and/or maintenance in the park. The application shall be submitted on forms supplied by the commission.

C. Contents of Application for Rent Reduction. The application pursuant to this section shall include a designation of a "home owner representative" from the home owners association, if any, or the name of a home owner representative for the purposes of receipt of all notices, correspondence, decisions and findings of facts.

D. No space rent adjustments allowed pursuant to section 2.44.100 (B) will take effect if the commission finds that the park owner has reduced service or maintenance to the park. (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 324 § 16, 1994)

2.44.170 Space Rent Ceiling Adjustment Procedures.

A. Initiation.

1. In order to initiate an NOI space rent ceiling adjustment, as provided in section 2.44.100, or a special adjustment, as provided in Section 2.44.110(D) of this chapter, a manufactured home park owner must submit an application for such adjustment to the secretary of the commission. The application shall be submitted at such time and in such form and with such supporting data as may be required by the commission. NOI applications shall not be considered complete until the CPI figures required to calculate the adjustment are available from the Bureau of Labor Statistics, or, in the case of initial adjustments, are provided by the Santee City Manager.

(2) NOI applications shall be accompanied by an affidavit from the park owner or authorized designee declaring that copies of the application have either been personally served on each manufactured home owner (service on one adult member of a manufactured home household shall constitute service on each adult member thereof) or mailed first class postage prepaid to each eligible manufactured home within the park.

(3) The application shall be accompanied with three (3) sets of four-by-ten envelopes with first class postage affixed and pre-addressed to each manufactured home residence in the park.

(4) The secretary to the commission shall not accept an NOI or special adjustment application for filing unless it is accompanied by both the affidavit of service or mailing and the required envelopes.

(5) The copy of each application shall not include the supporting data required by commission, however, a schedule of such data shall be delivered to each home owner and a duplicate copy of supporting data shall be delivered to the president, or the vice president or the secretary of the home owners' association. A second duplicate copy shall be made available for inspection by any home owner in the park office.

B. Park Inspections and Hearings on Applications for Adjustment:

1. Upon submittal by a park owner of a complete application for a NOI, or special adjustment, the commission, or staff, shall request an inspection of the park by the State of California to determine the park's compliance with relevant health and safety standards and lot line provisions as required under California law. If the State of California does not respond to the request for inspection within thirty days, the City of Santee shall perform the inspection.

2. If after inspection of the park it is determined that the park complies with all health and safety requirements, lot line requirements and the park owner is otherwise entitled to an NOI or special adjustment as provided in this chapter, the commission shall authorize an adjustment as requested in the application or as determined appropriate by the commission. The commission shall notify the park owner by first class mail of its determination. A copy of this notice shall be forwarded by the commission to all residents.

3. If after the investigation it is determined that the park owner is not in compliance with the health and safety requirements or lot line requirements of California law, the commission shall notify the park owner of any and all conditions found at the park that are not in compliance with such requirements. If the commission determines that the park owner is otherwise entitled to an adjustment as provided in this chapter, the commission shall grant the adjustment to be effective only upon the park providing satisfactory evidence as required by the commission, that all unsatisfactory conditions in the park have been remedied.

4. No Inspection Required for Initial Permissive Adjustment. Notwithstanding any other provision of this chapter, a park owner shall be entitled to implement an initial permissive adjustment without obtaining an inspection by the state or city.

5. Inspection May Be Required for Annual Permissive Adjustment. Notwithstanding any other provision of this chapter, if the commission receives a request for a health and safety inspection or lot line inspection from the home owners association, a manufactured home owner, or any manufactured home resident the commission may require an inspection prior to the park owner implementing an annual permissive adjustment. If after the inspection it is determined that the park owner is not in compliance with state law the commission shall allow the park owner to implement the annual adjustment only upon the park providing evidence that all unsatisfactory conditions in the park have been remedied.

C. Notice of Hearings on Applications for NOI or Special Adjustment: The secretary shall notify the park owner, or other person designated on the park's registration, and the park home owner of the time, date and place of the hearing. Such notice shall be mailed at least twenty days prior to the scheduled hearing date. Any home owner or the homeowners association shall be entitled to participate in the hearing.

D. Conduct of Hearings:

1. At the time of the hearing on such an application, the commission shall hear all offered testimony and receive all offered documentary evidence relevant to the petition.

2. The time allotted for any hearing may be reasonably limited by the commission. The commission may also reasonably restrict the time allotted to any party or other witness to present evidence or testimony.

3. All parties to such a hearing may have assistance in presenting evidence and testimony and developing their position from attorneys, experts or such other persons as may be designated by the parties.

4. In addition to any testimony and evidence offered at the hearing by any of the parties, the commission may consider any other relevant factors bearing upon the fair rent in the park including evidence, as determined by the commission.

5. A hearing hereunder may be continued for a reasonable period of time as determined by the commission upon the consent of the parties thereto or upon a finding of good cause for such continuance made by the commission.

6. All hearings and deliberations of the commission hereunder shall be open to the public.

7. In reviewing an application for a NOI and/or special adjustment, the commission shall ensure that the application is complete, accurate and in compliance with the provisions of this chapter including the inspection requirements of subsection B of this section. If the commission determines that the application is complete and accurate and the requested adjustment is justified and complies with the provision of this chapter, the commission shall grant the adjustment as requested. If the commission determines that such an application is not complete and/or accurate, or is not justified, it shall deny the application without prejudice based on the deficiency.

8. No NOI adjustment shall be granted unless supported by the preponderance of the evidence submitted at the hearing.

9. No special adjustment shall be granted unless supported by clear and convincing evidence.

10. The commission shall render its written findings and decision on the application provided in this chapter, within thirty days from the date of the hearing. Thereafter, the clerk shall send a copy of the commission's findings and decision to the park owner or other person designated on

the park's registration and to the home owners association and such residents as may request such findings and decision.

11. Pursuant to its findings, the commission shall grant such space rent ceiling adjustment as is justified thereby.

12. Permission for any space rent adjustment granted by the commission shall become effective upon such notice as required the Mobile home Residency Law.

E. Determination of Allowable Adjustment by the Commission.

1. The commission shall render its written findings and decision on the application within such time period as provided by this chapter.

2. The commission shall grant such space rent ceiling adjustment as it determines, in its sole discretion, is appropriate based upon its findings.

3. Any space rent ceiling adjustment granted by the commission shall become effective in accordance with the provisions of this chapter.

4. No NOI or special adjustment shall become effective until the park has passed the health and safety inspection and lot line inspection provided in subsection 2.44.170(B).

F. Hearing Fees.

1. The City Council shall set appropriate hearing fees by resolution.

2. A park owner submitting an application for an NOI adjustment or a special adjustment shall submit with the application a hearing fee as determined by resolution of the City Council. The application shall not be complete unless and until such fee is received by the commission secretary. In the event the park owner is granted the NOI adjustment requested in the application, or in the event the park owner is granted any special adjustment at the fair return hearing, the park owner shall be entitled to recover such fees as a legitimate operating expense.

G. Uniform Application Procedure.

1. All applications for annual NOI adjustments shall be received by the commission secretary on or before March 1st or September 1st of each year. The first annual NOI adjustment application shall occur no earlier than March 1, 1995.

2. Applications for annual NOI adjustments that are deemed complete shall be set for hearing and be heard by the commission no earlier than April 1st and no later than August 1st in the year the application is submitted. The decision of the commission, with respect to any such application, shall be issued no later than fifteen days following the close of the hearing and the effective date of any allowable increase shall be no earlier than January 1st of the following year,

subject to the ninety day notification of rent increase pursuant to section 798 of the California Civil Code.

3. An application shall be deemed complete when a) the park is current in all registration, inspection and fee requirements; b) the complete application has been submitted to the commission; c) all supporting material, as required by the commission has been received by the commission; and d) the commission has received the required hearing fee if applicable.

4. Application for a special adjustment pursuant to section 2.44.110 (D) of this chapter may be submitted at any time after a decision on an application for a NOI adjustment. A hearing on the application for a special adjustment shall be held within ninety days from the date the complete application is received by the commission, and the decision of the commission issued no later than ninety days from the close of such hearings. The effective date of any allowable adjustment shall be no earlier than ninety days from the date the special adjustment is granted. (Ord. 412, 2001; Ord.

381 § 1, 1998; Ord. 329 §§ 16—23, 1994; Ord. 324 § 17, 1994)

2.44.180 NOTICES.

A. The mobile home park owner claiming an exemption based upon Civil Code Section 798.17 shall provide the following notices to persons and in the manner specified in this Section.

1. A notice which conforms to the following language and printed in bold letters of the same type size as the largest type size used in the rental agreement shall be presented to homeowners as defined in Civil Code Section 798.9 and to prospective homeowners at the time of presentation of a rental agreement creating a tenancy with a term greater than 12 months: "IMPORTANT NOTICE TO HOMEOWNERS AND PROSPECTIVE HOMEOWNERS REGARDING THE PROPOSED RENTAL AGREEMENT FOR _____ MOBILE HOME PARK. PLEASE TAKE NOTICE THAT THIS RENTAL AGREEMENT CREATES A TENANCY WITH A TERM IN EXCESS OF TWELVE MONTHS. BY SIGNING THIS RENTAL AGREEMENT, YOU ARE OR MAY BE EXEMPTING THIS MOBILE HOME SPACE FROM THE PROVISIONS OF THE CITY OF SANTEE MANUFACTURED HOME FAIR PRACTICE ACT FOR THE TERM OF THIS RENTAL AGREEMENT. THE CITY OF SANTEE'S ACT AND THE STATE MOBILE HOME RESIDENCY LAW (CALIFORNIA CIVIL CODE SECTION 798 ET SEQ.) GIVE YOU CERTAIN RIGHTS. BEFORE SIGNING THIS RENTAL AGREEMENT YOU MAY CHOOSE TO SEE A LAWYER. UNDER THE PROVISIONS OF STATE LAW AND/OR THIS ORDINANCE, YOU HAVE A RIGHT TO BE OFFERED A RENTAL AGREEMENT FOR a) A TERM OF TWELVE MONTHS, OR b) A LESSER PERIOD AS YOU MAY REQUEST, OR c) A LONGER PERIOD AS YOU AND THE MOBILE HOME PARK MANAGEMENT MAY AGREE. YOU HAVE A RIGHT TO REVIEW THIS AGREEMENT FOR 30 DAYS BEFORE ACCEPTING OR REJECTING IT. IF YOU SIGN THE AGREEMENT YOU MAY CANCEL THE AGREEMENT BY NOTIFYING THE PARK MANAGEMENT IN WRITING OF THE CANCELLATION WITHIN 72 HOURS OF YOUR EXECUTION OF THE AGREEMENT. IT IS UNLAWFUL FOR A MOBILE HOME PARK OWNER OR ANY AGENT OR REPRESENTATIVE OF THE OWNER TO DISCRIMINATE AGAINST YOU BECAUSE OF THE EXERCISE OF ANY RIGHTS YOU

MAY HAVE UNDER THE CITY OF SANTEE MOBILE HOME FAIR PRACTICES LAW, OR BECAUSE OF YOUR CHOICE TO ENTER INTO A RENTAL AGREEMENT WHICH IS SUBJECT TO THE PROVISIONS OF THAT LAW".

B. The notice shall contain a place for the homeowner and prospective homeowner to acknowledge receipt of the notice and shall also contain an acknowledgement signed by park management that the notice has been given to the homeowner or prospective homeowner according to this Section. A copy of the notice executed by park management shall be provided to the homeowner or prospective homeowner.

C. At least 24 hours prior to execution of a rental agreement by any prospective homeowner, the park owner shall refer that prospective home owner to one of the persons designated by the park's home owner association for the purpose of reviewing the provisions of the ordinance and its application to that prospective home owner. (Ord. 412, 2001)

2.44.190 Miscellaneous provisions.

A. Refusal of Manufactured Home Owner to Pay Space Rent. A manufactured home owner may refuse to pay any space rent which is in violation of this chapter. Such a violation shall be a defense in any action brought to recover possession of a manufactured home space or to collect the illegally charged space rent.

B. Restraining or Enjoining Violations. The city or manufactured home residents thereof, or manufactured park owners thereof, may seek relief from the appropriate court to restrain or enjoin any violation of this chapter or the rules and regulations or decisions of the commission.

In addition, any person who demands, accepts, or retains any payment in violation of any provision of this chapter shall be liable in a civil action to the person from whom such payment is demanded, accepted, or retained for damages in the sum of three times the amount by which the payment or payments demanded, accepted or retained exceed the maximum rent which could lawfully be demanded, accepted, or retained, together with reasonable attorneys' fees and costs as determined by the court.

C. Suspension of Provisions.

1. The provisions of this chapter shall remain in full force and effect unless and until the space vacancy rate of all manufactured home parks regulated hereunder, except as provided below, exceeds ten percent. The space vacancy rate shall be calculated by dividing the total number of rental spaces in the applicable parks into the total number of such spaces which are not occupied by manufactured homes, but are available for rent. Parks which have not been in operation for more than two years from the date of occupancy of the first manufactured home, not including manufactured homes occupied by park owners or employees thereof, shall not be included in the vacancy calculation.

2. Upon recognition by the City Council, by resolution, that the vacancy rate exceeds ten percent (10%), the provisions of this chapter shall be suspended. The provisions shall be

automatically re-instituted upon the adoption of a resolution by the City Council declaring the vacancy rate to be ten percent or less.

3. A vacancy which the park is refusing to rent shall not be counted.

D. Home Owners Permitted to Sublet. In the event a homeowner determines that because of illness or infirmity or because of loss or change of employment, it will be necessary to vacate his or her residence for a period in excess of three months, said homeowner may sublet the residence. The heir or personal representative of a decedent homeowner shall be entitled to sublease the decedent's manufactured home until sale.

E. Sale of Mobile home. A manufactured home may be subleased after it has been offered for sale to the public in good faith, for not less than three months, provided the park manager is notified in writing 30 days in advance. A manufactured home shall be deemed to have been offered for sale in good faith if offered for a price not exceeding market value as is established in writing by a knowledgeable real estate broker or appraiser. No such sublease shall be for a term for less than six months.

1. Upon sale of a home owners mobile home, subject to Civil Code 798.17 lease, the purchaser may assume all obligations under the rental agreement.

2. Upon sale of a mobile home, the purchaser may assume all obligations under any rent stipulation entered into between tenants of the park and park management pursuant to section 2.44.080 with no increase in space rent or other penalties.

3. Upon sale of a mobile home, the new ceiling for space rent established by this chapter shall continue in full force and effect.

E. Residency Requirements. Park owners may not require a resident to construct, install, replace or pay for the installation or repair of permanent improvements to the resident space/coach as a condition of residency, other than as expressly permitted by the Mobile home Residency Law.

F. Civil Code Section 798.17 Exemption.

1. Rental agreements between a park owner and a homeowner which meet the criteria of Civil Code Section 798.17 are exempt from rental rate restrictions of this chapter.

2. For all such rental agreements which expire, the last monthly rental rate charged under the rental agreement contract shall be the space rent ceiling used to calculate the annual adjustment under this chapter for that space.

3. This chapter shall supersede any contrary provisions of a rental agreement subject to its terms.

G. Waiver prohibited. No provision of this chapter can be waived.

H. Applicability. This chapter is applicable to all rental agreements now in effect or hereafter executed except those exempt under Civil Code Section 798.17.

I. Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the invalid clause or provision, or application; and to this end the provisions and clauses of this ordinance are declared to be severable.

J. Subpoenas. The City Council may issue subpoenas requiring the attendance of witnesses and/or the production of books or other documents necessary for evidence or testimony in any action or proceeding before the commission upon request by the commission. Said subpoenas shall be signed by the Mayor, City Attorney or his or her designated substitute and attested by the City Manager. Failure to comply with such a subpoena shall result in contempt proceedings under Government Code Sections 37106 through 37109.

K. Violation of Ordinance Prohibited. No person, or other entity, shall own, operate or manage any manufactured home park, as defined in section 2.44.020(C) in violation of any provision of this chapter. A first violation of any provision of this chapter shall constitute a misdemeanor.

L. Anti-discrimination Clause. It is unlawful for a manufactured park owner, or any agent or representative of the owner, to discriminate against any home owner because of the home owners' exercise of any rights under this chapter. It is also unlawful for any manufactured home park owner, or any agent or representative of the owner, to discriminate against any purchaser or prospective purchaser of a mobile home because of a purchaser's or prospective purchaser's choice to enter into a rental agreement subject to the provisions of this chapter.

M. The city reserves its legal options to elect other legal remedies including, but not limited to, the provision that such willful violation can result in a civil fine, not to exceed ten thousand dollars, for each violation.

N. Remedies. All remedies set forth in this chapter shall be cumulative and nonexclusive.

O. The provisions of Civil Code Section 798.17 and 798.18 are hereby extended to and made applicable to prospective purchasers of mobile homes as well as homeowners from and after the effective date of this chapter. The rights extended to prospective homeowners by this section include, but are not limited to, the right under Civil Code Section 798.17 to rescind rental agreements within 72 hours of execution and the requirement, as provided in Civil Code Section 798.18 that they be offered rental agreements for a term of 12 months or a lesser term if requested by them to the same extent that homeowners have such a right.

P. The provisions of the Mobile Home Residency Law (California Civil Code Section 798) is hereby extended and made applicable to the provisions of this ordinance. (Ord. 412, 2001; Ord. 381 § 1, 1998; Ord. 329 §§ 24, 25, 1994; Ord. 324 § 19, 1994)

ORDINANCE NO. 556

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, RESTATING, AMENDING, AND RECODIFYING TITLE 3 OF THE SANTEE MUNICIPAL CODE RELATING TO REVENUE AND FINANCE

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify its ordinances. Government Code section 50022.9 authorizes a city to adopt county codes by reference;

WHEREAS, in Ordinance 1, adopted as the first act of the City of Santee ("City") on December 2, 1980, the City temporarily adopted all county ordinances of the County of San Diego as its municipal code (the "Santee Municipal Code");

WHEREAS, in Ordinances 14 and 18, the City extended the validity of the county ordinances to provide additional time for the City to adopt its own ordinances;

WHEREAS, the City has not adopted a comprehensive code of ordinances, but has amended the county's ordinances in a piecemeal fashion more than 300 times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the City Council of the City of Santee held a series of public meetings to consider proposed restatement, amendment, and recodification issues for each title of the Santee Municipal Code as follows:

March 8, 2017	Titles 1 and 2
September 6, 2017	Titles 3 and 5
February 14, 2018	Titles 6, 8, and 9
March 28, 2018	Titles 12 and 13
August 8, 2018	Title 10
September 26, 2018	Titles 6, 15, and 16
November 14, 2018	Title 17

WHEREAS, the City desires to restate without substantive revision, amend, and recodify the ordinances codified in the Santee Municipal Code;

WHEREAS, the amendments to the Santee Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance;

WHEREAS, the descriptions included in the council agenda statement, staff report, and minutes contain the findings of the City Council in support of this Ordinance and serve as evidence of the City Council's intention in adopting this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. **Existing Law Continued**. The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance;

2.1.3. The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance;

2.1.4. Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance, resolution, or regulation;

2.1.5. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the Santee Municipal Code;

2.1.6. Santee Municipal Code sections cited on signs, forms, notices, or other materials within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in the new Santee Municipal Code for purposes of notice and enforcement.

2.2. **Exclusions from code**. Every ordinance governing the following subject matter is not affected by the adoption of this Ordinance:

2.2.1. Alteration of city boundaries;

2.2.2. Contracts to which the city is a party;

2.2.3. Elections to which the city is a party;

2.2.4. Fixing the rate and making a levy of city taxes;

2.2.5. Granting, altering or withdrawing a franchise;

2.2.6. Land use classifications of specific property;

2.2.7. Naming roads and streets.

2.3. **References to Prior Ordinances Apply to All Amendments.** Whenever a reference is made to this code as the "Santee Municipal Code" or to any portion thereof, or to any ordinance of the City of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.4. **Title, Chapter, and Headings**. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

2.5. **References to Specific Ordinances and Code Sections**. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Santee Municipal Code. Renumbering and relabeling of existing ordinance, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.6. **Effect of Ordinance on Past Actions**, **Obligations and Irregularities**. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict

therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the City, do not revive any rights repealed or extinguished by any prior ordinance of the City which is repealed by this Ordinance.

2.7. **Effect of Ordinance on Period of Limitation**. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.8. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Title 3 “Revenue and Finance” of the Santee Municipal Code is restated and amended as follows:

3.1. Chapter 3.01 “Definitions” is restated and amended as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.2. Chapter 3.02 “Fee Schedule” is restated and amended as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.3. Chapter 3.08 “Sales and Use Tax” is restated without substantive amendment, except as necessary to declare existing law, as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.4. Chapter 3.12 “Uniform Real Property Transfer Tax” is restated without substantive amendment, except as necessary to declare existing law, as set forth in Exhibit 4 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.5. Chapter 3.16 “Transient Occupancy Tax” is restated without substantive amendment as set forth in Exhibit 5 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.6. Chapter 3.20 “Special Gas Tax Street Improvement Fund” is restated without substantive amendment, except as necessary to declare existing law, as set forth in Exhibit 6 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.7. Chapter 3.22 “Design-Build Contracts” is restated and amended as set forth in Exhibit 7 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.8. Chapter 3.24 “Purchasing” is restated and amended as set forth in Exhibit 8 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.9. Chapter 3.30 “Forfeited Property and Asset Seizure Program” is restated without substantive amendment as set forth in Exhibit 9 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.10. Chapter 3.32 “Disposal of Surplus City Property” is restated and amended as set forth in Exhibit 10 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has “the potential for causing a significant effect on the environment.” (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (*Ibid*.) Here, the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 5. Codification. The City has adopted the “City of Santee Municipal Code Editorial Guidelines,” and, except as otherwise provided herein, authorizes Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinance to the guidelines. In the event a substantive conflict arises on the basis of the changes authorized by this Section, the language adopted by this Ordinance prevails. The City Clerk is authorized to provide certified copies and notice of this Ordinance or any part of this Ordinance required or advised by the law or any regulation.

SECTION 6. Parentheticals. Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the Santee Municipal Code.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Santee 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 section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary or 1/4 page advertisement of the same to be published as required by law.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 22 day of May 2019, and thereafter ADOPTED at a Regular Meeting of the City Council held on this 26 day of June 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____
JOHN MINTO, MAYOR

ATTEST:

_____
ANNETTE ORTIZ, CITY CLERK

EXHIBIT 1

CHAPTER 3.01 DEFINITIONS

3.01.010 Definitions.

In this Title,

"State Board of Equalization" means California Department of Tax and Fee Administration.

"City treasurer" means the person appointed by the City Manager to administer taxes for the City.

EXHIBIT 2

CHAPTER 3.02 FEE SCHEDULE

3.02.010 Consolidated fee schedule authorized.

A. A consolidated fee schedule is hereby established and may be amended as necessary by a resolution of the City Council.

B. All user fee amounts set forth in the consolidated fees schedule are the applicable user fee, notwithstanding any contrary amount in the Santee Municipal Code. For purposes of this section, "user fee" means no more than the estimated reasonable cost of providing the service for which a fee is charged. (Ord. 514 § 1, 2012)

3.02.020 Use of fees.

The fees adopted in this chapter are to cover the expenses of the City, its officers, employees, agents and contractors which are incurred for all administrative, operational, consultation, labor and materials incurred by the City in providing a service, including but not limited to all those necessary to process, check, examine, test, maintain, inspect and approve such inspections, permits and services, and to ascertain or determine their compliance with all applicable local, county, state or federal codes, ordinances, standards, statutes, policies or regulations. (Ord. 235 § 4, 1989)

3.02.030 Payment of fees.

All fees are payable by the party or agent requesting the permit or services to the City finance department prior to completion of the requested inspection, review, or permit being requested. (Ord. 235 § 5, 1989)

EXHIBIT 3

CHAPTER 3.08 SALES AND USE TAX

3.08.010 Short title.

The ordinance codified in this chapter is known as the uniform local sales and use tax ordinance. (Ord. 2 § 1, 1980)

3.08.020 Purpose.

The City Council declares that this chapter is adopted to achieve the following, among other, purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To adopt a sales and use tax ordinance which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

B. To adopt a sales and use tax ordinance which incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as these provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

C. To adopt a sales and use tax ordinance which imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes;

D. To adopt a sales and use tax ordinance which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter. (Ord. 2 § 4, 1980)

3.08.030 Rate.

The rate of sales tax and use tax imposed by this chapter is one percent. (Ord. 2 § 2, 1980)

3.08.050 Sales tax.

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the City at the rate stated in Section 3.08.030 of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in this city on and after January 1, 1981. (Ord. 2 § 6, 1980)

3.08.060 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 or her 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 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 are determined under rules and regulations to be prescribed and adopted by the State Board of Equalization. (Ord. 2 § 7, 1980)

3.08.070 Use tax.

An excise tax is imposed on the storage, use or other consumption in this city of tangible personal property purchased from any retailer on and after January 1, 1981, for storage, use or other consumption in this city at the rate stated in Section 3.08.030 of the sales price of the property. The sales price includes delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made. (Ord. 2 § 8, 1980)

3.08.080 Adoption of provisions of state law.

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of the Revenue and Taxation Code are adopted and made a part of this chapter as though fully set forth herein. (Ord. 2 § 9, 1980)

3.08.090 Limitations on adoption of state law.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the State of California is named or referred to as the taxing agency, the name of this city is substituted therefor. The substitution, however, is not made when the word “State” is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, the State Treasury, or the Constitution of the State of California; the substitution is not 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 is not made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of substitution would be to provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the provisions of that Code; the substitution is not made in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code; and the substitution is not

made for the word “State” in the phrase “retailer engaged in business in this state” in Section 6203 or in the definition of that phrase in Section 6203. (Ord. 2 § 10, 1980)

3.08.100 Permit not required.

If a seller’s permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller’s permit is not required by this chapter. (Ord. 2 § 11, 1980)

3.08.110 Exclusions and exemptions.

A. The amount subject to tax does not include any sales or use tax imposed by the State of California upon a retailer or consumer.

B. The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to a 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 are exempt from the tax due under this chapter.

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

D. In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax. (Ord. 111 § 1, 1983; Ord. 2 § 12, 1980)

3.08.120 Exclusions and exemptions.

A. The amount subject to tax does not include any sales or use tax imposed by the State of California upon a retailer or consumer.

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

C. 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.

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

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

F. In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code, the storage, use or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax. (Ord. 111 § 2, 1983)

3.08.130 Operative provisions of Sections 3.08.110 and 3.08.115.

A. Section 3.08.110 is operative January 1, 1984.

B. Section 3.08.120 will 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. (Ord. 111 § 3, 1983)

3.08.140 Amendments.

All subsequent amendments of the Revenue and Taxation Code which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code will automatically become a part of this chapter. (Ord. 2 § 13, 1980)

3.08.150 Enjoining collection forbidden.

No injunction or writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against the State or this City, or against any officer of the State or this City, to prevent or enjoin the collection under this chapter, or Part 1.5 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected. (Ord. 2 § 14, 1980)

EXHIBIT 4

CHAPTER 3.12 UNIFORM REAL PROPERTY TRANSFER TAX

3.12.010 Title.

This chapter is known as the uniform real property transfer tax ordinance of the City of Santee. It is adopted pursuant to the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the State of California. (Ord. 3 § 1, 1980)

3.12.020 Imposition of tax.

There is imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the City is granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by that person's direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars, a tax at the rate of fifty-five cents for each one thousand dollars or fractional part thereof. (Ord. 3 § 2, 1980)

3.12.030 Payment.

Any tax imposed pursuant to this chapter must 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. 3 § 3, 1980)

3.12.040 Exemptions

The uniform real property transfer tax does not apply to those exemptions set forth in California Revenue and Taxation Code Division 2, Part 6.7, Chapter 3, commencing with Section 11921.

3.12.050 Claims for refund.

Claims for refund of taxes imposed pursuant to this chapter are governed by the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code of the State of California. (Ord. 3 § 10, 1980)

3.12.060 Administration by County Recorder.

The County Recorder must 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. 3 § 9, 1980)

EXHIBIT 5

CHAPTER 3.16 TRANSIENT OCCUPANCY TAX

3.16.010 Title.

The ordinance codified in this chapter is known as the uniform transient occupancy tax ordinance of the City. (Ord. 8 § 10, 1981)

3.16.020 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this section:

A. "Hotel" means any structure or any portion of any structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, campsite, public or private club, mobile home or house trailer at a fixed location other than in a mobile home park, or other similar structure or portion thereof.

B. "Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or portion thereof in any hotel for dwelling, lodging, or sleeping purposes.

C. "Online Travel Company" means any person, whether operating for profit or not for profit, which enables transients to purchase occupancy of space in a hotel via the internet, or by similar electronic means.

D. "Operator" means the person who is the proprietor of the hotel whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs functions through a managing or booking agent of any type or character, other than an employee (including, but not limited to, an online travel company), the managing/booking agent is also be deemed an operator for the purposes of this chapter and has the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing or booking agent, however, is considered to be compliance by both.

E. "Rent" means the total consideration charged to the transient, (including but not limited to, room rates, service charges, parking fees, purchase price, advance registration, assessment, retail markup, commissions, processing fees, cancellation charges, attrition fees, or online booking fees), 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, property, and services of any kind or nature, without any deduction therefrom whatsoever.

F. "Tax administrator" means the City Treasurer.

G. "Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Every such person so occupying space in a hotel may be deemed by a rule, regulation, determination or interpretation of the Tax Administrator to be a transient during the first thirty days of any occupancy lasting longer than thirty days. 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. 516 § 1, 2012; Ord. 8 § 20, 1981)

3.16.030. Imposed - Rate - Payment.

A. For the privilege of occupancy in any hotel, each transient is subject to and must pay a tax in the amount of ten percent (10%) of the rent charged or customarily charged by the operator for the rooms and/or facilities occupied by the transient.

B. The tax constitutes a debt owed by the transient to the City, which debt is extinguished only by payment to the operator or to the City. The transient must 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 must be paid with each installment. The unpaid tax is due upon the transient's ceasing occupancy. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require that such tax be paid directly to the Tax Administrator. (Ord. 516 § 2, 2012; Ord. 8 § 30, 1981)

3.16.040 Exemptions.

A. Except as may be otherwise provided by law, there is no exemption from the imposition of this tax for federal, state or local officers and employees traveling on official business; provided, further, that this tax is not imposed for any accommodations where the rental thereof is at the rate of five dollars a day or less.

B. No exemption may 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. (Amended during 1989 supplement; Ord. 8 § 40, 1981)

3.16.050 Operator's collection duties—Restrictions.

A. Each operator must 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 must be separately stated from the amount of the rent charged, and each transient must receive a receipt for payment from the operator.

B. No operator of a hotel may advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent or that, if added, any part will be refunded except in the manner provided in this section. (Ord. 8 § 50, 1981)

3.16.060 Registration certificate.

A. Within thirty days after commencing business, each operator of any hotel renting occupancy to transients must 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.

B. The certificate must, 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; and

4. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Ordinance by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this city. This certificate does not constitute a permit." (Ord. 8 § 60, 1981)

3.16.070 Recordkeeping.

It is 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 required to be collected and paid to the City, which records the tax administrator has the right to inspect at all reasonable times. (Ord. 8 § 70, 1981)

3.16.080 Reporting and remitting.

A. Each operator must, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the tax administrator, make a return to the tax administrator, on forms provided by him, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected must be remitted to the tax administrator. The tax administrator may establish shorter reporting periods for any certificate holder if the tax administrator deems it necessary in order to insure collection of the tax and may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this section must be held in trust for the account of the City until payment thereof is made to the tax administrator.

B. All returns and payments submitted by each operator will be treated as confidential by the City Treasurer and not be released by the City Treasurer except upon order of a court of competent jurisdiction or to an officer or agent of the United States, the State of California, the County of San Diego, or the City, for official use only. (Amended during 1989 supplement; Ord. 8 § 80, 1981)

3.16.090 Failure to collect and report tax—Action by administrator.

A. If any operator fails or refuses to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax or any portion thereof required by this chapter, the tax administrator will proceed in such a manner deemed best to obtain facts and information on which to base an estimate of the tax due. As soon as the tax administrator procures such facts and information that enable identification of information on 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 must proceed to determine and assess against such operator the tax, interest, and penalties provided for by this chapter.

B. In case such determination is made, the tax administrator must 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 the last known place of address. Such operator may within ten days after the service 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 becomes final and conclusive and immediately due and payable. If such application is made, the tax administrator must give not less than five days' written notice in the manner prescribed in this section to the operator to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for such tax, interest, and penalties.

C. 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 will determine the proper tax to be remitted and thereafter give written notice to the person in the manner prescribed in this section of such determination and the amount of such tax, interest and penalties. The amount determined to be due is payable after fifteen days unless an appeal is taken as provided in Section 3.16.100. (Ord. 8 § 90, 1981)

3.16.100 Appeals.

Any operator aggrieved by any decision of the tax administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the council by filing a notice of appeal with the City clerk within fifteen days of the serving or mailing of the determination of tax due. The council will fix a time and place for hearing such appeal, and the City clerk will give notice in writing to such operator at the last known place of address. The findings of the council are final and conclusive and will be served upon the appellant in the manner prescribed in Section 3.16.090 for service of notice of hearing. Any amount found to be due is immediately due and payable upon the service of notice. (Ord. 8 § 100, 1981)

3.16.110 Refunds.

A. Whenever the amount of any tax, interest, or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded as provided in subsections B and C of this section provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the tax administrator within three years of the date of payment. The claim must be on forms furnished by the tax administrator.

B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the tax administrator that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit will be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

C. A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the City by filing a claim in the manner provided in subsection A of this section, but only when the tax was paid by the transient directly to the tax administrator or when the transient, having paid the tax to the operator, establishes to the satisfaction of the tax administrator that the transient has been unable to obtain a refund from the operator who collected the tax.

D. No refund will be paid under the provisions of this section unless the claimant establishes a right thereto by written records showing entitlement thereto.

E. An operator who has remitted an amount in excess of the amount required to be paid by this chapter may receive a credit to the extent of the excess. If the excess is discovered as the result of an audit by the City, no claim need be filed by the operator. Such credit, if approved by the City Treasurer, will be applied to any deficiency found or any further tax payments due. (Amended during 1989 supplement; Ord. 8 § 110, 1981)

3.16.120 Action for collection.

Any tax required to be paid by any transient under the provisions of this chapter is 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 is deemed a debt owed by the operator to the City. Any person owing money to the City under the provisions of this chapter is liable to an action brought in the name of the City for the recovery of such amount. (Ord. 8 § 120, 1981)

3.16.130 Penalties and interest.

A. Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required must pay a penalty of ten percent of the amount of the tax in addition to the amount of the tax.

B. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty days following the date in which the remittance first

became delinquent must pay a second delinquency penalty of ten percent of the amount of the tax and the ten percent penalty first imposed.

C. Fraud. If the tax administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the tax will be added thereto in addition to the penalties stated in subsections A and B of this section.

D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter must pay interest at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this chapter becomes a part of the tax required to be paid under this chapter.

F. Audit Deficiency. If, upon audit by the City, an operator is found to be deficient in his/her return or his/her remittance or both, the City Treasurer must immediately notify the operator of the net deficiency and the original ten percent delinquency penalty. If the operator fails or refuses to pay the deficient amount and applicable penalties within fourteen days after the date of the City Treasurer's notice, the penalties prescribed in subsection B above apply, using the fifteenth day after the date of this City Treasurer's notice as the date when the continued delinquency penalty first applies. (Amended during 1989 supplement; Ord. 8 § 140, 1981)

3.16.140 Violations—Penalty.

A. In addition to any other penalty provided under this code, any operator or other person who fails or refuses to register as required in this chapter, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the tax administrator, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor, and is punishable as set forth in Chapter 1 of this code. Any person required to make, render, sign, or verify any report or claim or who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount required by this chapter to be made is guilty of a misdemeanor and is punishable as set forth in subsection A of this section. (Ord. 8 § 130, 1981)

3.16.150 Disposition of revenues—Utilization.

All revenues collected by the City under this chapter must be deposited in the general fund. (Amended during 1989 supplement)

3.16.160. Tax Administrator - Authority

The Tax Administrator may promulgate rules, regulations, determinations and interpretations as may be necessary or appropriate for the purpose of carrying out and enforcing the payment,

collection and remittance of the transient occupancy tax in accordance with this transient occupancy tax ordinance. (Ord. 516 § 3, 2012)

3.16.170. Judicial Review

A. Pay First. No suit for the purpose of restraining the assessment or collection of any transient occupancy tax may be maintained in any court by any person, whether or not such person is the person against whom such tax was assessed, unless such person has first paid the tax.

B. Due Process. No suit or proceeding may be maintained in any court for the recovery of any transient occupancy tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, until a claim for refund or credit has been duly filed pursuant to Section 3.16.110.

C. Protest or Duress. Such suit or proceeding may be maintained whether or not such tax, penalty, or sum has been paid under protest or duress. (Ord. 516 § 4, 2012)

EXHIBIT 6

CHAPTER 3.20 SPECIAL GAS TAX STREET IMPROVEMENT FUND

3.20.010 Created.

To comply with the provisions of Section 2113 of the Streets and Highways Code and to avail itself of its benefits of Sections 2103, 2105, 2106 and 2107 of the Streets and Highways Code, there is created in the City Treasury a special fund to be known as the special gas tax street improvement fund. (Ord. 5 § 1, 1980)

3.20.020 Source of moneys.

All money received by the City from the State of California under the provisions of the Streets and Highways Code for the acquisition of real property or interests therein for or for engineering or for the construction, maintenance or improvement of streets or highways by the City must be paid into the special gas tax street improvement fund. (Ord. 5 § 2, 1980)

3.20.030 Expenditures.

All money in the special gas tax street improvement fund must be expended exclusively for the purposes authorized by and subject to the provisions of the Streets and Highways Code. (Ord. 5 § 3, 1980)

EXHIBIT 7

CHAPTER 3.22 DESIGN-BUILD CONTRACTS

3.22.010 Purpose and intent.

The purpose of this chapter is to provide definitions and guidelines for the award, use, and evaluation of design-build contracts. (Ord. 509 § 1, 2011)

3.22.020 Definitions.

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

"Design-build" means a public works contract procurement method in which both the design and construction of a project are procured from a single entity.

"Design-build contract" means a contract between the City and a design-build entity to furnish the architecture, engineering, and related services as required for a given public works project, and to furnish the labor, materials and other construction services for the same project. A design-build contract may be awarded conditioned upon subsequent refinements in scope and price during the development of the design, and may permit the City to make changes in the scope of the public works project without invalidating the design-build contract.

"Design-build entity" means the entity (whether natural person, partnership, joint venture, corporation, business association, or other legal entity) that proposes to enter into a contract with the City to design and construct any public works project under the procedures of this chapter.

"Design-build entity member" means any person who provides licensed contracting, architectural or engineering services.

"Performance criteria" means the requirements for the public works project, including as appropriate, capacity, durability, production standards, ingress and egress requirements, or other criteria for the intended use of the public works project, expressed in conceptual documents, performance-oriented preliminary drawings, outline specifications and other documents provided to design-build entity by the request for proposals establishing the project's basic elements and scale, and their relationship to the work site suitable to allow the design-build entity to make a proposal.

"Proposal" means an offer to enter into a design-build contract, as further defined in this chapter.

"Request for proposals" means the document or publication whereby the City Manager, with assistance from staff as necessary, solicits proposals for a design-build contract. (Ord. 509 § 1, 2011)

3.22.030 Design-build procurement.

A. For purposes of this chapter only, prior to procuring a design-build public works contract, the City Manager, with the assistance of staff, as necessary, will prepare a request for proposals setting forth the scope of the project that may include, but is not limited to, the size, type, and desired design character of the project, and performance specifications. The performance specifications must be prepared by a properly licensed professional and must describe the quality of construction materials, assemblies, and other information deemed necessary to adequately describe the City's needs. (Ord. 509 § 1, 2011)

B. Nothing in this chapter precludes a design build contract from being awarded without competition pursuant to section 3.24.140 or multiple design build contracts under a single procurement.

3.22.040 Establishing prequalification and selection process.

The City Manager may establish a competitive prequalification and selection process for design-build entities that specifies the prequalification criteria, as well as recommends the manner in which the winning entity will be selected. Nothing in this chapter precludes a design-build contract from being awarded to a sole source, if, in advance of the contract, the City Manager certifies in writing the sole source status of the provider. (Ord. 509 § 1, 2011)

3.22.050 Prequalification criteria.

The prequalification process may involve evaluation of criteria, including but not limited to the following based on information provided the design-build entity:

A. Possession of all required licenses, certificates, registration, and credentials in good standing that are required to design and construct the project;

B. Submission of documentation establishing that the design-build entity members have completed, or demonstrated the capability to complete, projects of similar size, scope, building type, or complexity, and that proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the project;

C. Submission of a proposed project management plan establishing that the design-build entity has the experience, competence, and capacity needed to effectively complete the project;

D. Submission of evidence establishing that the design-build entity has the capacity to obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance, as well as a financial statement assuring the City that the design-build entity has the capacity to complete the project;

E. Provision of a declaration that the applying members of the design-build entity have not had a surety company finish work on any project within the past five years;

F. Provision of a declaration providing detail for the past five years concerning all of the following:

1. Civil or criminal violations of the Occupational Safety and Health Act against any member of the design-build entity,

2. Civil or criminal violations of the Contractors' State License Law against any member of the design-build entity,

3. Any conviction of any member of the design-build entity of submitting a false or fraudulent claim to a public agency,

4. Civil or criminal violations of federal or state law governing the payment of wages, benefits, or personal income tax withholding, or of Federal Insurance Contributions Act (FICA) withholding requirements, state disability insurance withholding, or unemployment insurance payment requirements against any member of the design-build entity. For purposes of this subdivision, only violations by a design-build entity member, as an employer are deemed applicable, unless it is shown that the design-build entity member, in his or her capacity as an employer, had knowledge of a subcontractor's violations or failed to comply with the conditions set forth in Section 1775(b) of the State Labor Code,

5. Civil or criminal violations of federal or state law against any design-build entity member governing equal opportunity employment, contracting or subcontracting;

G. Provision of a declaration that the design-build entity will comply with all other provisions of law applicable to the project. The declaration must state that reasonable diligence has been used in its preparation and that it is true and complete to the best of the signer's knowledge. (Ord. 509 § 1, 2011)

3.22.060 False declaration unlawful.

The information concerning the design-build entity's qualifications and experience must be verified under oath by the design-build entity and its members. It is unlawful to submit any declaration under this chapter containing any material matter that is false. (Ord. 509 § 1, 2011)

3.22.070 Proposal security.

All proposals must be accompanied by a cashier's check or certified check made payable to the City of Santee, or a bidder's bond executed by a surety admitted to engage in such business in the State of California, for an amount equal to ten percent of the amount of the proposal and no proposal may be considered unless such proposal guarantee is properly enclosed therewith. The proposal guarantee must be forfeited if the proposal is withdrawn beyond the deadline set forth in the request for proposals, or if the proposal is accepted but the design-build entity fails to execute the design-build contract. (Ord. 509 § 1, 2011)

3.22.080 Review and evaluation of proposals and award of contract.

A. The City Manager may appoint a selection committee to review and rank the proposals of the design-build entities. The selection committee will use the evaluation criteria

set forth in this chapter and the applicable request for proposals in its review of the proposals. The composition of the committee is within the discretion of the City Manager and may include, but not be limited to: a minority of members of the City Council, members of department administration or staff, the performance criteria developer, any person having special expertise relevant to selection of a design-build entity (design or construction experience) and residents of the City.

B. The City Council will award the final contract after considering the selection committee's evaluation of proposals, if any. (Ord. 509 § 1, 2011)

3.22.090 Subcontractor listing.

The City recognizes that the design-build entity is charged with performing both design and construction. Because a design-build contract may be awarded prior to the completion of the design, it is often impracticable for the design-build entity to list all subcontractors at the time of the award.

A. It is the intent of the City to establish a clear process for the selection and award of subcontracts entered into pursuant to this chapter in a manner that retains protection for subcontractors while enabling the design-build project to be administered in an efficient fashion.

B. All of the following requirements apply to subcontractors, licensed by the State, that are employed on design-build projects undertaken pursuant to this chapter.

1. The request for proposals will specify the essential design disciplines, construction trades or types of subcontractors that must be listed by the design-build entity in the proposal.

2. Subcontractors not listed in the proposal may be awarded subcontracts by the design-build entity in accordance with a bidding process set forth in the request for proposals and/or the design-build contract. The design-build entity must furnish to the City documentation verifying that all subcontractors not listed at the time of award were subsequently awarded subcontracts in accordance with the process set forth in the request for proposals and/or the design/build contract. All subcontractors that are listed in the proposal or subsequently awarded subcontracts must comply with all applicable laws, be afforded the protection of all applicable laws, and maintain public works contractor registration with the California Department of Industrial Relations. (Ord. 509 § 1, 2011)

3.22.100 Change orders.

Change orders to design-build contracts are subject to the limits and requirements set forth in the City's purchasing ordinance, as amended from time to time, or as previously approved by the City Council. (Ord. 509 § 1, 2011)

3.22.110 Indemnification.

The design-build contract must include a provision that requires the design-build entity to defend, indemnify and hold harmless the City and its officers, employees, volunteers and agents from liability arising from the acts of the design-build entity members in connection with the performance of the design-build contract. (Ord. 509 § 1, 2011)

EXHIBIT 8

CHAPTER 3.24 PURCHASING

3.24.010 Adoption of purchasing system.

In order to establish efficient procedures for the purchase of supplies, equipment, materials and certain services; to secure the same for the City at the lowest possible cost commensurate with the 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. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 1, 1983)

3.24.020 Definitions

A. "Awarding authority" means the entity authorized to approve and sign contracts subject to the requirements of this chapter, pursuant to Section 3.24.180.

B. "Bid" means an offer, submitted in response to a notice inviting sealed bids, usually in competition with other bidders.

C. "Vendors' list" means a list maintained by the purchasing agent which sets out the names and addresses of suppliers of various goods and services from whom bids, proposals, and quotations may be solicited.

D. "Cooperative purchasing" means combining the requirements of two or more political entities to obtain the benefits of volume purchases and/or reduced administrative expenses.

E. "Emergency" means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

F. "Environmentally preferable products and services" means those products and services which are more energy efficient, less toxic, less polluting and which generate less waste overall.

G. "Professional services" means all services performed by persons in a professional occupation, which are generally advisory in nature, provide a recommended course of action or personal expertise, or provide an end product which is basically a transmittal of information. Professional services include, but are not limited to, consulting and performing services for accounting, auditing, computer hardware and software support, architectural, engineering, planning, environmental, land surveying, construction project management, redevelopment, financial, economic, personnel, social services, animal control, legal, management, communication, and other similar professional functions which may be necessary for the operation of the City.

H. "Public project" has the meaning provided in Section 22022(c) of the Public Contract Code, as that Section may be amended from time to time. A public project does not include maintenance or professional service work.

I. "Purchasing agent" means the person designated by the City Manager to purchase supplies, equipment and services pursuant to this chapter.

J. "Responsible bidder" means a bidder who, by reference to bid documents or public records, has the capability in all respects to perform fully the contract or bid requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment, and credit which will assure good faith performance.

K. "Responsive bidder" means a bidder whose bid conforms in all material respects to the requirements set forth in the notice inviting sealed bids.

L. "Sole source" means either a commodity: (a) can be obtained from only one supplier; or (b) (i) is not for a public work as defined in Public Contract Code Section 20161; (ii) must match or be compatible with other supplies, equipment or material presently used and the awarding authority has made a finding to this extent; and (iii) will be purchased from an authorized manufacturer or authorized retailer.

3.24.030 Purchasing agent.

A. The City Manager may designate a person to act in his or her behalf for the purchase of supplies, equipment and services pursuant to this chapter. The person so designated is authorized to act on behalf of the City in carrying out the provisions of this chapter and is identified herein as the purchasing agent. The purchasing agent may designate an employee to perform functions and duties as provided herein with concurrence of the City Manager. (Ord. 428 § 1, Exh. A, 2002: Amended during 1989 supplement; Ord. 87 § 3, 1983)

B. The purchasing agent has the following authority:

1. To negotiate, purchase and obtain supplies, contractual services and equipment used by the City in accordance with City and state law and such rules and regulations as are prescribed by the City Manager and/or City Council;

2. To procure for the City the needed quality in supplies, services and equipment at the least expense to the City. The technique of energy lifetime costing may be used in setting performance standards and evaluating bids on energy consuming items;

3. To obtain full and open competition on all purchases in accordance with this chapter;

4. To prepare and recommend to the City Manager rules and regulations governing purchase of supplies, services and equipment for the City and amendments thereto as necessary;

5. To keep informed of current developments in the field of purchasing, pricing, market conditions and new products, and secure for the City the benefits of research done in

the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition and by private businesses and organizations;

6. To prescribe and maintain such forms as are reasonably necessary for the operation of the purchasing system;

7. To prepare and maintain a vendors list, including deletion of records of vendors failing to update information;

8. To make recommendations to the City Manager as appropriate;

9. Pursuant to Chapter 3.32, recommend the transfer of surplus supplies, materials, and equipment between departments as needed, and the sale of all such items which have become unusable by the City and which cannot be used by any department.

10. The purchasing agent may, when authorized by the City Manager, authorize a department or office to purchase supplies, equipment and material when such purchases may be made more advantageously or expeditiously by the respective department or departments. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 5, 1983)

11. The purchasing agent, in cooperation with the using departments, may provide for the standardization of supplies, equipment and material in accordance with their use. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 9, 1983)

3.24.040 Estimates of requirements.

The purchasing agent may request all city departments or offices to file detailed estimates of their anticipated requirements in order to take advantage of volume or selective buying. Departments may not split their requirements into smaller estimates or requirements for the purpose of evading the City's requirements for competitive bidding or proposals as outlined in this chapter. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 6, 1983)

3.24.050 Requisitions.

Using agencies, city departments or offices must submit requests for supplies, equipment and services to the purchasing agent using a standard requisitioning process, as prescribed by the purchasing agent. The purchasing agent must examine each requisition and have the authority to revise it as to quantity, quality or estimated cost; provided, however, that a change in quality will not vary substantially from the standards of the using department or office. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 7, 1983)

3.24.060 Purchase order—Encumbrance of funds.

Except in the cases of emergency, or if excepted by the purchasing agent, all purchases must be made by purchase order issued by the purchasing agent after authorization of the finance department, certifying:

A. That there is to the credit of each using department concerned a sufficient unencumbered appropriate balance in excess of all unpaid obligations to defray the amount of such order;

B. That such order is provided for in the budget of the using department or has been approved by the City Council;

C. That in the case of the purchase of capital equipment and assets or services, if not provided for in the budget, that the same have been first approved by the City Council. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 8, 1983)

3.24.080 Unauthorized purchases.

No city officer or employee may order the purchase of any supplies, equipment, materials or contractual services or make any contract within the purview of this chapter other than in accordance with the provisions of this chapter, the regulations and procedures established thereunder and with the approval of the purchasing agent. Any purchase or contract made contrary to this chapter is null and void and any claim or demand made against the City based thereon is invalid. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 10, 1983)

3.24.090 Selection of procurement method.

A. All contracts for the purchase of supplies, equipment, materials and non-professional services must be procured in accordance with the following, except as otherwise provided in this chapter:

1. Purchases estimated to exceed twenty-five thousand dollars ($25,000) must be made by the formal bidding procedures in Section 3.24.100.

2. Purchases estimated to exceed two thousand five hundred dollars ($2,500) but not to exceed twenty-five thousand dollars ($25,000) may be made by the informal bidding procedures in Section 3.24.110.

3. Purchases estimated at two thousand five hundred dollars ($2,500) or less may be made on the open market without following formal or informal bidding procedures.

4. Cooperative purchases must be made in accordance with the cooperative purchasing procedures in Section 3.24.130.

5. Emergency purchases must be made by the emergency purchases procedures in Section 3.24.140.

B. Notwithstanding Subdivision A of this Section, the City Council may authorize the use of an alternative procurement method due to special circumstances, when a prescribed procurement method is impractical or impossible, or when it is in the City's best interests to do so.

3.24.100 Formal bidding procedures.

All city purchases subject to formal bidding procedures pursuant to Section 3.24.090 must comply with the requirements of this section and be purchased by formal written contract with the bidder submitting the lowest responsive responsible bid, after due notice inviting sealed bids.

A. Notice Inviting Bids. Notice inviting bids will include a general description of the supplies, equipment, material or service and details on bond requirements and be published by the purchasing agent at least once in a newspaper of general circulation and on the City's website at least ten days before the last day set for the receipt of bids as designated in the notice. In the event a newspaper of general circulation is unable to publish such notice for any reason, the purchasing agent will post such notice in at least three public places in the City designated as places for posting public notices. In the event the item(s) or service(s) to be purchased is not identified to be purchased in the budget, the City Council must authorize the notice inviting sealed bids. In the event substantive changes to the notice inviting sealed bids are necessary after the notice has been published, the purchasing agent may issue an addendum and, if issued, publish the addendum on the City's website, or by other means that constitutes the official venue for communications between the City and potential bidders, for at least three (3) days prior to the deadline for submitting sealed bids. If the deadline for submitting sealed bids falls fewer than three days after publishing the addendum, the purchasing agent may extend the deadline as part of issuing and publishing the addendum.

B. Bidders' List. The purchasing agent must also solicit sealed bids from all responsible prospective suppliers who have requested that their names be added to a "bidders' list" which the purchasing agent maintains, by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase.

C. Bidders' Security. The purchasing agent may require bidders' security in an amount deemed appropriate or applicable either by cash, certified or cashier's check, or surety bond approved by the City Attorney. In the event a bidders' security is required, no bid will be considered unless the required security is submitted therewith. Bidders are entitled to the return of such security after the City enters into a contract for the purchase at issue or declines to enter into a contract; provided, however, that a successful bidder forfeits his or her bid security upon refusal or failure to execute a contract within fifteen days after notice of award of a contract has been mailed, unless the City is responsible for the delay. Upon refusal or failure of the successful bidder to execute the contract, the contract may be awarded to the next lowest bidder, the amount of the lowest bidder security may be applied by the City to the difference between the low bid and the second lowest bid.

D. Bid Opening. Sealed bids must be submitted to the City Clerk, who will open them in public, at the time and place stated in the notice inviting sealed bids. The City Clerk may delegate his or her responsibilities of this subsection to responsible assistants and deputies.

E. Compilation of Bids and Recommendations. Following the opening of bids, the purchasing agent will compile all bids and submit a summary of the bids to the City Manager together with a recommendation of award, taking into consideration any recommendation of the department head involved, the amount of bid, as well as whether the bidder's bid is responsive and responsible. The City Manager will submit his or her recommendation with respect to an award to the City Council for any contract which must be approved by City Council; provided,

however that the purchasing agent may recommend rejection of any or all bids for any one or more commodities or contractual services included in the proposed contract if he or she determines that the public interest will be served thereby and may recommend waiver of minor irregularities in a bid.

F. Council Action Following Recommendation.

1. The City Council may make an award of contract to the lowest responsible bidder submitting the best bid in all respects.

2. In its discretion, the City Council may waive minor irregularities in a bid, reject any or all bids, and may authorize the readvertising of bids, or in the alternative, may authorize the purchase or service, pursuant to any other procurement procedure set forth in this chapter.

G. Tie Bids. In the event two or more bids are received for the same total amount or unit price and in all other respect are equal, the City Council may award the contract to the local bidder, if any, the bidder using environmentally preferable products, if any, or by lot.

H. Bond. The purchasing agent has the authority to require a performance bond and materials and labor bond in such amount as he or she finds reasonably necessary to protect the best interests of the City. If a bond is required, the form and amount of the bond will be described in the notice inviting sealed bids. (Ord. 428 § 1, Exh. A, 2002; Ord. 230 § 1, 1989; Ord. 87 § 11, 1983)

3.24.110 Informal bidding procedures.

A. Informal Bidding Procedures. All city purchases subject to informal bidding procedures pursuant to Section 3.24.090 must comply with the requirements of this section. When using informal bidding procedures, the purchasing agent solicits bids by direct request to prospective vendors, by mail or electronic mail, telephone, facsimile or bulletin board. When practicable, a purchase made using informal bidding procedures must be based on at least three bids and be awarded to the lowest, responsive responsible bidder.

B. Records. The purchasing agent will keep a record of all purchases made pursuant to the informal bidding procedures contained herein and bids submitted in competition thereon. Such records are open to public inspection.

3.24.120 Open market purchases.

In any of the following instances, the purchasing agent may dispense with the requirements of formal or informal bidding and procure supplies, material and equipment on the open market:

A. When the estimated amount involved does not exceed $2,500;

B. When a commodity qualifies as a sole source purchase pursuant to Section 3.24.020 and does not exceed $25,000, or if the cost exceeds $25,000, the sole source procurement method is approved by the City Council;

C. When the City Council determines that due to special circumstances, it is in the City's best interest to purchase a commodity or enter into a contract without compliance with the formal or informal bidding procedure. (Ord. 428 § 1, Exh. A, 2002)

3.24.130 Cooperative purchasing.

A. The purchasing agent may join with other public jurisdictions in cooperative purchasing plans or programs, including, but not limited to the California Communities Purchasing Program (CCPP), the California Department of General Services (CADGS), the California Multiple Award Schedule (CMAS), the National Association of Counties (NACo) or similar arrangements or plans as determined by the purchasing agent to be in the City's best interest.

B. The purchasing agent may also buy directly from a vendor at a price established by a competitive or competitively negotiated bid by another public jurisdiction in substantial compliance with the formal purchasing procedures as provided in Section 3.24.100 even if the City had not joined with that public agency in a cooperative purchase.

C. The purchasing agent also may purchase from the United States of America or any state, municipality or other public corporation or agency without following formal or informal purchasing procedures as provided in Sections 3.24.100 and 3.24.110. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 16, 1983)

3.24.140 Emergency purchases by purchasing agent.

A. In the case of an emergency as defined in Section 3.24.020, the purchasing agent may authorize the head of a department to purchase supplies, material, equipment or services on the open market when all of the following conditions are present:

1. Immediate procurement of the supplies, material, equipment, and/or services is essential to prevent delays in the work of the department which may affect the life, health, safety or convenience of the public;

2. the estimated cost of the purchase does not exceed $10,000; and

3. the head of the department procuring the supplies, material, equipment, and/or services sends to the purchasing agent a copy of the delivery record, together with a full written explanation of the circumstances justifying the emergency purchase.

B. In the case of an emergency as defined in Section 3.24.020, the City Manager may authorize the purchasing agent to secure in the open market, any supplies, material, equipment, and/or services when all of the following conditions are present:

1. Immediate procurement of the supplies, material, equipment, and/or services is essential to prevent delays in the work of the department which may affect the life, health, safety or convenience of the public; and

2. The estimated cost does not exceed $50,000; provided, however, that when the estimated cost exceeds $25,000, the procurement must be subsequently ratified by the City Council.

C. In the case of an emergency as defined in Section 3.24.020, the City Council must ratify purchases of supplies, materials, equipment or services essential to prevent delays in the work of the department which may affect the life, health, safety or convenience of the public when the estimated cost thereof exceeds $25,000.

3.24.150 Emergency purchases—Civil defense and disaster.

Nothing herein contained limits the authority of the director of emergency services to make emergency purchases and take such other emergency steps as are or may be authorized by the City Council. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 14, 1983)

3.24.160 Professional services.

A. This section applies to the City's selection of specialized professional services as defined in Section 3.24.020.

B. Selection must assure that these services are engaged on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required and at fair and reasonable prices to the City.

C. Professional services contracts must be approved in accordance with Section 3.24.180.

3.24.170 Other supplies, materials, equipment or services not subject to the provisions of this chapter.

The following types of contracts are not subject to the provisions of this chapter:

A. Public projects as defined in Section 20161 of the California Public Contract Code, except for the issuing of a purchase order, by the purchasing agent for encumbrance of funds;

B. Contracts to be paid directly from deposits posted by development project applicants. The City Manager has the authority to approve contracts to be paid directly from deposits posted by development project applicants for professional services required in conjunction with the processing or review of development applications;

C. Utility services and related charges;

D. Real property purchases and related title and escrow fees;

E. Insurance and bond premiums;

F. Real property leases;

G. Professional services, except as otherwise provided. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 15, 1983)

3.24.180 Awarding authority – contracts and amendments.

A. The awarding authority for contracts and amendments to contracts subject to this chapter is as follows:

1. A department director is authorized to execute contracts and amendments to contracts subject to this chapter if the cumulative amount of the contract plus any amendment(s) is $10,000 or less in any single fiscal year and is on behalf of his or her department only.

2. The purchasing agent is authorized to execute contracts and amendments to contracts subject to this chapter if the cumulative amount of the contract plus any amendment(s) is $10,000 or less in any single fiscal year and is on behalf of more than one department.

3. The City Manager is authorized to execute contracts and amendments to contracts subject to this chapter if the cumulative amount of the contract plus any amendment(s) is $25,000 or less in any single fiscal year.

4. City council approval is required on contracts and amendments to contracts subject to this chapter if the cumulative amount of the contract plus any amendment(s) exceeds $25,000 in any single fiscal year. (Ord. 428 § 1, Exh. A, 2002)

B. No change in an agreement, contract or purchase order may be made without issuance of a written change order, amendment or purchase order, and no payment for any such change may be made unless a written change order, amendment or purchase order has first been approved and executed in accordance with this section designating in advance the work to be done and the amount of additional compensation to be paid.

3.24.190 Prohibited procedures.

In all purchases for the City outlined in this chapter, any practices which might result in unlawful activity are prohibited including, but not limited to, rebates, kickbacks or other unlawful considerations. City employees are specifically prohibited from participating in the selection process when those employees have a relationship with a person or business entity seeking a contract pursuant to this chapter. (Ord. 428 § 1, Exh. A, 2002)

EXHIBIT 9

CHAPTER 3.30 FORFEITED PROPERTY AND ASSET SEIZURE PROGRAM

3.30.010 Purpose.

This chapter establishes a law enforcement forfeited property and asset seizure program whereby the City may receive forfeited property and assets transferred from the San Diego County Sheriff's Department in accordance with the City's agreement for general and special law and traffic enforcement services and other pertinent authority such as the Comprehensive Crime Control Act of 1984 (21 U.S. Code Section 873 et seq.), the United States Attorney General's Guidelines on Seized and Forfeited Property, and the California Health and Safety Code Sections 11470—11493. (Ord. 257 § 1, 1991)

3.30.020 Property and assets.

Such property and assets are those which have been seized or collected by contracted law enforcement personnel during the investigation of criminal activities, and subsequently forfeited by judicial or administrative decision, and transferred to the City as a result of participation by contracted law enforcement personnel. The program's purpose provides an added incentive to the City to assist contracted law enforcement personnel in the fight against crime, especially illegal drug trafficking. (Ord. 257 § 2, 1991)

3.30.030 Cash assets.

The money received by the forfeited property and assets program established by this chapter, or the money received from the sale of any forfeited tangible property or other asset covered by this chapter, and any interests thereon will be deposited into a law enforcement forfeited property and asset fund set up by the City. (Ord. 257 § 3, 1991)

3.30.040 Forfeited noncash property/assets.

A. Title to all property and assets received pursuant to this program will be taken in the name of the City and vest in the City.

B. The City Treasurer will make the necessary entries in the City's inventory and accounting records, using the property's and/or asset's fair market value on the date of acquisition as determined by the support services manager or other qualified representative from the City. Whenever the City deems necessary to sell forfeited noncash property or assets received, the proceeds will be deposited in the City's law enforcement forfeited property and asset fund. (Ord. 257 § 4, 1991)

3.30.050 Use of funds.

All funds in the City's law enforcement forfeited property and asset fund must be used by the City exclusively for law enforcement purposes and require city council approval for appropriation. (Ord. 257 § 5, 1991)

3.30.060 Program accountability.

The City Treasurer must establish accounting and reporting procedures to account for the receipt and disbursement of all forfeited cash and noncash property in connection with the law enforcement forfeited property and assets program. The City Treasurer must provide a report to the City Manager, on an annual basis, detailing all money and tangible assets received, all deposits and disbursements, and such other information the City Manager may require. (Ord. 257 § 6, 1991)

EXHIBIT 10

CHAPTER 3.32 DISPOSAL OF SURPLUS CITY PROPERTY

3.32.010 Definitions.

Unless otherwise stated, the following definitions apply to all provisions of this chapter:

"Charitable organization" means a nonprofit organization exempt from taxation under the provisions of the Internal Revenue Service Code, 26. U.S.C. 501(C)(3), whose primary purpose is public service, and pursuant to California Constitution article XVI, § 5, whose purpose is not religious creed, church or sectarian.

"Immediate family" means the husband, wife, mother and father of both husband and wife, son, daughter, brother and sister of the employee, or any relative by blood or marriage residing in the same household.

"Surplus city property" means those supplies or equipment belonging to the City which are no longer used, have become obsolete, worn out, are of minimal value, or are otherwise of no further use. (Ord. 508 § 1, 2011; Ord. 144 § 1, 1985)

3.32.020 Declaration of surplus.

A. All using departments must submit to the purchasing agent, at such times and in such forms as prescribed, reports listing all available surplus city property and requesting the property be declared surplus.

B. Property listed as available surplus city property must be declared surplus as follows:

1. The department director and purchasing agent must approve the surplus request for any item with an estimated current market value of five thousand dollars or less.

2. The City Manager, department director and purchasing agent must approve a surplus request for any item with an estimated current market value of more than five thousand dollars and up to and including ten thousand dollars.

3. The City Council must approve a surplus request for any item with an estimated current market value of more than ten thousand dollars. The City Council may also require the purchasing agent to dispose of surplus property with an estimated current market value of more than ten thousand dollars by any manner listed in Section 3.32.040. (Ord. 508 § 1, 2011; Ord. 144 § 2, 1985)

3.32.030 Disposal required.

After an item is declared surplus, the purchasing agent must determine if any surplus city property can be used by any department of the City. If such supplies or equipment cannot be or are unsuitable for city use, the purchasing agent must, in any manner provided in Section

3.32.040 or in a manner otherwise directed by city council, dispose of such supplies and equipment. The City Manager is authorized to sign bills of sale and any other papers or documents evidencing such sales for and on behalf of the City. (Ord. 508 § 1, 2011; Ord. 144 § 3, 1985)

3.32.040 Manner of disposal.

A. The purchasing agent may dispose of surplus property in any of the following manners:

1. At a public or private sale, with or without notice or bids, for the highest price obtainable, as determined by reference to the item's estimated current market value, but only when the estimated current market value is five thousand dollars or less per unit, item, or common lot;

2. An auction conducted by the City or other governmental agency;

3. An Internet based auction or selling tool;

4. Sale to the general public via advertised, sealed bidding;

5. Trade-in on new supplies or equipment;

6. Sale, trade, transfer, or donation to an outside, publicly funded or charitable organization;

7. Recycling and/or sale as scrap;

8. Discarding as trash;

9. Any other manner, approved in advance by the City Council.

B. Any sale to the general public via advertised, sealed bidding, must be obtained in a manner determined by the purchasing agent which will encourage the highest bid. The purchasing agent will provide notice of the solicitation of bids through advertisement in a newspaper of general circulation in the City, printed and published in the County and on the City's website or other electronic means of posting notices. Such notice must be given at least seven days before the last established date for the receipt of bids as designated in the notice.

C. In addition to the manners of disposal listed above, disposal of scrap materials (i.e., metal, wood, tires, engine oil, etc.) may be accomplished by the purchasing agent through term contract or other means utilizing the competitive bid process. Commodity indices, industry practice, and other economic indicators should be used as guidelines in developing the sale method. (Ord. 508 § 1, 2011; Ord. 144 § 4, 1985)

3.32.050 Funds.

The amount received for any property sold pursuant to this chapter must be deposited in the City general fund if not otherwise subject to legal restriction. (Ord. 508 § 1, 2011; Ord. 144 § 5, 1985)

3.32.060 City personnel prohibited.

No city officer or employee or any member of the immediate family of a city officer or employee may purchase surplus property at any sale in which that officer or employee participated in his or her official capacity. (Ord. 508 § 1, 2011; Ord. 144 § 6, 1985)

ORDINANCE NO. 557

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, RESTATING, AMENDING, AND RECODIFYING TITLE 4 OF THE SANTEE MUNICIPAL CODE RELATING TO BUSINESS LICENSES, FEES AND REGULATIONS

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify its ordinances. Government Code section 50022.9 authorizes a city to adopt county codes by reference;

WHEREAS, in Ordinance 1, adopted as the first act of the City of Santee ("City") on December 2, 1980, the City temporarily adopted all county ordinances of the County of San Diego as its municipal code (the "Santee Municipal Code");

WHEREAS, in Ordinances 14 and 18, the City extended the validity of the county ordinances to provide additional time for the City to adopt its own ordinances;

WHEREAS, the City has not adopted a comprehensive code of ordinances, but has amended the county's ordinances in a piecemeal fashion more than 300 times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the City Council of the City of Santee held a series of public meetings to consider proposed restatement, amendment, and recodification issues for each title of the Santee Municipal Code as follows:

March 8, 2017	Titles 1 and 2
September 6, 2017	Titles 3 and 5
February 14, 2018	Titles 6, 8, and 9
March 28, 2018	Titles 12 and 13
August 8, 2018	Title 10
September 26, 2018	Titles 6, 15, and 16
November 14, 2018	Title 17

WHEREAS, the City desires to restate without substantive revision, amend, and recodify the ordinances codified in the Santee Municipal Code;

WHEREAS, the amendments to the Santee Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance;

WHEREAS, the descriptions included in the council agenda statement, staff report, and minutes contain the findings of the City Council in support of this Ordinance and serve as evidence of the City Council's intention in adopting this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. **Existing Law Continued**. The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance;

2.1.3. The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance;

2.1.4. Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance, resolution, or regulation;

2.1.5. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the Santee Municipal Code;

2.1.6. Santee Municipal Code sections cited on signs, forms, notices, or other materials within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in the new Santee Municipal Code for purposes of notice and enforcement.

2.2. **Exclusions from code**. Every ordinance governing the following subject matter is not affected by the adoption of this Ordinance:

2.2.1. Alteration of city boundaries;

2.2.2. Contracts to which the city is a party;

2.2.3. Elections to which the city is a party;

2.2.4. Fixing the rate and making a levy of city taxes;

2.2.5. Granting, altering or withdrawing a franchise;

2.2.6. Land use classifications of specific property;

2.2.7. Naming roads and streets.

2.3. **References to Prior Ordinances Apply to All Amendments.** Whenever a reference is made to this code as the "Santee Municipal Code" or to any portion thereof, or to any ordinance of the City of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.4. **Title, Chapter, and Headings**. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

2.5. **References to Specific Ordinances and Code Sections**. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Santee Municipal Code. Renumbering and relabeling of existing ordinance, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.6. **Effect of Ordinance on Past Actions**, **Obligations and Irregularities**. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict

therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the City, do not revive any rights repealed or extinguished by any prior ordinance of the City which is repealed by this Ordinance.

2.7. **Effect of Ordinance on Period of Limitation**. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.8. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Title 4 “Business Licenses, Fees and Regulations” of the Santee Municipal Code is hereby restated and amended as follows

3.1. Chapter 4.01 “General Provisions” is restated and amended as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.2. Chapter 4.02 “Business Licenses Generally” is restated and amended as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.3. Chapter 4.03 “Regulatory Permits Generally” is restated and amended as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.4. Chapter 4.04 “Amusement Devices and Establishments, Music Machines and Vending Machines” is restated and amended as set forth in Exhibit 4 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.5. Chapter 4.05 “Auctions and Auctioneers” is restated and amended as set forth in Exhibit 5 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.6. Chapter 4.06 “Bingo and Similar Games” is restated and amended as set forth in Exhibit 6 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.7. Chapter 4.07 “Telecommunications” is restated and amended as set forth in Exhibit 7 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.8. Chapter 4.08 “Regulation of State Video Franchise Holders” is restated and amended as set forth in Exhibit 8 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.9. Chapter 4.09 “Billboards” is restated and amended as set forth in Exhibit 9 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.10. Chapter 4.11 “Circuses and Carnivals” is restated and amended as set forth in Exhibit 10 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.11. Chapter 4.12 “Dances and Dancehalls” is restated and amended as set forth in Exhibit 11 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.12. Chapter 4.14 “Farmers’ Markets” is added as set forth in Exhibit 12 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.13. Chapter 4.17 “Massage” is restated and amended as set forth in Exhibit 13 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.14. Chapter 4.19 “Public Entertainment” is restated and amended as set forth in Exhibit 14 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.15. Chapter 4.20 “Sale of Firearms” is restated and amended as set forth in Exhibit 15 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.16. Chapter 4.21 “Secondhand Dealers” is restated and amended as set forth in Exhibit 16 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.17. Chapter 4.23 “Solicitors” is restated and amended as set forth in Exhibit 17 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.18. Chapter 4.24 “Swap Meets and Swap Lots” is restated and amended as set forth in Exhibit 18 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.19. Chapter 4.25 “Taxicabs and Taxicab Operations” is restated and amended as set forth in Exhibit 19 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.20. Chapter 4.26 “Special Event Show” is restated and amended as set forth in Exhibit 20 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has “the potential for causing a significant effect on the environment.” (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (*Ibid*.) Here, the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 5. Codification. The City has adopted the “City of Santee Municipal Code Editorial Guidelines,” and, except as otherwise provided herein, authorizes Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinance to the guidelines. In the event a substantive conflict arises on the basis of the changes authorized by this Section, the language adopted by this Ordinance prevails. The City Clerk is authorized to provide certified copies and notice of this Ordinance or any part of this Ordinance required or advised by the law or any regulation.

SECTION 6. Parentheticals. Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the Santee Municipal Code.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Santee 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 section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary or 1/4 page advertisement of the same to be published as required by law.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 22 day of May 2019, and thereafter ADOPTED at a Regular Meeting of the City Council held on this 26 day of June 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____
JOHN MINTO, MAYOR

ATTEST:

_____
ANNETTE ORTIZ, CITY CLERK

EXHIBIT 1

CHAPTER 4.01 GENERAL PROVISIONS

4.01.010 Purpose

Pursuant to Section 7, of Article XI of the California Constitution and Section 37101 of the Government Code, the City adopts this title for the purposes of generating revenue to cover the cost of administering the business licensing program and regulating certain business types.

4.01.020 Definitions.

The following words and phrases, when used in this title, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "Business" includes all activities engaged in or caused to be engaged in within this city including any commercial or industrial enterprise, pursuit, trade, occupation, employment, calling, show or exhibition, profession, vocation, or livelihood, including rental or lease of residential or nonresidential real estate and mobile home parks, independent contractors, and home occupations, as that term is defined in Title 13, whether or not carried on for gain or profit, but must not include the services rendered by an employee to an employer.

B. "Business license" or "license" means the certificate issued by the City to an applicant upon payment of a fee due for engaging in business within the City as prescribed by this chapter. A business license is issued for the purpose of generating revenue to cover the cost of administering the business licensing program.

C. "Employee" is defined as any person acting within the scope of the employer's business within the limits of the City.

D. "Health officer" means an officer of the County of San Diego Department of Environmental Health.

E. "Issuing officer" means the City treasurer or a deputy or authorized representative of the City treasurer and may include law enforcement personnel.

F. "Minor" is any person under the age of eighteen years. (Prior code § 37.306)

G. "Person" includes an includes a natural person, corporation, limited liability company, partnership, trust, joint venture, association, any other business organization, and any other type of legal entity.

H. "Public place" means any place to which anyone may have access without trespassing

I. "Regulatory permit" or "permit" means conditions of operation incorporated into a business license, which are required of businesses that, because of the nature of activities,

volumes of people, or traffic control demands, requires regulation to protect the public health, safety and welfare.

4.01.030 Business license and regulatory permits—Required.

A. It is unlawful for any person, or for any person as agent, clerk or employee, within the corporate limits of the City to transact, engage in, or carry on any business without first having procured a business license required by Chapter 4.02 and a regulatory permit required by Chapter 4.03. (Ord. 40 § 1, 1981)

B. The payment of a business license or permit fee required by this title, its acceptance by the City, and issuance of a license or permit under the provisions of this title does not authorize the licensee to conduct or continuance of any illegal or unlawful business, or any business in violation of any ordinance of the City.

4.01.040 Business License—General administration.

A. It is the duty of the issuing officer to administer and enforce the provisions of this Title.

B. The license requirements provided for by this chapter will be applied so as not to occasion an undue burden upon interstate commerce. (Ord. 40 § 39, 1981)

C. All specific provisions of this title control over general provisions. (Ord. 40 § 4(j), 1981)

4.01.050 Business License – Entry and Inspection.

The issuing officer and law enforcement personnel are authorized to enter free of charge and inspect places of business in the City, books and records during normal business hours, for the purpose of determining compliance with this Title.

EXHIBIT 2

CHAPTER 4.02 BUSINESS LICENSES GENERALLY

4.02.010 Business License—Required.

A. Unless otherwise exempted by local, state or federal law or regulation, every person desiring to transact, conduct, undertake or carry on any business within the City must apply for and obtain a business license pursuant to this chapter, pay all fees set forth in this title, and, if required, obtain a regulatory permit pursuant to Chapter 4.03, prior to undertaking such business activities.

B. A separate business license must be obtained for each separate business, or each branch establishment, or separate place of business in which a business, show, exhibition, or game is transacted, conducted, or carried on.

C. Any person conducting more than one business in the same establishment or location is not required to pay more than one business license fee; provided, however, such additional business must be one that is ordinarily and customarily conducted in connection with such other business. A business is not ordinarily and customarily conducted in connection with another business if there are two or more separate and distinct business entities or names wherein separate sets of accounting records, bank accounts, and the like are maintained. (Ord. 40 § 11, 1981)

4.02.020 Business License—Application—Denial.

A. The issuing officer may deny an application for a business license, if the applicant or any agent or representative thereof has:

1. Made any false, misleading or fraudulent statement of a material fact in the application or in any record or report required to be filed under this title;

2. Violated any of the provisions of this chapter or any provisions of any other ordinance or law relating to or regulating said business or occupation;

3. Been convicted of a crime, the nature of which indicates the applicant's unfitness to operate the proposed business. A plea or verdict of guilty, a finding of guilty by a court in a trial without a jury, a plea of nolo contendre, or a forfeiture of bail is deemed a conviction.

4. Failed to obtain or comply with a license, where this code or the laws of the state of California require a person or entity to be licensed under and by virtue of its laws.

5. Proposed to conduct or carry on a business where prohibited by the zoning ordinance or within a structure which does not comply with applicable building code regulations. (Prior code § 21.719)

B. If the issuing officer determines that the application should be denied pursuant to this title, the issuing officer prepares a notice of denial setting forth the reasons for such denial and sends the notice of the denial to the application by first class mail at the address listed on the application. The denial of a business license may be appealed pursuant to Section 4.02.120.

4.02.030 Business License—Application—Issuance.

A. Every person required to obtain an initial business license or renew a regulatory permit annually under the provisions of this title must submit an application for a business license to the issuing officer. The application constitutes consent to entry and inspection during business hours by any law enforcement personnel, the issuing officer and any designee of the issuing officer of the premises licensed pursuant to this title. The application must be a written statement upon a form or forms provided by the issuing officer and must be signed by a person indicated below. The application must set forth such information required and as may be reasonably necessary to properly determine the amount of the license fee to be paid by the applicant and whether a regulatory permit is required, including but not limited to the following:

1. the nature or kind of business or enterprise for which the business license is required;

2. the place where such business or enterprise will be transacted or carried on;

3. the name of the owner of the business or enterprise;

4. a signature of the owner of the business, or authorized representative; and

5. such other information deemed necessary by the issuing officer to carry out the purposes of this title.

B. Upon receipt of an application for a business license, the issuing officer may send copies of such application to any office or department which the issuing officer may deem appropriate in order to carry out a proper investigation of the applicant or the applicant's proposed business and to determine whether a regulatory permit is required pursuant to this title.

C. Every officer or department to which an application for a business license or regulatory permit is referred may request from the issuing officer that additional information be obtained from the applicant relating to the proposed license and permit as such officer or department deems necessary.

D. The issuing officer and every officer or department to which an application is referred may investigate the truth of the matters set forth in the application, the character of the applicant as it relates to doing business under the license and permit and may examine the premises proposed to be used for the business.

E. No person may willfully make a false statement or fail to report any material fact in any application for any license under the provisions of this chapter.

F. If after investigation, the issuing officer determines that conditions are necessary for the protection of the public health, safety, and welfare, the issuing officer may include such conditions in the regulatory permit pursuant to Section 4.03.040.

G. If after investigation, the issuing officer determines that the application should be denied pursuant to this title, the issuing officer will prepare and provide a notice of denial pursuant to Section 4.02.020. The denial of a business license may be appealed pursuant to Section 4.02.120.

H. Any license or permit issued pursuant to this title is valid for a period of one year after the date of issuance unless a different date is indicated on the license or permit.

I. If the license is granted, the name and business address of the licensee will be available to any interested member of the general public for the duration of the license; provided, however, that, to the extent permitted by state law, a home occupation may provide a P.O. Box as a business address. (Amended during 1989 supplement; Ord. 40 §§ 5(part), 42, 1981; prior code §§ 16.108, 16.109 (part))

J. If any license has been issued through error based on a misrepresentation in an application, the license is void and of no force and effect. (Amended during 1989 supplement; Ord. 40 § 5, 1981)

4.02.040 Business License—Conditions—Renewal.

Unless otherwise specified in the license or this Code, every business license expires one year after issuance date. Business licenses may be renewed pursuant to this title by remitting the renewal fee by the expiration date. Any business requiring a regulatory permit must submit an application annually by the expiration date. (Amended during 1989 supplement; Ord. 40 § 7, 1981: prior code § 16.106)

4.02.050 Business License—Posting.

All licenses must be kept and posted in the following manner:

A. Subject to other provisions of this code, any licensee engaged in business at a fixed place of business must post the license in a conspicuous place upon the premises where the business is conducted.

B. Any person engaged in business in the City, but not operating from a fixed place of business, must keep the license on her or his person at all times while engaging in such business.

C. Each licensee must at all times when requested, exhibit the license to any law enforcement officer or other official of the City. (Ord. 40 § 8, 1981)

4.02.060 Business License—Revocation.

A. Every license issued under and by virtue of this chapter may be revoked by the City Council based upon a failure to comply with any term or terms of this title.

B. Prior to revoking a license, the issuing officer provides written notice, either personally or by mail, to the licensee. The notice must state the date, time and place when the issuing officer will recommend revocation to the City Council. At the time and place as stated in the notice, the licensee may appear and be heard by the City Council. In the event that the licensee appears and contests the revocation, the City Council may set a time and place for the hearing of the recommendation for revocation. The hearing will be held at the time and place set by the City Council. The City Council's decision on revocation is final. (Ord. 40 § 38, 1981)

4.02.070 Business License-Nontransferable.

A business license, including any regulatory permit associated with a business license, is not transferable from one person or one place to another, and is void if transferred from the person or location specified in the written application and in the license. (Amended during 1989 supplement; prior code § 65.106)

4.02.080 Business License fees—Amount.

A. Every person desiring to obtain a business license pursuant to this title must pay a business license fee in an amount established by resolution of the City Council. All business license fees must be paid before beginning business activities. License fees must be paid in the lawful money of the United States at the office of the issuing officer. (Ord. 40 § 10, 1981)

B. In no event does any mistake or error made by the issuing officer in stating the amount of a license prevent the collection by the City of an amount that is actually due from any person transacting or carrying on a business subject to a license under this title. (Ord. 40 § 6, 1981)

4.02.090 Business License fees—Payment and delinquency.

A. The license fee provided in this chapter is due and payable to the City prior to issuance or renewal of a license. Fees are delinquent thirty days after the due date.

B. If any person commences a new business during the calendar year, the license fee will not be prorated. (Ord. 40 § 12, 1981)

C. In the event the license is for any reason whatsoever revoked, suspended, denied or in any event not obtained by the applicant, the fee paid will not be refunded to the applicant.

4.02.100 Business License fee—Delinquency—Penalty.

If any license fee for a business located within the City becomes delinquent, a penalty in the amount equal to fifty percent of the license fee due and payable is added to the license fee amount. The fifty percent penalty continues to accrue each thirty-day period that the license fee remains delinquent. No license may be issued until the license fee and all penalties are paid in full.

4.02.110 Business License fee—Exceptions.

A. Except as may be otherwise specifically provided in this title, the following businesses are exempt from the payment of business license fees but must still obtain a business license:

1. Banks, including national banking associations to the extent provided by Article XIII, Section 27, of the state Constitution;

2. Insurance companies and associations, to the extent provided by Article XIII, Sections 27 and 28, of the state Constitution;

3. Any person conducting or staging any concert, exhibition, lecture, dance, amusement or entertainment where the receipts, if any, derived therefrom are to be used solely for charitable or benevolent purposes and not for private gain is exempt from the payment of any business license fee under the provisions of this chapter;

4. Any of the following:

   (a) Every person who is serving on active duty on the Army, Navy, Marines, Air Force, or Coast Guard and every spouse or registered domestic partner of any person serving on active duty;

   (b) Every person who is honorably discharged or honorably relieved from the Army, Navy, Marines, Air Force, or Coast Guard and every spouse or registered domestic partner of any such person.

   (c) Any person claiming exemption pursuant to subsection (a) or (b) must submit to the issuing officer proof of release from active duty under honorable conditions or honorable discharge, military identification, military dependent identification, copy of DD Form 214, or other evidence satisfactory to the issuing officer.

5. Tax exempt, nonprofit, charitable organizations but only for the following activities:

   (a) To conduct, manage, or carry on any business, occupation or activity by any institution or organization which is conducted, managed, or carried on wholly for the benefit of charitable purposes or from which profit is not

derived, either directly or indirectly, by any individual, firm, or occupation;

(b) For the occasional conducting of any entertainment, concert, dance, exhibit, or lecture on scientific, historical, literary, religious, or moral subjects within the City, whenever the receipts of any such event are to be appropriated to any church, school, religious or benevolent purpose, or a tax exempt nonprofit organization.

6. Any person whom the City is not authorized to license for revenue purposes because of any valid law or constitution of the United States or the state of California;

B. The issuing officer may require the filing of a verified statement, with supporting documentation, from any person claiming to be excluded by the provisions of this title, which statement sets forth all facts upon which the exclusion is claimed.

4.02.120 Business License – Appeal of Denial

A. Any person aggrieved by the decision of the issuing officer with respect to the issuance or refusal to issue a license or permit pursuant to this title may appeal that decision to the City Manager within 30 calendar days after notice of the action was received or the permit or license was issued pursuant to the appeal procedures in Chapter 1.14.

B. Any party aggrieved by the decision of the City Manager pursuant to subdivision A may appeal that decision to the City Council within 10 days after receiving the written decision in accordance with the procedures set forth in Section 1.14.030.

EXHIBIT 3

CHAPTER 4.03 REGULATORY PERMITS GENERALLY

4.03.010 Certain businesses and occupations regulated - Regulatory permit and fee required.

Every person desiring to transact, conduct, undertake or carry on a business whose activities, volumes of people, or traffic control demands, requires regulation to protect the public health, safety and welfare must obtain a regulatory permit pursuant to this chapter prior to undertaking such business activities and pay a regulatory fee in the amount established by resolution of the City Council.

4.03.020 Regulatory permit – Application.

Every person required to obtain a regulatory permit must submit a written application on a form prescribed by the issuing officer. The application must state the name and address of the applicant, the description of the property by street and number where the business or activity will be conducted, the nature of the regulatory permit for which application is made, the character of the business or activity proposed to be conducted and such other information as the issuing officer or designee may require. (Amended during 1989 supplement; Ord. 61 § 10, prior code § 65.101)

4.03.030 Regulatory permit – Application and investigation.

Upon receipt of an application for a regulatory permit, accompanied by the required fee, the issuing officer, with the assistance of any office or department which the issuing officer may deem appropriate, investigates the matters set forth in such application, the safety and sanitary conditions in the place proposed for the business or activity. (Amended during 1989 supplement; prior code § 65.103)

4.03.040 Regulatory permit – Conditions.

A regulatory permit constitutes an element of a business license that contains conditions of operation required by this title and otherwise determined necessary for the protection of the public health, safety, and welfare by the issuing officer. Regulatory permits are issued for the purpose of business regulation.

4.03.050 Regulatory permit – Revocation, condition, denial

A. A business license subject to a regulatory permit is an element of a business license but may be revoked, conditioned or denied by the issuing officer independent of a business license, pursuant to Sections 4.02.020, 4.02.060, and 4.03.040, respectively, for a violation of any condition in the permit or provision of law regulating places or activities of the character for which the license is granted and for the following reasons:

1. If the applicant is not a fit or proper person to conduct the regulated business;

2. If the premises are not a suitable or proper place for the regulated business;

3. If the health, welfare or public morals of the community warrant such denial.

B. The issuing officer may issue the license upon such conditions as he or she determines would eliminate the situations which would otherwise result in denial of such license. (Amended during 1989 supplement; prior code § 21.103)

EXHIBIT 4

CHAPTER 4.04 AMUSEMENT DEVICES AND ESTABLISHMENTS, MUSIC MACHINES AND VENDING MACHINES

4.04.010 Definitions.

The following words and phrases, when used in this title, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "Amusement devices," means any machine, device, or apparatus of which the operation or use is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disk, slug or key into any slot, crevice or other opening or by the payment of any fee or fees, for the use as a game, contest or amusement of any description, or which may be used for any such game, contest or amusement, and the use or possession of which is not prohibited by any law of the state of California. This definition does not include jukeboxes, telephone devices or machines that sell merchandise.

B. "Amusement establishment" means any commercially operated establishment having more than five amusement devices. (Amended during 1989 supplement; prior code §§ 21.101, 21.102).

C. "Music machine" means a jukebox, karaoke or similar machine that plays music on payment.

D. "Vending machine" means machine that dispenses articles such as food, drinks, or toys when a coin, bill, or token is inserted.

4.04.020 License – Required.

It is unlawful for any person, or for any person as agent, clerk or employee, within the corporate limits of the City to operate an amusement establishment without first having procured a business license required by Chapter 4.02 and a regulatory permit required by Chapter 4.03.

4.04.030 Amusement devices, music machines, and vending machines.

Any person possessing a valid business license and permit in accordance with this title, may own and operate five or fewer amusement devices, music machines, and vending machines without payment of the regulatory fee established by resolution of the City Council; provided, however, that each machine must be owned by the business where it is located. (Ord. 40 § 34, 1981)

4.04.040 Operation of amusement establishments.

A. The proprietor, manager, or employee of any licensed and permitted amusement establishment must insure that the operation of amusement devices is in compliance with all state and local laws and regulations. (Prior code § 21.107)

B. It is unlawful for the proprietor, manager, or employee of any amusement establishment to permit the consumption of any alcoholic beverage in an amusement establishment, except in compliance with state and federal laws. (Prior code § 21.104)

C. It is unlawful for the proprietor, manager or employer of any amusement establishment to permit any gambling of any kind, or permit any betting or wagering with money or anything of value upon the result of any game. (Prior code § 21.106)

D. It is unlawful for any person who is intoxicated or under the influence of any drug to be in any establishment licensed and permitted pursuant to this chapter. A person who conducts or assists in conducting any such establishment must not permit any intoxicated person or persons under the influence of any drug to be or remain at such place. (Prior code § 21.105)

EXHIBIT 5

CHAPTER 4.05 AUCTIONS AND AUCTIONEERS

4.05.010 Definitions.

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

A. "Auction" means a public sale of property by public outcry to the highest bidder.

B. "Auctioneer" includes and comprehends the following:

1. Any person who sells or offers to sell by public outcry to the highest bidder, when bids are called for, any real estate or interest therein, or any goods, wares, merchandise, or other personal property, new or used, in any tent, building or structure, or on any of the streets or sidewalks, or in any other place in the City where the general public is permitted to attend and offer bids;

2. Any person who advertises as a public auctioneer, or in any manner hold himself or herself out as an auctioneer as defined in subdivision 1 of this subsection for public patronage, or shall receive a fee or commission for services as such.

C. "Auction house" means a fixed location wherein goods, wares, merchandise or other items of personal property, new or used, are offered for sale at auction as an established auction business. (Prior code § 21.801)

4.05.020 Permit—Classification.

A. The following permits are required for the following classes established for licensing auctioneers, auctions and auction houses:

1. Class A Permit. Every auctioneer;

2. Class B Permit. Every person who sells or offers for sale at auction any goods, wares, merchandise or other personal property, new or used, other than pursuant to Section 4.05.080 at a place other than an auction house;

3. Class C Permit. Every person who operates an auction house;

4. Class D Permit. Every person who sells or offers for sale at auction jewelry in a bona fide retiring from business disposition of stock on hand pursuant to Section 4.05.080.

B. Each applicant for any class of permit is required to obtain a business license and regulatory permit.

4.05.030 Permit—Bond.

Each application for a class A, class C or class D permit must be accompanied by evidence of a bond filed with the Secretary of State as required by Title 2.95, Part 4, Division 3 of the Civil Code.

4.05.040 License—Fees.

The fee for each license and permit shall be due and payable to the issuing officer at the time of application for the license and permit in an amount established by resolution of the City Council.

4.05.050 Permits—Issuance.

Upon approval of any application, the permit applied for shall be issued. If the permit is a class B or class C permit, it will designate the store or other place in the City where the applicant proposes to conduct an auction or auctions. Class A and class C permits are annual permits. (Amended during 1989 supplement; prior code § 21.810)

4.05.060 Goods, wares and merchandise.

No auction may be conducted by any person other than one holding a class A permit. Where the sale of any goods, wares, merchandise, or other personal property, new or used, is by auction other than at an auction house, such sale must be held on successive days, Sundays and legal holidays excepted, and must not continue for more than thirty days; provided, that where such goods, wares, merchandise or other personal property, new or used, is the stock on hand of a person, firm, corporation or association which is bona fide disposing of such stock for the purpose of retiring from business, the City Council may upon application grant such additional time for the conduct of such auction as it may deem necessary under the circumstances. (Prior code § 21.811)

4.05.070 Close-out sales.

A. Any person intending to dispose of stock on hand by sale at auction at retail, which sale is to be advertised or publicly announced as a “close-out sale,” a “going out of business sale,” a “quitting business sale,” or similar type of sale, must make a written application, verified under oath, to the treasurer at least fifteen days before the intended sale is to begin. The application must specify the following:

1. the name and address of the applicant;

2. the location and purpose of the sale and its expected duration;

3. the name of the auctioneer who will conduct the sale,

4. the inventory itemizing in detail the quality, quantity, kind or grade of each item of goods, wares, and other articles to be sold, with the wholesale market thereof, and

5. a declaration that the merchandise or property be sold at auction is a bona fide part of the applicant’s stock in trade, that the items listed in the inventory do not

exceed by twenty-five percent the unit volume of the inventory carried by the applicant ninety days prior to the application and that the items were not secured, purchased, or brought into the place of business for or in anticipation of the sale.

B. The inventory set forth in the application must not exceed by twenty-five percent the unit volume of the inventory carried by the applicant ninety days prior to application. Any inventory in excess of the foregoing is cause for refusal to issue any permit; provided further, that whenever the stock on hand to be sold at auction as described in this section is a stock of jewelry as described in Section 4.05.080, then application must be made for a class D permit. (Prior code § 21.812)

4.05.080 Auctions of jewelry.

It is unlawful for any person to sell, dispose of, or offer for sale, or cause or permit to be sold, disposed of or offered for sale at auction in the City any platinum, gold, silver, plated ware, precious stones, semi-precious stones, watches or other jewelry, new or used, whether the same shall be the property of the person, or the property of another; provided, however, that the foregoing provisions of this section do not apply to the following:

A. The sale at auction of the stock on hand of any person that, for the period of one year preceding such sale, has been continuously in business in the City as a retail or wholesale merchant of platinum, gold, silver or plated ware, precious stones or semi-precious stones, watches or other jewelry, new or used, where such person is bona fide disposing of its stock on hand for the purpose of retiring from business.

B. The sale at auction of such stock on hand of any person as described in subsection A of this section, where the stock has been purchased by a holder of class C permit under this chapter. (Amended during 1989 supplement; prior code § 21.813)

4.05.090 Labeling requirements.

A. It is unlawful for any person to offer for sale or sell, either for itself or for another, at auction any of the following articles without a label meeting the requirements of this section. If the article is:

1. platinum, gold, silver, plated ware, precious stone, semi-precious stones, watches or other jewelry, new or used, there must be securely attached to the article a tag, card or label containing a true and correct statement of the kind and quality of the material or materials of which the article is composed;

2. of metal jewelry, such statement must contain a true and correct statement of the kind and quality and/or weight of the metal of which article is made and composed, and the percentage or carat of purity of such metal or article;

3. plated or overlaid then such statement shall contain a true statement of the kind of plate and the percentage of purity of such plate, and the kind of metal or material covered;

4. a precious or semi-precious stone, such statement must contain the true name, weight, quality, color and fineness of said stone;

5. a watch, such statement must contain the true name of the manufacturer thereof; and in case any used movement or substitute part of movement of any watch be offered for sale in a new case, such fact must be set forth in the statement;

B. In the event that any auction sale has been advertised as offering such articles from a designated estate or named source, then, the tag or label on the article must state the designated or named estate or source from which that particular article was obtained.

C. No article subject to the labeling requirements of this section may bear any false, misleading name, description or entry. It is deemed prima facie evidence of intent to defraud or violate the provisions of this chapter where such article so sold or offered for sale fails to compare with the description indicated on the tag, card or label, as provided in this section.

D. Each tag, card, or label must remain securely attached to any such article sold or offered for sale, and must be delivered to the purchaser by the person selling the same as a correct description and representation of the article so sold.

E. In case there are more than one of the same kind of article to be sold, then such tag, card or label must indicate the chronological number of the respective articles of the same class so sold.

F. The auctioneer conducting the sale must at the end of every twenty-four hours, deliver or mail to the Sheriff an itemized statement of all sales of such articles made during the preceding twenty-four hour period. This itemized statement must be subscribed by the auctioneer conducting the sale and any false statement submitted by said auctioneer to the Sheriff is deemed sufficient cause for the suspension or revocation of a permit. (Prior code § 21.814)

4.05.100 Announcement of terms and conditions.

Every auctioneer, each day, at the beginning of an auction in the City must fully state the terms and conditions upon which the sale or sales will be made, and that a buyer must settle for any article so purchased within a specified period of time after the purchase not to exceed twenty-four hours. (Prior code § 21.815)

4.05.110 Invoice and warranty.

It is the duty of the person whose merchandise is being sold at auction to give each and every purchaser of an article that sells for one dollar or more, an invoice containing a full description of the article, the selling price, together with a statement giving each and every warranty under which the article was sold. Duplicate copies of invoices shall be kept for one year by such person. (Prior code § 21.816)

4.05.120 Prohibitions.

It is made unlawful for any person selling property at auction or conducting or assisting in carrying on or conducting an auction:

A. To knowingly and intentionally make any statement which is false in any particular, or which has a tendency to mislead any person present, or to make any misrepresentation whatsoever or at all, as to the quality or quantity or character or present condition or value or cost or general selling price of any property, whether new or used;

B. To have or employ or permit any person to be or take part in, or for any person to act as a capper or by-bidder, booster or puffer, or to make any fictitious or fraudulent bid, or bid not made in good faith or not intended to be consummated by a sale;

C. To ring any bell or sound any other loud or noisy instrument for the purpose of attracting attention to any auction;

D. To offer or attempt to dispose of any property at any auction in blind packages or any property not at the time at the time actually exhibited to public view, or to the view of the person bidding on same, except that property which is described in Sections 2081 and 2081.1 of the Civil Code of the state of California;

E. To offer or attempt to dispose of goods, wares, or merchandise at an auction between sunset and sunrise, unless such goods, wares or merchandise have been on display during the daylight hours of the business day preceding such sale;

F. To refuse, fail, or neglect to deliver complete and immediate possession to the purchaser of any property upon the payment of the purchase price thereon, in accordance with the terms of the sale;

G. To substitute any article in lieu of the article offered to and purchased by the bidder, except with the bidder's knowledge and consent;

H. To sell or offer for sale at auction any property whatsoever without first having a valid and unrevoked license or permits therefor, as required by this chapter. (Prior code § 21.817)

4.05.130 Exemptions.

Nothing contained in this chapter applies to the following:

A. Judicial sales;

B. Sales by executors and administrators;

C. Sales made upon execution or by virtue of any other process issued by a court;

D. Sales made by any public officer in his official capacity required to be made under the laws of the United States or the state of California or under the Administrative Code, this code, or any ordinance;

E. Sales of livestock and sales of heavy construction equipment;

F. Sales of property by any social organization for the purpose of raising funds to promote or further its objects, or for any public purpose whatsoever;

G. Sales conducted under the provisions of the Uniform Warehouse Receipts Act;

H. Sales made under a nonstatutory assignment for the benefit of creditors generally, which sale shall be conducted by an auctioneer permitted pursuant to this chapter, where the sale is limited to the stock in trade and fixtures on the premises in the City at the time of the assignment and where the sale is held on the premises;

I. Sales made by or on behalf of permitted pawnbrokers of unredeemed pledges in the manner provided by law. (Amended during 1989 supplement; prior code § 21.818)

EXHIBIT 6

CHAPTER 4.06 BINGO AND SIMILAR GAMES

4.06.010 Scope.

Notwithstanding any other provisions of this code, this chapter is adopted pursuant to Section 19 of Article IV of the California Constitution in order to make the game of bingo lawful under the terms and conditions in the following sections of this chapter and Section 326.5 of the Penal Code. (Prior code § 37.305) This chapter is not intended to authorize the playing of any game or combination of games otherwise prohibited by this code, state or local law. (Prior code § 37.304)

4.06.020 Definitions

The following words and phrases, when used in this title, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "Authorized organization" is an organization exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701w, and 23701l of the Revenue and Taxation Code. Authorized organization also includes a senior citizens organization, a mobile home park association, charitable organizations affiliated with a school district, but only if the receipts of those games are used only for charitable purposes.

B. "Bingo" is a game of chance in which prizes are awarded on the basis of designated numbers or symbols that are marked or covered by the player on a tangible card in the player's possession and that conform to numbers or symbols selected at random and announced by a live caller. The game of bingo also includes cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes. The winning cards must not be known prior to the game by any person participating in the playing or operation of the bingo game. All such preprinted cards must bear the legend "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance."

4.06.030 Regulatory permit—Application.

It is unlawful for any person, or for any person as agent, clerk or employee, within the corporate limits of the City to offer a bingo game or games without first having procured a business license required by Chapter 4.02 and a regulatory permit required by Chapter 4.03

A person who is a member of an authorized organization and is acting on behalf of such authorized organization must apply for and obtain a business license and regulatory permit not fewer than ten days prior to the proposed date of the bingo game or games. In addition to other information required by this title, the application must provide at least the following information:

A. A list of all persons who will operate the bingo game, including full names of each member, date of birth, and driver's license number or other state- or federal-issued identification number;

B. The date(s) and place(s) of the proposed bingo game or games;

C. Proof that the organization is an authorized organization as defined by this title; and

D. Proof that the proposed bingo game(s) will be operated on property owned or leased by or donated to the authorized organization. (Prior code § 37.308)

4.06.040 Regulatory permit—Term and fees.

A. The term of a bingo regulatory permit must not exceed one year.

B. The fee for a business license and regulatory permit to conduct bingo activities must be consistent with Section 326.5 of the Penal Code. (Prior code § 37.309)

4.06.050 Limitations.

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

B. No minors are permitted in any playing area of a bingo game or to participate in any bingo game.

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

D. A bingo game must be operated and staffed only by members of the authorized organization. Such members must be approved by the Sheriff during issuance of the regulatory permit. If, after the license and permit have been issued, the authorized organization submits additional names for approval, the application for approval must be accompanied by a fee as established by resolution of the City Council, no part of which will be refundable, and which will be used to defray the cost of investigation. Such members may not receive a profit, wage or salary from any bingo game.

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

F. With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game must be kept in a special fund or account and must not be commingled with any other fund or account. Such profits must be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games, all proceeds derived from a bingo game must be kept in a special fund or account and must not be commingled with any other fund or account. Such proceeds must be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes.

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

3. Such proceeds may be used to pay license and permit fees.

G. Within thirty days after the bingo game is held, the applicant must file with the issuing officer a full and complete financial statement of all moneys collected, disbursed and the amount remaining for charitable purposes.

H. No person may participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

I. The total value of prizes available to be awarded during the conduct of any bingo games must not exceed five hundred dollars ($500) in cash or kind, or both, for each separate game which is held.

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

K. The permittee may conduct bingo on not more than three days during any seven-day period. Once during each year the issuing officer may permit a permittee to conduct bingo games for more than three days during any seven-day period; provided, that such permission will be limited to bingo games which will be conducted in conjunction with an established annual event regularly held by the permittee. (Amended during 1989 supplement; Ord. 82 § 1, 1983: prior code § 37.312)

4.06.060 Inspection.

Any peace officer of the City has free access to any bingo game permitted under this chapter. The permittee must have the bingo permit and lists of approved staff available for inspection at all times during any bingo game. (Prior code § 37.313)

EXHIBIT 7

CHAPTER 4.07 TELECOMMUNICATIONS

4.07.010 General.

A. The purpose and intent of this chapter is to:

1. Establish a local policy concerning telecommunications providers and services;

2. Establish clear local guidelines, standards and time frames for the exercise of local authority with respect to the regulation of telecommunications providers and services;

3. Promote competition in telecommunications;

4. Minimize unnecessary local regulation of telecommunications providers and services;

5. Encourage the provision of advanced and competitive telecommunications services on the widest possible basis to the businesses, institutions and residents of the City;

6. Permit and manage reasonable access to the public ways of the City for telecommunications purposes on a competitively neutral basis;

7. Conserve the limited physical capacity of the public ways held in public trust by the City;

8. Assure that the City's current and ongoing costs of granting and regulating private access to and use of the public ways are fully paid by the person seeking such access and causing such costs;

9. Secure fair and reasonable compensation to the City and the residents of the City for permitting private use of the public ways;

10. Assure that all telecommunications carriers providing facilities or services within the City comply with the ordinances, rules and regulations of the City;

11. Assure that the City can continue to fairly and responsibly protect the public health, safety and welfare; and

12. Enable the City to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.

B. Definitions. The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

1. “Aboveground facilities” means utility poles, wires, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.

2. “Affiliate” means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.

3. “Annual gross revenue.” (Reserved.)

4. “Cable Act” means the Cable Communications Policy Act of 1984, 47 U.S.C. Section 532, et seq., as now and hereafter amended.

5. “Cable operator” means a telecommunications carrier providing or offering to provide cable service within the City as that term is defined in the cable act.

6. “Cable service” for the purpose of this chapter has the same meaning provided by the Cable Act.

7. “City Council” means the Mayor, City Council and the City.

8. “City property” means and includes all real property owned by the City, other than public streets and utility easements as those terms are defined herein, and all property held in a proprietary capacity by the City, which are not subject to right-of-way licensing and franchising as provided in this chapter.

9. “Excess capacity” means the volume or capacity in any existing or future duct, conduit, manhole, handhole or other utility facility within the public way that is or will be available for use for additional telecommunications facilities.

10. “FCC” or “Federal Communications Commission” means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

11. “Grantee” means a licensee or franchisee granted a license or franchise under this chapter.

12. “Other ways” means the highways, streets, alleys, utility easements or other right-of-way within the City, but under the jurisdiction and control of a governmental entity other than the City.

13. “Person” means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers.

14. “Public street” means any highway, street, alley or other public right-of-way for motor vehicle travel under the jurisdiction and control of the City which has been acquired, established, dedicated or devoted to highway purposes not inconsistent with telecommunications facilities.

15. "Public way" means and includes all public streets and utility easements, as those terms are defined herein, now and hereafter owned by the City, but only to the extent of the City's right, title, interest, or authority to grant a license or franchise to occupy and use such streets and easements for telecommunications facilities.

16. "PUC" or "Public Utilities Commission" means the California Public Utilities Commission or the state administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers in the State of California.

17. "State" means the state of California.

18. "Surplus space" means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the orders and regulations of the PUC, to allow its use by a telecommunications carrier or a pole attachment.

19. "Telecommunications carrier" means and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the City, used or to be used for the purpose of offering telecommunications service.

20. "Telecommunications facilities" means the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennae, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer telecommunications services.

21. "Telecommunications provider" means and includes every person who provides telecommunications service over telecommunications facilities without any ownership or management control of the facilities.

22. "Telecommunications service" means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

23. "Telecommunications system." See "Telecommunications facilities."

24. "Telephone company" means any telephone or telegraph corporation as defined by Sections 234-236 of the California Public Utilities Code (or any successor sections) which has obtained a certificate of public convenience and necessity from the PUC.

25. "Underground facilities" means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for aboveground facilities.

26. “Usable space” means that total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in the orders and regulations of the PUC.

27. “Utility easement” means any easement owned by the City and acquired, established, dedicated or devoted for public utility purposes not inconsistent with telecommunications facilities.

28. “Utility facilities” means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within the public ways of the City and used or to be used for the purpose of providing utility or telecommunications services.

C. Registration. Except as otherwise provided herein, all telecommunications carriers and providers engaged in the business of transmitting, supplying or furnishing of telecommunications originating or terminating in the City must register with the City pursuant to Section 4.07.020 of this chapter.

D. Telecommunications License. Except as otherwise provided therein, any telecommunications carriers who desire to construct, install, operate, maintain, or otherwise locate telecommunications facilities in, under, over or across any public way of the City for the sole purpose of providing telecommunications services to persons and areas outside the City shall first obtain a license granting the use of such public ways from the City pursuant to Section 4.07.030 of this chapter.

E. Telecommunications Franchise. Except as otherwise provided herein, any telecommunications carriers who desire to construct, install, operate, maintain or otherwise locate telecommunications facilities in, under, over or across any public way of the City, and to also provide telecommunications service to persons or areas in the City, shall first obtain a franchise granting the use of such public ways from the City pursuant to Section 4.07.040 of this chapter.

F. Application to Existing Franchise Ordinance and Agreements. Sections 4.07.010 through 4.07.070 of this chapter shall have no effect on any existing franchise ordinance or franchise agreement until:

1. The expiration of said franchise ordinance or agreement;

2. An amendment to any unexpired franchise ordinance or franchise agreement, unless both parties agree to defer full compliance to a specific date not later than the present expiration date.

G. Remedies. Nothing in this chapter shall be construed as limiting any remedies that the City may have, at law or in equity, for enforcement of this chapter.

H. Severability. If any section, subsection, sentence, clause, phrase, or other portion of this chapter, or its application to any person, is, for any reason, declared invalid, in

whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof. (Ord. 401 § 1, 2001)

4.07.020 Registration of telecommunications carriers and providers.

A. Registration Required. All telecommunications carriers and providers that offer or provide any telecommunications service for a fee directly to the public, either within the City, or outside the corporate limits from the telecommunications facilities within the City, shall register with the City pursuant to this section on forms to be provided by the issuing officer, which shall include the following:

1. The identity and legal status of the registrant, including any affiliates.

2. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement.

3. A description of registrant's existing or proposed telecommunications facilities within the City in a form satisfactory to the City's director of development services.

4. A description of the telecommunications service that the registrant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses or institutions within the City.

5. Information sufficient to determine whether the registrant is subject to public way licensing or franchising under this chapter.

6. Information sufficient to determine whether the transmission, origination or receipt of the telecommunications services provided or to be provided by the registrant constitutes an occupation or privilege subject to any municipal telecommunications tax business license fee, or other occupation tax imposed by the City.

7. Information sufficient to determine that the applicant has applied for and received any certificate of authority required by the PUC to provide telecommunications services or facilities within the City.

8. Information sufficient to determine that the applicant has applied for and received any construction permit, operating license or other approvals required by the Federal Communications Commission to provide telecommunications services or facilities within the City.

9. Information sufficient to determine that the applicant has applied for and received:

   (a) Any encroachment permit required under Chapter 8.02 of the Santee Municipal Code, and

(b) Any development review permit, conditional use permit, or administrative approval required for wireless telecommunications facilities under Chapter 13.34 of the Santee Municipal Code.

10. Any building permit required under Title 11 of the Santee Municipal Code.

11. Information sufficient to determine that the applicant has paid any encroachment deposit and other fee due under Chapter 8.02 of the Santee Municipal Code.

12. Such other information as the issuing officer and director of development services may reasonably require.

B. Registration Fee. Each application for registration as a telecommunications carrier or provider shall be accompanied by a fee of twenty-five dollars ($25.00).

C. Purpose of Registration. The purpose of registration under this Section 4.07.020 is to:

1. Provide the City with accurate and current information concerning the telecommunications carriers and providers who offer or provide telecommunications services within the City, or that own or operate telecommunications facilities within the City;

2. Assist the City in enforcement of this chapter;

3. Assist the City in the collection and enforcement of any municipal taxes, franchise fees, license fees or charges that may be due the City;

4. Assist the City in monitoring compliance with local, state and federal laws. (Ord. 401 § 1, 2001)

4.07.030 Telecommunications license.

A. A telecommunications license shall be required of any telecommunications carrier, other than telephone companies or other entities exempt from local license laws under state or federal law, who desires to occupy specific public ways of the City for the sole purpose of providing telecommunications services to persons or areas outside the City.

B. License Application. Any person that desires a telecommunications license pursuant to this Section 4.07.030 shall file an application with the City which shall include the following information:

1. The identity of license applicant, including all affiliates of the applicant.

2. A description of the telecommunications services that are or will be offered or provided by licensee over its telecommunications facilities.

3. A description of the transmission medium that will be used by the licensee to offer or provide such telecommunications services.

4. Preliminary engineering plans, specifications and a network map of the facilities to be located within the City, all in sufficient detail to identify:

   (a) The location and route requested for applicant's proposed telecommunications facilities.

   (b) The location of all aboveground and underground public utility, telecommunications, cable, water, sewer drainage and other facilities in the public way along the proposed route.

   (c) The location(s), if any, for interconnection with the telecommunications facilities of other telecommunications carriers.

   (d) The specific trees, structures, improvements, facilities and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate.

5. If applicant is proposing to install aboveground facilities, evidence that surplus space is available for locating its telecommunications facilities on existing utility poles along with proposed route if the applicant proposes to use utility poles, and that the director of development services has made the findings required under Section 4.07.070(B) of this chapter.

6. If applicant is proposing an underground installation in existing ducts or conduits within the public ways, information in sufficient detail to identify:

   (a) The excess capacity currently available in such ducts or conduits before installation of applicant's telecommunications facilities;

   (b) The excess capacity, if any, that will exist in such ducts or conduits after installation of applicant's telecommunications.

7. If applicant is proposing an underground installation within new ducts or conduits to be constructed within the public ways:

   (a) The location proposed for the new ducts or conduits;

   (b) The excess capacity that will exist in such ducts or conduits after installation of applicant's telecommunications facilities.

8. A preliminary construction schedule and completion date.

9. A preliminary traffic control plan.

10. Financial statements prepared in accordance with generally accepted accounting principles demonstrating the applicant's financial ability to construct, operate, maintain, relocate and remove the facilities.

11. Information in sufficient detail to establish the applicant's technical qualifications, experience and expertise regarding the telecommunications facilities and services described in the application.

12. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide the telecommunications services.

13. All fees, deposits or charges required pursuant to Section 4.07.060 of this chapter.

14. Information sufficient to determine that the applicant has paid any encroachment deposit and other fees due under chapter 8.02 of the Santee Municipal Code.

15. Such other and further information as may be required by the City Manager.

C. Determination By the City. Within one hundred eighty days after receiving a complete application under Section 4.07.030(B), the City Council shall issue a written determination granting or denying the application in whole or in part, applying the following standards. If the application is denied, the written determination shall include the reasons for denial.

1. The financial and technical ability of the applicant;

2. The legal ability of the applicant;

3. The capacity of the public ways to accommodate the applicant's proposed facilities;

4. The capacity of the public ways to accommodate additional utility and telecommunications facilities if the license is granted;

5. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the license is granted;

6. The public interest in minimizing the cost and disruption of construction within the public ways;

7. The service that applicant will provide to the community and region;

8. The effect, if any, on public health, safety and welfare if the license is granted;

9. The availability of alternate routes and/or locations for the proposed facilities;

10. Applicable federal and state telecommunications laws, regulations and policies; and

11. Such other factors as may demonstrate that the grant to use the public ways will serve the community interest.

D. Agreement. No license granted hereunder shall be effective until the applicant and the City have executed a written agreement setting forth the particular terms and provisions under which the license to occupy and use public ways of the City will be granted.

E. Nonexclusive Grant. No license granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the City for delivery of telecommunications services or any other purposes.

F. Rights Granted. No license granted under this chapter shall convey any right, title or interest in the public ways, but shall be deemed a license only to use and occupy the public ways for the limited purposes and term stated in the grant. Further, no license shall be construed as any warranty of title.

G. Term of Grant. Unless otherwise specified in a license agreement, a telecommunications license granted hereunder shall be in effect for a term of five years. License Route. A telecommunications license granted under this chapter shall be limited to a grant of specific public ways and defined portions thereof.

H. Location of Facilities. Unless otherwise specified in a license agreement, all facilities shall be constructed, installed and located in accordance with the following terms and conditions:

1. Telecommunications facilities shall be installed within an existing underground duct or conduit whenever excess capacity exists within such utility facility and such capacity is reasonably available on a nondiscriminatory basis.

2. A licensee with permission to install aboveground facilities shall install its telecommunications facilities subject to the director of development services' findings required under Section 4.07.070(B) of this chapter, and then only if surplus space is available.

3. Whenever any existing electric utilities, cable facilities or telecommunications facilities are located underground within a public way of the City, a licensee with permission to occupy the same public way must also locate its telecommunications facilities underground.

4. Whenever any new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public way of the City, a grantee that currently occupies the same public way shall relocate its facilities underground within a reasonable period of time, which shall not be later than the end of the grant term. Absent extraordinary

circumstances or undue hardship as determined by the City, such relocation shall be made concurrently to minimize the disruption of the public ways.

5. Whenever new telecommunications facilities will exhaust the capacity of a public street or utility easement to reasonably accommodate future telecommunications carriers or facilities, the grantee shall provide additional ducts, conduits, manholes and other facilities for nondiscriminatory access to future telecommunications carriers.

I. Encroachment and Building. All licensees shall obtain applicable encroachment and building permits for telecommunications facilities as required in Section 4.07.070 of this chapter and titles 11, and 13 of the Santee Municipal Code provided, however, that nothing in this chapter shall prohibit the City and a licensee from agreeing to alternative plan review, permit and construction procedures in a license agreement, provided such alternative procedures provide substantially equivalent safeguards for responsible construction practices.

J. Trench Cut Fees. Each license granted under this chapter involving the excavation or any other work in the public way shall be subject to the payment of any encroachment deposits and other fees under Chapter 8.02 of the Santee Municipal Code, provided, however, that the City and licensee may provide otherwise in a license agreement.

K. Compensation to City. Each license granted under this chapter is subject to the City's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for the property rights granted to the licensee; provided, nothing in this chapter shall prohibit the City and a licensee from agreeing to the compensation to be paid.

L. Service to City Users. A licensee may be permitted to offer or provide telecommunications services to the City, local school districts, or other persons or areas within the City upon submitting an application for approval pursuant to Section 4.07.040 hereof.

M. Amendment of License.

1. A new license application and approval shall be required of any telecommunications carrier that desires to extend or locate its telecommunications facilities in public ways of the City, which are not included in a license previously granted under this chapter.

2. If ordered by the City to locate or relocate its telecommunications facilities in public ways not included in a previously granted license, the City shall grant a license amendment without further application.

N. Renewal Applications. A grantee that desires to renew its license under this chapter shall, not less than one hundred eighty days before expiration of the current license, file an application with the City for renewal of its license which shall include the following information:

1. The information required pursuant to Section 4.07.030(B) of this chapter;

2. Any information required pursuant to the license agreement between the City and the grantee.

O. Renewal Determinations. Within one hundred eighty days after receiving a complete application under Section 4.07.030(O), the City Council shall issue a written determination granting or denying the renewal application in whole or in part, applying the following standards. If the renewal application is denied, the written determination shall include the reasons for non-renewal:

1. The financial and technical ability of the applicant;

2. The legal ability of the applicant;

3. The continuing capacity of the public ways to accommodate the applicant's existing facilities;

4. The applicant's compliance with the requirement of this chapter and the license agreement;

5. Applicable federal, state and local telecommunications laws, rules and policies;

6. Such other factors as may demonstrate that the continued grant to use the public ways will serve the community interest.

P. Obligation to Cure As a Condition of Renewal. No license shall be renewed until any ongoing violations or defaults in the licensee's performance of the license agreement, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the City. (Ord. 401 § 1, 2001)

4.07.040 Telecommunications franchise.

A. A telecommunications franchise shall be required of any telecommunications carrier, other than (1) cable television franchisees, (2) telephone companies, or (3) other entities exempt from local franchise laws under state or federal law, who desires to occupy public ways of the City and to provide telecommunications services to any person or area in the City.

B. Franchise application. Any person that desires a telecommunications franchise pursuant to this Section 4.07.040 shall file an application with the City which shall include the following information:

1. The identity of the franchise applicant, including all affiliates of the applicant;

2. A description of the telecommunications services that are or will be offered or provided by the franchise applicant over its existing or proposed facilities in a form satisfactory to the director of development services;

3. A description of the transmission medium that will be used by the franchisee to offer or provide such telecommunications services;

4. Preliminary engineering plans, specifications and a network map of the facilities to be located within the City, all in sufficient detail to identify:

   (a) The location and route requested for the applicant's proposed telecommunications facilities,

   (b) The location of all aboveground and underground public utility, telecommunications, cable, water, sewer drainage and other facilities in the public way along the proposed route,

   (c) The location(s), if any, for interconnection with the telecommunications facilities of other telecommunications carriers,

   (d) The specific trees, structures, improvements, facilities and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate;

5. If the applicant is proposing to install aboveground facilities, evidence that surplus space is available for locating its telecommunications facilities on existing utility poles along the proposed route if the applicant is proposing to use utility poles, and that the director of development services has made the findings required under Section 4.07.070(B);

6. If the applicant is proposing an underground installation in existing ducts or conduits within the public ways, information in sufficient detail to identify:

   (a) The excess capacity currently available in such ducts or conduits after installation of applicant's telecommunications facilities,

   (b) The excess capacity, if any, that will exist in such ducts or conduits after installation of applicant's telecommunications facilities;

7. If the applicant is proposing an underground installation within new ducts or conduits to be constructed within the public ways:

   (a) The location proposed for the new ducts or conduits,

   (b) The excess capacity that will exist in such ducts or conduits after installation of applicant's telecommunications facilities;

8. A preliminary construction schedule and completion dates;

9. A preliminary traffic control plan;

10. Financial statements prepared in accordance with generally accepted accounting principles demonstrating the applicant's financial ability to construct, operate, maintain, relocate and remove the facilities;

11. Information in sufficient detail to establish the applicant's technical qualifications, experience and expertise regarding the telecommunications facilities and services described in the application;

12. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide the telecommunications services;

13. An accurate map showing the location of any existing telecommunications facilities in the City that applicant intends to use or lease;

14. A description of the services or facilities that the applicant will offer or make available to the City and other public, educational and governmental institutions;

15. A description of applicant's access and line extension policies;

16. The area or areas of the City the applicant desires to serve and a schedule for build-out to the entire franchise area;

17. All fees, deposits or charges required pursuant to Section 4.07.060 of this chapter;

18. Payment of any encroachment deposit and other fees due under Chapter 8.02 of the Santee Municipal Code; and

19. Such other and further information as may be requested by the City Manager.

C. Determination by the City. Within one hundred eighty days after receiving a complete application under Section 4.07.030(B), the City Council shall issue a written determination granting or denying the application in whole or in part, applying the following standards. If the application is denied, the written determination shall include the reasons for denial:

1. The financial and technical ability of the applicant;

2. The legal ability of the applicant;

3. The capacity of the public ways to accommodate the applicant's proposed facilities;

4. The capacity of the public ways to accommodate additional utility and telecommunications facilities if the franchise is granted;

5. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the franchise is granted;

6. The public interest in minimizing the cost and disruption of construction within the public ways;

7. The service that applicant will provide to the community and region;

8. The effect, if any, on public health, safety and welfare if the franchise requested is granted;

9. The availability of alternate routes and/or locations for the proposed facilities;

10. Applicable federal and state telecommunications laws, regulations and policies; and

11. Such other factors as may demonstrate that the grant to use the public ways will serve the community interest.

D. Agreement. No franchise shall be granted hereunder unless the applicant and the City have executed a written agreement setting forth the particular terms and provisions under which the franchise to occupy and use public ways of the City will be granted.

E. Nonexclusive grant. No franchise granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the City for delivery of telecommunications services or any other purposes.

F. Term of Grant. Unless otherwise specified in a franchise agreement, a telecommunications franchise granted hereunder shall be valid for a term of ten years.

G. Rights Granted. No franchise granted under this chapter shall convey any right, title or interest in the public ways, but shall be deemed a franchise only to use and occupy the public ways for the limited purposes and term stated in the grant. Further, no franchise shall be construed as any warranty of title.

H. Franchise Territory. A telecommunications franchise granted under this chapter shall be limited to the specific geographic area of the City to be served by the franchise grantee, and the specific public ways necessary to serve such areas.

I. Location of facilities. Unless otherwise specified in a franchise agreement, all facilities shall be constructed, installed and located in accordance with the following terms and conditions:

1. Telecommunications facilities shall be installed within an existing underground duct or conduit whenever excess capacity exists within such utility facility and such capacity is reasonably available on a nondiscriminatory basis.

2. A franchisee with permission to install aboveground facilities shall install its telecommunications facilities subject to the director of development services' findings required under Section 4.07.070(B), and then only if surplus space is available.

3. Whenever any existing electric utilities, cable facilities or telecommunications facilities are located underground within a public way of the City, a franchise with permission to occupy the same public way must also locate its telecommunications facilities underground.

4. Whenever any new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public way of the City, a grantee that currently occupies the same public way shall relocate its facilities underground within a reasonable period of time, which shall not be later than the end of the grant term. Absent extraordinary circumstances or undue hardship as determined by the City Engineer, such relocation shall be made concurrently to minimize the disruption of the public ways.

5. Whenever new telecommunications facilities will exhaust the capacity of the public street or utility easement to reasonably accommodate future telecommunications carriers or facilities, the grantee shall provide additional ducts, conduits, manholes and other facilities for nondiscriminatory access to future carriers.

J. Encroachment and Building. All franchisees shall obtain applicable encroachment and building permits for telecommunications facilities as required in Section 4.07.070 of this chapter and titles 8, 11, and 13 of the Santee Municipal Code, provided, however, that nothing in this chapter shall prohibit the City and a franchisee from agreeing to alternative plan review, permit and construction procedures in a franchise agreement, provided such alternative procedures provide substantially equivalent safeguards for responsible construction practices.

K. Trench Cut Fees. Each franchise granted under this chapter involving the excavation or any other work in the public way shall be subject to the payment of any encroachment deposits and other fees due under Chapter 8.02 of the Santee Municipal Code provided, however, that the City and licensee may provide otherwise in a franchise agreement.

L. Compensation to City. Each franchise granted under this chapter subject to the City's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for the property rights granted to the franchisee; provided, nothing in this chapter shall prohibit the City and a franchisee from agreeing to the compensation to be paid.

M. Nondiscrimination. A franchisee shall make its telecommunications services available to any customer within its franchise area who shall request such service, without discrimination as to the terms, conditions, rates or charges for grantee's services;

provided, however, that nothing in this chapter shall prohibit a franchisee from making any reasonable classifications among differently situated customers.

N. Service to the City. A franchisee shall make its telecommunications services available to the City and local school districts at its most favorable rate for similarly situated users, unless otherwise provided in a license or franchise agreement.

O. Amendment of Franchise.

1. A new franchise application and approval shall be required of any telecommunications carrier that desires to extend its franchise territory or to locate its telecommunications facilities in public ways of the City which are not included in a franchise previously granted under this chapter.

2. If ordered by the City to locate or relocate its telecommunications facilities in public ways not included in a previously granted franchise, the City shall grant a franchise amendment without further application.

P. Renewal Applications. A grantee that desires to renew its franchise under this chapter shall, not less than one hundred eighty days before expiration of the current franchise, file an application with the City for renewal of its franchise which shall include the following information:

1. The information required pursuant to Section 4.07.040(B) of this chapter; and

2. Any information required pursuant to the franchise agreement between the City and the grantee.

Q. Renewal Determinations Within one hundred eighty days after receiving a complete application under Section 4.07.040(P) hereof, the City Council shall issue a written determination granting or denying the renewal application in whole or in part, applying the following standards. If the renewal application is denied, the written determination shall include the reasons for non-renewal:

1. The financial and technical ability of the applicant;

2. The legal ability of the applicant;

3. The continuing capacity of the public ways to accommodate the applicant's existing facilities;

4. The applicant's compliance with the requirements of this chapter and the franchise agreement;

5. Applicable federal, state and local telecommunications laws, rules and policies; and

6. Such other factors as may demonstrate that the continued grant to use the public ways will serve the community interest.

R. Obligation to cure as a condition of renewal. No franchise shall be renewed until any ongoing violations or defaults in the grantee's performance of the franchise agreement, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the City. (Ord. 401 § 1, 2001)

4.07.060 Fees and compensation.

A. Purpose. It is the purpose of this chapter to provide for the payment and recovery of all direct and indirect costs and expenses of the City related to the enforcement and administration of this chapter.

B. Application and Review Fee.

1. Any applicant for a license or franchise pursuant to Section 4.07.030 or Section 4.07.040 of this chapter shall pay a fee representing the City's actual costs of reviewing the application and preparing a license or franchise agreement.

2. The estimated application and review fee shall be deposited with the City as part of the application filed pursuant to Section 4.07.030 or Section 4.07.040 of this chapter.

3. An applicant whose license or franchise application has been withdrawn, abandoned or denied shall, within sixty days of its written request, be refunded the balance of its deposit under this section, less all ascertainable costs and expenses incurred by the City in connection with the application.

C. Other City Costs. All license or franchise grantees shall, within thirty days after written demand therefor, reimburse the City for all direct or indirect costs and expenses incurred by the City in connection with any modification, amendment, renewal or transfer of the license or franchise or any license or franchise agreement.

D. Reserved Compensation for Public Ways. The city reserves its right to annually fix a fair and reasonable compensation to be paid for the property rights granted to a telecommunications license or franchise grantee. Nothing in this chapter shall prohibit the City and a grantee from agreeing to the compensation to be paid for the granted property rights.

E. Compensation for City Property. If the right is granted, by lease, license, franchise or other manner, to use and occupy city property for the installation of telecommunications facilities, the compensation to be paid shall be fixed by the City.

F. Trench Cut and Building Fees. Prior to issuance of an encroachment permit under Chapter 8.02 of the Santee Municipal Code or a building permit under Title 11 of the Santee Municipal Code, the applicant shall pay any encroachment deposit, trench cut fees or building permit fees due thereunder.

G. Annual Fees. Unless otherwise agreed in a license or franchise grant agreement, each license or franchise grantee shall pay an annual license fee to the City as set by the City Council as reimbursement for the City's costs in connection with reviewing, inspecting and supervising the use and occupancy of the public ways on behalf of the public and existing or future users.

H. Regulatory Fees and Compensation not a Tax. The regulatory fees and costs provided for in this chapter, and any compensation charged and paid for the public ways provided for in Sections 4.07.060(D) and (E) of this chapter, are separate from, and additional to, any and all federal, state, local and city taxes as may be levied, imposed or due from a telecommunications carrier or provider, its customers or subscribers, or on account of the lease, sale, delivery or transmission of telecommunications services. (Ord. 401 § 1, 2001)

4.07.070 Conditions of grant.

A. Location of Facilities. All facilities shall be constructed, installed and located in accordance with Chapter 8.02, Title 11 and Title 13 of the Santee Municipal Code, and in accordance with the following terms and conditions, unless otherwise specified in a license or franchise agreement:

1. A grantee shall install its telecommunications facilities within an existing underground duct or conduit whenever excess capacity exists within such utility facility and such capacity is reasonably available on a nondiscriminatory basis.

2. A grantee with permission to install aboveground facilities shall install its telecommunications facilities on pole attachments to existing utility poles only, subject to the director of development services' findings under Section 4.07.070(B) of this chapter, and then only if surplus space is available.

3. Whenever any existing electric utilities, cable facilities or telecommunications facilities are located underground within a public way of the City, a grantee with permission to occupy the same public way must also locate its telecommunications facilities underground.

4. Whenever any new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public way of the City, a grantee that currently occupies the same public way shall relocate its facilities underground within a reasonable period of time, which shall not be later than the end of the grant term. Absent extraordinary circumstances or undue hardship as determined by the City Engineer, such relocation shall be made concurrently to minimize the disruption of the public ways.

5. Whenever new telecommunications facilities will exhaust the capacity of a public street or utility easement to reasonably accommodate future telecommunications carriers or facilities, the grantee shall provide additional ducts, conduits, manholes and other facilities for nondiscriminatory access to future carriers.

B. Design Criteria for Aboveground Facilities. In approving or recommending approval of the installation of aboveground facilities, the director of development services shall find that, where feasible:

1. The installation will occur on existing structures such as buildings, water tanks, utility poles, sign standards, traffic signals, light standards and roadway overpasses.

2. The installation will occur on property zoned or designated as industrial or commercial.

3. The installation takes full advantage of opportunities to co-locate similar facilities.

4. The design requirements of Section 13.34.060 of the Santee Municipal Code have been met.

C. Compliance with Public Utilities Code. All license or franchise grantees shall, before commencing any construction in the public ways, comply with all regulations of the public utilities code.

D. Encroachment and Building Permits. All license or franchise grantees are required to obtain construction permits for telecommunications facilities as required in Section 4.07.080 of this chapter and Titles 8 and 11 of the Santee Municipal Code. However, nothing in this chapter shall prohibit the City and a grantee from agreeing to alternative plan review, permit and construction procedures in a license or franchise agreement, provided such alternative procedures provide substantially equivalent safeguards for responsible construction practices.

E. Interference with the Public Ways. No license or franchise grantee may locate or maintain its telecommunications facilities so as to unreasonably interfere with the use of the public ways by the City, by the general public or by other persons authorized to use or be present in or upon the public ways. All such facilities shall be moved by the grantee, temporarily or permanently, as determined by the City Engineer.

F. Damage to Property. No license or franchise grantee nor any person acting on a grantee's behalf shall take any action or permit any action to be done which may impair or damage any city property, public ways of the City, other ways or other property located in, on or adjacent thereto.

G. Notice of Work. Unless otherwise provided in a license or franchise agreement, no license or franchise grantee, nor any person acting on the grantee's behalf, shall commence any non-emergency work in or about the public ways of the City or other ways without ten working days advance notice to the City and without compliance with Title 8 of this municipal code.

H. Repair and Emergency Work. In the event of an unexpected repair or emergency, a grantee may commence such repair and emergency response work as required under the circumstances, provided the grantee shall notify the City as promptly as possible,

before such repair or emergency work or as soon thereafter as possible if advance notice is not practicable.

I. Maintenance of Facilities. Each license or franchise grantee shall maintain its facilities in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.

J. Relocation or Removal of Facilities. Within thirty days following written notice from the City, a license or franchise grantee shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any telecommunications facilities within the public ways whenever the corporate authorities shall have determined that such removal, relocation, change or alteration is reasonably necessary for:

1. The construction, repair, maintenance or installation of any city or other public improvement in or upon the public ways; and

2. The operations of the City or other governmental entity in or upon the public ways.

K. Removal of Unauthorized Facilities. Within thirty days following written notice from the City, any grantee, telecommunications carrier, or other person that owns, controls or maintains any unauthorized telecommunications system, facility or related appurtenances within the public ways of the City shall, at its own expense, remove such facilities or appurtenances from the public ways of the City. A telecommunications system or facility is unauthorized and subject to removal in the following circumstances:

1. Upon expiration or termination of the grantee's telecommunications license or franchise;

2. Upon abandonment of a facility within the public ways of the City;

3. If the system or facility was constructed or installed without the prior grant of a telecommunications license or franchise;

4. If the system or facility was constructed or installed without the prior issuance of a required construction permit, encroachment permit, or building permit; and

5. If the system or facility was constructed or installed at a location not permitted by the grantee's telecommunications license or franchise.

L. Emergency Removal or Relocation of Facilities. The city retains the right and privilege to cut or move any telecommunications facilities located within the public ways of the City, as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency.

M. Damage to Grantee's Facilities. Unless directly and proximately caused by the willful, intentional or malicious acts by the City, the City shall not be liable for any damage to or loss of any telecommunications facility within the public ways of the City as a result of or

in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public ways by or on behalf of the City.

N. Restoration of Public Ways, Other Ways and City Property.

1. When a license or franchise grantee, or any person acting on its behalf, does any work in or affecting any public ways, other ways or city property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property to as good a condition as existed before the work was undertaken, unless otherwise directed by the City.

2. If weather or other conditions do not permit the complete restoration required by this subsection, the grantee shall temporarily restore the affected ways or property. Such temporary restoration shall be at the licensee's or franchisee's sole expense and the licensee or franchisee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.

3. A grantee or other person acting in its behalf shall use suitable barricades, flags, flagmen, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such ways or property.

O. Facilities Maps. Each license or franchise grantee shall provide the City with an accurate map or maps certifying the location of all telecommunications facilities within the public ways. Each grantee shall provide updated maps annually.

P. Duty to Provide Information. Within ten days of a written request from the City Manager, each license or franchise grantee shall furnish the City with information sufficient to demonstrate:

1. That grantee has complied with all requirements of this chapter;

2. That all municipal business license, sales, message and/or telecommunications taxes and fees due the City in connection with the telecommunications services and facilities provided by the grantee have been properly collected and paid by the grantee; and

3. All books, records, maps and other documents, maintained by the grantee with respect to its facilities within the public ways shall be made available for inspection by the City at reasonable times and intervals.

Q. Leased Capacity. A license or franchise grantee shall have the right, without prior city approval, to offer or provide capacity or bandwidth to its customers; provided:

1. Grantee shall furnish the City with a copy of any such lease or agreement; and

2. The customer or lessee has complied, to the extent applicable, with the requirements of this chapter.

R. Grantee Insurance. Unless otherwise provided in a license or franchise agreement, each grantee shall, as a condition of the grant, secure and maintain the following liability insurance policies insuring both the grantee and the City, and its elected and appointed officers, officials, agents and employees as coinsureds:

1. Comprehensive general liability insurance with limits not less than:

   (a) Five million dollars for bodily injury or death to each person,

   (b) Five million dollars for property damage resulting from any one accident, and

   (c) Five million dollars for all other types of liability;

2. Automobile liability for owned, non-owned and hired vehicles with a limit of three million dollars for each person and three million dollars for each accident;

3. Workers compensation within statutory limits and employers liability insurance with limits of not less than one million dollars;

4. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars;

5. The liability insurance policies required by this section shall be maintained by the grantee throughout the term of the telecommunications license or franchise, and such other period of time during which the grantee is operating without a franchise or license here under, or is engaged in the removal of its telecommunications facilities. Each such insurance policy shall contain the following endorsement:

   "It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until ninety days after receipt by the City, by registered mail, of a written notice addressed to the City Manager of such intent to cancel or not to renew."

6. Within sixty days after receipt by the City of said notice, and in no event later than thirty days prior to said cancellation, the grantee shall obtain and furnish to the City replacement insurance policies meeting the requirements of this subsection.

S. General Indemnification. Each license or franchise agreement shall include, to the extent permitted by law, grantee's express undertaking to defend, indemnify and hold the City and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit

or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its telecommunications facilities, and in providing or offering telecommunications services over the facilities or network, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a license or franchise agreement made or entered into pursuant to this chapter.

T. Performance and Construction Surety. Before a license for franchise granted pursuant to this chapter is effective, and as necessary thereafter, the grantee shall provide and deposit such monies, bonds, letters of credit or other instruments in form and substance acceptable to the City as may be required by this chapter or by an applicable license or franchise agreement.

U. Security Fund. Each grantee shall establish a permanent security fund with the City by depositing the amount of fifty thousand dollars with the City in cash, an unconditional letter of credit, or other instrument acceptable to the City, which fund shall be maintained at the sole expense of grantee so long as any of grantee's telecommunications facilities are located within the public ways of the City.

1. The fund shall serve as security for the full and complete performance of this chapter including any costs, expenses, damages or loss the City pays or incurs because of any failure attributable to the grantee to comply with the codes, ordinances, rule, regulations or permits of the City.

2. Before any sums are withdrawn from the security fund, the City shall give written notice to the grantee:

    (a) Describing the act, default or failure to be remedied, or the damages, cost or expenses which the City has incurred by reason of grantee's act or default;

    (b) Providing a reasonable opportunity for grantee to first remedy the existing or ongoing default or failure, if applicable;

    (c) Providing a reasonable opportunity for grantee to pay any monies due the City before the City withdraws the amount thereof from the security fund, if applicable; and

        (i) That the grantee will be given an opportunity to review the act, default or failure described in the notice with the City Manager or his designee.

3. Grantees shall replenish the security fund within fourteen days after written notice from the City that there is a deficiency in the amount of the fund.

V. Construction and Completion Bond. Unless otherwise provided in a license or franchise agreement, each grantee of a license or franchise issued under this chapter,

shall, in addition to encroachment deposits required under Chapter 8.02 of this code, shall post a performance bond written by a corporate surety acceptable to the City equal to at least one hundred percent of the estimated cost of constructing grantee's telecommunications facilities within the public ways of the City

1. The construction bond shall remain in force until sixty days after substantial completion of the work, as determined by the City Engineer, including restoration of public ways and other property affected by the construction.

2. The construction bond shall guarantee, to the satisfaction of the City:

   (a) Timely completion of construction;

   (b) Construction in compliance with applicable plans, permits, technical codes and standards;

   (c) Proper location of the facilities as specified by the City;

   (d) The submission of "as-built" drawings after completion of the work as required by this chapter; and

   (e) Timely payment and satisfaction of all claims, demands or liens for labor, material or services provided in connection with the work.

W. Coordination of Construction Activities. All grantees are required to cooperate with the City and with each other.

1. By February 1 of each year, grantees shall provide the City with a schedule of their proposed construction activities in, around or that may affect the public ways.

2. Each grantee shall meet with the City, other grantees and users of the public ways annually or as determined by the City to schedule and coordinate construction in the public ways.

3. All construction locations, activities and schedules shall be coordinated, as ordered by the City Engineer, to minimize public inconvenience, disruption or damages.

X. Assignments or Transfers of Grant. Ownership or control of a telecommunications system license or franchise may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the City, which consent shall not be unreasonably withheld or delayed, as expressed by ordinance and then only on such reasonable conditions as may be prescribed therein.

1. No grant shall be assigned or transferred in any manner until twelve months after the initial grant of the license or franchise, unless otherwise provided in a license or franchise agreement.

2. Absent extraordinary and unforeseeable circumstances, no grant, system or integral part of a system shall be assigned or transferred before construction of the telecommunications system has been completed.

3. Grantee and the proposed assignee or transferee of the grant or system shall provide and certify the following information to the City not less than one hundred fifty days prior to the proposed date of transfer:

   (a) Complete information setting forth the nature, terms and conditions of the proposed transfer or assignment;

   (b) All information required of a telecommunications license or franchise applicant pursuant to Sections 4.07.030 and 4.07.040 of this chapter with respect to the proposed transferee or assignee; and

   (c) Any other information reasonably required by the City.

4. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own, hold and operate the telecommunications system pursuant to this chapter.

5. Unless otherwise provided in a license or franchise agreement, the grantee shall reimburse the City for all direct and indirect fees, costs, and expenses reasonably incurred by the City in considering a request to transfer or assign a telecommunications license or franchise.

6. Any transfer or assignment of a telecommunications grant, system or integral part of a system, without prior approval of the City under this subsection or pursuant to a license or franchise agreement, shall be void and is cause for revocation of the grant.

Y. Transactions Affecting Control of Grant. Any transactions which singularly or collectively result in a change of ten percent or more of the ownership or working control of the grantee, of the owner ship or working control of a telecommunications license or franchise, of the ownership or working control of affiliated entities having ownership or working control of the capacity or bandwidth of grantee's telecommunications system, facilities or substantial parts thereof, shall be considered an assignment or transfer requiring city approval pursuant to Section 4.07.070(W). Transactions between affiliated entities are not exempt from city approval.

Z. Revocation or Termination of Grant. A license or franchise granted by the City to use or occupy public ways of the City may be revoked for the following reasons:

1. Construction or operation in the City or in the public ways of the City without a license or franchise grant of authorization;

2. Construction or operation at an unauthorized location;

3. Unauthorized substantial transfer of control of the grantee;

4. Unauthorized assignment of a license or franchise;

5. Unauthorized sale, assignment or transfer of grantee's franchise or license assets, or a substantial interest therein;

6. Misrepresentation or lack of candor by or on behalf of a grantee in any application to the City;

7. Abandonment of telecommunications facilities in the public ways;

8. Failure to relocate or remove facilities as required in this chapter;

9. Failure to pay taxes, compensation, fees or costs when and as due to the City;

10. Insolvency or bankruptcy of the grantee;

11. Violation of material provisions of this chapter;

12. Violations of the material terms of a license or franchise agreement.

AA. Notice and Duty to Cure. In the event that the City Manager believes that grounds exist for revocation of a license or franchise, he or she shall give the grantee written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time not exceeding thirty days to furnish evidence:

1. That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;

2. That rebuts the alleged violation or noncompliance;

3. That it would be in the public interest to impose some penalty or sanction less than revocation.

BB. Hearing. In the event that a grantee fails to provide evidence reasonably satisfactory to the City Manager as provided in Section 4.07.070(Y) hereof, the manager shall refer the apparent violation or noncompliance to the corporate authorities. The City Council shall provide the grantee with notice and a reasonable opportunity to be heard concerning the matter.

CC. Standards for Revocation or Lesser Sanctions. If persuaded that the grantee has violated or failed to comply with material provisions of this chapter, or of a franchise or license agreement, the corporate authorities shall determine whether to revoke the license or

franchise, or to establish some lesser sanction and cure, considering the nature, circumstances, extent and gravity of the violation as reflected by one or more of the following factors:

1. Whether the misconduct was egregious;

2. Whether substantial harm resulted;

3. Whether the violation was intentional;

4. Whether there is a history of prior violations of the same or other requirements;

5. Whether there is a history of overall compliance;

6. Whether the violation was voluntarily disclosed, admitted or cured. (Ord. 401 § 1, 2001)

4.07.080 Construction standards.

A. General. No person, unless exempt from this section by operation of state or federal law, shall commence or continue with the construction, installation or operation of telecommunications facilities within the City except as provided in this section.

B. Construction Codes. Telecommunications facilities shall be constructed, installed, operated and maintained in accordance with all applicable state and federal rules and regulations and in accordance with Chapter 8.02, Title 11 and Title 13 of the Santee Municipal Code.

C. Encroachment and Building Permits. No person shall construct or install any telecommunications facilities within the City without first obtaining a construction permit therefor, provided, however:

1. No permit shall be issued for the construction or installation of telecommunications facilities within the City unless the telecommunications carrier has filed a registration statement with the City pursuant to Section 4.07.020 of this chapter.

2. No permit shall be issued for the construction or installation of telecommunications facilities in the public ways unless the telecommunications carrier has applied for and received a license or franchise if required pursuant to Sections 4.07.030, 4.07.040 and 4.07.050 of this chapter.

3. No permit shall be issued for the construction or installation of telecommunications facilities without payment of the construction permit fee established in this chapter, and encroachment deposits and trench cut fees established in Title 8 of this municipal code.

D. Applications. Applications for permits to construct telecommunications facilities shall be submitted upon forms to be provided by the City and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

1. That the facilities will be constructed in accordance with all applicable codes, rules and regulations;

2. The location and appearance of all facilities to be installed above ground as documented to the satisfaction of the director of development services pursuant to the criteria in Section 4.07.070(B);

3. The location and route of all facilities to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the public ways;

4. The location of all existing underground utilities, conduits, ducts, pipes, mains and installations which are within the public ways along the underground route proposed by the applicant;

5. The location of all other facilities to be constructed within the City but not within the public ways;

6. The construction methods to be employed for protection of existing structures, fixtures and facilities within or adjacent to the public ways;

7. The location, dimension and types of all trees within or adjacent to the public ways along the route proposed by the applicant, together with a landscape plan for protecting, trimming, removing, replacing and restoring any trees or areas to be disturbed during construction.

E. Engineer's Certification. All permit applications shall be accompanied by the certification that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.

F. Traffic Control Plan. All permit applications which involve work on, in, under, across or along any public ways shall be accompanied by a traffic control plan demonstrating the protective measures and devices that will be employed, to the satisfaction of the City Engineer, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic.

G. Issuance of Permits. Within forty-five days after submission of all plans and documents required of the applicant and payment of the fees and deposits required by this code the City Engineer, if satisfied that the applications, plans and document comply with all requirements of this code, shall issue a permit authorizing construction of the facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as he or she may deem necessary or appropriate.

H. Construction Schedule. The permittee shall submit a written construction schedule to the City Engineer ten working days before commencing any work in or about the public ways. The permittee shall further notify the City Engineer not less than two working days in advance of any excavation or work in the public ways.

I. Compliance with Permit. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The City Engineer and his representatives shall be provided access to the work and such further information as he or she may require to ensure compliance with such requirements.

J. Display of Permit. The permittee shall maintain a copy of the construction permit and approved plans at the construction site, which shall be displayed and made available for inspection by the City Engineer or his representatives at all times when construction work is occurring.

K. Survey of Underground Facilities. If the construction permit specifies the location of facilities by depth, line, grade, proximity to other facilities or other standard, the permittee shall cause the location of such facilities to be verified by a registered California land surveyor. The permittee shall relocate any facilities which are not located in compliance with permit requirements.

L. Noncomplying Work. Upon order of the City Engineer, all work which does not comply with the permit, the approved plans and specifications for the work, or the requirements of this title, shall be removed.

M. Completion of Construction. The permittee shall promptly complete all construction activities so as to minimize disruption of the City ways and other public and private property. All construction work authorized by a permit within city ways, including restoration, must be completed within one hundred twenty days of the date of issuance.

N. As-built Drawings. Within sixty days after completion of construction, the permittee shall furnish the City with two complete sets of plans, drawn to scale and certified to the City as accurately depicting the location of all telecommunications facilities constructed pursuant to the permit.

O. Restoration of Improvements. Upon completion of any construction work, the permittee shall promptly repair any and all public ways and provide property improvements, fixtures, structures and facilities in the public ways or otherwise damaged during the course of construction, restoring the same as nearly as practicable to its condition before the start of construction.

P. Landscape Restoration.

1. All trees, landscaping and grounds removed, damaged or disturbed as a result of the construction, installation, maintenance, repair or replacement of telecommunications facilities, whether such work is done pursuant to a franchise, license or permit shall be replaced or restored as nearly as may be practicable, to the condition existing prior to performance of work.

2. All restoration work within the public ways shall be done in accordance with landscape plans approved by the City Engineer.

Q. Construction Surety. Prior to issuance of a construction permit, the permittee shall provide a performance bond, as provided in Section 4.07.070(V) of this chapter.

R. Exceptions. Unless otherwise provided in a license or franchise agreement, or state or federal law, all telecommunications carriers are subject to the requirements of this chapter.

S. Responsibility of Owner. The owner of the facilities to be constructed and, if different, the license or franchise grantee, are responsible for performance of and compliance with all provisions of this chapter. (Ord. 401 § 1, 2001)

EXHIBIT 8

CHAPTER 4.08 REGULATION OF STATE VIDEO FRANCHISE HOLDERS

4.08.010 Purpose and authority.

This chapter is designed to regulate video service providers holding state video franchises and operating within the City. As of January 1, 2007, the state of California has the sole authority to grant state video franchises pursuant to the Digital Infrastructure and Video Competition Act of 2006 (Act). Pursuant to the Act, the City shall receive a franchise fee and shall receive a fee for public, educational and government (PEG) purposes from all state video franchise holders operating within the City. Additionally, the City will acquire the responsibility to establish and enforce penalties, consistent with state law, against all state video franchise holders operating within the City for violations of customer service standards, but the Act grants all authority to adopt customer service standards to the state. (Ord. 466 § 1, 1007)

4.08.020 State video franchise and PEG fees.

A. To the fullest extent permitted by law, any state video franchise holder operating within the boundaries of the City shall pay a fee to the City equal to five percent of the gross revenue of that state video franchise holder.

B. For any state video franchise holder operating within the boundaries of the City, there shall be an additional fee paid to the City equal to one percent of the gross revenue of that state video franchise holder, which fee shall be used by the City for PEG purposes consistent with state and federal law.

C. Gross revenue, for the purposes of subsections A and B of this section, shall have the definition set forth in California Public Utilities Code Section 5860.

D. The state franchise fee and the PEG fee required by subsections A and B of this section, must each be paid to the City quarterly, in a manner consistent with California Public Utilities Code Section 5860. The state video franchise holder must deliver to the City, by check or other means specified by the City, a payment for the state video franchise fee and a separate payment for the PEG fee not later than forty-five (45) days after the end of each calendar quarter. Each payment made must be accompanied by a summary explaining the basis for the state video franchise fees, containing such information as the City Manager may require consistent with the Digital Infrastructure and Video Competition Act of 2006. In the event a state video franchise holder fails to make payments required by this section on or before the due dates specified in this section, the statute video franchise holder must pay a late charge at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%).

E. To the extent reauthorization is required by law, this chapter, including the PEG fee in the amount of one percent of gross revenues, is reauthorized, which reauthorization shall be effective for so long as such reauthorization is required by law, upon the expiration of a state franchise as to each affected state video franchise holder.

4.08.030 Audit authority.

Not more than once annually, the City Manager or his or her designee may examine and perform an audit of the business records of all holders of a state video franchise operating within the boundaries of the City to ensure compliance with Section 4.08.020 of this code. (Ord. 466 § 1, 2007)

4.08.040 Customer service penalties under state video franchises.

A. Any holder of a state video franchise operating within the boundaries of the City shall comply with all applicable state and federal customer service and protection standards pertaining to the provision of video service.

B. The City Manager shall monitor the compliance of holders of a state video franchise operating within the boundaries of the City with respect to state and federal customer service and protection standards. The City Manager will provide the state video franchise holder written notice of any material breaches of applicable customer service standards, and will allow the state video franchise holder thirty days from the receipt of the notice to remedy the specified material breach. Material breaches not remedied within the thirty-day time period will be subject to the following penalties to be imposed by the City:

1. For the first occurrence of a violation, a fine of five hundred dollars shall be imposed for each day the violation remains in effect, not to exceed one thousand five hundred dollars for each violation.

2. For a second violation of the same nature within twelve months, a fine of one thousand dollars shall be imposed for each day the violation remains in effect, not to exceed three thousand dollars for each violation.

3. For a third or further violation of the same nature within twelve months, a fine of two thousand five hundred dollars shall be imposed for each day the violation remains in effect, not to exceed seven thousand five hundred dollars for each violation.

C. A holder of a state video franchise operating within the boundaries of the City may appeal a penalty assessed by the City Manager to the City Council within sixty days of the initial assessment. The City Council shall hear all evidence and relevant testimony and may uphold, modify or vacate the penalty. The City Council's decision on the imposition of a penalty shall be final. (Ord. 466 § 1, 1007)

4.08.050 City response to state video franchise applications.

A. Applicants for state video franchises within the boundaries of the City must concurrently provide complete copies to the City of any application or amendments to applications filed with the PUC. At a minimum, one complete copy must be provided to the City Manager.

B. Within thirty days of receipt, the City Manager will provide any appropriate comments to the PUC regarding an application or an amendment to an application for a state video franchise. (Ord. 466 § 1, 1007)

4.08.060 Construction in the public rights of way.

Except as expressly provided in this chapter, the provisions of Title 8 of this Code, and all city administrative rules and regulations developed pursuant to Title 8 of the Code, as now existing or as hereafter amended, shall apply to all work performed by or on behalf of a state video franchise holder in any public rights-of-way.

4.08.070 Permits.

A. Prior to commencing any work for which a permit is required by Title 8 of this Code, a state video franchise holder must apply for and obtain a permit in accordance with the provisions of Title 8 of the Code. A permit application is complete when the state video franchise holder has complied with all applicable laws and regulations, including but not limited to all city administrative rules and regulations, and all applicable requirements of Division 13 of the California Public Resources Code, Section 21000, and following, (the California Environmental Quality Act) and preparation of plans and specifications as required by the director of development services.

B. The director of development services shall, in the exercise of reasonable discretion as permitted by state law, either approve or deny a state video franchise holder's application for any permit required under Title 8 of the Code within sixty (60) days of receiving a complete permit application from the state video franchise holder.

C. If the director of development services denies a state video franchise holder's application for a permit, the director of development services shall, at the time of notifying the applicant of denial, furnish to the applicant a detailed explanation of the reason or reasons for the denial.

D. A state video franchise holder that has been denied a permit by final decision of the director of development services may appeal to the City Council within ten days after the date of the final decision following the procedures set forth in Chapter 1.14 of this Code.

E. The issuance of a permit under Title 8 of the Santee Municipal Code is not a franchise, and does not grant any vested rights in any location in the public rights-of-way, or in any particular manner of placement within the public rights-of-way. A permit to place cabinets and similar appurtenances aboveground may be revoked and the permittee may be required to place facilities underground, upon reasonable notice to the permittee.

EXHIBIT 9
CHAPTER 4.09 BILLBOARDS

4.09.010 Regulatory permit required.

It is unlawful for any person, or for any person as agent, clerk or employee, within the corporate limits of the City to conduct, carry on or operate the business of bill posting or sign advertising by means of billboards or advertising signboards, or advertise by means of posting, hanging or otherwise affixing or displaying bills, signs or other advertisements without first having procured a business license required by Chapter 4.02 and a regulatory permit required by Chapter 4.03

4.09.020 Exceptions.

Nothing in this chapter shall be deemed or construed to apply to owners of real estate or other agents in advertising their property for sale or lease by means of billboards or advertising signboards located upon the property advertised for sale or lease by such billboards or advertising signboards. (Ord. 40 § 28, 1981)

EXHIBIT 10

CHAPTER 4.11 CIRCUSES AND CARNIVALS

4.11.010 Regulatory permit required.

It is unlawful for any person, or for any person as agent, clerk or employee, within the corporate limits of the City to operate, maintain, or offer for public use within the City any circus or carnival without first having procured a business license required by Chapter 4.02 and a regulatory permit required by Chapter 4.03.

4.11.020 Operation on public property.

Upon receipt of an application to operate or exhibit a circus or carnival on city property with no paid admissions, the issuing officer may issue a permit not to exceed one year only after determining that all of the following are satisfied:

A. the use not be in violation of any zoning ordinance of the City;

B. the location and type of equipment are approved by the Department of Development Services and the Community Services Department;

C. a current certificate of inspection has been issued by the state of California for each amusement ride to be operated within the carnival; and

D. the applicant has the insurance required by this chapter. (Amended during 1989 supplement; prior code § 21.1003)

4.11.030 Operation on private property.

Upon receipt of an application to operate or exhibit such carnival on private property, the issuing officer issues a permit for the entire time of the carnival or for one year, whichever is the lesser period of time after determining that all of the following are satisfied:

A. the carnival complies with the requirements of the zoning ordinance;

B. the location and type of equipment are approved by the Department of Development Services and the Community Services Department;

C. the applicant has satisfied the insurance requirements of this chapter; and

D. the state of California has issued a current certificate of inspection for each amusement ride to be operated within the carnival.

4.11.040 Insurance

The operator of every circus and carnival must obtain and maintain in full force and effect insurance in the types and amounts to the satisfaction of the City Manager and, if a special event

permit is required, satisfactory to the director of development services. (Amended during 1989 supplement; prior code § 21.1007)

EXHIBIT 11

CHAPTER 4.12 DANCES AND DANCEHALLS

ARTICLE 1 GENERAL PROVISIONS

4.12.010 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "Alcoholic beverage" means alcoholic beverage, or beverages, as that term is defined in the Alcoholic Beverage Control Act.

B. "Club" means and includes only corporations or associations created by competent authority, which are owners, lessees or occupants of premises operated solely for objects of national, social, fraternal, patriotic, political, or athletic nature, membership in which is by application, and for which regular dues are charged, and the advantages of which said club belongs to all members, and the operation of which is not primarily for financial gain.

C. "Public dance" is any dance held or given in any public place.

D. "Public dance hall" is any room, place, or space, except a private residence or home, where dancing is carried on or permitted. (Prior code § 21.201)

4.12.020 Regulatory permit-Required.

A. It is unlawful for any person, or for any person as agent, clerk or employee, within the corporate limits of the City to operate or maintain a public dance hall or offer a public dance without first having procured a business license required by Chapter 4.02 and a regulatory permit required by Chapter 4.03.

B. A license or permit issued pursuant to this chapter is valid only for the location described in the license. (Prior code § 21.203)

4.12.030 Regulatory permit-Classifications.

Public dances and public dance halls are classified and required to be licensed and permitted as follows:

A. A class A permit is required where there is daily or nightly dancing.

B. A class B permit is required where there is dancing not to exceed three days or nights in any calendar week.

C. A class C permit is required when there is dancing in a club. (Prior code § 21.204)

4.12.040 Permit-Denial of application.

In addition to the reasons for denying and conditioning a permit stated in Chapter 4.02, the issuing officer may deny or condition a permit issued under this chapter if the premises proposed to be used in the conduct of the business are not a suitable or proper place, or if public health, welfare or safety warrant denial. (Amended during 1989 supplement; prior code § 21.209)

4.12.050 Permit-Expiration.

All class B permits expire at two a.m. of the calendar day following the last effective date. Applicants may state in their applications the date(s) on which they desire to have the permit issued. No class B permit issued under this chapter may be renewed, but a new application must be filed with the issuing officer to obtain a new permit. (Prior code § 21.211)

4.12.060 Required report of management changes.

A permittee must notify the finance department and receive approval from law enforcement prior to changing the person designated in the permit with direct management of the permitted premises. (Prior code § 21.216)

4.12.070 Minors.

A. No person may harbor, admit, receive or permit to be in, or remain in or about any premises permitted pursuant to the chapter any person under the age of twenty-one years during any time when alcoholic beverages are on sale or are being offered free and when dancing is actually being carried on, conducted, or permitted.

B. Subdivision A does not prohibit the entry of any person under the age of twenty-one years into any of the following:

1. A dining room located in or upon premises occupied by an inn or hotel of twenty or more rooms and actually maintained and operated as a bona fide part of such hotel business;

2. any public place or any public dancehall or place where alcoholic beverages are not sold or given away; provided the provisions of Article 2 of this Chapter are met; and

3. any public place or public dancehall where alcoholic beverages are sold or given away and all alcoholic beverages are under lock and key so that no person except the owner or his agent has access thereto.

C. It is unlawful for any person under age twenty-one years to falsely represent himself or herself as being of the age of twenty-one years or more for the purpose of obtaining admission to any premises permitted under the provisions of this chapter. (Prior code §§ 21.217, 21.217.1, 21.218)

4.12.080 Persons to be excluded from premises.

A. It is unlawful for the owner, proprietor, manager or person in charge of any place permitted under the provisions of this chapter, or for any employee of such place, to harbor, admit, receive, or permit to be on or remain in or about such place,

1. any intoxicated person,

2. any person who creates a violation of any of the provisions of this Code or of any law of the State of California, or

3. any person who interferes with the proper management and control of the dancehall. (Prior code § 21.219)

4.12.090 Restricted hours for music and dancing.

It is unlawful to provide or permit any music, dancing, or entertainment in or about any premises permitted under the provisions of this chapter between the hours of two a.m. and eleven a.m. (Prior code § 21.222)

4.12.100 Sanitation and safety.

No permit may be granted under the provisions of the chapter unless the hall or place in which the dance is to be held complies with this code. The holder of a permit issued pursuant to this chapter must keep the dancehall, hallways leading thereto, and the immediate vicinity in a clean and sanitary condition at all times, and have all stairways, hallways, other passages, and rooms connected with such dancehall at all times open, adequately lighted and properly ventilated. (Prior code § 21.223)

4.12.110 Dance floor.

Every public dancehall and every premises where a public dance is located in connection with any business or place where alcoholic beverages are sold or served must contain a floor space allocated to dancing. (Prior code § 21.215)

4.12.120 Enforcement.

A. The owner, lessee, proprietor, manager and occupant of any hall, room, building or place permitted under the provisions of this chapter must have present at all times, when dancing is carried on, a person or persons disclosed to and approved by the Sheriff whose duty it is require compliance with the provisions of this chapter.

B. The requirements of subdivision A do not apply to any business with a class C permit issued pursuant to this chapter, or to any business licensed and permitted pursuant to this chapter where no alcoholic beverage is sold, served or consumed on the premises so permitted. (Prior code § 21.224)

4.12.130 Entry and Inspection.

In accordance with Section 1.04.040, the owner, lessee, proprietor, manager and occupant of any hall, room, building or place permitted under the provisions of this chapter must provide law enforcement personnel, the issuing officer and any designee of the issuing officer access to the premises permitted pursuant to this title.

4.12.140 Exception.

The requirements of this article are not applicable to any city park, as defined in Section 8.08.010 of this code, which closes at or before nine p.m. (Amended during 1989 supplement; prior code § 21.201.5)

ARTICLE 2 ALL-AGES DANCES

4.12.200 Intent.

It is the intention of the City Council in enacting this chapter to exercise police power for the protection of the health, safety and welfare of those who attend all-ages dances, and is not intended to create, establish or designate any particular class or group of persons who will be especially protected or benefited by its terms.

4.12.210 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "All-ages dance" means any public dance at which (1) persons under age 18 years are allowed or permitted to attend or (2) each patron is not required to show valid picture identification, showing that patron's date of birth, as a condition of entry.

B. "All-ages dance venue" means any place or premises where an all-ages dance is conducted or operated, including but not limited to all hallways, bathrooms and other adjoining areas or the premises accessible to the public during the dance.

C. A "concert" is any event at which live music is played or sung, and at which the primary purpose of the person conducting or operating the event is for patrons to view a musical performance.

D. A "dance" is any event at which the primary purpose of the person conducting or operating the event is for patrons to dance as that term is commonly defined. However, a "dance" does not include an event that is a "concert" as that term is defined by this chapter.

E. "On-site manager" is the person present at an all-ages dance or all-ages dance venue who is responsible for the direct operation and oversight of the dance or venue and supervision of other employees or workers.

F. "Police" or "police officer" includes any private police officer, any peace officer, whether on-duty or off-duty, reserve deputy or special deputy, employed by any public agency or political subdivision.

G. "Youth service organization" includes any bona fide organization whose primary purpose is to provide moral or spiritual development, education, or recreation for teenagers. (Amended during 1989 supplement; prior code § 21.251)

4.12.220 Permit – Required.

A. No person may operate, maintain, or offer an all-ages dance without a business license and regulatory permit pursuant to this title and payment of a fee as established by resolution of the City Council.

B. The requirements of this chapter do not apply to any all ages dance conducted or sponsored:

1. By any agency or department of any city, political subdivision, school district, or other governmental agency;

2. In a private home; or

3. By any recognized youth service organization for its members and guests only; provided, that the guests must not exceed the number of members present.

4.12.230 Permit-Classifications.

The issuing officer may issue the following classes of all ages dance permits:

A. A Class A permit which is issued for a period of one calendar year;

B. A Class B permit which is issued for one day or one night only. (Amended during 1989 supplement; prior code § 21.253)

4.12.240 Permit-Denial of application.

A. The issuing officer may not issue a permit in the event any of the following are true:

1. the applicant has had a license or permit revoked by the City Council within one year prior to the date of application;

2. the place or premises where the all-ages dance is to be held violates this code or the ordinances of the City, or the laws of the state of California;

3. the dance will be contrary to the public health, peace, welfare or safety;

4. the applicant or designated on-site manager has, at any time, been determined to be a sexually-violent predator pursuant to the Sexually Violent Predator Act

(Article 4, Chapter 2, Part 2, Division 6 of the Welfare & Institutions Code, commencing with Section 6600) or any similar statute;

5. the applicant or designated on-site manager has, within the last ten (10) years preceding the filing of the application, been convicted of:

   (a) Any sexual crime involving a minor or child as a victim; or

   (b) An attempt or conspiracy to commit or aid and abet any crime involving a minor or child as a victim;

6. the applicant or designated on-site manager has been convicted within the five (5) years preceding the filing of such application of:

   (a) Any felony crime involving the unlawful manufacture, sale, delivery, dispensing, distribution, or the possession with intent to manufacture, sell, deliver, dispense or distribute a drug, legend drug, or controlled substance

   (b) Any violent felony as defined in Penal Code Section 667.5.

7. The issuing officer may issue a permit under any conditions which it deems reasonably necessary for the protection of the public health, welfare, morals, or safety. (Amended during 1989 supplement; prior code § 21.257)

4.12.250 Permit-Expiration and renewal.

A Class B permit expires at midnight on the date for which the permit is issued. A Class B permit may not be renewed. A new application must be filed with the issuing officer to obtain a new permit. (Amended during 1989 supplement; prior code § 21.259)

4.12.260 Supervision and lighting of hall.

A. All places where all ages dances are held must be adequately lighted at all times when open for dancing. The intensity of illumination must not be less than one foot-candle in all parts of the building and premises accessible to participants. (Prior code § 21.261)

B. Every person permitted to operate, maintain or offer an all-ages dance must insure that at least one (1) on-site manager is employed and in attendance at an all-ages dance venue during and following each all-ages dance, to be responsible for the direct operation and oversight of the dance and venue and supervision of other employees or workers.

C. Every person permitted to operate, maintain or offer an all-ages dance must provide at least one police officer for every one hundred participants with a minimum of one police officer for every exit and entrance.

D. Adult sponsoring groups raising funds for use by their organization to promote youth activities may, at the discretion of the department, dispense with the employment of

police, where it can furnish proof of having present a sufficient number of adult persons to maintain order.

4.12.270 Lighting of parking area.

All off-street parking facilities made available for participants of an all ages dance must be adequately lighted and supervised. (Prior code § 21.262)

4.12.280 Advertising.

No all ages dance may be advertised by use of any media of public advertising prior to the issuance of the all-ages dance permit authorizing such dance. (Amended during 1989 supplement; prior code § 21.272)

4.12.290 Alcoholic beverages.

No alcoholic beverages may be sold, consumed or made available on the premises, in or about which any all ages dance is held. Admission to an all ages dance must be denied to any person who is or has been drinking any alcoholic beverages, who possesses any alcoholic beverage, or who is intoxicated. (Prior code § 21.264)

4.12.300 Time limit.

Every all ages dance must be closed and the premises cleared of participants on or before the hour of twelve midnight. (Prior code § 21.265)

EXHIBIT 12

CHAPTER 4.14 FARMERS' MARKETS

4.14.010 Definitions

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "Farmers' market" means an outdoor establishment where farmers and other vendors sell produce and other goods directly to consumers and where vendors selling farm produce comprise at least 50 percent of the vendors.

4.14.020 Business license and regulatory permit required

It is unlawful for any person to conduct, permit, or facilitate any farmers' market without first having procured a business license required by Chapter 4.02 and a regulatory permit required by Chapter 4.03. This chapter does not apply to individual vendors within a farmers' market that is licensed and permitted pursuant to this chapter.

4.14.030 Regulatory requirements

A. All farmers' markets must comply with all requirements in Part 7 of Division 104 of the Health & Safety Code, obtain and comply with all approvals required by the County of San Diego, and all zoning, safety and other requirements of the City included in the regulatory permit, including but not limited to the following requirements:

1. Provide written permission of the owner of private property where any farmers' market will be located;

2. Limit the market to certain days or times;

3. Provide adequate parking

4. Provide and maintain disabled access routes;

5. Provide adequate restrooms;

6. Implement best management practices to prevent trash and other pollutants from entering storm water; and

7. Provide proof of insurance in a form acceptable to the City Attorney

4.14.040 Exceptions

This chapter does not apply to individual vendors operating pursuant to a farmer's market license, provided the individual vendor is otherwise licensed and permitted as required by this title.

EXHIBIT 13

CHAPTER 4.17 MASSAGE

4.17.005 Purpose and intent.

A. In enacting this chapter, the City recognizes that commercial massage therapy is a professional pursuit which can offer the public valuable health and therapeutic services. The City further recognizes that, unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and pose a threat to the quality of life in the local community. Accordingly, it is the purpose and intent of this chapter to protect the public health, safety, and welfare by providing for the orderly regulation of businesses providing massage therapy services, discouraging illegal activities carried on under the guise of massage therapy, and establishing certain sanitation, health, and operational standards for massage businesses.

B. Furthermore, it is the purpose and intent of this chapter to reduce or prevent neighborhood blight and to protect and preserve the quality of City neighborhoods and commercial districts; and to enhance enforcement of criminal statutes relating to the conduct of operator s and employees of massage businesses.

C. It is the Council's further purpose and intent to rely upon the uniform statewide regulations applicable to massage practitioners and establishments that were enacted by the State Legislature as Business and Professions Code Sections 4600 et seq. by Senate Bill 731 in 2008, and amended in 2011 by Assembly Bill 619 and in 2014 by Assembly Bill 1147, to restrict the commercial practice of massage in the City to those persons duly certified to practice by the California Massage Therapy Council and to provide for the registration and regulation of massage businesses for health and safety purposes to the extent allowed by law.

4.17.010 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "City" means the City of Santee, California.

B. "California Massage Therapy Council" or "CAMTC" means the massage therapy organization formed pursuant to Business and Professions Code Section 4600.5.

C. "Certified massage practitioner" means any individual certified by the California Massage Therapy Council as a certified massage therapist or as a certified massage practitioner pursuant to California Business and Professions Code Sections 4600 et seq.

D. "Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

E. "Disqualifying conduct" means the occurrence of any of the following events

1. A conviction in a court of competent jurisdiction of any of the following:

(a) Any infraction, misdemeanor or felony offense which relates directly to the operation of a massage establishment, or during the performance of a massage, whether as a massage establishment owner or operator, or by a certified massage therapist working at the massage establishment;

(b) Any felony which occurred on the premises of a massage establishment;

(c) A violation of any provision of law pursuant to which a person is required to register under the provisions of Penal Code Section 290, or conduct in violation of Penal Code Section 266h, 266i, 314, 315, 316, 318, subsections (a), (b) or (d) of Penal Code Section 647, or an attempt to commit or conspiracy to commit any of the above mentioned offenses, or any other crime involving dishonesty, fraud, deceit, or moral turpitude or when the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of Penal Code Section 415, 602 or any lesser included or related offense, in satisfaction of, or as a substitute for, any of the previously listed crimes, or any crime committed while engaged in the ownership of a massage establishment or the practice of massage;

(d) Any crime specified in Government Code Section 51032;

(e) A violation of Health and Safety Code Section 11550 or any offense involving the illegal sale, distribution or possession of a controlled substance specified in Health and Safety Code Section 11054, 11055, 11056, 11057 or 11058;

(f) Conspiracy or attempt to commit any of the aforesaid offenses;

(g) Any lesser-included offense of any of the aforesaid offenses;

(h) Any offense in a jurisdiction outside the State of California which is the equivalent of any of the aforesaid offenses.

2. For purposes of considering whether to renew or revoke a permit, whether the permittee engaged in or committed any of the conduct described in California Penal Code Section 266h, 266i, 314, 315, 316, 318, subsections (a), (b) or (d) of Penal Code Section 647, or Government Code Section 51032.

3. The requirement to register under the provisions of California Penal Code Section 290.

4. Becoming subject to a permanent injunction against the conducting or maintaining of a nuisance pursuant to California Penal Code Sections 11225 through 11235 or any similar provisions of law in a jurisdiction outside the State of California.

5. Becoming subject to a permanent injunction against the conducting or maintaining of a nuisance pursuant to California Health and Safety Code Sections 11570 through 11587 or any similar provisions in a jurisdiction outside the State of California.

6. The denial, non-renewal, suspension, or revocation of any license or permit issued by any State, County, City, or other local government within the United States for the operation of a massage establishment or for the performance of massages, except that denial of license or permit for the operation of a massage establishment may not be considered if the sole basis for the denial was the prohibition of the use within the zoning or planning district in which the use was proposed to be located.

7. Touching the genitals, pubic regions, anuses, or female breasts below a point immediately above the top of the areolas, whether or not the same are covered, of oneself or of another person while providing massage services or while within view of a customer or patron of the massage establishment.

8. Exposing the genitals, pubic regions, anuses, or female breasts below a point immediately above the top of the areola of oneself or of another person to view while providing massage services or while within view of a customer or patron of the massage establishment.

F. “Employee” means any person employed by a massage business who may render any service to the business, and who receives any form of compensation from the business.

G. “Health department” means the San Diego County Department of Environmental Health.

H. “Massage” or “massage therapy,” means and refers to any method of treating the external parts of the body for remedial, health, or hygienic purposes for any form of compensation by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including but not limited to Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath.

I. “Massage establishment” means any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in subsection D of this section for compensation.

J. "Off-Premises Massage" means providing massage services for compensation at a location other than premises permitted as a massage establishment and has the same meaning as “out-call” in the Massage Therapy Act.

K. “Operator” or “permittee” means a person who has been issued a license and permit to operate a massage establishment or to conduct massage pursuant to this chapter.

L. Owner" or "massage business owner" means any of the following persons:

1. Any person who is a general partner of a general or limited partnership that owns a massage business.

2. Any person who has five percent or greater ownership interest in a corporation that owns a massage business.

3. Any person who is a member of a limited liability company that owns a massage business.

4. Any person who has a five percent or greater ownership interest in any other type of business association that owns a massage business.

M. "Recognized school" means any school or institution of learning, which meets the requirements of an approved school pursuant to Chapter 10.5 of Division 2 of the Business and Professions Code (commencing with Section 4600) or pursuant to a similar code provision of another state.

N. "Sheriff" means the Sheriff of the County of San Diego.

O. "Sole proprietorship" means and includes any legal form of business organization where the business owner (sometimes referred to as the "sole proprietor") is the only person employed by that business to provide massage services. (Amended during 1989 supplement; prior code § 66.504)

4.17.020 Preemption

This chapter is intended to supplement State law. In the event of a conflict between this chapter and State law, the City gives effect to State law.

4.17.030 Business license and massage registration permit – Required

A. Individuals. It is unlawful for any individual to provide massage for compensation as a sole proprietorship or employee of a massage business or in any other capacity within the City unless that individual is a certified massage practitioner.

B. Massage Establishment. Except as otherwise provided in this chapter, it is unlawful for any massage establishment to allow, permit, facilitate, or provide massage for compensation within the City unless all of the following occur:

1. all individuals employed by the massage business to perform massage, whether as an employee, independent contractor, or sole proprietorship, are certified massage practitioners;

2. the massage establishment has a valid business license pursuant to Chapter 4.02; and

3. the massage establishment has a valid City massage registration permit, which is a regulatory permit, in accordance with this chapter.

C. Off-Premises Massage. It is unlawful for any person to allow, permit, facilitate, or provide massage for compensation in any capacity within the City except at a business establishment with a valid business license and regulatory permit, except in the following circumstances:

1. the individual providing off-premises massage has a business license or is listed on the business license of a massage establishment specifically authorizing the provision of off-premises massage;

2. the premises is expressly exempted or excepted from this Chapter by Section 4.17.160, provided the massage is performed by a person exempt under Section 4.17.160; or

3. the person receiving the massage has a prescription for massage in writing by a physician, surgeon, chiropractor, or osteopath duly licensed to practice in the State of California. No additional massage service shall be performed for any patron beyond that service which is specifically described in the writing whether or not such patron desires any additional service to be performed.

D. Issuance.

1. Unless grounds for denial of such permit are found to exist, a massage registration permit may be issued to the person signing the application, after compliance with the requirements of this chapter and all other applicable provisions of this Code, including, but not limited to, the payment of the appropriate application permit fee.

2. A separate business license and regulatory permit must be obtained for each separate massage establishment.

3. Every applicant for a license or permit required by this chapter must at the time of making application pay the fee established by resolution of the City Council.

4.17.040 Off premises massage.

A. Each person conducting off-premises massage must comply with the following regulations:

1. Off-Premises massage operations shall be carried on only between the hours of 7 a.m. and 12 midnight.

2. If an off-premises massage business will employ any individual to perform massage services other than the permitted applicant, the applicant shall provide a list of the massage therapists who will provide massage services for the business, and copies of the certifications held by those individuals. Updates to this

information and documentation shall be provided when employees stop working and before any new employees begin to work for the business.

4.17.050 Massage registration permit -Application Contents.

A. The application for a massage registration permit must set forth the exact nature of the massage to be administered, the proposed place of business and facilities therefor, and the name and address of each applicant.

B. In addition to the foregoing, any applicant for a permit must furnish the following information:

1. Legal name of the massage establishment.

2. Legal names of all owners of the massage establishment.

3. Address and telephone number of the massage establishment.

4. Address and telephone number of all owners of the massage business.

5. The form of business under which the massage business will be operating (e.g., corporation, general or limited partnership, limited liability company, or other form).

6. A list of all of the massage establishment's employees and independent contractors who are performing massage and their CAMTC certification.

7. Each owner operator of the massage business who is not a CAMTC-certified massage practitioner must submit an application for a background check, including the following: the individual's business, occupation, and employment history for the five years preceding the date of the application; the inclusive dates of such employment history; the name and address of any massage establishment or similar business owned or operated by the individual whether inside or outside the City; all criminal convictions or offenses, except misdemeanor traffic violations, and including, but not limited to, those described in Section 4.17.010; whether the applicant is required to register under the provisions of California Penal Code Section 290; whether the applicant, including a corporation or partnership, or a former employer of the applicant while so employed, or a building in which the applicant was so employed or a business conducted, was ever subjected to an abatement proceeding under California Penal Code Sections 11225 through 11235, California Health and Safety Code Sections 11570 through 11587 or any similar provisions of law in a jurisdiction outside the State of California.

8. For all owners, a signed statement that all of the information contained in the application is true and correct; that all owners shall be responsible for the conduct of the business's employees or independent contractors providing massage services, and acknowledging that failure to comply with the California

Business and Professions Code Sections 4600 et seq., and local, state, or federal law, or the provisions of this chapter may result in revocation of the business's registration permit.

9. If the applicant is assuming control over an existing massage establishment, and the existing permittee will not be an owner or operator of the massage establishment for the entire term of the new permit, then the new permit shall not be issued unless and until the former massage registration permit has been surrendered and relinquished to the City.

10. Authorization for the City, its employees and agents to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the application for the permit.

11. Such other information as may reasonably be deemed necessary by the City or Sheriff's Department to investigate the accuracy and veracity of the information required in the application.

4.17.060 Minimum requirements.

A. No massage registration permit may be granted unless the proposed establishment complies with each of the following minimum requirements, in addition to any other requirements imposed by state or local law:

1. A recognizable and legible sign must be posted at the main entrance identifying the premises as a massage establishment.

2. A light level of no less than five foot-candles at any point within the room must be maintained in each room or enclosure where massage services are performed on patrons.

3. Adequate dressing, locker and toilet facilities must be provided for patrons.

   (a) In steam rooms and rooms containing tubs or showers, a waterproof floor covering must be provided which extends up the walls at least six inches and must be covered at the floor-wall juncture with at least a three-eighth inch radius. Toilet room must be of similar construction.

   (b) Walls of toilet and bathing facilities must be smooth, waterproof and kept in good repair.

4. Cabinets must be provided for the storage of clean linen. Approved containers must be provided for the storage of all soiled linen.

5. Minimum ventilation must be provided in accordance with the building code of the City. To allow for adequate ventilation in cubicles, rooms and areas provided for patrons' use, which are not serviced directly by required window or mechanical systems of ventilation, partitions must be constructed so that the

height of partitions do not exceed seventy-five percent of the floor-to-ceiling height of the area in which they are located.

6. All plumbing and electrical installations must be installed under permit and inspection of the building inspection department and such installations must be installed in accordance with the Uniform Building Code and the Uniform Plumbing Code.

7. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms must be thoroughly cleaned and disinfected with a disinfectant approved by the Health Department each day the business is in operation.

8. Towels, sheets, and linens of all types and items for personal use of operators and patrons must be clean and freshly laundered. Towels, clothes, and sheets must not be used for more than one person. Reuse of such linen is prohibited unless the same has been first laundered. Common use of towels or linens is prohibited. Heavy white paper may be substituted for sheets, provided, that such paper is used once for each person and then discarded into a sanitary receptacle.

9. All lavatories or wash basins must be provided with hot and cold running water, soap and single service towels in wall-mounted dispensers.

10. Disinfecting agents and sterilizing equipment approved by the Health Department must be provided for any instruments used in performing acts of massage.

11. Pads used on massage tables must be covered in a workmanlike manner with durable washable plastic or other acceptable waterproof material.

12. All unoccupied rooms and areas of a massage establishment must be subject to reasonable inspection during hours of the business operation.

13. No exterior entrance to the massage establishment which is regularly used by the public for ingress or egress may be locked during business hours unless the business license for such establishment authorizes such doors to be locked in the event only one person is on duty in the premises.

B. This section must be construed as minimum standards only. (Prior code § 66.513)

4.17.070 Massage establishment facilities and operations requirements

In addition to the requirements set forth in this title, all massage establishments must fulfill the following facilities and operations requirements:

A. There must be no display, storage, or use of any sexually oriented merchandise on the premises of the massage establishment;

B. To assure patrons' health, safety, sanitation, and comfort, all employees, and certified massage therapists must be clean and dressed appropriately in clean, opaque clothing which does not expose the breasts, genitals or buttocks when performing services upon the premises. Attire worn by all employees and certified massage therapists, while engaging in the practice of massage for compensation, or while visible to clients in the massage establishment, may not include the following:

1. Swim attire, if not providing a water-based massage modality approved by CAMTC;

2. Attire that constitutes a violation of Section 314 of the Penal Code;

3. Attire that is otherwise deemed by CAMTC to constitute unprofessional attire based on the custom and practice of the profession in California;

C. No employee of the massage establishment or any certified massage therapist may expose any genitals, pubic regions, buttocks, anuses, or breasts below a point immediately above the top of the areola to the view of a customer or patron of the massage establishment. All customers and patrons must be appropriately draped with a clean, opaque towel sufficient to cover genitalia and female breasts;

D. Each service offered, the price thereof, and the minimum length of time such service will be performed must be posted in a conspicuous public location in each massage establishment. All letters and numbers shall be capitals not less than one (1) inch in height. No services may be performed and no sums may be charged for such services other than those posted. All arrangements for services to be performed must be made in a room in the massage establishment which is not used to administer massages, baths, or health treatments, unless no other room exists in the massage establishment;

E. No massage establishment is permitted to be kept open for business or operated between the hours of 9:00 p.m. and 7:00 a.m.;

F. No alcoholic beverages or controlled substances may be sold, served, furnished, kept, consumed, imbibed, or possessed on the premises of any massage establishment;

G. The operator or a manager of a massage establishment must be present on the premises at all times when the establishment is open for business or in operation. The operator is at all times responsible for the operation of the premises in compliance with the terms and conditions of this chapter, whether he or she is actually present; and

H. No massage establishment is permitted to be located within a residential structure except in compliance with the Title 13.

4.17.080 Massage registration permit-Denial

A. The issuing officer may deny the application for a permit if the issuing officer finds any of the following:

1. that the applicant, any persons to be employed at the massage establishment, or in the case of an applicant-corporation or partnership any of its officers, directors, holders of five percent or more of the corporation's stock or partners, within five years immediately preceding the date of the filing of the application, is a person who has engaged in disqualifying conduct.

2. That the massage establishment, as proposed by the applicant, if permitted, would not comply with all the applicable laws, including, but not limited to, all the City's building, fire, and zoning regulations, and health regulations of the Health Department; or

B. No massage registration permit may be issued by the issuing officer unless the applicant has fulfilled the requirements of this chapter.

C. In no event may the decision to grant or deny the permit be based on information authorized or required to be kept confidential pursuant to Welfare and Institutions Code Sections 600 to 900.

D. If criminal charges are pending against an applicant within a court or public agency, the conviction of which would result in the denial of the application, the issuing officer will suspend review of the application pending the final disposition of the criminal charges. The issuing officer will send written notice to the applicant notifying him or her that the review of his or her application is suspended pending the final disposition of the current criminal charges. The applicant must then notify the issuing officer when a final decision is reached, and the outcome of the criminal matter is decided (i.e., conviction, dismissal, etc.). During the period of suspension, the application will be treated as if it were never submitted. If an applicant fails to notify the issuing officer of the final disposition of the criminal charges within one hundred eighty (180) calendar days after the disposition, the application will be deemed expired, and the applicant will be required to submit a new application and fee.

4.17.090 Permit suspension or revocation

A. In addition to the grounds for revocation provided in Chapter 4.02, the issuing officer may revoke a license or permit issued pursuant to this Chapter for the following reasons:

1. The permittee has violated any provisions of this chapter, including, but not limited to, the requirement that the applicant or the applicant's designee be present at the premises at all times the massage establishment is in operation;

2. The licensee or permittee has engaged in disqualifying conduct as described in Section 4.17.010 after issuance of the business license or regulatory permit;

3. The permittee has made a material misstatement in the application for a permit;

4. The permittee has engaged in fraud, misrepresentation, or false statement in conducting the massage establishment or in performing massage services;

5. The permittee has continued to operate the massage establishment after the permit has been suspended;

6. The permittee has failed to comply with one (1) or more of the facilities and operations requirements of Section 4.17.070; or

7. The permittee has employed or otherwise allowed a person to work as a massage therapist at the massage establishment who:

   (a) Does not have a valid CAMTC certification, or

   (b) Has engaged in disqualifying conduct as described in Section 4.17.010 at the massage establishment.

4.17.100 Management of massage establishments.

The operator and designated manager must be responsible for the conduct of all employees or independent contractors while they are on the establishment premises. In addition, the operator and any designated manager are responsible for compliance with the terms of this chapter and for receipt of any notices served or delivered to the premises by the City. Any act or omission of any employee or independent contractor constituting a violation of the provisions of this chapter is deemed the act or omission of the operator for purposes of determining whether the operator's permit will be revoked, suspended, denied or renewed.

4.17.110 Change of location or transfer of interest in massage establishment.

A. Prior to any change of location of a permitted massage establishment, an application must be made to the issuing officer and such change of location must be approved by the Sheriff after confirming all applicable provisions of this chapter are complied with, a nonrefundable change of location fee has been paid in the amount established by resolution of the City Council, and the Building Department has inspected the new location and has advised the Sheriff that it complies with the requirements of this chapter. (Prior code § 66.517)

B. A sale or transfer of any interest in a massage establishment must be reported to the issuing officer within thirty (30) calendar days prior to the closing of the sale or transfer if that interest would be required to be reported upon application for a massage registration permit. Upon the sale or transfer of any interest in a massage establishment, the owner(s) or operator of such massage establishment must apply for a new business license or regulatory permit. Permits and licenses are non-transferrable.

4.17.120 Names of business.

No person permitted to do business as provided in this chapter may operate under any name or be conducted under any designation not specified in the permit. (Amended during 1989 supplement; prior code § 66.516)

4.17.130 Record of treatments.

Every person, association, firm, or corporation operating a massage establishment under a permit as herein provided, including but not limited to massage conduct off-premises, must keep for a period of ninety days a record of the date and hour of each treatment, and the name of the technician administering such treatment. The record must be open to inspection by officials charged with the enforcement of these provisions for the purposes of law enforcement and for no other purpose. The information furnished or secured as a result of any such inspection will be confidential. Records must be kept for a period of ninety days of treatments rendered off the business site. (Prior code § 66.521)

4.17.140 Inspection.

The Sheriff , the Building Department and Health Department are each authorized to make an inspection of any massage establishment in the City as needed for the purpose of determining that the provisions of this chapter are met. (Prior code § 66.519)

4.17.150 Effective date.

A permittee at the time when this chapter goes into effect is, except as otherwise provided herein, required to comply, with the provisions of Section 4.17.060 on the effective date of the ordinance codified in this chapter. (Prior code § 66.514)

4.17.160 Exemptions.

A. Exemptions. This chapter does not apply to the following classes of individuals, and the individuals are exempt from massage establishment requirements while engaged in the performance of the duties of their respective professions:

1. Physicians, surgeons, chiropractors, acupuncturists, or osteopaths ("professionals") duly licensed to practice their respective professions in the State of California under the provisions of the Business and Professions Code, while performing activities encompassed by such professional licenses; however:

    (a) Massage therapists are required to be certified by CAMTC,

    (b) If the professional's facility is used for the purposes of nonmedical massage, the facility itself must be permitted as a massage establishment pursuant to this chapter;

2. Registered nurses, licensed vocational nurses or physical therapists duly licensed to practice their professions in the State of California under the provisions of the Business and Professions Code, while performing activities encompassed by their respective licenses;

3. Other health care personnel engaged in the healing arts as regulated and licensed by Division 2 of the Business and Professions Code;

4. Barbers, cosmetologists, estheticians and manicurists duly licensed by the State of California while performing activities encompassed by their respective licenses, except that this exemption applies solely for the massaging of the neck, face and/or scalp of the customer or client of a barber, cosmetologist, or esthetician, or in the case of a licensed manicurist, the massaging of the forearms, hands, calves and/or feet; and

5. Coaches and trainers employed by accredited high schools, community colleges or universities while acting within the scope of their employment, as well as trainers of amateur, semi-professional or professional athletes or athletic teams while acting in that capacity.

B. Exception. Individuals administering massages or health treatment involving massage to persons participating in road races, track meets, triathlons, and similar athletic or recreational events are exempt from the provisions of this chapter, provided, that all of the following conditions are met:

1. The massage services are made equally available to all participants in the event;

2. The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring or participating corporations, students from the participating schools, members of participating organizations, etc.;

3. The massage services are provided at the site of the event and either during, immediately preceding, or immediately following the event;

4. The sponsors of the event have been advised of and have approved the provision of massage services; and

5. The persons providing the massage services are not the primary sponsors of the event.

C. The exemption for professionals only applies to the extent that the massages are administered for medical purposes. Professionals that administer nonmedical massages are subject to the licensing requirements of this chapter.

D. If any State-licensed professional, who is exempt under this section, violates any provision of this chapter, the City will notify the State licensing body that licenses the professional in writing of the professional's Municipal Code violation.

E. Exception. The finance director may grant an exception to some or all of the requirements of this chapter for any massage establishment that operates as a sole proprietorship and is a home occupation, as that term is defined in Title 13, in order to achieve the purposes of both this Title and Title 13. The provision of massage services must comply with all conditions associated with the home occupation

4.17.170 Violation.

A. Every person, except those persons who are specifically exempted by this chapter, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, who gives massages or conducts a massage establishment or practices the giving or administering of any of the services defined in Section 4.17.010 of this chapter without first obtaining the necessary license and permit violates this code.

B. Any owner, operator, manager, or permittee in charge or in control of a massage establishment who knowingly employs a person to give or conduct massage or any of the services defined in this chapter who is not in possession of a valid, unrevoked permit or who allows such person to perform, operate or practice within such place of business violates this code. (Amended during 1989 supplement; prior code § 66.524)

EXHIBIT 14

CHAPTER 4.19 PUBLIC ENTERTAINMENT

4.19.010 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. Entertainment—Class I; Class II; Class III.

1. "Class I entertainment" as used in this chapter is defined to mean any act, play, review, pantomime, scene, song, dance act, song and dance act, or poetry recitation, conducted or participated in by any professional entertainer in or upon any premises to which the public is admitted. Entertainment also includes a fashion or style show, except when conducted by a bona fide nonprofit club or organization, and when conducted solely as a fundraising activity for charitable purposes. The term "professional entertainer" as used herein means a person or persons who engage for livelihood or gain in the presentation of entertainment.

2. "Entertainment" as used herein does not include:

   (a) Mechanical music alone;

   (b) Instrumental music alone, except between the hours of two a.m. and six-thirty a.m. when the provisions of Section 4.19.090 apply; or

   (c) Dancing participated in only by customers; however, this subsection does not exempt exhibition dancing by a person receiving compensation for such exhibition dancing.

3. "Class II entertainment" includes the act of any person, while visible to any customer, being devoid of an opaque covering which covers the genitals, pubic hair, buttocks, perineum, anus or anal region of any person, or any portion of the female breast at or below the areola or exposing any pubic area or private part, or the wearing of any type of clothing so that such may be observed.

4. "Class III entertainment" means informal entertainment.

5. "Informal entertainment" as used in this chapter is defined to mean any act, play review, pantomime scene, song, dance act, song and dance act, or poetry recitation, conducted or participated in by any nonprofessional person or persons in or upon any premises to which the public is not admitted. (Amended during 1989 supplement; prior code §§ 21.280.1, 21.280.2, 21.280.3)

4.19.020 Regulatory permit - Required.

It is unlawful for any person to conduct, permit, or assist in conducting or permitting any entertainment to be shown, staged, exhibited, or produced in any premises to which the public is admitted without first having procured a business license required by Chapter 4.02 and a regulatory permit required by Chapter 4.03.

4.19.030 License fee.

A. The annual fee for all entertainment permits is as established by resolution of the City Council. (Prior code § 21.280.5)

B. No fee is required for a permit for an entertainment conducted by a bona fide charitable, religious, benevolent, patriotic, or educational organization, or by the United Service Organization ("USO"). Any determination as to the exempt status of any applicant will be made by the issuing officer. (Amended during 1989 supplement; Prior code § 21.280.8)

4.19.040 Permit-Application-Denial.

In addition to the reasons for denying and conditioning a license or permit stated in Chapter 4.02 or Chapter 4.03, the issuing officer may deny or condition a permit issued under this chapter if the premises proposed to be used in the conduct of the business are not a suitable or proper place, or if public health, welfare or safety warrant denial.

4.19.050 Permit-Application-Mandatory denial.

In accordance with Section 4.02.020, in any case where an applicant knowingly or deliberately makes any material false statement on an application for a permit, such application will be denied. (Prior code § 21.281.9)

4.19.060 Audience participation.

No professional entertainer or employee may dance, unnecessarily converse, or associate with any customer during any entertainment period; provided, however, that a regularly scheduled audience participation type of entertainment may be presented during the time and in the manner described in an advertisement posted at the premises and appearing in a regularly printed program; provided, further, that a copy of the advertisement must be received by the Sheriff twenty-four hours prior to conducting the audience participation entertainment. This section does not apply to establishments having a Class III entertainment permit. (Prior code § 21.283.8)

4.19.070 Exits.

Every establishment permitted pursuant to this chapter must provide unlocked doors with free and easy egress while patrons are in the establishment. (Prior code § 21.282.8)

4.19.080 Gambling.

No public entertainment may be conducted in any establishment in which gambling in any form is permitted, or in which there is kept any machine or machines or other device designed or commonly used for the purpose of gambling in any form. (Prior code § 21.283.2)

4.19.090 Hours.

No entertainment other than mechanical music of any sort may be conducted in an establishment permitted pursuant to this chapter between the hours of two a.m. and six-thirty a.m. (Prior code § 21.282.4)

4.19.100 Lighting.

Every establishment permitted pursuant to this chapter must be lighted throughout to an intensity of not less than three foot-candles during all hours of operation except while the floor show is in progress. (Prior code § 21.283.5)

4.19.110 Noise abatement.

Every establishment permitted pursuant to this chapter must comply with any noise level limits established in this Code and in the regulatory permit. Failure to comply with noise level limits constitutes grounds for permit revocation or modification.

If noise coming from any establishment permitted under this chapter interferes with the right of persons dwelling in the vicinity of such establishment to the peaceful and quiet use and enjoyment of their property, the City Council may require, after a hearing, that the premises be soundproofed in a manner that in the judgment of the City Council will be effective to eliminate the noise or reduce it to a reasonable level. The City will provide ten days' notice to the permittee prior to the hearing. In taking any action under this section, the City Council will balance the interests of the respective parties, as well as the hardship which will result from any order. If the City Council finds that the noise complained of is of a minimum or inconsequential degree or complies with the Code or noise limits in the regulatory permit, no action will be taken under this section. If a permittee fails, within a reasonable time and after having been ordered to do so pursuant to this section, to take such steps as were ordered to abate any noise, the City Council may suspend or revoke the business license in accordance with Section 4.02.060, until such time as the permittee complies with the order. (Amended during 1989 supplement; prior code § 21.282.3)

4.19.120 Numbers of employees.

Every establishment permitted pursuant to this chapter that has a capacity of two hundred persons or more must provide at least one employee for the first two hundred persons, and one additional employee for each additional one hundred persons who can be legally accommodated, whether actually present or not. The employees required pursuant to this section must be in attendance during the entire time that any entertainment is in progress, and must devote their entire time and attention to keeping order, checking admission of minors, and ensuring that all provisions of this chapter are complied with. The Sheriff may require such additional employees or guards on an individual basis as the Sheriff deems in the public interest. (Prior code § 21.283.7)

4.19.130 Parking lot.

Every parking lot serving an establishment permitted pursuant to this chapter must have adequate and uniform light at an intensity of not less than two foot-candles. (Prior code § 21.283.6)

4.19.140 Persons intoxicated or under the influence of drugs.

It is unlawful for any person who is intoxicated or under the influence of any drug to appear in or be in any establishment permitted pursuant to this chapter. It is unlawful for any person who conducts or assists in conducting any such establishment to permit any intoxicated person or person who is under the influence of any drug to appear, be, or remain at such place. (Prior code § 21.282.7)

4.19.150 Solicitation of drinks.

No employee of a business licensed and permitted pursuant to this chapter may solicit or accept drinks of alcoholic beverages from customers while working. (Prior code § 21.283.1)

4.19.160 Solicitation of trade.

No public entertainment may be conducted in any establishment if solicitation of trade is made at or near the entrance, either by personal solicitation or otherwise. (Prior code § 21.283.3)

4.19.180 Visibility from the street.

No establishment permitted pursuant to this chapter may permit any public entertainment to be visible at any time from the street, sidewalk, or highway. (Prior code § 21.282.9)

4.19.190 Applicability of Sections 4.19.200 through 4.19.260.

The provisions of Sections 4.19.200 through 4.19.260 apply only to establishments required to have a class II entertainment license. (Prior code § 21.284.2)

4.19.200 Additional grounds for suspension or revocation.

In addition to the grounds for suspension or revocation of a license set forth elsewhere in this title and chapter, the provisions of Section 24200 of the Business and Professions Code of California are made applicable to licenses under this chapter. (Prior code § 21.284.3)

4.19.210 Additional reasons for denial of license.

In addition to the reasons otherwise provided for denying a business license and regulatory permit, the issuing officer may deny a business license and regulatory permit when:

A. The applicant has been convicted of a crime involving lewd, lascivious, or obscene conduct; including, but not limited to, Sections 311.6, 314, 315, 316, 318 or Subdivisions (a), (b) or (d) of Section 647 of the Penal Code;

B. The applicant has been convicted of a crime which required the applicant to register under the provisions of the Sex Offender Registration Act (commencing with section 290 of the Penal Code), or any similar registry. (Amended during 1989 supplement; prior code § 21.285.4)

4.19.220 Attire.

No person may enter, be, or remain in any establishment permitted pursuant to this chapter or required to be permitted pursuant to this chapter, except when attired in such a manner that the pubic area, private parts and the crease of the buttocks are completely covered and are not visible to the human eye. (Prior code § 21.284.8)

4.19.230 Manager.

All class II establishments permitted or required to be permitted under this chapter must have a manager on the premises at all times when entertainment is being conducted to ensure compliance with the provisions of this chapter. The permittee must register and obtain approval of the manager from the Sheriff . (Prior code § 21.284.9)

4.19.240 Motion pictures prohibited.

No person or establishment permitted pursuant to this chapter or required to be permitted under this chapter may show, project or permit to be shown or projected any motion picture, still picture, or slide, the main subject of which is the depiction of the human body, or any portion thereof, whether clothed or unclothed, unless and until the license of such establishment is specifically endorsed by the Sheriff to permit such showing. (Prior code § 21.285.5)

4.19.250 Registration of entertainers.

A. No person may conduct or participate in any entertainment as defined in Section 4.19.010 unless and until such person has registered in person with the Sheriff and completed the registration form provided by the Sheriff. Any person registering under this section must provide all of the following:

1. name and residence address;

2. social security number and driver's license or state- or federal-issued identification number, if any;

3. whether such person has ever been convicted of any crime except misdemeanor traffic violations. If any person mentioned in this subsection has been so convicted, a statement must be made giving the name of the person so convicted, the place and court in which the conviction was had, the specific charge under which the conviction was obtained, and the sentence imposed as a result of such conviction;

4. a recent photograph, which photograph may be taken by the Sheriff ; and

5. a complete set of each person's fingerprints, taken by the Sheriff , and forwarded to the Federal Bureau of Investigation, Identification Division, for search.

B. No person may employ any person to participate in or conduct any entertainment as defined in Section 4.19.010 unless and until such person has registered with the Sheriff as provided in this section, and until written notification has been received from the Sheriff that such person has been duly registered. The Sheriff 's notices of registration shall be maintained by the employer at the place of business, and shall be available for inspection at all times. (Prior code §§ 21.285.1, 21.285.2, 21.285.3)

4.19.260 Inspections.

Every class II permittee must permit law enforcement personnel to enter free of charge any establishment permitted pursuant to this chapter for the purpose of conducting an inspection pursuant to Section 1.04.040 of this Code. (Prior code §§ 21.283.9, 21.284.1)

EXHIBIT 15

CHAPTER 4.20 SALE OF FIREARMS

4.20.010 Definitions

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "Firearm" means any device designed to be used as a weapon, from which a projectile is expelled through a barrel by the force of any explosion or other form of combustion. A "Firearm" includes any device defined as a firearm in California Penal Code Section 16520.

B. "Firearm Dealer" means any person who fulfills or is required to fulfill the provisions of Penal Code Section 26700 and who:

1. Sells, transfers, or leases any new or used Firearms at wholesale or retail; or

2. Advertises for sale, transfer, or lease any new or used Firearms at wholesale or retail; or

3. Offers or exposes for sale, transfer, or lease, any new or used Firearms at wholesale or retail.

4.20.020 License required.

It is unlawful for any person to transact, engage in, or carry on any business as a firearm dealer without a business license required by Chapter 4.02 and a regulatory permit required by Chapter 4.03.

4.20.030 Issuance or denial of permit.

In addition to the grounds for denial of a permit set forth in Chapter 4.02, the issuing officer may deny an application for a business license, for any of the following reasons:

A. The operation of the Firearm Dealer business as proposed in the application for the permit will violate any applicable building, fire, health, or zoning requirement set forth in this Code;

B. The applicant is under twenty one (21) years of age;

C. The applicant has had a similar permit or license previously revoked or denied for good cause within one year immediately preceding the date of the filing of the application;

D. The applicant has not received any license or approval required by state or federal law or regulation;

E. The applicant, within five (5) years immediately preceding the date of filing the application has been convicted in a court of competent jurisdiction of any of the following offenses:

1. Any offense involving the use of force or violence upon the person of another; or

2. Any offense of theft, embezzlement, or receiving stolen property; or

3. Any felony offense involving the sale, manufacture, possession, or use of any controlled substance as defined by the California Health and Safety Code; or

4. Any offense in another state which, if committed in this state, would have been punishable as one of the offenses specified above and immediately preceding; or,

F. The applicant is under indictment for, or has been convicted of, any violation of federal, state or local law relating to the manufacture, sale, transfer, lease, registration, use, or possession of any firearm or ammunition, or

G. The applicant fails to remove the authority of any officer, agent or employee to act on behalf of the applicant in the Firearm Dealer business within five (5) working days after applicant receives written notification by certified mail or personal delivery from the issuing officer, that:

1. any officer, employee, or agent of the applicant, is under indictment for, or has been convicted of, any violation of federal, state or local law relating to the manufacture, sale, transfer, lease, registration, use, or possession of any firearm or ammunition; or

2. any officer, employee, or agent of the applicant, is a person in a prohibited class described in Sections 29800 through 29830 of the California Penal Code or Section 8100 or Section 8103 of the Welfare and Institutions Code; or

H. The applicant is a person in a prohibited class described in Sections 29800 through 29830 of the California Penal Code or Section 8100 or Section 8103 of the Welfare and Institutions Code; or

I. The applicant has failed to provide evidence of a possessory interest, such as the interest of an owner, tenant, lessee or sublessee, in the property where the proposed business will be conducted; or

J. The applicant has failed to obtain a zoning use certificate required by this Code.

4.20.040 Permit Not Transferable

A Firearm Dealer permit may be issued only to a specific person to conduct business as a dealer at a specific location and at gun shows in accordance with California Penal Code sections 27200 through 27415. It is unlawful for any person to transfer a Firearm Dealer permit to another

person or from one location to another without prior written approval of the issuing officer. Any attempted transfer will be ineffective.

4.20.050 Revocation of Permit

A business license and regulatory permit may be revoked or suspended in accordance with Section 4.02.060 for any of the following:

A. The Firearm Dealer, or any officer, employee or agent of the Firearm Dealer, is not operating in full compliance with all provisions of this Chapter;

B. The Firearm Dealer is convicted of any of the offenses enumerated in Section 4.20.030;

C. The Firearm Dealer fails to remove the authority of any officer, agent, or employee to act on behalf of the Firearm Dealer within five (5) working days after the Firearm Dealer receives written notification by certified mail or personal delivery, that such officer, agent or employee has been convicted of any of the offenses enumerated in Section 4.20.030; or

D. Any of the conditions listed on the permit or in this title are violated.

4.20.060 Limitation on location.

Except as otherwise provided herein, the business licensed and permitted by this chapter may be carried on only in the location designated in the license. (Prior code § 21.1205)

4.20.070 Business and Security Regulations

A. All Firearm Dealers and officers, employees or agents of the Firearm Dealers, must comply with all state and federal business regulations and building specifications for Firearm security, including but not limited to the requirements set forth in Penal Code.

B. All Firearm Dealers and officers, employees or agents of the Firearm Dealers must protect Firearms from theft during business hours, by taking the following actions at a minimum:

1. All Firearms must be in locked cabinets, a secure rack, or a storage area so that access to Firearms is controlled by the dealer or an employee, to the exclusion of all others.

2. The Firearm Dealer, agent, or employee must be present when a prospective buyer or seller is handling any Firearm.

4.20.080 Records of secondhand weapons.

A. Prior to obtaining a used or secondhand concealable weapon, a Firearm Dealer must obtain the following information from the person offering such weapon on a form obtained from the Department of Justice:

1. Name, address, and physical description of such person;

2. The caliber, manufacturer's name, description, serial number or numbers, initials or other identifying marks of the weapon;

3. Such other information which may be required by the Sheriff .

B. At the end of each week, every Firearm Dealer must file completed forms regarding each secondhand concealable weapon purchased or taken in trade during the week by the Firearm Dealer. (Prior code § 21.1206.1)

4.20.090 Delivery of firearms.

It is unlawful for any person to deliver a firearm except in compliance with Title 4 of Part 6 of the Penal Code and any other applicable law or regulation.

4.20.100 Advertising or display.

No Firearm Dealer may display any pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof in any part of the premises where it can readily be seen from the outside. (Prior code § 21.1208)

EXHIBIT 16

CHAPTER 4.21 SECONDHAND DEALERS

4.21.010 Findings and intent.

A. The City Council finds that secondhand businesses provide a means of disposing of stolen goods. Investigation by police agencies reveals that new, used and stolen property are acquired and sold by secondhand businesses. Because secondhand businesses can be ready vehicles for the disposal of stolen goods, such businesses should be subject to controls which will decrease the potential traffic in such stolen goods. (Prior code § 21.700)

B. It is the intent of this chapter to preclude secondhand businesses from being depositories for stolen goods by providing control over the goods purchased and sold by secondhand businesses, especially such goods that are subject to theft and subsequent disposal by way of sale. (Prior code § 21.701)

4.21.020 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "Antique" means objects of art, bric-a-brac, curios or household furniture or furnishings offered for sale upon the basis, express or implied, that the value of the property, in whole or in substantial part, is derived from its age or from its historical associations. All references to secondhand personal property or secondhand property in this chapter include antiques.

B. "Secondhand dealer" and "dealer" mean any person who engages in buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning, or auctioning secondhand tangible personal property, and is further defined in Article 4 of Chapter 9 of division 8 of the Business and Professions Code (commencing with Section 21625).

C. "Secondhand property" has the same meaning as "secondhand tangible personal property" set forth in Article 4 of Chapter 9 of Division 8 of the Business and Professions Code. (Prior code § 21.702)

4.21.030 License required.

A. It is unlawful for any person to transact, conduct, undertake or carry on any business as a secondhand dealer within the City without first having procured a business license required by Chapter 4.02 and a regulatory permit required by Chapter 4.03.

B. Prior to the issuance of a city license, a dealer must apply for and be issued a secondhand dealer's license pursuant to Article 4 of Chapter 9 of division 8 of the Business and Professions Code (commencing with Section 21625). (Amended during 1989 supplement; prior code § 21.706)

4.21.040 Records of dealer.

A. Every dealer must file with the Sheriff any and all reports required by Article 4 of Chapter 9 of division 8 of the Business and Professions Code (commencing with Section 21625), and must include any additional information required by the Sheriff to assist in the detection of stolen property.

B. Every dealer must keep a copy of the report required by this Section on file at the place of business for a period of three years, and must make the report available for inspection by the Sheriff or any peace officer of this state, at all reasonable times.

4.21.050 Holding period.

Except as otherwise provided herein:

A. Every dealer must retain in his or her possession for a period of thirty (30) days all secondhand property required to be reported pursuant to Article 4 of Chapter 9 of division 8 of the Business and Professions Code and may not remove such secondhand property from the City during the holding period.

B. The thirty-day holding period commences on the date that the dealer files the report of acquisition required by this Section with the Sheriff . Before the end of the thirty-day holding period, the Sheriff may release or conditionally release any secondhand property required to be held by this chapter, if after an inspection the Sheriff is satisfied that the secondhand property is in the lawful possession of the secondhand dealer.

C. This section does not apply to secondhand property that a dealer has acquired from another person who held the secondhand property for the period prescribed by such laws. The dealer acquiring such property must, upon demand by the Sheriff , present records that such secondhand property was held for the required period. (Amended during 1989 supplement; prior code § 21.710)

4.21.060 Alteration of property.

A secondhand dealer must not clean, alter, repair, paint change or allow any secondhand property to be cleaned, altered, repaired, painted or changed until the secondhand property has been held for the time required by this chapter or unless released by the Sheriff . To the extent required by law, a dealer must expose secondhand property to public view during business hours for the duration of the holding period or until released by the Sheriff . (Prior code § 21.711)

4.21.070 Hold order by sheriff.

The Sheriff may place a hold-order for a period of ninety days on any secondhand property acquired by the secondhand dealer, and upon release of such property, the Sheriff may require the secondhand dealer to keep a true record of the secondhand property, the name and address of the person to whom the property was sold, and a record of any other method of disposition. The secondhand dealer must keep any record required under this section for three years. (Amended during 1989 supplement; prior code § 21.713)

4.21.080 Exceptions.

The following are excluded from the operation of this chapter:

A. Secondhand motor vehicles, whose transfer is required to be made a matter of record with the California Department of Motor Vehicles pursuant to the Vehicle Code, except that dealers' records of purchases and sales within the City must be open to the inspection of the Sheriff .

B. Receipt or sale of secondhand property by any person who received the secondhand article as part payment of a new article, if such person is the authorized representative or agent of the manufacturer of or regularly deals in the new article. (Amended during 1989 supplement; prior code § 21.720)

EXHIBIT 17

CHAPTER 4.23 SOLICITORS

4.23.010 Purpose.

The City Council declares that the purpose of this chapter is to safeguard the public against fraud, deceit and imposition, and to foster and encourage fair solicitations for charitable purposes. In order to prevent the public from being subject to fraud and misrepresentation in connection with solicitation of contributions for charitable purposes and in order to approve the solicitation for legitimate charitable purposes and to recognize worthwhile charities, and in order to furnish guidance to the issuing department, this chapter is adopted. (Amended during 1989 supplement; prior code § 21.513)

4.23.020 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "Charitable" means philanthropic, social service, benevolent, patriotic, welfare, health, educational, civic or fraternal.

B. "Completed solicitation" occurs whether or not the person making or receiving the solicitation receives or makes any sale or purchase referred to in this chapter. (Prior code § 21.515)

C. "Contribution" means alms, food, clothing, money subscription, property or donations made as a loan of money or property.

D. "Established place of business" is a fixed place, location or building, owned or leased or rented on a yearly or monthly basis, by the person who uses such place, location or building as the permanent place of business. Established place of business does not include a residence unless such person possesses a State Retail Sales Tax License indicating the residence as the business address.

E. "Goods" means goods, wares, merchandise, products, chattels of any description, magazines, periodicals, or other publications or subscriptions therefor; regularly published newspapers as defined herein excepted.

F. "House" means any structure, building or dwelling which has walls on all sides and is covered by a roof. House includes the land area surrounding it.

G. "Identification card" means a solicitor's identification card issued by the City to a person who possesses a valid solicitor's license or who is employed or engaged to solicit by a person permitted to do business as a solicitor within the City.

H. "Interviewer" means any person who goes to a house or upon any public place for interviewing persons or soliciting answers to questions for marketing research, opinion, research,

attitude surveys or for any other pool or information gathering service for compensation or other business enterprise. Interviewer does not include persons representing governmental entities, political parties, newspapers, radio or television stations, or persons circulating petitions for initiative, referendum or other political purpose.

I. "Newspaper" means a publication appearing at regular intervals at short periods of time, as daily, weekly, biweekly, usually in sheet form and containing news that is reports of recent occurrences, political, social, moral, sporting events and items of varied character, both local and foreign, intended for the information of the general reader and has reference to the natural, plain and ordinary significance of the word newspaper and does not refer to or comprehend magazines or periodicals. Newspaper does not include regular or periodic advertising circulars, certificates, papers, coupons, books or pamphlets.

J. "Public place" means any place to which anyone may have access without trespassing.

K. "Retail business" means sales of goods for any purpose other than resale in the regular course of business. Retail business includes retailer.

L. "Roaming sidewalk vendor" has the meaning set forth in Chapter 6.2 (commencing with Section 51036) of Part 1 of Division 1 of Title 5 of the Government Code and is a type of solicitor for purposes of this chapter.

M. "Services" means any act performed for the benefit of another under some arrangement or agreement whereby such act was to have been performed.

N. "Sidewalk vendor" has the meaning set forth in Chapter 6.2 (commencing with Section 51036) of Part 1 of Division 1 of Title 5 of the Government Code and is a type of solicitor for purposes of this chapter.

O. "Solicitor" includes peddlers, hawkers, transient dealers, salespersons or other itinerant vendors, or an interviewer, or any person who sets up a temporary stand or goes to a house or dwelling or upon any public place for the purpose of selling services, or offers to sell, or selling by sample, or take orders for, give away or otherwise dispose of any goods, or anything of value, or who offers to distribute or delivers any coupon, certificate, handbill, ticket, token card, paper, circulars, chance coupon, magazine, or other items which in turn are redeemable for goods.

P. "Solicitation" means and includes the following:

1. Any direct oral or written request for money, property, or anything of value or any financial assistance of any kind;

2. The distribution, circulation, mailing, posting or publishing of letters, posters, handbills, cards, folders, pamphlets, books, or circulars for the purpose of soliciting funds;

3. The giving or making of an announcement to the press or over the radio, television, internet, or any other digital or electronic means concerning or involving an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, contest, drive, entertainment, exhibition, exposition, lecture, party, performance, picnic, sale or social gathering to which the public or any portion of the public is requested to meet or patronize or to which the public or any portion of the public is requested to make a contribution, by the reason of or because of any charitable purpose or benefit, or other purposes connected with or involved in any such appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, contest, drive, entertainment, exposition, lecture, party, performance, picnic, sale or social gathering;

4. The sale of, offer to sell, or attempt to sell any advertisement, advertising space, article or service, book, card, chance coupon, device, magazine, membership, merchandise, subscription, ticket or thing whatsoever in connection with which or when or where any appeal is made for any charitable purpose whatever, or for other purpose, or the name of any charity, philanthropic or charitable association, or of any other association, is used or referred to in any such appeal as an inducement or reason for the making of any such sale, or when or where in connection with any such sale, offer to sell or attempt to sell, any statement is made that the whole or any part of the proceeds from any such sale or selling will go to or be donated to any charitable purpose or association or to any other association. (Amended during 1989 supplement; prior code § 21.514)

Q. "Stationary sidewalk vendor" means a sidewalk vendor who vends from a fixed location.

R. "Temporary stand" means any stand, table, handcart, motor vehicle or other portable or mobile device whereby goods are displayed or dispensed.

4.23.030 License and identification card.

A. It is unlawful for any person to act as a solicitor in the City without first having procured a business license required by Chapter 4.02 and a regulatory permit required by Chapter 4.03, and an identification card pursuant to this chapter

B. Except as provided herein, the fee for a new solicitor's license is as established by resolution of the City Council. The fee must accompany each application and is nonrefundable. The fee stated herein is not for revenue purposes but will be used to defray, in part, the cost of investigation and enforcement of this chapter. (Prior code § 21.503)

4.23.040 Exemptions from fees.

In addition to the exemptions provided in Chapter 4.02, the following applicants for a business license and identification card are exempt from payment of fees:

A. No fees apply to any solicitation for a charitable purpose conducted by an organization solely upon premises owned or occupied by it, or solely among its officers and members or employees, or alumni of educational institutions.

B. Any person or organization providing the following documentation:

1. Proof of registration on the Attorney General's Registry of Charitable Trusts (Section 12584(a) of the California Government Code);

2. State tax-exempt notice (Section 23701(d) of the Revenue and Taxation Code) and;

3. Federal tax-exempt notice (Section 501(c)(3) of the Internal Revenue Code). (Amended during 1989 supplement; prior code § 21.519)

4.23.050 License and identification card-Application-Contents.

A. Except for applicants for a charitable solicitor's business license, the applicant for a solicitor's permit and identification card must apply to the issuing officer on forms prescribed by the issuing officer and may be required to furnish the following information:

1. Name;

2. Physical description and three photographs;

3. Local address;

4. Permanent address;

5. Description of the nature of his business;

6. Description of the nature of his goods or services to be offered;

7. Name and address of employer and a description of the relationship between the applicant and such employer;

8. A statement of all convictions for all misdemeanors and felonies;

9. Such other information as the issuing officer deems necessary and relevant to a determination of whether a license should be issued pursuant to this chapter.

B. In addition to the procedures specified in chapters 4.02 and 4.03, applicants for charitable solicitor's permit must file an application sixty days prior to the date of commencement of the proposed charitable solicitation, and must provide the following information:

1. The name and address of the person applying for the license;

2. If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers, together with written authorization signed by two of the applicant's principal officers authorizing the applicant to make the application;

3. The purpose for which the solicitation is to be made and the use or disposition to be made of any receipts therefrom;

4. The names and addresses of all persons who will be in charge of conducting the solicitation;

5. The names and addresses of all solicitors, unless in the opinion of the issuing officer the solicitation campaign is of such magnitude and involves such a great number of volunteer solicitors as to make it impractical to provide the same;

6. Any other information as may be reasonably required by the issuing officer in order to determine the kind and character of the solicitation proposed;

7. If there is any change in fact, policy or method that would alter the information given in the application, the applicant must notify the issuing officer in writing thereof within five days;

8. All licenses become and remain a public record open to the inspection of all persons. (Amended during 1989 supplement; Prior code § 21.516)

9. Upon receipt of an application for a license and/or identification card, the issuing officer may send copies of such application to any officer or department which the issuing officer deems essential in order to carry out a proper investigation of the applicant. The issuing officer may forward fingerprints to the California Bureau of Identification for research. (Prior code § 21.504)

C. Notwithstanding the foregoing requirements, applicants for a sidewalk vendor permit is not required to submit a social security number for the issuance of a permit or license and any identification number collected from the applicant will not be available to the public for inspection, consistent with applicable laws.

4.23.060 License and identification card-Application-Denial, suspension or revocation.

A. In addition to any other reasons provided in this title, the issuing officer may deny, suspend or revoke any application or disprove of specific persons proposed for coverage under the permit if the applicant, the applicant's agent, representative or employee:

1. Is convicted of any misdemeanor involving violation of any statute or ordinance regulating or taxing any business; or

2. Is convicted of any crime involving any of the offenses described under California Penal Code Section 290; or

3. Who has violated any of the provisions of this chapter; or

4. Who makes any false statement or misrepresentations in his application for such license and/or identification card.

B. For purposes of this section, a plea of nolo contendere, or a plea or verdict of guilty, or a finding of guilt by a court, or a forfeiture of bail is deemed to be a conviction whether probation is granted or not. (Amended during 1989 supplement; prior code § 21.505)

4.23.070 License and identification card-Issuance.

A. In addition to other powers provided in this title, the issuing officer has the following powers:

1. to investigate the conduct of any solicitation for a charitable purpose;

2. to inspect all books, records and papers pertaining to any solicitation for a charitable purpose of any person by whom or on whose behalf any solicitation is made;

3. to make copies of all books, records and papers pertaining to any solicitation for a charitable purpose. (Prior code § 21.517)

B. For solicitations for charitable purposes, the issuing officer issues a license within thirty days after receipt of such application, whenever the issuing officer finds that the following facts exist:

1. That the application and applicant fulfill the requirements of this chapter;

2. That the control and supervision of the solicitation and the distribution or disbursement of the proceeds will be directed by reliable and responsible persons;

3. That the applicant has not engaged in any fraudulent transaction or enterprise;

4. That the solicitation will not be a fraud on the public;

5. That the solicitation not be conducted for private profit;

6. That the applicant has not violated this code in the conduct of any prior solicitations.

C. Upon approval by the issuing officer, the license and identification card issued to the applicant will show the physical description of the permittee, the permittee's name and permanent address, and with the name of the principal if other than the permittee, and the nature of the business for which the license is issued. The identification card must show the expiration date of the license and contain a photograph of the permittee.

D. The license must also be accompanied by a statement that the license does not constitute an endorsement by the City or any of its employees, of the purpose of persons conducting the solicitations. (Amended during 1989 supplement; prior code § 21.506)

4.23.080 Information on solicitors.

An individual permitted to do business as a solicitor within the City and who employs or engages others to function or perform as solicitors must furnish the issuing officer with the name and address, temporary and permanent, of all such persons employed or engaged in solicitations. (Prior code § 21.502)

4.23.090 Display of identification card.

Every person permitted hereunder while engaged in the business for which permitted must display on the front of his person his identification card in a manner and at a location allowing such identification card to be easily seen and read by any other person, and upon demand by any peace officer must exhibit such identification card. (Prior code § 21.509)

4.23.100 Hours of business.

It is unlawful for any person to do business as a solicitor from eight p.m. until eight a.m. local time except by appointment. (Prior code § 21.510)

4.23.110 Prohibited vending.

A. No solicitor may contact or attempt to contact any occupant of any house or dwelling where the owner or occupant or the house or dwelling has posted at the front of the house or dwelling, printed with letters not less than one inch in height, and at a location which is unobstructed and clearly visible from the normal entrance way to such house or dwelling, a sign or placard prohibiting soliciting.

B. No solicitor may contact or attempt to contact any member of the public on any private commercial property which is normally open to the general public where the owner or legal occupant thereof has posted at all entrances, and printed with letters not less than one inch in height, and at a location which is unobstructed and clearly visible by all persons entering such property, a sign or placard prohibiting such soliciting. (Prior code § 21.511)

4.23.120 Exemptions.

This chapter does not apply to:

A. Students from an elementary school or a junior high school, or a high school, or public junior or community college, or public college or public university or any private educational institution falling within the definition of educational institution in Education Code Section 210.3, but only while such students are engaged in activity associated with academic or scholastic functions sponsored by and authorized by such schools;

B. Wholesalers, their representatives, agents or employees calling upon retail businesses, nor to retail businesses when such sales are made in the regular course of business and at the established place of business;

C. Sales by a farmer or rancher for products produced within the City by such farmer or rancher at the established place of business of such farmer or rancher;

D. Persons who sell their goods at the rented stall of a lawfully oriented swap meet permitted pursuant to Chapter 4.24, and who comply with the admissions records as required in Chapter 4.24 of this code, or to persons who sell their goods at a stall in a farmers' market permitted to Chapter 4.14.

E. A newspaper as defined herein and its employees. (Prior code § 21.507)

4.23.140 Written receipt.

A. No person may accept any contribution for a charitable purpose without providing a signed receipt for the contribution.

B. Exceptions:

1. No receipt need be given or tendered if a donation of money is made by placing the same in a box or receptacle previously approved by the issuing officer.

2. No receipt need be given for any donation the value of which is less than one dollar.

3. When the issuing officer determines that the public interest would not be adversely affected thereby and that the waiver of the requirement of tendering a signed receipt would not aid in a fraud upon the contributor, the issuing officer may waive the requirements of this section. (Prior code § 21.524)

4.23.150 Use of boxes or receptacles.

No person may solicit any contribution for a charitable purpose by means of any box or receptacle in or upon any public street or place, or any place open or accessible to the public without first obtaining a license therefor from the issuing officer. (Prior code § 21.525)

4.23.160 Accounting system.

No person may conduct, carry on or manage any solicitation for a charitable purpose unless the person establishes and maintains a system of accounting in which all income contributions and disbursements are recorded. (Prior code § 21.520)

4.23.170 Sidewalk vendors.

A. In addition to the regulations applicable to solicitors and other generally applicable laws, a sidewalk vendor must not undertake any of the following:

1. obstruct the flow of traffic in a manner that results in a violation of the Americans with Disabilities Act, forces pedestrian traffic into a street or other area where vehicles travel, or forces vehicular traffic to veer from its ordinary course of travel;

2. operate in areas located within the immediate vicinity of a permitted certified farmers' market or swap meet during the operating hours of the farmers' market or swap meet as those terms are defined in Chapter 6.2 (commencing with Section 51036) of Part 1 of Division 1 of Title 5 of the Government Code;

3. operate within the immediate vicinity of an area designated for a temporary use of, or encroachment on, the sidewalk or other public area for the duration of the temporary use or encroachment;

4. operate without obtaining and displaying any valid certificate or other authorization required by the County of San Diego or without acquiring any license from a state or local agency required by law;

5. maintain unsanitary conditions.

B. In addition to the regulations applicable to solicitors, a stationary sidewalk vendor must not undertake any of the following:

1. vend in any park that has an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire;

2. vend in any area zone exclusively residential.

C. The Director of Development Services may impose any conditions on a regulatory permit issued pursuant to this section which are required to ensure compliance with any relevant provisions of this Code, ordinances of the City, or applicable law or regulation.

D. Enforcement of violations of this section will proceed in accordance with Chapter 6.2 (commencing with Section 51036) of Part 1 of Division 1 of Title 5 of the Government Code.

EXHIBIT 18

CHAPTER 4.24 SWAP MEETS AND SWAP LOTS

4.24.010 Background.

Swap meets attract many citizens, out-of-city and out-of-state participants. State laws regulate the reporting of property for sale or exchange. Nothing herein is intended to supersede, supplant or supplement such state law relative to reporting of such property. Investigation has shown that both new and used items and merchandise are sold at swap meets. Special regulations apply to pawn shops and because swap meets are especially susceptible places to dispose of stolen goods, similar control should be applicable to swap meets. (Prior code § 21.1301)

4.24.020 Intent.

It is the intent of this chapter that swap meets be subject to proper regulations similar to regulations applicable to businesses with similar problems, that swap meet owners and operators pay their share of regulatory costs and that the citizens who attend swap meets be protected by appropriate controls of swap meet operations. (Prior code § 21.1302)

4.24.030 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "Owner or operator" means any person which controls, manages, conducts or otherwise administers a swap meet.

B. "Swap lot" means a building, structure, enclosure, lot or other area into which persons are admitted to display, exchange, barter, buy, sell, or bargain for new or used merchandise.

C. "Swap meet" means any event:

1. At which two or more persons offer personal property for sale or exchange; and

2. At which a fee is charged for the privilege of offering or displaying personal property for sale or exchange; or

3. At which a fee is charged to prospective buyers for admission to the area where personal property is offered or displayed for sale or exchange; or

4. Regardless of the number of persons offering or displaying personal property or the absence of fees, at which used personal property is offered or displayed for sale or exchange if such event is held more than six times in any twelve-month period. (Prior code § 21.1303)

4.24.040 License-Application.

It is unlawful for any person to control, manage, conduct or otherwise administer a swap meet in the City without first having procured a business license required by Chapter 4.02 and a regulatory permit required by Chapter 4.03.

4.24.050 Licensee-Application denial.

In addition to the reasons stated in chapters 4.02 and 4.03, the issuing officer may deny any application if the premises proposed to be used as a swap lot are not a suitable or proper place for swap meets, or if the operation of the swap meet will generate excessive traffic in the surrounding community or unreasonably disturb the peace and tranquility of the residents thereof, or if the health, safety, or welfare warrant such denial. (Amended during 1989 supplement; prior code § 21.1307)

4.24.060 Hours and days of operation.

The business defined in this chapter must not open before six a.m. and must close no later than six p.m.; provided, however, that the owner or operator must ensure that no one is admitted to the swap meet later than one hour before closing time. Such business must not be conducted on December 25th, Labor Day, Thanksgiving Day, or on such other days as are prohibited by the conditions of granting a license as authorized below. The Sheriff is authorized to issue a license limiting the days and/or hours of operation upon a determination that the peace and tranquility of the residents of the surrounding community require such limitations. (Prior code § 21.1314)

4.24.070 Inspection.

All merchandise admitted into the area must be arranged so that the Sheriff , building inspector, health officer, fire department personnel, and other officials may have access for inspection at all times during hours of operation. (Prior code § 21.1313)

4.24.080 Notice.

The owner or operator of any swap meet must take reasonable steps to notify all participants of the regulations and prohibitions contained in this chapter, including but not limited to the posting of notices in conspicuous places on the premises where such swap meet is conducted. (Prior code § 21.1316)

4.24.090 Prohibited articles.

It is unlawful for any person to exchange, barter, trade or sell firearms or explosives in a swap meet. (Prior code § 21.1315)

4.24.100 Trading area.

Swap meet activities must be conducted only in a building, structure, or other area enclosed by a permanent fence which is sufficient to enable the owner or operator, or his employee to control effectively the ingress and egress of persons and merchandise. The owner or operator of any

swap meet must implement best management practices to prevent trash and other pollutants from entering storm water. (Prior code § 21.1312)

4.24.110 False information or failure to furnish information.

Knowingly furnishing false information or failure to furnish information, where information is required by the provisions of this chapter, constitute a violation of this chapter. (Prior code § 21.1317)

4.24.120 Exemptions.

The requirements of this chapter are not applicable to:

A. An event held not more than two times per calendar year that is organized for the exclusive benefit of any community chest, fund, foundation, association or corporation organized and operated for religious, educational, hospital or charitable purposes, provided that no part of any admission fee charged vendors or prospective purchasers, or the gross receipts or net earnings from the sale or exchange of personal property, whether in the form of a percentage of such receipts or earnings, as salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event;

B. An event at which all of the personal property offered or displayed is new, and all persons selling, exchanging, or offering or displaying personal property for sale or exchange are manufacturers or licensed retail or wholesale merchants;

C. Any vehicle or trailer;

D. Any vehicle accessory or vehicle part exclusively for a motor vehicle eligible for registration under Section 5004 of the Vehicle Code. (Prior code § 21.1319)

EXHIBIT 19

CHAPTER 4.25 TAXICABS AND TAXICAB OPERATIONS

4.25.010 Definitions.

"Driver" has the meaning set forth in Chapter 7 of Part 1 of Division 7 (commencing with Section 16550 of the Business and Professions Code.

"Identification card" means the permanent taxicab driver's identification card issued by the San Diego County Sheriff's Department.

(Amended during 1989 supplement; prior code § 21.301)

4.25.020 License-Required

A. It is unlawful for any person to operate a taxicab or other motor vehicle for hire within the City without first procuring a business license required by Chapter 4.02 and a regulatory permit required by Chapter 4.03.

B. An applicant for a business license must submit a valid identification card with the application. (Amended during 1989 supplement; prior code § 21.307)

EXHIBIT 20

CHAPTER 4.26 SPECIAL EVENT SHOW

4.26.010 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "Special event permit" means the authorization issued by the City to a sponsor for distribution by the sponsor to vendors participating in a licensed special event show.

B. "Special event show" includes but is not limited to any of the following: business expositions, craft fairs, bazaars, art shows, antique shows, hobby shows, and similar events.

C. "Sponsor" means those organizations or individuals which act on behalf of the vendor(s). A sponsor may be a vendor, an association, or group of vendors, or an entity with no direct connection with the displaying individuals. A sponsor may also include those individuals or organizations that permit said show to operate at a given location, whether by right of ownership, contract, agreement, or default.

D. "Vendor" means the individual participant in the special event show who places his or her goods or services, or a representation of his or her goods or services, on display with the intent to sell or take orders for future delivery. (Ord. 342 (§ 2 part), 1995)

4.26.020 Permit Required.

The sponsor of a special event show must obtain a business license for a special event show and regulatory permits for vendors participating in the special event show pursuant to this chapter. No sponsor may cause or permit a vendor to sell or offer to sell any goods, services, wares or merchandise without first obtaining a permit for that vendor at the special event show. It is the intent of this chapter to permit special event shows and vendors through the sponsor of said shows.(Ord. 342 (§ 2 part), 1995)

4.26.030 Permit-Exemption.

No permit for a vendor is required if a vendor has a valid business license issued by the City. However, the intended sale of goods or services at the special event show must be the same as described in their current business license. (Ord. 342 (§ 2 part), 1995)

4.26.040 Permit-Issuance.

A. Upon request by the sponsor, the issuing officer will provide the sponsor with special event show applications to be completed by participating vendors. The fee for each application is as established by resolution of the City Council and paid by the sponsor at the time that the blank applications are issued. Special event show applications when completed and signed by the vendor meet the permit requirement of Section 4.26.020 of this chapter.

B. Each vendor must provide the following information requested on the application:

1. The name of the sponsor;

2. The name of the special event show;

3. The location at which the show is to be held;

4. Name and signature of the individual vendor certifying under penalty of perjury the correctness of the information;

5. Dates the show is to be held;

6. Seller's permit number;

7. Type of goods or services offered for sale. (Ord. 342 (§ 2 part), 1995)

4.26.050 Term of permit.

The term of the permit is three consecutive calendar days beginning with the first day of the show and continuing for the next two days. A day is considered as the calendar date and not by the number of hours. (Ord. 342 (§ 2 part), 1995)

4.26.060 Final action required.

Within ten calendar days after the closing of each special event show, the sponsor must return to the issuing officer copies of the special event show permits that were issued to each vendor. No refunds are provided for any unissued permits. (Ord. 342 (§ 2 part), 1995)

ORDINANCE NO. 558

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, RESTATING, AMENDING, AND RECODIFYING TITLE 5 OF THE SANTEE MUNICIPAL CODE RELATING TO HEALTH AND SANITATION

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify its ordinances. Government Code section 50022.9 authorizes a city to adopt county codes by reference;

WHEREAS, in Ordinance 1, adopted as the first act of the City of Santee ("City") on December 2, 1980, the City temporarily adopted all county ordinances of the County of San Diego as its municipal code (the "Santee Municipal Code");

WHEREAS, in Ordinances 14 and 18, the City extended the validity of the county ordinances to provide additional time for the City to adopt its own ordinances;

WHEREAS, the City has not adopted a comprehensive code of ordinances, but has amended the county's ordinances in a piecemeal fashion more than 300 times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the City Council of the City of Santee held a series of public meetings to consider proposed restatement, amendment, and recodification issues for each title of the Santee Municipal Code as follows:

March 8, 2017	Titles 1 and 2
September 6, 2017	Titles 3 and 5
February 14, 2018	Titles 6, 8, and 9
March 28, 2018	Titles 12 and 13
August 8, 2018	Title 10
September 26, 2018	Titles 6, 15, and 16
November 14, 2018	Title 17

WHEREAS, the City desires to restate without substantive revision, amend, and recodify the ordinances codified in the Santee Municipal Code;

WHEREAS, the amendments to the Santee Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance;

WHEREAS, the descriptions included in the council agenda statement, staff report, and minutes contain the findings of the City Council in support of this Ordinance and serve as evidence of the City Council's intention in adopting this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. **Existing Law Continued**. The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance;

2.1.3. The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance;

2.1.4. Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance, resolution, or regulation;

2.1.5. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the Santee Municipal Code;

2.1.6. Santee Municipal Code sections cited on signs, forms, notices, or other materials within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in the new Santee Municipal Code for purposes of notice and enforcement.

2.2. **Exclusions from code**. Every ordinance governing the following subject matter is not affected by the adoption of this Ordinance:

2.2.1. Alteration of city boundaries;

2.2.2. Contracts to which the city is a party;

2.2.3. Elections to which the city is a party;

2.2.4. Fixing the rate and making a levy of city taxes;

2.2.5. Granting, altering or withdrawing a franchise;

2.2.6. Land use classifications of specific property;

2.2.7. Naming roads and streets.

2.3. **References to Prior Ordinances Apply to All Amendments.** Whenever a reference is made to this code as the "Santee Municipal Code" or to any portion thereof, or to any ordinance of the City of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.4. **Title, Chapter, and Headings**. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

2.5. **References to Specific Ordinances and Code Sections**. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Santee Municipal Code. Renumbering and relabeling of existing ordinance, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.6. **Effect of Ordinance on Past Actions**, **Obligations and Irregularities**. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict

therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the City, do not revive any rights repealed or extinguished by any prior ordinance of the City which is repealed by this Ordinance.

2.7. **Effect of Ordinance on Period of Limitation**. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.8. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Title 5 “Health and Sanitation” of the Santee Municipal Code is hereby restated and amended as follows:

3.1. Chapter 5.02 “Fireworks and Pyrotechnic Displays” is restated and amended as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.2. Chapter 5.04 “Noise Abatement and Control” is restated and amended as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.3. Chapter 5.08 “Disposal of Dead Animals” is restated and amended as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.4. Chapter 5.10 “Disease Control” is restated and amended as set forth in Exhibit 4 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.5. Chapter 5.12 “Sanitation Regulations” is restated and amended as set forth in Exhibit 5 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.6. Chapter 5.16 “Hazardous Material Cleanup” is restated without substantive amendment as set forth in Exhibit 6 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has “the potential for causing a significant effect on the environment.” (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (*Ibid*.) Here, the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 5. Codification. The City has adopted the “City of Santee Municipal Code Editorial Guidelines,” and, except as otherwise provided herein, authorizes Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinance to the guidelines. In the event a substantive conflict arises on the basis of the changes authorized by this Section, the language adopted by this Ordinance prevails. The City Clerk is authorized to provide certified copies and notice of this Ordinance or any part of this Ordinance required or advised by the law or any regulation.

SECTION 6. Parentheticals. Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the Santee Municipal Code.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Santee 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 section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary or 1/4 page advertisement of the same to be published as required by law.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 22 day of May 2019, and thereafter ADOPTED at a Regular Meeting of the City Council held on this 26 day of June 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____
JOHN MINTO, MAYOR

ATTEST:

_____
ANNETTE ORTIZ, CITY CLERK

EXHIBIT 1

CHAPTER 5.02 FIREWORKS AND PYROTECHNIC DISPLAYS

5.02.010 Unlawful acts.

Except as otherwise provided in this chapter, it is unlawful for any person to:

A. Purchase, discharge, fire, use, possess or store any and all types and manner of fireworks including firecrackers, bombs, rockets, torpedoes, roman candles or any other type or manner of fireworks or substances designed or intended for pyrotechnic displays in the City;

B. Fire any pistol, cane, cannons or appliances using blank cartridges or caps containing a chlorate of potash mixture or similar compounds; or

C. Sell, exhibit, use or possess fireworks, gun powder, explosives or a combination of chlorate of potash mixture or similar compounds. (Ord. 38 §§ 1, 2, 5, 1981)

5.02.020 Permit requirements.

The City Council, upon application of any person, may issue a permit for the public display of fireworks under the direct supervision of a person with a pyrotechnic license issued by the State of California and examined and approved by the fire marshal; provided, however, that the applicant for the permit must first secure the approval of the City Fire Marshal, obtain a business license pursuant to Title 4, and file with the City a general liability insurance policy, naming the City as an additional insured, in an amount specified by the fire official, but in no case less than $1 million combined single limit. Public agencies are exempt from the requirement of the issuing of an insurance policy naming the City as an additional insured.

EXHIBIT 2

CHAPTER 5.04 NOISE ABATEMENT AND CONTROL

5.04.010 Purpose and intent.

The City Council finds and declares that:

A. The policy of the City is to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power;

B. Inadequately controlled noise presents a growing danger to the health and welfare of the residents of the City;

C. At certain levels noises are detrimental to the health and welfare of the citizenry;

D. Disturbing, excessive, or offensive noises within the jurisdictional limits of the City is a condition which has persisted and the level and frequency of occurrence of such noises continue to increase;

E. Prolonged or excessive noises which are unusual in their time, place, and use affect and are a detriment to the public health, comfort, convenience, safety, welfare, and prosperity of the residents of the City;

F. Every person is entitled to an environment in which the noise is not detrimental to his or her life, health, and enjoyment of property; and

G. The provisions and prohibitions in this chapter are declared to be a matter of legislative determination and public policy and are further declared to protect and promote public health, comfort, convenience, safety, welfare, prosperity, peace and quiet. (Prior code § 36.401)

5.04.020 Definitions.

Whenever the following words and phrases are used in this chapter, they have the meaning ascribed to them in this section:

A. “Ambient noise level” means the noise level at a given location and time that exists as a result of the combined contribution in that location of all sound sources, excluding the contribution of a source or sources under investigation for violation of this Code.

B. “Average conversational level” means a level at which normal, unamplified speech is clearly and distinctly audible above ambient noise level**.**

C. “Average noise level” means a noise level typical of the noise levels at a certain place during a given period of time, which normal, unamplified sound is clearly and distinctly audible above ambient noise level.

D. “Construction equipment” means any tools, machinery or equipment used in connection with grading or construction activities and includes but is not limited to backhoes, air

compressors, excavators, jack-hammers, rock-chippers, concrete saws, pipe ventilation fans, generators, and pumps.

E. “Container” means any receptacle, regardless of contents, manufactured from wood, metal, plastic, paper, or any other material including but not limited to any barrel, basket, box, crate, tub, bottle, can or refuse container.

F. “Disturbing, excessive or offensive noise” means:

1. Any sound or noise which constitutes a nuisance involving discomfort or annoyance to persons of normal sensitivity residing in the area;

2. Any sound or noise conflicting with criteria standards or levels as set forth in this chapter for permissible noises;

3. Any sound or noise conflicting with criteria standards or levels established by Federal or State Government which are applicable in the City.

G. “Emergency work” means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from imminent exposure to danger or damage or work by public or private utilities when restoring utility service.

H. "Impulsive Sound" is sound of short duration, usually less than one second, with an abrupt onset and rapid decay. By way of example "impulsive sound" includes, but is not limited to, explosions, musical base drum beats, or the discharge of firearms.

I. “Motor vehicles” means any and all self-propelled vehicles as defined in the California Vehicle Code and specifically includes, but not be limited to, automobiles, trucks, motorcycles, mini-bikes and go-carts.

J. “Noise Control Officer” means the Director of Community Services.

K. “Noise disturbance” means any sound which causes discomfort or annoyance to persons of normal sensitivity residing in the area.

L. “Noise level” means the composite noise from all sources near and far. In this context, the noise level constitutes a normal or existing level of environmental noise at a given location and time. Noise is measured in units called decibels (dB) and is often expressed in A-weighted decibels (dBA), which is a more accurate representation of how the human ear perceives sound. Time averaged noise levels of one hour are expressed by the symbol L_{EQ}. The maximum noise level produced is expressed by the symbol L_{MAX}.

M. “Powered model vehicles” means, but is not limited to airborne, waterborne, or land borne vehicles such as drones, model airplanes, model boats, and model vehicles of any type or size which are not designed for carrying persons or property and which can be propelled in any form other than manpower or wind power.

N. “Sound-amplifying equipment” means any machine or device, mobile or stationary used to amplify music, the human voice, or any sound.

5.04.030 Most restrictive limits apply.

If there is any conflict among sections in this chapter or between the sections in this chapter and any other applicable law or regulation, the provision which contains the most restrictive limits applies.

5.04.040 General noise regulations.

A. General Prohibitions. It is unlawful for any person to make, continue, or cause to be made or continued, within the limits of the City, any disturbing, excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity residing in the area. The characteristics and conditions which should be considered in determining whether a violation of the provisions of this section exists, include, but are not limited to, the following:

1. The level of the noise;

2. Whether the nature of the noise is usual or unusual;

3. Whether the origin of the noise is natural or unnatural;

4. The level of the background noise;

5. The proximity of the noise to sleeping facilities;

6. The nature and zoning of the area within which the noise emanates;

7. The density of the inhabitation of the area within which the noise emanates;

8. The time of day or night the noise occurs;

9. The duration of the noise;

10. Whether the noise is recurrent, intermittent, or constant; and

11. Whether the noise is produced by a commercial or noncommercial activity.

B. Disturbing, Excessive or Offensive Noises. The following acts, among others, are declared to be disturbing, excessive and offensive noises in violation of this section:

1. Horns, Signaling Devices or similar devices. Violations for disturbing, excessive or offensive noises associated with the use or operation of horns, signaling device or similar devices, on automobiles, motorcycles, or any other vehicle, except as provided in elsewhere in this Code, will be prosecuted under applicable provisions of the California Vehicle Code.

2. Radio, Television, music, sound amplifiers, and similar devices.

(a) Uses Restricted. No person is permitted to play, use, operate, or allow to be played, used or operated, any radio, musical instrument, television, loudspeaker, bullhorn, amplifier, public address system, musical instrument, or other machine or device that produces sound in such manner that disturbs the peace, quiet and comfort of persons of normal sensitivity in the area.

(b) Prima Facie Violations. The operation of any device in subsection B.2 between the hours of 10:00 p.m. and 7:00 a.m., in such a manner as to be louder than the average conversational level at a distance of fifty feet from the building, structure or vehicle in which it is located, measured vertically or horizontally, is prima facie evidence of a violation of this section.

(c) The limitations imposed in this section do not apply between the hours of 7:00 a.m. and 10:00 p.m. to a person participating in: (1) a public assembly, or (2) a parade, athletic event, or outdoor special event; provided that a permit has been issued for the parade, athletic event or outdoor special event, if required, and the person is in compliance with the permit.

(d) The limitations imposed in this section do not apply to emergency signal devices as described in Sections 5.04.100 of this Code.

3. Disturbing or raucous yelling, shouting, hooting, whistling or singing on the public streets, between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of neighboring residents or persons of normal sensitivity within the area for whatever reason, is prohibited. This provision may not be construed to prohibit the selling by outcry of merchandise, food and beverages at sporting events, parades, fairs, celebrations, festivals, circuses, carnivals and other similar special events for public entertainment.

4. Heating and air conditioning equipment and generators.

(a) It is unlawful for any person to operate or allow the operation of any generator, air conditioning, refrigeration or heating equipment in such manner as to create a noise disturbance on the premises of any other occupied property-or if a condominium, apartment house, duplex, or attached business, within any adjoining unit.

(b) All generators, heating, air conditioning, or refrigeration equipment are subject to the setback and screening requirements in this code.

5. Pool Heaters, Pumps and Filtering Equipment.

(a) It is unlawful for any person to operate or allow the operation of any pool heater, pump or filtering equipment in such manner as to create a noise disturbance on the premises of any other occupied property-or if a

condominium, apartment house, duplex, or attached business, within any adjoining unit.

(b) All pool heater, pumps and filtering equipment are subject to the setback and screening requirements listed in this code.

6. Animals and Fowl. It is unlawful to keep, maintain, or allow to be kept or maintained on any premises any animal or fowl that causes annoyance or discomfort to persons of normal sensitivity adjacent to the owner's property by any frequent or continuous noise; provided, however, that this section does not apply to occasional noises emanating from legally operated dog and cat hospitals, humane societies, pounds, farm and/or agricultural facilities, or areas where keeping of animals or fowl are permitted.

7. Schools, Courts, Churches, Hospitals. It is unlawful to create any noise that disrupts the workings of any of the following institutions while they are in use and if there are signs indicating the presence of such institution:

(a) school, institution of learning (except recreational areas of schools), church, court or library

(b) a hospital, rest home, or long-term medical or mental health care facility

5.04.050 Solid Waste Management Vehicles.

It is unlawful for any refuse compacting, processing, or collection vehicle to operate on any property in or adjacent to residential zones, except between the hours of 7:00 a.m. and 10:00 p.m.

5.04.060 Parking Lot and Sidewalk Cleaning Devices.

It is unlawful for any person to operate, or permit to be operated, an engine-powered parking lot or sidewalk sweeper or blower or high pressure cleaning device between the hours of 10:00 p.m. to 7:00 a.m., or on a Sunday or on a federal holiday in or adjacent to any residential zone.

5.04.070 Motorized equipment.

It is unlawful to operate any lawn mower, backpack blower, lawn edger, leaf blower, riding tractor, or any other machinery, equipment, or other device, or any hand tool which creates a loud, raucous or impulsive sound, within or adjacent to any residential zone between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

5.04.080 Engines and Motor Vehicles.

It is unlawful to create any disturbing or raucous noises by racing or accelerating the engine of any motor vehicle while moving or not moving, by willfully backfiring any engine, or by screeching tires. (Prior code § 36.414)

5.04.090 Construction equipment.

A. Prohibitions. Except for emergency work or work that has been expressly approved by the City, it is unlawful for any person to operate any single or combination of powered construction equipment at any construction site, as follows:

1. It is unlawful for any person to operate any single or combination of powered construction equipment at any construction site on Mondays through Saturdays except between the hours of 7:00 a.m. and 7:00 p.m, unless expressly approved by the Director of Development Services.

2. It is unlawful for any person to operate any single or combination of powered construction equipment at any construction site on Sundays or City recognized holidays unless expressly approved by the Director of Development Services.

3. No construction equipment is permitted to be started, idled, moved or operated at any location before 7:00 a.m. or after 7:00 p.m. on Mondays through Saturdays and all times on Sundays and holidays, described in 5.04.090(A)(2) of this code. Specific exemptions may be authorized by the Director of Development Services.

4. Construction equipment with a manufacture's noise rating of 85dBAL_{MAX} or greater, may only operate at a specific location for ten (10) consecutive workdays. If work involving such equipment will involve more than 10 consecutive workdays, a notice must be provided to all property owners and residents within 300 feet of the site no later than 10 days before the start of construction. The notice must be approved by the City and describe the project, the expected duration, and provide a point of contact to resolve noise complaints.

5.04.100 Emergency signal devices.

It is unlawful for any person to sound or permit the sounding outdoors of any fire alarm, siren or similar stationary emergency signaling device except in the following instances:

A. For emergency purposes; or

B. For testing, provided that each time such a test is performed, the test uses only the minimum cycle test time and in no case exceeds four minutes and does not occur before 9:00 a.m. or after 5:00 p.m.; and

5.04.110 Multiple-family dwelling units.

Notwithstanding any other provisions of this chapter, it is unlawful for any person to create, maintain or cause to be created or maintained any sound within the interior of any multiple-family dwelling unit which causes the average noise level to be exceeded in any other dwelling unit at any time between the hours of 10:00 p.m. and 7:00 a.m. (Prior code § 36.413)

5.04.120 Motorized Model Vehicles.

A. It is unlawful for any person to operate any motorized model vehicle outdoors except between the hours of 7:00 a.m. and 10:00 p.m.

5.04.130 Loading and unloading operations.

A. It is unlawful for any person to engage in loading, unloading, opening, idling of trucks, closing or other handling of boxes, crates, containers, building materials, garbage cans, dumpsters or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance within or adjacent to a residential district.

B. It is unlawful for any person to cause, permit, or facilitate a violation of subdivision A.

5.04.140 Vehicle signal device.

It is unlawful for any person to operate or permit to be operated or used any sound signal device or sound-amplifying equipment attached to a motor vehicle or manually propelled vehicle from which food or any other items are sold, which emits a sound signal more frequently than once every ten minutes in any one street block and with a duration of more than ten seconds for any single emission.

5.04.150 Vehicle repairs.

It is unlawful for any person in any residential zone of the City to repair, rebuild, reconstruct, test or dismantle any motor vehicle between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day in such manner that causes discomfort or annoyance to a reasonable person of normal sensitivity residing in the area.

5.04.160 Limitations on noise not otherwise addressed.

For any noise source not specifically addressed in this chapter, except where exempted or excluded by Section 5.04.170, the following general limitations apply:

A. Between 10:00 p.m. and 7:00 a.m., it is unlawful for any person to generate any noise on the public way that is louder than average conversational level at a distance of 50 feet or more, vertically or horizontally, from the source.

B. Between 10:00 p.m. and 7:00 a.m., no person is permitted to generate any noise on any private open space that is louder than average conversational level at a distance of 50 feet or more, measured from the property line of the property from which the noise is being generated.

5.04.170 Exceptions.

A. Emergency Work. The provisions of this chapter do not apply to any emergency work provided that;

1. The Noise Control Officer has been notified in advance, if possible, or as soon as practical after the emergency; and

2. Any motor vehicle, apparatus, or equipment used, related to or connected with emergency work is designed, modified or equipped to reduce sounds produced to the lowest possible level consistent with effective operation of such vehicle, device, apparatus, or equipment.

B. Sporting, Entertainment, Public Events. The provisions of this chapter do not apply to:

1. Sporting, entertainment, and public events which are conducted pursuant to a license or permit issued by the City for which noise has been a consideration;

2. Reasonable sounds emanating from a sporting, entertainment, or public event, or school bands, school athletic and school entertainment events; provided, however, it is unlawful to exceed the average noise level when at or within the property lines of any property which is developed and used either in part or in whole for residential purposes unless an exception has been granted allowing sounds in excess of the levels.

C. Federal or State Preempted Activities. The provisions of this chapter do not apply where preempted by state or federal law.

D. Agricultural Operations. Equipment associated with agricultural operations may exceed the average noise level, provided that all equipment and machinery powered by internal-combustion engines is equipped with a proper muffler and air intake silencer in good working order; and provided further, that:

1. Motorized farm equipment operations do not take place between 7:00 p.m. and 7:00 a.m.;

2. Such operations and equipment are used to protect or salvage agricultural crops during periods of potential or actual frost damage or other adverse weather conditions; or

3. Such operations and equipment are associated with agricultural pest control through pesticide application, provided the application is made in accordance with all applicable laws, regulations and permits. (Prior code § 36.417)

5.04.180 Enforcement.

The Noise Control Officer has primary responsibility for the enforcement of chapter, except where preempted by federal or state law. The Noise Control Officer may be assisted by the Sheriff as needed.

EXHIBIT 3

CHAPTER 5.08 DISPOSAL OF DEAD ANIMALS

5.08.010 Definitions.

For the purposes of this chapter the following definition applies: “Animal” includes but is not limited to all of the following:

A. All animals, whether wild or tame, including but not limited to dogs, cats, horses, mule, cattle, sheep, and hogs;

B. All reptiles, including but not limited to snakes;

C. All aquatic animals, including but not limited to fish; and

D. All birds, and all fowl including but not limited to chickens, turkeys, and ducks. (Prior code § 62.801)

5.08.020 Prohibitions.

No dead animal may be deposited or allowed to remain upon any premises within a quarter of a mile of any park, highway, road or alley, or any dwelling or other structure used or occupied by a person or persons, or in any standing or running water or in any open excavation. Any animal deposited or allowed to remain upon such premises is declared to be a public nuisance. (Prior code § 62.802)

5.08.030 Disposal generally.

The owner of a dead animal and the owner, occupant and any person having control of the premises referred to in Section 5.08.020 on which there is a dead animal must dispose and of the dead animal in a manner authorized by law. (Prior code §§ 62.803, 62.804)

5.08.040 Removal by City.

In the event a dead animal is deposited or allowed to remain on premises in violation of Section 5.08.020 and the Director of Community Services determines that in the interest of protecting the public health the City should remove and dispose of the dead animal, the Director of Community Services or any department of the City at the request of the Director of Community Services may remove and dispose of the animal. (Prior code § 62.805)

5.08.050 Removal costs.

In the event a dead animal is deposited or allowed to remain on premises in violation of Section 5.08.020, the owner of the dead animal, the owner of such premises, the occupant of such premises and any other person having control of such premises who has knowledge of the existence of the dead animal or who has received notice from the Director of Community Services requiring the removal of the dead animal is liable to the City for the cost of the removal

and disposal of such dead animal by the City. The City may recover the costs of such removal in accordance with Title 1. (Prior code § 62.806)

5.08.060 Burial of animal carcasses.

It is unlawful for any person to bury the carcasses of a dead animal unless there is at least three feet of soil above the carcass. (Prior code § 62.807)

5.08.070 Transportation of dead animals.

A. Any person engaging in the business of collecting and/or conveying or transporting dead animals in the City or who collects and/or so transports such animals incidental to the operation of a business, must comply with all applicable laws, licensing and permitting requirements.

EXHIBIT 4

CHAPTER 5.10 DISEASE CONTROL

5.10.010 Nuisance—Abatement.

The Health Officer or the Health Officer's authorized agent is authorized to enter on the premises or in the house or other place of any person to inspect drains, vaults, cellars, sewers, and yards of such premises for conditions constituting a threat to the public health, such as improper construction, overcrowding or filth, or conditions that may disseminate contagious or infectious disease, lack of proper water or wastewater services. The Health Officer may refer any violations of this code to the City Attorney, who may take the necessary steps to have the same abated pursuant to the nuisance abatement provisions of Title 1.

For purposes of this chapter, "Health Officer" means the County Public Health Officer and any person hired or appointed by the Public Health Officer to implement or enforce the duties of the Public Health Officer.

EXHIBIT 5

CHAPTER 5.12 SANITATION REGULATIONS

ARTICLE I. GENERAL PROVISIONS.

5.12.010 Applicability and enforcement.

Health regulated businesses include food facilities regulated in the California Retail Food Code California Health and Safety Code Section 113700 *et seq*. (CRFC), which provides Statewide health and sanitation standards for retail food facilities. The CRFC allows a city or county to establish some local requirements for retail food facilities and their employees. Section 113709 of the Health and Safety Code also provides that a city or county may adopt certain additional local regulations and that a local enforcement agency has primary enforcement responsibility for the State regulations in its jurisdiction. The purposes of this chapter are to adopt regulations for retail food facilities and their employees in addition to the CRFC and applicable City regulations for health regulated businesses to protect the public health and safety in the City and to appoint the San Diego County Department of Environmental Health as the local enforcement authority on State and County regulations for retail food facilities and their employees in the City.

5.12.020 County Code of Regulations Adopted

The provisions of the San Diego County Code of Regulatory Ordinances concerning permanent and mobile food facilities, at Title 6, Division 1, of the County Code, are incorporated into this Code by this reference.

ARTICLE II. REQUIREMENTS AND CONDITIONS

5.12.030 Common drinking cups.

It is unlawful for any person conducting, having charge or control of any hotel, restaurant, saloon, soda fountain, theatre, public hall, public or private school, hospital, church, club, office building, park playground, lavatory or washroom, barbershop or any public place, building, room or conveyance, to provide or expose for common use, or permit to be so provided or exposed or to allow to be used in common, any cup, glass or other receptacle used for drinking purposes. (Prior code § 61.144)

5.12.040 Communicable disease.

No person, proprietor, or manager of an establishment is permitted to require or permit any person to work, nor may any person work, in any establishment, who is affected with any communicable disease. It is the duty of all owners, proprietors, or managers to report to the Health Officer any person afflicted with, or reasonably suspected of being afflicted with, venereal disease, smallpox, diphtheria, scarlet fever, dysentery, measles, mumps, German measles, tuberculosis, typhoid fever, chickenpox or any other infectious or contagious disease, whereupon it is the duty of the Health Officer to examine or cause to be examined any such person afflicted with or reasonably suspected of being afflicted with any of the abovementioned

diseases and the person must no longer be permitted to work in any establishment where food is handled, prepared, or sold or distributed. (Prior code § 61.133)

ARTICLE III. WHOLESALE FOOD WAREHOUSES

5.12.050 Adoption of San Diego County ordinance and code.

The provisions of San Diego County Code of Regulatory Ordinances concerning permitting and regulation of wholesale food warehouses, Ordinance No. 9525 codified at Sections 61.211 through 61.256 of the San Diego County Code, is hereby adopted by reference by the City Council of the City of Santee. (Ord. 437 § 1, 2003)

EXHIBIT 6

CHAPTER 5.16 HAZARDOUS MATERIAL CLEANUP

5.16.010 Deposit of hazardous materials—Cleanup or abatement—Liability for costs.

A. The City is authorized to cleanup or abate the effects of any hazardous material deposited upon or into property or facilities within the City; and any person or persons who intentionally or negligently caused such deposit, and/or the owner(s) of the property on which such deposit is discovered, are liable for the payment of all costs incurred by the City as a result of such response to and cleanup or abatement activity. Costs include any legal fees. The remedy provided by this section is in addition to any other remedies provided by law.

B. For purposes of this section, "hazardous materials" means any substances or materials in a quantity or form which, in the determination of the fire chief or authorized representative, poses an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, and includes, but is not limited to, such substances as explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammables and corrosives.

C. For the purposes of this section, costs incurred by the City include, but are not necessarily limited to, the following: actual labor costs of City personnel, including fringe benefits; administrative overhead; cost of equipment operation; cost of materials obtained directly by the City; and cost of any contract labor and materials.

D. The authority to recover costs under this section does not include actual fire suppression services which are normally or usually provided by the City's Fire Department.

E. Costs will be recovered according to a schedule adopted by the City Council. (Ord. 255 § 1, 1991; Ord. 165 § 1, 1986)

ORDINANCE NO. 559

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, RESTATING, AMENDING, AND RECODIFYING TITLE 6 OF THE SANTEE MUNICIPAL CODE RELATING TO ANIMAL CONTROL

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify its ordinances. Government Code section 50022.9 authorizes a city to adopt county codes by reference;

WHEREAS, in Ordinance 1, adopted as the first act of the City of Santee ("City") on December 2, 1980, the City temporarily adopted all county ordinances of the County of San Diego as its municipal code (the "Santee Municipal Code");

WHEREAS, in Ordinances 14 and 18, the City extended the validity of the county ordinances to provide additional time for the City to adopt its own ordinances;

WHEREAS, the City has not adopted a comprehensive code of ordinances, but has amended the county's ordinances in a piecemeal fashion more than 300 times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the City Council of the City of Santee held a series of public meetings to consider proposed restatement, amendment, and recodification issues for each title of the Santee Municipal Code as follows:

March 8, 2017	Titles 1 and 2
September 6, 2017	Titles 3 and 5
February 14, 2018	Titles 6, 8, and 9
March 28, 2018	Titles 12 and 13
August 8, 2018	Title 10
September 26, 2018	Titles 6, 15, and 16
November 14, 2018	Title 17
April 24, 2019	All titles

WHEREAS, the City desires to restate without substantive revision, amend, and recodify the ordinances codified in the Santee Municipal Code;

WHEREAS, the amendments to the Santee Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance;

WHEREAS, the descriptions included in the council agenda statement, staff report, and minutes contain the findings of the City Council in support of this Ordinance and serve as evidence of the City Council's intention in adopting this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. **Existing Law Continued**. The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance;

2.1.3. The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance;

2.1.4. Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance, resolution, or regulation;

2.1.5. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the Santee Municipal Code;

2.1.6. Santee Municipal Code sections cited on signs, forms, notices, or other materials within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in

the new Santee Municipal Code for purposes of notice and enforcement.

2.2. **Exclusions from code**. Every ordinance governing the following subject matter is not affected by the adoption of this Ordinance:

2.2.1. Alteration of city boundaries;

2.2.2. Contracts to which the city is a party;

2.2.3. Elections to which the city is a party;

2.2.4. Fixing the rate and making a levy of city taxes;

2.2.5. Granting, altering or withdrawing a franchise;

2.2.6. Land use classifications of specific property;

2.2.7. Naming roads and streets.

2.3. **References to Prior Ordinances Apply to All Amendments.** Whenever a reference is made to this code as the "Santee Municipal Code" or to any portion thereof, or to any ordinance of the City of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.4. **Title, Chapter, and Headings**. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

2.5. **References to Specific Ordinances and Code Sections**. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Santee Municipal Code. Renumbering and relabeling of existing ordinance, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.6. **Effect of Ordinance on Past Actions**, **Obligations and Irregularities**. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such

adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the City, do not revive any rights repealed or extinguished by any prior ordinance of the City which is repealed by this Ordinance.

2.7. **Effect of Ordinance on Period of Limitation**. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.8. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Title 6 “Animal Control” of the Santee Municipal Code is hereby restated and amended as follows:

3.1. Chapter 6.02 “General Provisions” is restated and amended as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.2. Chapter 6.04 “Rabies Provisions” is restated without substantive amendment as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.3. Chapter 6.06 “Dog Licenses” is restated with substantive amendment as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.4. Chapter 6.08 “Shelters and Kennels” is restated and amended as set forth in Exhibit 4 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.5. Chapter 6.10 “Control Provisions” is restated and amended as set forth in Exhibit 5 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000

et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has "the potential for causing a significant effect on the environment." (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." (*Ibid*.) Here, the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 5. Codification. The City has adopted the "City of Santee Municipal Code Editorial Guidelines," and, except as otherwise provided herein, authorizes Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinance to the guidelines. In the event a substantive conflict arises on the basis of the changes authorized by this Section, the language adopted by this Ordinance prevails. The City Clerk is authorized to provide certified copies and notice of this Ordinance or any part of this Ordinance required or advised by the law or any regulation.

SECTION 6. Parentheticals. Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the Santee Municipal Code.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Santee 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 section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary or 1/4 page advertisement of the same to be published as required by law.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 22 day of May 2019, and thereafter ADOPTED at a Regular Meeting of the City Council held on this 26 day of June 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____
JOHN MINTO, MAYOR

ATTEST:

_____
ANNETTE ORTIZ, CITY CLERK

EXHIBIT 1

CHAPTER 6.02 GENERAL PROVISIONS

6.02.010 Purpose.

The California Food and Agriculture Code authorizes a city or county to adopt its own comprehensive regulations to control animals within its jurisdiction. Accordingly, this chapter establishes animal control regulations in the City of Santee related to dog licensing, rabies vaccinations, treatment and isolation of diseased animals, impoundment of strays, guard dogs, potentially dangerous dogs, cats and other animals. The purpose of this chapter is to supplement state law to protect the health and safety of the public and animals. Nothing in this code authorizes the keeping or maintaining of any animal that is otherwise prohibited or restricted by any law, regulation or permit requirement. (Ord. 499 § 1, 2010)

6.02.020 Definitions.

The following definitions apply to Chapter 6.02, Animal Control:

"Abate" means to take action to remove a nuisance and may include confining, isolating or destroying an animal.

"Altered" means an animal that has been spayed or neutered.

"Animal shelter" means a facility that temporarily houses animals relinquished by their owners, found at large, impounded or otherwise come into custody of the authorized agency.

"At large" means: (1) being on private property without the permission of the owner or person who has the right to possess or use the property; (2) being unrestrained by a leash on private property open to the public or on public property, unless a law or regulation expressly allows an animal to be unrestrained on the property. If a leash is not being held in the hand of a person capable of controlling the animal or a person is not actually controlling an animal attached to the leash, the animal is "at large"; or (3) being in a place or manner which presents a substantial risk of imminent interference with animal or public health, safety or welfare.

"Attack" means an action by an animal which places a person in reasonable apprehension that the animal will cause the person immediate bodily harm.

"Attack dog," as defined in Health and Safety Code Section 121881, means any dog trained to guard, protect, patrol or defend any premises, area or yard, or any dog trained as a sentry to protect, defend or guard any person or property.

"Authorized agency" means the animal control agency contractually authorized to perform animal control services, and authorized to administer or enforce this chapter on behalf of the City of Santee.

"Bite" means an action by an animal with its teeth or mouth that breaks the skin of a human or animal and does not require the presence of teeth marks.

"Cat" means an animal of the genus and species Felis domesticus.

"City" means the City of Santee.

"Curb" means to restrain or control an animal so that it urinates or defecates only in the street gutters.

"Custodian" means a person, not the owner of an animal, who has been entrusted by the owner or the owner's agent to care for and maintain an animal until it is returned to the owner.

"Dangerous dog" means a dog that has attacked, bitten or in some other manner injured a person engaged in lawful activity: (1) two or more times in a 48-month period; or (2) one or more times resulting in death or substantial injury.

"Declared dangerous dog" means a dog that: (1) the authorized agency has declared a dangerous dog after affording the dog's owner or custodian the right to a hearing; (2) a dog's owner has stipulated is a dangerous dog; or (3) another jurisdiction has declared to be a dangerous or vicious dog.

"Dispose of" means to make arrangements for an animal and includes euthanasia.

"Dog" means an animal of the genus and species Canis familiaris or any other member of the Canis genus if a person owns, keeps or harbors the animal.

"Dog license" means a certificate the authorized agency issues indicating that a dog has been registered with animal control authorities.

"Guard dog," as defined in Health and Safety Code Section 121881, means any dog trained to guard, protect, patrol or defend any premises, area or yard, or any dog trained as a sentry to protect, defend or guard any person or property.

"Guard dog operator" means the owner of an attack, guard or sentry dog, or other person, that operates or maintains a business to sell, rent, or train an attack, guard or sentry dog.

"Health Officer" means the representative of the authorized agency or other person recognized or appointed by the authorized agency to implement or enforce all or any portion of the duties of this chapter.

"Impound" or "impoundment" means an action by the authorized agency to take possession of an animal.

"Kennel" means a facility, whether or not operated for profit, that keeps or maintains five or more dogs, cats, or other domesticated animals at least four months old. It includes a facility owned or operated by an animal welfare agency, but does not include an animal shelter operated or established by the City, an agency contracted by the City to provide animal control services,

or to a veterinary hospital operated by a veterinarian licensed by the state. A kennel also includes a facility with the requisite five dogs that also keeps or maintains other animals. As used in this definition a "facility" means any combination of adjacent buildings, structures, enclosures or lots under common ownership or operated as one unit, to keep or maintain dogs or cats.

"Kennel house" means a protected space or enclosure in a kennel in which an animal is assigned to sleep, rest or be segregated from other animals.

"Kennel license" means a regulatory permit issued pursuant to this chapter to a kennel operating within the City.

"Kennel operator" means a person who owns, controls or operates a kennel or who participates in the control or operation of a kennel.

"Leash" means any rope, leather strap, chain or other material six feet or less in length, intended to be held in the hand of a person for the purpose of controlling an animal to which it is attached.

"License tag" means the official tag the authorized agency issues to a dog owner or custodian signifying the dog has been registered with that agency.

"Neutered" means a male animal whose testicles have been surgically removed.

"Owner" means a person, other than a custodian, who owns, keeps or harbors an animal or a person who takes possession of an animal after claiming to be the owner.

"Potentially dangerous animal" means any of the following: (1) an animal of a species or type likely to cause injury to a person; or (2) an animal, other than a declared dangerous dog, which has within the prior 48-month period attacked, bitten or otherwise caused injury to a person engaged in lawful activity.

"Primary enclosure" means a structure in a kennel, other than a kennel house, used to restrict an animal to a limited amount of space, such as a room, pen, run, fenced area, cage or compartment.

"Rabies certificate" means the certificate a licensed veterinarian or authorized agency issues verifying that an animal has been vaccinated against rabies.

"Sentry dog," as defined in Health and Safety Code Section 121880, means a dog trained to work without supervision in a fenced facility and to deter or detain unauthorized persons found within the facility.

"Stray" means an animal which is "at large."

"Spayed" means a female animal whose ovaries and uterus have been surgically removed.

"Substantial injury" means a substantial impairment of a person's physical condition which requires professional medical treatment including, loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of a bodily member or organ, a muscle tear, a disfiguring laceration, a wound requiring multiple sutures or an injury that requires surgery to

restore the person to the condition the person was in before the incident that resulted in the injury.

"Veterinarian" means a person currently licensed to practice veterinary medicine in the United States.

"Vicious dog," as defined in Food and Agriculture Code Section 31603, means any of the following: (1) any dog seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code; (2) any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being; or (3) any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in Food and Agriculture Code Section 31602 or is maintained in violation of Food and Agriculture Code Section 31641, 31642 or 31643.

"Wild animal" means any animal of the classes of animals listed in Fish and Wildlife Code Section 2116 et seq., and supplemented by California Code of Regulations, Title 14 Section 671 et seq., which are not normally domesticated or not allowed in the State of California. (Ord. 499 § 1, 2010)

6.02.030 Fees.

A. The authorized agency is authorized to charge and collect fees for animal control services, licensing, and enforcement in accordance with the procedures approved by the City

B. The owner of any animal which is lawfully impounded must pay all fees and expenses related to such impoundment in amounts approved by the City Council, including, but not limited to, impound, board, vaccination, examination and any medical treatment fees for the animal, whether or not the animal is claimed.

C. Fees must be paid when due unless the authorized agency, in accordance with city policy, authorizes a payment arrangement or waives such fees in full or in part. (Ord. 499 § 1, 2010)

6.02.040 Enforcement.

The City of Santee enforces this chapter directly or through a contract with an authorized agency to implement and enforce this chapter. (Ord. 499 § 1, 2010)

EXHIBIT 2

CHAPTER 6.04 RABIES PROVISIONS

6.04.010 Vaccination required.

A. The owner or custodian of a dog must have the dog vaccinated against rabies by a licensed veterinarian, with a rabies vaccine approved by the California Department of Health Services for use in dogs, within 30 days after the dog becomes three months of age or within 30 days after obtaining or bringing a dog three months of age or older into the City of Santee. A dog owner or custodian must also have the dog receive subsequent vaccinations at the intervals required by the California Department of Health Services.

B. The owner or custodian of a dog must retain the rabies certificate for inspection and produce the certificate when requested by: (1) any person who enforces this code; (2) any person bitten by the dog; or (3) any law enforcement officer. No person who possesses a rabies certificate may refuse to produce the certificate when it is requested pursuant to this section. (Ord. 499 § 1, 2010)

6.04.020 Certification of vaccination.

A. A veterinarian who vaccinates a dog for rabies must certify the vaccination by properly completing the "license application-rabies certificate form" the authorized agency issues or another rabies vaccination form approved by the authorized agency. In order to be complete, the vaccination certificate must contain all the following: (1) the dog owner's first and last name, street address and mailing address, if different, and telephone number; (2) the dog's name and description, including breed, color, sex and if known, day, month and year of birth; (3) the type, lot number, and manufacturer of the rabies vaccine; (4) the date of vaccination; and (5) the signature, or an authorized signature, of the veterinarian administering the vaccine.

B. A veterinarian who vaccinates a dog for rabies must forward to the authorized agency a copy of each completed form at least once a month. (Ord. 499 § 1, 2010)

6.04.030 Exemption from rabies vaccination during illness.

Notwithstanding any other provision of this code, the owner or custodian of a dog is not required to have the dog vaccinated for rabies during an illness if a licensed veterinarian has examined the dog and certifies in writing that vaccination should be postponed because of a specified illness. A dog's old age, weakness or pregnancy is not considered a valid reason to excuse a dog from receiving a rabies vaccination. An exemption certificate is subject to the authorized agency's approval and is only valid for the duration of a dog's illness. An exemption from vaccination does not exempt a dog owner or custodian from the requirement to obtain a license for a dog. (Ord. 499 § 1, 2010)

6.04.040 Reporting suspected case of rabies.

An animal owner or custodian whose animal exhibits rabies symptoms or acts in a manner which would lead a reasonable person to suspect that the animal may have rabies, must notify the

authorized agency or the Health Officer and comply with all applicable laws and regulations regarding suspected cases of rabies. An animal owner or custodian of an animal that is suspected of having rabies must also comply with all instructions and orders from the authorized agency and the Health Officer. (Ord. 499 § 1, 2010)

6.04.050 Reporting of bites.

A. A person bitten and the parents or guardians of a minor child bitten by a dog, cat, skunk, fox, bat, coyote, bobcat or other animal of a species subject to rabies must notify the authorized agency or the Health Officer as soon as practicable after the bite.

B. A physician treating a bite and any other person that knows of a bite by an animal of a species subject to rabies must notify the authorized agency or the Health Officer as soon as practicable after becoming aware of the bite.

C. An animal owner or custodian of an animal of a species subject to rabies which bites a person must notify the authorized agency or the Health Officer as soon as practicable after the person knows of the bite.

D. A person having knowledge of a bite by an animal subject to rabies, who fails to report the bite within 24-hours of the bite, must be deemed to have violated this section unless the person establishes that it was impossible for that person to report the bite earlier. (Ord. 499 § 1, 2010)

6.04.060 Confinement and isolation of suspected rabid animals.

A. The authorized agency, a licensed veterinarian or the Health Officer may order the owner or custodian of a suspected rabid animal to deliver the animal to be confined and isolated under the care and observation of a licensed veterinarian at an animal shelter, veterinary hospital or other facility as approved by the authorized agency or the Health Officer. The order may also include a prohibition against destroying the animal.

B. It is unlawful for a person to fail to comply with an order which the authorized agency or the Health Officer issues under this section. The authorized agency or the Health Officer, however, may grant permission to destroy the animal for the purpose of laboratory examination. (Ord. 499 § 1, 2010)

6.04.070 Isolation of biting animals.

A. The authorized agency or the Health Officer may order any dog, cat, skunk, fox, bat, coyote, bobcat or other animal of a species subject to rabies which has bitten or exposed a person to rabies to be impounded and isolated in strict confinement as approved by the authorized agency or the Health Officer and observed for at least 14 days after the bite or other exposure, except that a dog or cat need only be observed for at least 10 days. No person is permitted to release an animal impounded or confined under this section until the authorized agency or the Health Officer examines the animal and approves its release.

B. As an alternative to the 10-day isolation of dogs and cats referred to in subsection A, dogs and cats which have been isolated in strict confinement under proper care and observation as approved by the authorized agency or the Health Officer may be released from isolation by the authorized agency or the Health Officer after five days of veterinary observation if upon conducting a thorough physical examination on the fifth day or more after infliction of the bite, the observing veterinarian certifies that there are no clinical signs or symptoms of any disease.

C. Notwithstanding the requirements in subsection A, the authorized agency or the Health Officer City may authorize, with the consent of the owner, if known, that the impounded animal be euthanized for the purpose of laboratory examination. (Ord. 499 § 1, 2010)

6.04.080 Animals possibly exposed to rabies.

A. An animal of a species subject to rabies, which has been bitten by or had intimate contact with an animal known to be rabid or suspected of being rabid, must be confined and isolated as approved by the authorized agency or the Health Officer and observed for a period of six months or destroyed.

B. Notwithstanding the requirements of subsection A, if a dog or cat has been vaccinated against rabies at least 30 days prior to possible rabies exposure with a type of vaccine and within the time period approved by the California Department of Health Services: (1) the dog or cat may be revaccinated within 48 hours as prescribed by the authorized agency or the Health Officer; (2) confined and isolated as approved by the authorized agency or the Health Officer; and (3) observed for a period of 30 days following revaccination. (Ord. 499 § 1, 2010)

6.04.090 Fees and expenses for confinement and impoundment.

The owner of an animal which is confined pursuant to this code must pay all fees and expenses related to the cost of impounding, boarding and examining the animal and the altering deposit, when required by this code. (Ord. 499 § 1, 2010)

EXHIBIT 3

CHAPTER 6.06 DOG LICENSES

6.06.010 Dog license required.

A. A dog owner or custodian, except a tourist or visitor who stays fewer than 30 days in the City of Santee, must apply for and obtain from the authorized agency a dog license for the dog after the dog is four months old. The owner or custodian must have a license for a dog by the time the dog is five months old or within 30 days after obtaining a dog four months or older or bringing a dog over four months old into the City of Santee. An attack dog, guard dog or sentry dog, however, must not work in the City of Santee unless the dog has a current dog license.

B. A dog which the authorized agency impounds pursuant to this code, or other applicable law, that does not have a valid dog license at the time scheduled for release, is presumed to be a dog which, prior to impounding, required an authorized agency issued dog license, regardless of the dog's age or the owner or custodian's place of residence.

C. If a dog owner or custodian presents a properly completed dog license application form to the authorized agency, including proof that a rabies vaccination will be valid throughout the license period, and pays the proper license fee and if applicable, a late fee, the authorized agency will issue a dog license and with the initial license, a license tag. The dog owner or custodian must retain the dog license for inspection by any person authorized to enforce this code.

D. A license is valid for a term not to exceed the maximum immunity duration period specified for the canine rabies vaccine approved by the California Department of Public Health and must be renewed prior to the expiration of the term by paying the current renewal fee.

E. A dog owner or custodian must securely affix the license tag to the collar or harness of the dog for which the license tag was issued and ensure that the dog wears the license tag at all times, except when the dog is being exhibited at a dog show.

F. No person may transfer or attach a license tag to a dog for which the license was not issued.

G. No person other than the dog owner, custodian, licensed veterinarian or person authorized by the authorized agency may remove a license tag from a collar or harness or remove the collar or harness bearing the tag from a dog.

H. Whenever a license tag is lost or damaged, the dog owner or custodian must immediately apply for and obtain a replacement license tag from the authorized agency and pay the prescribed fee for the replacement tag.

I. A person subject to subsection A must renew a dog license before it expires for as long as the person is the owner or custodian of the dog. If renewal is not required, the owner or custodian must notify the authorized agency within 30 days after the license expiration date of the reason why the license does not need to be renewed. (Ord. 499 § 1, 2010)

6.06.020 Transfer license.

The owner of a dog having a current license issued in the owner's name by another dog licensing agency may obtain a city dog license by paying the applicable transfer fee. The dog owner possessing a license from another licensing agency must obtain a dog license from the authorized agency within 30 days after bringing the dog into the City of Santee. The transferred license will only be valid for the period of time that the rabies vaccination for the dog is valid or the duration of the other jurisdiction's license, whichever is shorter. (Ord. 499 § 1, 2010)

6.06.030 Change of address.

An owner of a dog required to be licensed under this code must notify the authorized agency within 30 days of any change of address. The authorized agency may presume an owner's last known address is valid and the authorized agency may serve any notice required by this code at the owner's last known address. (Ord. 499 § 1, 2010)

6.06.040 Change of ownership.

A. A person who acquires a dog licensed by the authorized agency must, within 30 days of acquiring the dog, apply for and obtain a change of ownership from the authorized agency and pay the applicable fee.

B. A dog's owner or custodian or the parent or guardian of a minor who sells or transfers ownership or custody of a dog must inform the authorized agency of the name, address and telephone number of the new owner or custodian and the name and description of the dog within 30 days of sale or transfer. (Ord. 499 § 1, 2010)

EXHIBIT 4

CHAPTER 6.08 SHELTERS AND KENNELS

6.08.010 Euthanasia at animal shelters.

A. The authorized agency may accept animals to be euthanized at an approved animal shelter. A person requesting an animal be euthanized must provide proof of ownership or demonstrate that the person has the right to request an animal be euthanized. The person must agree in writing to hold the City and its agents and employees harmless from any liability for accepting and euthanizing the animal. The person requesting euthanasia of an animal must certify in writing under penalty of perjury, to the best of the person's knowledge: (1) whether or not the animal has bitten a human being within the period established by this code for isolating an animal that has bitten a human; and (2) whether the person has reason to believe the animal is rabid. The authorized agency or the Health Officer, however, may authorize with the owner's consent, that an animal that has bitten a human or is suspected of being rabid, be euthanized during the isolation period, for the purpose of laboratory examination.

B. When an animal's owner or custodian releases an animal to the authorized agency for euthanasia, the authorized agency may place the animal for adoption. (Ord. 499 § 1, 2010)

6.08.020 Kennel licensing requirements and terms.

A. It is unlawful for a person to operate or maintain a kennel in the City of Santee without a kennel license from the authorized agency and a business license from the City. The procedures for kennel license applications, renewals, denials, suspensions, revocations, hearings and appeals, except as provided in this code, are the same as those set forth in Title 4.

B. A kennel license expires one year after the date it is issued unless the authorized agency selects a different expiration date. Fees for kennel licenses for less than one year will not be prorated.

C. The authorized agency may issue a kennel license subject to any condition or restriction necessary to protect the health and safety of animals or humans.

D. The authorized agency may inspect a kennel at any reasonable time. (Ord. 499 § 1, 2010)

6.08.030 Grounds to deny a kennel license.

In addition to the reasons stated in Chapters 4.02 and4.03, the issuing officer may deny a kennel license on any of the following grounds:

A. The operation of the kennel is not allowed at the location proposed.

B. The applicant has a suspended kennel license for the period the applicant is seeking a license.

C. The applicant was or is an officer, agent or employee of a kennel licensee whose kennel license was suspended or revoked and the applicant was responsible for or participated in the violation on which the suspension or revocation order was based. In that case, the applicant will be ineligible: (1) for the period during which the suspension order is in effect; (2) in the case of revocation, for a period of one year after the revocation effective date; and (3) if a revocation order has been stayed, during the revocation period and one year after the stay's expiration.

D. The applicant, within one year from the application date: (1) had a kennel license revoked; (2) was a partner or principal in a firm, corporation or other legal entity that had its kennel license revoked; or (3) if a revocation has been stayed, the application is within one year from the stay's expiration date.

E. The facility in which the applicant proposes to locate the kennel, or proposes to construct a kennel, does not meet the requirements for a kennel provided by this code. (Ord. 499 § 1, 2010)

6.08.040 Kennel operating requirements.

A kennel operator must comply with the following requirements:

A. Each kennel building, fence and other structure must be structurally sound and maintained in good repair to protect the animals from injury, contain the animals, and prevent other animals from entering the kennel.

B. The kennel must have reliable and adequate electric power and potable water.

C. The kennel must have adequate quantities of food and supplies, adequate refrigeration to protect perishable food, and adequate storage facilities to keep food and supplies dry, clean and uncontaminated.

D. The operator must maintain the entire kennel facility in a clean and sanitary condition at all times. The operator must prepare a maintenance schedule for the entire facility that describes how often the operator will clean each part of the facility and have the maintenance schedule available for inspection when the authorized agency inspects the facility. The maintenance schedule must provide a program to control insects, ectoparasites and avian and mammalian pests. The kennel operator must clean and sanitize the facility in accordance with the maintenance schedule and at a minimum, remove excrement daily, or more often if necessary, to keep the animals and staff safe from contamination, disease and odors, and keep the entire facility free of accumulations of trash and debris.

E. The kennel must have and maintain adequately supplied toilet rooms, washrooms and sinks that allow animal caretakers to practice good hygiene.

F. The operator must provide each animal housed in the kennel with food that is uncontaminated, wholesome and of sufficient quantity and nutritional value to meet the normal daily requirements for the condition and size of the animal. The food must be provided in clean and sanitary receptacles accessible to each animal and located to minimize contamination by excreta.

G. The operator must provide each animal with potable water in clean and sanitary receptacles available to the animal at all times, unless a licensed veterinarian has restricted an animal's water intake. The water receptacle must be secured to prevent the receptacle from being tipped over.

H. The kennel must protect each animal housed in the facility from the elements, including sun, heat, cold, wind, dampness, rain and snow and must maintain environmental conditions for each animal that are appropriate for that animal.

I. The kennel must provide adequate fresh air ventilation for the health and comfort of each animal in a manner that minimizes drafts, odors and moisture condensation.

J. The kennel must provide ample light that is uniformly distributed throughout the facility to allow kennel staff to inspect and clean the kennel during the hours of 7 a.m. to 10 p.m. and protect the animals from harmful or annoying illumination.

K. The kennel's interior walls and floors must be constructed of material impervious to moisture and maintained in that condition. The material must have a surface that may be readily sanitized.

L. The kennel must have a drainage system to rapidly drain animal excreta from the facility. The drainage must be constructed and maintained to prevent unpleasant odors and to prevent any drainage backup into the facility. (Ord. 499 § 1, 2010)

6.08.050 General requirements for primary enclosures.

A kennel operator must provide a primary enclosure for each animal housed at the kennel. Each primary enclosure must be:

A. Constructed and maintained in good repair to protect the animal housed in the enclosure from injury, be able to keep the animal from getting out of the enclosure and keep other animals out.

B. Constructed and maintained to enable each animal housed in the enclosure to remain dry and clean.

C. Constructed and maintained to enable the animal housed in the enclosure to have convenient access to clean food and water.

D. Large enough to allow each animal housed in the enclosure to obtain adequate exercise. A separate kennel house that an animal uses as sleeping quarters must provide sufficient space to allow each animal in the house to turn about freely, stand easily and sit or lie in a comfortable position. It is unlawful to keep an animal in a primary enclosure or kennel house that does not provide adequate space. (Ord. 499 § 1, 2010)

6.08.060 Additional general requirements for primary enclosures housing cats.

A. A kennel operator who maintains a primary enclosure that houses one or more cats must: (1) provide a receptacle containing sufficient clean litter in an enclosure to contain excreta based upon the number of cats in the enclosure; and (2) provide adequate solid resting surfaces to comfortably hold all cats occupying the enclosure at the same time. In a primary enclosure housing two or more cats, each solid resting surface must be elevated.

B. No kennel operator may house more than 12 adult cats in the same primary enclosure. (Ord. 499 § 1, 2010)

6.08.070 Additional space requirements for dogs.

A kennel operator must comply with the following additional space requirements for dogs:

A. An unattended primary enclosure must not house more than 12 dogs of any size.

B. The number of dogs in an attended primary enclosure must not exceed that number that may be safely supervised by the number of attendants on duty and must not exceed 12 dogs per attendant within the enclosure.

C. A passageway into a kennel house must be large enough to allow easy access for each dog in the house.

D. A kennel that confines a dog in a kennel house which does not meet the space requirements in this code for a primary enclosure must not house the dog in a kennel house for more than 12 hours in any 24-hour period.

E. A primary enclosure or kennel house of a kennel which was not licensed on September 11, 1986 or a primary enclosure or kennel house erected or installed in a kennel after September 11, 1986, must meet the following minimum space requirements:

MINIMUM SPACE REQUIREMENTS

	Primary Enclosure		**Kennel House**	
Weight of Dog in Pounds	**Width**	**Square Footage**	**Width**	**Square Footage**
Up to 15	2.0′	6.0	1.5′	3.0
Over 15 to 35	2.5′	10.0	2.0′	5.0
Over 35 to 65	3.0′	15.0	2.5′	7.5
Over 65 to 95	3.0′	18.0	2.5′	9.0
Over 95 to 130	3.5′	24.0	3.0′	12.0
Over 130	4.0′	32.0	3.5′	14.0

F. If a primary enclosure or kennel house contains more than one dog, the minimum square feet required is the sum of the square feet requirements for each individual dog kept in the primary enclosure or kennel house. (Ord. 499 § 1, 2010)

6.08.080 Employees.

A kennel operator must employ a sufficient number of caretakers to maintain the standards set forth in this code. It is not a defense to an action to suspend or revoke a kennel license or a civil or criminal action to enforce a violation of this code that the licensee was unable to comply due to an insufficient number of employees. (Ord. 499 § 1, 2010)

6.08.090 Classification and separation.

Animals housed in the same primary enclosure must be maintained in compatible groups, with the following additional restrictions:

A. A female in estrus must not be housed in the same primary enclosure as a male, except for breeding purposes.

B. Any animal exhibiting a vicious disposition must be housed by itself.

C. A puppy must not be housed in the same primary enclosure with an adult other than its dam, and a kitten must not be housed with an adult cat other than its dam, except when an animal owner specifically requests they be housed together.

D. No dog may be housed in the same primary enclosure with a cat and no dog or cat may be housed in the same primary enclosure with any other species of animal, unless an animal owner requests the kennel operator house specific animals together.

E. An animal under quarantine or treatment for a communicable disease or an animal with a serious injury or disability must be kept separate from any other animal. (Ord. 499 § 1, 2010)

6.08.100 Records.

A. A kennel operator must maintain a register for each dog housed at the kennel that includes: (1) the dog owner's name, address and telephone number; (2) the dog's name and description, including breed, color, sex, month and year of birth; (3) the date of its most recent rabies vaccination; and (4) a copy of the current vaccination certificate, the name and telephone number of the veterinarian who vaccinated the dog, or the telephone number of the licensing agency verifying the vaccination.

B. For all animals other than dogs, the kennel operator must maintain a register with the name, current address and telephone number of the owner of each animal kept at the kennel, the description of the animal, including its age, if known, or approximate age, breed, sex and color.

C. The kennel operator must have someone in attendance at the kennel who can identify each animal in the kennel when the facility is housing one or more animals, except that animals under four months of age may be identified as to litter. (Ord. 499 § 1, 2010)

6.08.110 Vaccination required for individual dogs.

A kennel operator is not required to obtain the dog license required under this code for each dog housed in the kennel, but must not house a dog in the kennel that has not been vaccinated as required by this code. (Ord. 499 § 1, 2010)

6.08.120 Kennels operated contrary to this chapter.

A kennel which the authorized agency determines is unsanitary or a threat to animal or public health, safety or welfare, or being operated contrary to this code is declared to be a public nuisance. The City may take action against the kennel operator as authorized by state law or this code to abate the nuisance. If the City or authorized agency determines immediate action is necessary to preserve or protect an animal or public health, safety or welfare, the authorized agency may summarily abate a nuisance pursuant to Chapter 1.10, by any reasonable means including impoundment of any animal and immediate closure of a kennel until the nuisance is abated. The authorized agency may recover its abatement costs from the kennel operator pursuant to Chapter 1.10. (Ord. 499 § 1, 2010)

EXHIBIT 5

CHAPTER 6.10 CONTROL PROVISIONS

6.10.010 Presumption of responsibility for violation.

A. In any prosecution under this code where the section violated does not require proof that the violator failed to exercise ordinary care, proof that: (1) an animal described in the complaint was found in violation of the section charged; and (2) the defendant named in the complaint was the owner or custodian of the animal at the time of the alleged violation, constitutes prima facie evidence that the owner or custodian of the animal was the person responsible for the violation.

B. The presumption in subsection A does not apply if, prior to the date of the alleged violation, the person charged made a bona fide sale or transfer of the animal found in violation and complied with the applicable requirements of: (1) Section 6.06.040 for change of ownership; (2) Section 6.10.140 for a dangerous dog; or (3) Section 6.10.220 for a public nuisance animal. (Ord. 499 § 1, 2010)

6.10.020 Enforcement provisions.

Any employee of the authorized agency, an agent, deputy or peace officer who is assigned to enforce state law and this chapter, and who has completed the training required by Penal Code Section 832, may arrest any person for violating this chapter, any other state law or Penal Code Section 148, when the violation occurs in connection with enforcement of this chapter in the City of Santee. (Ord. 499 § 1, 2010)

6.10.030 Arrest and citation.

Any properly trained employee of the authorized agency, an agent, deputy or peace officer, who is assigned to enforce state law and this chapter, as provided in Section 6.10.020, is authorized to make an arrest under Section 6.10.020 without a warrant as provided in Penal Code Section 836.5. A person arrested under this section who does not demand to be taken before a magistrate may instead be cited in the manner prescribed in Part 2, Title 3, Chapter 5C of the Penal Code (commencing with Section 853.5 et seq.). (Ord. 499 § 1, 2010)

6.10.040 Dog license violations.

A. Whenever a person is arrested for violating Section 6.06.010 and the officer issues a notice to appear, the officer may note on the notice that the charge may be dismissed on proof that the person has corrected the violation, unless the arresting officer determines the person is disqualified as provided in subdivision B. If the arrested person presents proof of correction by mail or in person to the court, on or before the date on which the person promised to appear, the person is entitled to have the court dismiss the violation. Proof of correction means that the person arrested provides a certificate of correction from the authorized agency verifying that the person has corrected the alleged violation.

B. When an officer issues a notice to appear, the notice will provide the person who is issued the notice the opportunity to correct the violation before trial unless the officer finds any of the following disqualifying conditions:

1. Evidence of fraud;

2. The person has been charged within the past one-year period with violating Section 6.06.010;

3. The violation involves a dog that has attacked, bitten or otherwise caused injury to a person or that otherwise presents an immediate safety hazard to the community;

4. The person refuses to agree to correct the violation or is unable to promptly correct the violation.

C. It is unlawful for a person to provide false or fictitious information to the authorized agency to obtain a certificate of correction or to provide a certificate of correction to any person that contains false or fictitious information. (Ord. 499 § 1, 2010)

6.10.050 Entry on private property.

The authorized agency, the City, the Health Officer or any peace officer may enter private property when the person entering has reasonable grounds to believe that there is a dangerous dog, a rabid animal, animal suffering from some other contagious animal disease or there has been a violation of this chapter, or of the licensing requirements of Title 4, or of Section 148 of the California Penal Code or any other state or city law relating to or affecting an animal. (Ord. 499 § 1, 2010)

6.10.060 Animals exposed to dangerous diseases or toxic substances.

It is unlawful for a person to fail to comply with an order issued by the authorized agency, public Health Officer or the City ordering the quarantine, vaccination or destruction of a diseased animal or animal exposed to a dangerous disease or toxic substance. (Ord. 499 § 1, 2010)

6.10.070 Conditions of animal ownership.

An animal owner or custodian must treat all animals humanely at all times, maintain the area where an animal is kept in a sanitary condition and not allow the area to become a breeding area for flies, a source of offensive odors or of human or animal disease, or an area that violates any noise regulations, or creates any other public nuisance or condition hazardous to humans or animals. (Ord. 499 § 1, 2010)

6.10.080 Restraint of dogs required.

A. A dog owner or custodian or a person who has control of a dog must prevent the dog from being at large, except as provided in subsections B and D.

B. A dog owner or custodian who has direct and effective voice control over a dog to ensure that it does not violate any law, may allow a dog to be unrestrained by a leash while a dog is assisting an owner or custodian who is: (1) legally hunting; (2) legally herding livestock; or (3) on public property with the written permission of and for the purposes authorized by the agency responsible for regulating the use of the property.

C. A dog owner or custodian or a person having control of a dog that is lawfully on private property must keep the dog: (1) leashed or tethered as allowed under Health and Safety Code Section 122335; (2) under direct and effective control by voice or electronic pet containment system; or (3) in a building or enclosure that is adequate to ensure the physical confinement of the dog and that also meets standards in this title or otherwise required by law. An animal is not considered leashed if the leash is not in the hand of a person capable of controlling the animal or if the person is not actually controlling the animal attached to the leash.

D. This section does not apply to a dog assisting or training to assist a law enforcement officer in the course and scope of the officer's duties. (Ord. 499 § 1, 2010)

6.10.090 Public protection from dogs.

A. A dog owner or custodian or other person having control of a dog must exercise ordinary care to prevent the dog, while the dog is under the owner, custodian or other person's care, custody or control from:

1. Attacking, biting or otherwise causing injury to any person engaged in a lawful act;

2. Interfering with a person or animal legally using public or private property;

3. Damaging personal property that is lawfully on public property or that is on private property with the permission of the property owner or other person who has the right to possess or use the private property.

B. The owner of any unaltered dog that bites a person engaged in a lawful act must pay the authorized agency an altering deposit in addition to any other applicable fees the City Council or authorized agency establishes.

C. This section does not apply to a dog assisting or training to assist a law enforcement officer while that officer is executing law enforcement duties or responsibilities. (Ord. 499 § 1, 2010)

6.10.100 Guard dogs, dangerous dogs or potentially dangerous animals.

A. It is unlawful for the owner, custodian or person having control of a guard dog, dangerous dog or potentially dangerous animal to fail to exercise ordinary care over the animal that results in the animal causing injury to a person engaged in lawful activity, if the owner, custodian or person having control of the animal knew or should have known the animal had vicious or dangerous propensities or that the animal was a guard dog, dangerous dog or potentially dangerous animal as defined in Section 6.02.020.

B. This section does not apply to an animal that is being used by the military or law enforcement while the animal is performing in that capacity. (Ord. 499 § 1, 2010)

6.10.110 Curbing a dog.

No person having control of a dog may allow a dog to defecate or to urinate on private property other than property belonging to the dog owner, custodian or person having control of the dog. A person having control of a dog must curb the dog and immediately remove any feces to a proper receptacle. This section does not apply to a blind or visually impaired person who is relying on a seeing-eye dog. (Ord. 499 § 1, 2010)

6.10.120 Female dogs in estrus.

The owner or custodian of a female dog in estrus must securely confine the dog within an enclosure in a manner that will prevent the attraction of male dogs to the location where the female dog is located. (Ord. 499 § 1, 2010)

6.10.130 Inhumane treatment and abandonment of animals.

Pursuant to Penal Code Section 597 et seq., no person may treat an animal in a cruel or inhumane manner or willingly or negligently cause or permit any animal to suffer unnecessary torture or pain. No person may abandon an animal without care on any public or private property. (Ord. 499 § 1, 2010)

6.10.140 Proceedings to declare a dog a dangerous dog.

A. Whenever the authorized agency has reasonable cause to believe that a dog is dangerous, it may commence proceedings to declare the dog a dangerous dog as follows:

1. The authorized agency will serve on the owner or custodian a notice of intent to declare the dog a dangerous dog.

2. The notice will inform the dog owner or custodian of all the following:

    (a) The authorized agency's authority to declare a dog a dangerous dog;

    (b) Each incident that forms the basis for the authorized agency's proposed action;

    (c) The owner or custodian's right to request a hearing to contest whether grounds exist for the authorized agency's proposed declaration;

    (d) The potential consequences if the authorized agency issues a declaration declaring the dog a dangerous dog;

    (e) That a request for a hearing must be in writing and must be received by the authorized agency within 10 days from the date of notice;

(f) Failure to request a hearing or failure to attend or be represented at a scheduled hearing satisfies the authorized agency's obligation to provide a hearing and will result in the authorized agency issuing a declaration that the dog is a declared dangerous dog;

(g) A finding at the hearing that the dog meets the definition of a dangerous dog as defined by Section 6.02.020 will result in the authorized agency declaring the dog a dangerous dog. A declared dangerous dog designation will remain in effect for the dog's lifetime.

B. When the authorized agency determines it is necessary to immediately impound a dog to preserve the public health and safety or the safety of an animal, before the authorized agency follows the procedures in subsection A, the authorized agency may impound a dog before issuing the declaration declaring the dog a dangerous dog. In that case, with the notice required by subsection A, the authorized agency must include the reasons why immediate impoundment was necessary. (Ord. 499 § 1, 2010)

6.10.150 Impoundment, abatement and restrictions on dangerous dogs.

A. The authorized agency may impound or abate any declared dangerous dog whenever the authorized agency determines that impoundment or abatement is necessary to protect the public health and safety or the safety of an animal. When the authorized agency determines abatement is necessary, the authorized agency may destroy the dog or impose conditions enumerated in subsection B of this section on the dog owner or custodian, as a prerequisite for the dog owner or custodian continuing to keep the dog. The authorized agency may modify the conditions depending on a change in circumstances. It is unlawful for a person to fail to comply with a condition the authorized agency imposes under this section.

B. The authorized agency may impose one or more of the following conditions on a dog owner or custodian for a declared dangerous dog:

1. A requirement that the owner or custodian obtain and maintain liability insurance from an insurer licensed to transact insurance business in the State of California with coverage amounts that comply with the requirements of this subsection. The insurance must provide liability insurance to the owner or custodian for any loss or injury that may result to any person or property caused by the dog. The insurance must provide coverage for the owner or custodian in an amount of not less than one hundred thousand dollars per occurrence, combined single limit for bodily injury and property damage. The owner or custodian must furnish a certificate of insurance to the authorized agency and notify the authorized agency by registered mail within 10 days of receiving notice from the insurance company that the policy has been cancelled or will not be renewed. The insurance certificate must provide the following information:

(a) The full name and address of the insurer,

(b) The name and address of the insured,

(c) The insurance policy number,

(d) The type and limits of coverage,

(e) The effective dates of the coverage,

(f) The certificate issue date;

2. Requirements as to the design, specifications, materials and other components of the dog's enclosure;

3. Requirements as to the type of residence where the dog must be maintained;

4. Requirements as to the type and method of restraint or muzzling the owner or custodian must employ when the dog is not within its approved enclosure;

5. Requirements for photo identification, microchip implantation or permanent marking of the dog for purposes of identification;

6. A requirement that the owner or custodian obtain and maintain a dangerous dog registration in addition to a license required under Section 6.06.010;

7. A requirement to alter the dog;

8. A requirement that the dog owner or custodian allow the authorized agency or any other law enforcement agency to inspect the dog and its enclosure;

9. A requirement that the dog owner or custodian agree to surrender the dog to the authorized agency on demand;

10. A requirement that the dog not be allowed to work as guard dog, attack dog or sentry dog;

11. Any other requirement the authorized agency determines is necessary to protect the public health and safety or the safety of an animal from the actions of a declared dangerous dog;

12. A requirement that the dog owner or custodian provide the authorized agency with proof satisfactory to the authorized agency that the owner or custodian is complying with all the requirements of this section;

13. A requirement that the owner or custodian pay the authorized agency fees to recover the authorized agency's costs to enforce and to verify compliance with this section.

C. The authorized agency will provide a dog owner or custodian with written notice at least 10 days before impounding or abating a declared dangerous dog. The notice will inform the owner or custodian of the right to a hearing to contest whether grounds exist to impound or abate the dog. If the owner or custodian requests a hearing under this section the hearing may be

held in conjunction with the hearing pursuant to Section 6.10.140. If the dog owner or custodian requests a hearing before the dog is impounded or abated, the authorized agency will not impound or abate the dog until the hearing is concluded unless there is a need for immediate action as provided in subsection E.

D. A dog owner or custodian who receives a notice under subsection C may request a hearing to contest the authorized agency's determination to impound or abate a dangerous dog. The owner or custodian's request must be in writing and be received by the authorized agency within 10 days of the date of the notice.

E. When the authorized agency determines it is necessary to immediately impound a dog to preserve the public health and safety or the safety of an animal, or if a dog has already been impounded under another provision of law, no pre-impoundment hearing will be held. In that case, the authorized agency will provide the dog owner or custodian with written notice allowing 10 days from the date of the notice to request a hearing to contest the abatement of the dog. The hearing request must be in writing and be received by the authorized agency within the specified time period. If the owner or custodian requests a hearing, the dog will not be disposed of until the hearing requirements are satisfied. Once the hearing procedures enumerated in Section 6.10.240 have been completed and there is a final decision that grounds exist to impound or abate a dog or the owner or custodian fails to request a hearing or attend or be represented at a scheduled hearing, the authorized agency may impound or abate the dog.

F. The owner or custodian of a declared dangerous dog, who intends to change the ownership, custody or residence of the dog, must provide at least 15 days advance written notice to the authorized agency of the proposed change. The notice must identify the dog and provide the name, address and telephone number of the proposed new owner or custodian or the proposed new residence. The authorized agency may prohibit the proposed change when the authorized agency has reasonable grounds to believe that the change would be harmful to the public health and safety or the safety of an animal, by issuing a written order to the owner or custodian. No person may fail to comply with an order the authorized agency issues under this subsection.

G. An owner or custodian who transfers ownership or custody must provide written notice to a new owner or custodian that the dog is a declared dangerous dog and the conditions the authorized agency imposed pursuant to subsection B. The owner or custodian must obtain a written acknowledgment signed and dated by the new owner or custodian, acknowledging receipt of the notice and acceptance of the conditions the authorized agency imposed. The owner or custodian must provide the authorized agency with a copy of the notice and the signed acknowledgment from the new owner or custodian.

H. If a declared dangerous dog dies, the owner or custodian must notify the authorized agency no later than 24-hours after the dog's death. The owner or custodian must produce the dog's remains when requested by the authorized agency.

I. If a declared dangerous dog escapes, the owner or custodian must immediately notify the authorized agency of the escape and make every reasonable effort to recapture it. The owner must also notify the authorized agency within 24-hours after the dog's recapture.

J. The owner, custodian or person in possession of a dog declared a dangerous dog must keep the dog restrained, confined or muzzled as appropriate for the circumstances to prevent the dog from biting, attacking or otherwise causing injury to another.

K. The authorized agency's authority to act under this section is independent of any pending or resolved criminal prosecution, no matter what stage in the proceeding or the result in that case. (Ord. 499 § 1, 2010)

6.10.160 Capture of dogs at large.

A. An employee of the authorized agency, a peace officer or a person in an area where the authorized agency provides animal services who is employed for animal control purposes may capture or attempt to capture any dog found at large in violation of law and may destroy the dog if, in the person's judgment, destroying the dog is required for public health and safety.

B. The authorized agency may not seize or impound any dog for being at large that has strayed from but then returned to the private property of its owner or custodian, provided the owner or custodian is at home when the dog returns. In that case, the authorized agency may issue the owner or custodian a citation. If the owner or custodian is not home, the authorized agency may impound the dog and post a notice that the dog was impounded on the front door of the owner or custodian's dwelling unit. The notice must provide the following information: the dog has been impounded, where the dog is being held, the name, address, and telephone number of the agency or person to be contacted regarding release of the dog and an indication of the ultimate disposition of the dog if the owner or custodian does not take action to regain the dog within a specified time period.

C. A person who finds a dog at large may take the dog into the person's possession and must, as soon as possible, but no later than 24 hours, notify the authorized agency. The authorized agency may accept the animal for impoundment and the person who finds the animal must surrender the animal to the authorized agency upon demand. No person is entitled to any compensation from the City or authorized agency for keeping the dog. A person who takes possession of the dog must use reasonable care to preserve it from injury but will not be held liable if the dog dies, escapes or injures itself while under the person's care. (Ord. 499 § 1, 2010)

6.10.170 Relinquishing an animal.

A person who relinquishes an animal to the authorized agency must provide the person's name, address and if the person is not the owner, the person must also provide the circumstances under which the person came into possession of the animal. (Ord. 499 § 1, 2010)

6.10.180 Notification of owner—Right to hearing.

A. Upon impoundment of an animal wearing a license tag or identification listing the owner's name and address, the authorized agency will as soon as practicable attempt to notify the owner at the owner's address of record, by mail, personal delivery to the owner or posting a notice on the owner's property advising that the animal is in the authorized agency's custody.

B. The notice will include a statement that the owner may make a written request for a hearing within 10 days of the notice, contesting the legality of the impoundment.

C. Requesting a hearing under this section extends the holding period during which the authorized agency will not dispose of an impounded animal other than by return to the owner, until the conclusion of the hearing. If at the conclusion of the hearing the impoundment is found to be unwarranted, the authorized agency will return the animal to the owner or custodian without charge for the impoundment. (Ord. 499 § 1, 2010)

6.10.190 Return of animals to their owners, microchip fee required.

A. The owner of an impounded animal that the authorized agency is not seeking to abate may claim the animal prior to other legal disposition by providing proper identification, meeting all requirements and paying the authorized agency the applicable redemption fees.

B. If an animal owner redeems an unaltered dog or cat found at large that the authorized agency justifiably impounded pursuant to this code, the owner must pay the fines set forth in Division 14, Chapter 3 (for dogs) or Division 14.5, Chapter 1 (for cats) of Food and Agricultural Code, as applicable.

C. When a person redeems a justifiably impounded dog or cat found at large and without identification, the authorized agency may require the owner to pay the cost to implant a microchip identification device, in addition to other redemption fees established by the City or authorized agency. (Ord. 499 § 1, 2010)

6.10.200 Holding periods and availability for redemption, adoption, or release of impounded stray or relinquished animals.

A. The holding period and availability for redemption, adoption or release of an impounded stray or relinquished animal will conform to applicable provisions of this chapter, as well as Sections 17006, 31108, 31752, 31752.5, 31753, and 31754 of the California Food and Agricultural Code and Section 597.1 of the California Penal Code.

B. The authorized agency may determine the animal holding period and disposition not specified in subsection A or other provisions of law.

C. Any person who adopts or accepts the transfer of an impounded dog or cat must have the animal altered within 30 days after the adoption or transfer unless a California licensed veterinarian authorizes a 30-day extension in writing. It is unlawful to fail to provide the authorized agency with proof the animal was altered or that an extension was granted when demanded by the authorized agency.

D. The authorized agency may create by policy, a Senior Citizen/Disabled Persons Pet Adoption Program for city residents who are 60 years or older or recipients of either Supplemental Security Income or Social Security Disability payments, and who are qualified to adopt a dog or cat. The authorized agency may also develop policies for the administration of other special redemption, adoption, or release programs. The authorized agency may waive or adjust applicable fees established by the City or authorized agency in conjunction with this

program, provided that the animals involved must be vaccinated for rabies and be altered as required by law. (Ord. 499 § 1, 2010)

6.10.210 Wild animals.

A. Except as provided in subsection D, it is unlawful for any person to own, possess or maintain any venomous reptile.

B. The owner or custodian of any wild animal must at all times:

1. Keep the animal in a cage, enclosure or other confinement that is designed, constructed and maintained to preclude the animal's escape. The cage, enclosure or confinement must be of sufficient size to allow the animal reasonable freedom of movement;

2. Keep the cage, enclosure or other area of confinement in a clean and sanitary condition at all times;

3. Provide the animal with adequate food, water, shelter and veterinary care and take all necessary steps to preserve the animal's health, safety and welfare;

4. Keep the animal in a manner that will not threaten or annoy any person of normal sensitivity;

5. Reimburse the authorized agency for any costs the authorized agency incurs to enforce this section;

6. Reimburse the City for any damage the City incurs as a result of any action or behavior of an animal regulated by this section.

C. Additional requirements apply to the owner or custodian of a wild animal that may create a greater risk to the public. The following animals do not create a greater risk to the public: a fish, an invertebrate, an amphibian, a bird that attains a maximum adult weight less than 15 pounds or a rodent that attains an adult weight fewer than 10 pounds. A reptile does not create a greater risk to the public unless it is one of the following: a crocodilian (order Crocodilia), a boa or python (family Boidae) that attains an adult weight over 15 pounds or an adult length over 3.5 feet, or a Monitor Lizard (family Varanidae) that attains an adult weight over 10 pounds or an adult overall length over three feet. The owner or custodian of a wild animal, other than a wild animal recognized in this subsection as not creating a greater risk to the public must, in addition to the requirements in subsection B, comply with all of the following:

1. Employ adequate safeguards to prevent unauthorized access to the animal;

2. Keep the animal in an escape proof enclosure at all times, including when the owner or custodian is transporting the animal to property that the owner or custodian owns, leases or has the right to use;

3. Obtain written permission from the authorized agency whenever the owner or custodian, or any person on the owner or custodian's behalf, is transporting that animal to a property that the owner or custodian does not own, lease or have the right to use;

4. Immediately notify the authorized agency if the animal escapes and make every reasonable effort to recapture an animal that escapes;

5. Allow the authorized agency to inspect the animal and the property to determine whether the owner or custodian is complying with this section;

6. Allow the authorized agency to inspect any permit an agency of the federal or state government has issued to the owner or custodian that regulates the animal.

D. Subsections A and C do not apply to a legally operated zoo, circus, educational institution or scientific research facility, unless the operator is not taking adequate steps to confine an animal, fails to adequately protect the public from an animal under its control, fails to employ adequate sanitation measures, or due to a particular hazard connected with an animal, endangers the health and safety of the public or an animal.

E. The authorized agency may impound or abate an animal that a person is keeping in violation of this section and relocate or dispose of the animal in a humane manner or impose conditions on the animal owner or custodian as a prerequisite for the owner or custodian to keep the animal. The authorized agency will provide the owner or custodian with at least 10 days' written notice before impounding or abating an animal under this section. The notice will inform the owner or custodian of the right to a hearing to contest whether grounds exist for the authorized agency to impound or abate the animal under this section. If the owner or custodian requests a hearing before the animal is impounded or abated, the authorized agency will not impound or abate the animal until the hearing is concluded, unless there is a need to take immediate action as provided in subsection G.

F. The owner or custodian of a wild animal who receives a notice under subsection E may request a hearing to contest the authorized agency's determination to impound or abate a wild animal. The owner or custodian's request must be in writing and be received by the authorized agency within 10 days after the date of the notice.

G. When the authorized agency determines it is necessary to immediately impound a wild animal to preserve the public health and safety or the health or safety of an animal, or if the animal has already been impounded under another provision of law, no pre-impoundment hearing is required. In such case, the authorized agency will provide the owner or custodian with at least 10 days' notice to request a hearing to contest the impoundment or proposed abatement of the animal. The request for a hearing must be in writing and received by the authorized agency within 10 days from the date of the notice.

H. If the owner or custodian timely requests a hearing under this section the authorized agency will not dispose of the animal until the hearing requirements are satisfied. If the Hearing Officer finds that the authorized agency has grounds to impound or abate an animal or the owner or custodian either fails to request a hearing or fails to attend or be represented at a

scheduled hearing, the hearing requirements are satisfied and the authorized agency may impound or abate the animal. (Ord. 499 § 1, 2010)

6.10.220 Public nuisance.

A. In addition to exercising abatement powers under the public nuisance abatement procedure contained in Title 1 of this code, the authorized agency, the Health Officer, the City or a peace officer, may abate a public nuisance involving an animal by impounding or abating the animal pursuant to this section. If the authorized agency determines that there is an immediate threat to the health and safety of the public or an animal, the City or authorized agency may summarily abate a public nuisance involving an animal or the premises where an animal lives or is maintained, including destroying the animal involved.

B. When the authorized agency determines that an animal's behavior or the failure of an animal owner or custodian to control an animal results in a public nuisance, the authorized agency may require the owner or custodian of the animal to obtain a public nuisance registration from the authorized agency, in addition to the license required under Section 6.06.010. The authorized agency may impose the same conditions on the owner or custodian of the animal deemed a public nuisance as it may impose on the owner or custodian of dog declared a dangerous dog, enumerated in Section 6.10.140. It is unlawful for a person to violate any condition the authorized agency imposes pursuant to this subsection.

C. When the authorized agency determines that a public nuisance exists due to an animal owner or custodian's failure to properly control or care for one or more animals, the authorized agency, in addition to using its abatement powers under subsection A to abate any nuisance involving an animal, may require the owner or custodian to register with the authorized agency. This registration need not name a specific animal if the authorized agency is unable to determine which animal or animals were involved. The authorized agency may impose any condition on the owner or custodian enumerated in this title relative to any or all animals the person owns or is the custodian of. The authorized agency may also limit the number of animals or type of animals the owner or custodian may own or have custody of. It is unlawful for a person to violate any condition the authorized agency imposes pursuant to this subsection.

D. If a person fails to properly control or care for one or more animals or the premises where one or more animals are maintained, and the authorized agency determines that person, based on the person's conduct, poses a risk to the health or safety of the public or an animal if that person were to own or have custody of any animal or a specific type or breed of animal, the authorized agency may enter a declaration against the person prohibiting that person from having ownership or custody of any animal or a specific type or breed of animal, for up to five years. It is unlawful for a person to violate the terms of the declaration entered pursuant to this subsection. If the authorized agency determines a person violated this section, the authorized agency may, in addition to taking any legal action authorized by this code, enter a new declaration against that person prohibiting that person from having ownership or custody of any animal or a specific type or breed of animal, for up to five years after the date of violation.

E. Except as provided in subsection G, the authorized agency will provide an owner or custodian with at least 10 days' notice before impounding or abating an animal of the right to

a hearing to contest whether grounds exist for an impoundment or abatement. If the owner or custodian requests a hearing before the authorized agency impounds or abates the animal, the department will not impound or abate the animal until the conclusion of the hearing except as provided in subsection G. The authorized agency will also provide notice to an animal owner or custodian of its intent to proceed under subsection C or D and advise the owner of the right to request a hearing to contest the authorized agency's determination.

F. The owner or custodian of an animal who receives a notice under subsection E may request a hearing to contest the authorized agency's determination to impound or abate an animal under this section or the authorized agency's determination to proceed under subsection C or D. The owner or custodian's request must be in writing and be received by the authorized agency within 10 days. All hearings will be conducted pursuant to Section 6.10.240.

G. When the authorized agency determines it is necessary to immediately impound an animal under this section to preserve the public health and safety or the safety of an animal, or if the animal has already been impounded under another provision of law, no pre-impoundment hearing is required. The authorized agency will provide the owner or custodian with written notice allowing 10 days from the date of the notice to request a hearing to contest abatement of the animal. The hearing request must be in writing and be received by the authorized agency within the specified time period. If the owner or custodian requests a hearing, the animal will not be disposed of until the hearing requirements are satisfied.

Once the hearing procedures enumerated in Section 6.10.240 have been completed and there is a decision that grounds exist to impound or abate an animal under this section or the animal owner or custodian fails to request a hearing, or attend or be represented at a scheduled hearing, the authorized agency may impound or abate an animal deemed a public nuisance under this section.

H. The owner or custodian of an animal required to obtain a public nuisance registration for an animal must provide at least 15 days' advance written notice to the authorized agency of a proposed change in the animal's ownership, custody or residence. The notice must identify the animal and provide the name, address and telephone number of the proposed new owner or custodian or the proposed new residence. The authorized agency may prohibit the proposed change when the authorized agency has reasonable grounds to believe that the change would be harmful to the public health and safety or the safety of an animal by issuing a written order to the owner or custodian. No person may fail to comply with an order the authorized agency issues under this subsection.

I. The owner or custodian who transfers ownership or custody of an animal subject to this section must provide written notice to the new owner or custodian that the animal requires a public nuisance registration and the terms of any conditions the authorized agency has imposed pursuant to this section. The owner or custodian must obtain a written acknowledgment signed and dated by the new owner or custodian acknowledging receipt of the notice and acceptance of the conditions the authorized agency imposed. The owner or custodian must provide the authorized agency with a copy of the notice and the signed acknowledgement from the new owner or custodian.

J. If an animal that requires a public nuisance registration dies, the owner or custodian must notify the authorized agency no later than 24 hours after the animal's death. The owner or custodian must produce the animal's remains when requested by the authorized agency.

K. If an animal that requires a public nuisance registration escapes, the owner or custodian must immediately notify the authorized agency of the escape and make every reasonable effort to recapture it. The owner or custodian must also notify the authorized agency within 24 hours of the animal's recapture.

L. The owner, custodian or person in possession of an animal that requires a public nuisance registration must use all reasonable efforts to restrain or confine the animal to prevent it from being at large or from causing damage to any property or injury to any person.

M. The authorized agency's authority to act under this section is independent of any pending or resolved criminal prosecution, no matter what stage in the proceeding or the result in that case. (Ord. 499 § 1, 2010)

6.10.230 Injuries and communicable diseases.

No person may knowingly keep an animal that suffers from a serious injury or is afflicted with mange, ringworm, distemper or any contagious disease without providing or obtaining adequate treatment for the animal. The authorized agency may take immediate possession of an animal if it determines that the owner or custodian is not providing or obtaining adequate treatment and may dispose of the animal unless the owner or custodian places the animal with a licensed veterinarian for treatment. (Ord. 499 § 1, 2010)

6.10.240 Hearings.

A. Whenever a person, the "respondent," requests a hearing under this code, the authorized agency will appoint an employee or representative who has not been directly involved in the case to serve as the Hearing Officer. The Hearing Officer will hold the hearing within 30 days from the date the authorized agency receives the request for the hearing. The Hearing Officer may continue a hearing at the request of either party for good cause. The Hearing Officer will issue a written decision that contains findings and the factual bases for the findings. The Hearing Officer's decision will be final except as provided below. The fact that no hearing has been conducted will have no bearing on any criminal prosecution alleging a violation of this code.

B. The authorized agency will present its evidence first and have the burden of producing evidence at the hearing. The respondent will have the right to present evidence contesting the authorized agency's case and the authorized agency will have a right to present a rebuttal case. The standard of proof on the issues before the Hearing Officer will be the preponderance of the evidence.

C. Each party will have the right at the hearing to call and examine witnesses, introduce evidence, cross-examine an opposing witness on any matter relevant to the issues in the case even though that matter was not covered during direct examination, and impeach any witness regardless of which party first called the witness to testify. The authorized agency may

call the animal's owner or custodian as a witness during its case in chief or during its rebuttal case and examine the person as if the person was under cross-examination.

D. Strict rules of evidence do not apply. Evidence that might otherwise be excluded under the Evidence Code may be admissible if the Hearing Officer determines it is relevant and of the kind that reasonably prudent persons rely on in making decisions. All rules of privilege recognized by the evidence code, however, apply to the hearing. The Hearing Officer may also exclude irrelevant and cumulative evidence.

E. The authorized agency will serve the Hearing Officer's decision on the respondent. If the Hearing Officer determines that sufficient grounds exist for the authorized agency to declare a dog to be a dangerous dog or a public nuisance animal, or that the authorized agency will abate a dog, the Hearing Officer's decision will include a notice that the respondent may apply for an administrative review of the record. The notice will advise the respondent that the request for review will be in writing and served on the authorized agency within 10 days. The request for review must provide the reasons why the respondent contends that the Hearing Officer's decision is erroneous.

F. The administrative review will be conducted by an employee or representative of the authorized agency who has not been directly involved in the case and who will be of the same rank or higher than the Hearing Officer.

G. If a respondent timely requests an administrative review, a hearing officer's decision approving the authorized agency's determination to destroy an animal is stayed until the authorized agency completes its review. A request for administrative review will not stay the Hearing Officer's decision approving the authorized agency's determination to declare a dog a dangerous dog or a public nuisance animal, or any condition the authorized agency imposes to allow a person to continue owning or have custody of an animal.

H. As part of the administrative review process, the employee conducting the review of the record will consider: (1) the issues the respondent raised in the request for review; (2) whether the authorized agency's determination is supported by substantial evidence; and (3) whether the authorized agency acted in compliance with this code.

I. At the conclusion of the administrative review, the employee reviewing the record may uphold, modify or overrule the Hearing Officer's decision or may order the authorized agency to reconsider the case. The reviewer's decision will be in writing and will contain the reasons for the decision. If the reviewer upholds the Hearing Officer's decision to abate an animal by destruction, the authorized agency will serve the respondent with a written notice of the right to apply for a writ of mandate or other order from Superior Court within 10 days from the date of the notice. The authorized agency will stay disposition of the animal while the Superior Court action is pending or until the time for filing an action contesting the decision to abate has expired. (Ord. 499 § 1, 2010)

6.10.250 Attack, guard or sentry dog operators.

A. Any person or owner of an attack, guard or sentry dog (collectively "guard dog") that operates or maintains a business to sell, rent or train a guard dog in the City of Santee, who

is required to obtain an operator's permit pursuant to Health and Safety Code Section 121916 (the permittee), must pay the annual permit fee approved by the City or authorized agency for this type of permit. The person or owner must also obtain and pay the fee for a guard dog operator premises permit for each location where the person or owner houses a guard dog.

B. The authorized agency may suspend an animal from use as a guard dog if the authorized agency determines the animal is not healthy enough to work or if the authorized agency has advised the operator that it intends to declare the dog a dangerous dog. The authorized agency may also permanently bar an animal from working as guard dog if the authorized agency declares the dog a dangerous dog as provided in this code.

C. A permittee under this section must comply with all the following requirements:

1. Supply each animal with sufficient, good and wholesome food and water as often as the animal's feeding habits require;

2. Keep each animal and each animal's quarters in a clean and sanitary condition;

3. Provide each animal with proper shelter and protection from the weather at all times. An animal must not be overcrowded or exposed to temperatures detrimental to the welfare of the animal;

4. Do not allow any animal to be without care or control in excess of 12 consecutive hours;

5. Take every reasonable precaution to ensure that no animal is teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or by any means;

6. Do not maintain or allow any animal to exist in any manner that is, or could be, injurious to that animal;

7. Do not give an animal any alcoholic beverage, unless prescribed by a veterinarian;

8. Do not allow animals that are natural enemies, temperamentally unsuited or otherwise incompatible to be quartered together or so near each other as to cause injury, fear or torment;

9. Do not allow any tack equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal to be used on or with an animal;

10. Keep or maintain animals confined at all times on the premises for which the permit has been issued unless the authorized agency grants the permittee special permission to remove an animal from the premises. If a guard dog escapes, the owner or custodian must immediately notify the authorized agency of the escape

and make every reasonable effort to recapture it. The owner or custodian must also notify the authorized agency within 24 hours of the animal's recapture;

11. Give proper rest periods to any working animal. Any confined or restrained animal must be given exercise proper for the individual animal under the particular conditions;

12. Do not work, use or rent any animal that is overheated, weakened, exhausted, sick, injured, diseased, lame or otherwise unfit;

13. Do not use or work any animal the authorized agency has suspended from use until the authorized agency releases the animal from suspension;

14. Do not display any animal bearing evidence of malnutrition, ill health, unhealed injury or having been kept in an unsanitary condition;

15. Keep or maintain each animal in a manner as may be prescribed to protect the public from the animal and the animal from the public;

16. Provide conspicuously posted, durable signs of sufficient size containing both a clear pictorial depiction of a guard dog and a legible written warning of the presence of a guard dog for every location that houses a guard dog or where a guard dog is working. These signs must be maintained at every entrance and at not more than 50-foot intervals so as to be clearly visible on the fence or other enclosure where the dog is to be housed or working. Each sign required by this subsection must measure a minimum of 11- by 8.5-inches and use lettering of a minimum of one and one-quarter by one-half inch (91 point) and of contrasting color with the background. The signs must also include the name and telephone number of the guard dog owner or operator housing or providing the dog;

17. Take any animal to a veterinarian for examination or treatment when ordered by the authorized agency;

18. Display no animal whose appearance is, or may be, offensive or contrary to public decency;

19. Do not allow any animal to constitute or cause a hazard, or be a menace to the health, peace or safety of the community;

20. Obtain and maintain liability insurance from an insurance company authorized to transact insurance business in the State of California, with coverage amounts that comply with this subsection. The insurance must provide liability insurance coverage for the permittee for any loss due to bodily injury or death with not less than five hundred thousand dollars per occurrence and for any loss due to property damage with not less than five hundred thousand dollars per occurrence. The permittee must furnish a certificate of insurance to the authorized agency and must notify the authorized agency in writing at least 30 days prior to policy

cancellation or non-renewal. The certificate must also provide all the following information:

(a) The full name and address of the insurer,

(b) The name and address of the insured,

(c) The insurance policy number,

(d) The type and limits of coverage,

(e) The effective dates of the certificate,

(f) The certificate issue date;

21. Obtain a signed and dated acknowledgment from each person who hires a guard dog from the permittee before the guard dog is sent on assignment. The acknowledgment must contain the name, address and telephone number of the permittee, the name, address and telephone number of the person who hired the guard dog and the location where the guard dog will be working while on assignment. The acknowledgement must also contain the following language:

"In addition to other provisions of law, any person or business entity who hires or has custody of a guard dog is responsible for preventing the dog from being at large, as defined in the Santee Municipal Code and from preventing the dog from attacking or injuring a person engaged in a lawful act. A person who hires a guard dog must immediately notify the guard dog operator in the event a guard dog escapes from its enclosure and notify the San Diego Humane Society at (619) 299-7012 in the event an escaped dog is not immediately recaptured."

"The Santee Municipal Code also provides that a person who has custody or control of a dog which bites a person must notify the San Diego Humane Society as soon as practicable after the incident and not more than 24 hours after the incident."

22. Provide the authorized agency with a copy of the signed acknowledgment required by subsection 21;

23. Isolate and segregate at all times any sick or diseased animal from any healthy animal so that the illness or disease will not be transmitted from one animal to another. Any sick or injured animal must be isolated and given proper medical treatment;

24. Immediately notify the owner of any animal held on consignment or boarded if the animal refuses to eat or drink beyond a reasonable period, is injured, becomes sick or dies. In case of death, the body of the dog must be retained for 12 hours after notification has been sent to the owner.

D. Reimburse the authorized agency for all costs incurred in enforcing the provisions of this section. (Ord. 499 § 1, 2010)

6.10.260 Animals in vehicles.

Pursuant to California Penal Code Section 597.7, no person may leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability or death to the animal. (Ord. 499 § 1, 2010)

6.10.270 Barking dogs.

It is unlawful for the owner or custodian of any dog to allow the dog to bark in violation of Chapter 5.04. Any person who violations this provision is guilty of an infraction.

6.10.280 Dog parks and off-leash regulations

It is unlawful for any person to cause, facilitate, or allow a dog to be or remain off-lease or unconfined except in compliance with the provisions of this Title or any other applicable provision of this Code, including but not limited to Sections 8.08.170, and 8.08.180.

6.10.290 Criminal violations.

A. Any person who violates any provision or fails to comply with any mandatory requirement of this code is guilty of a misdemeanor, except where the code or state law specifically provides the offense is an infraction.

B. When a person is convicted of a violation of this code that is classified as a misdemeanor, the sentencing court may order, in addition to any other sentencing provision, that the convicted person be prohibited from owning, possessing, caring for or having any contact with animals for a period of up to three years if the court deems the action is necessary to ensure the animal or public safety or welfare. The court may also require the convicted person to immediately deliver all animals in the person’s possession, custody or control to the authorized agency for adoption or other lawful disposition and for the convicted person to provide proof to the court that the person no longer has possession, custody or control of any animal. (Ord. 499 § 1, 2010)

ORDINANCE NO. 560

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, RESTATING, AMENDING, AND RECODIFYING TITLE 7 OF THE SANTEE MUNICIPAL CODE RELATING TO PUBLIC PEACE AND WELFARE

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify its ordinances. Government Code section 50022.9 authorizes a city to adopt county codes by reference;

WHEREAS, in Ordinance 1, adopted as the first act of the City of Santee ("City") on December 2, 1980, the City temporarily adopted all county ordinances of the County of San Diego as its municipal code (the "Santee Municipal Code");

WHEREAS, in Ordinances 14 and 18, the City extended the validity of the county ordinances to provide additional time for the City to adopt its own ordinances;

WHEREAS, the City has not adopted a comprehensive code of ordinances, but has amended the county's ordinances in a piecemeal fashion more than 300 times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the City Council of the City of Santee held a series of public meetings to consider proposed restatement, amendment, and recodification issues for each title of the Santee Municipal Code as follows:

March 8, 2017	Titles 1 and 2
September 6, 2017	Titles 3 and 5
February 14, 2018	Titles 6, 8, and 9
March 28, 2018	Titles 12 and 13
August 8, 2018	Title 10
September 26, 2018	Titles 6, 15, and 16
November 14, 2018	Title 17

WHEREAS, the City desires to restate without substantive revision, amend, and recodify the ordinances codified in the Santee Municipal Code;

WHEREAS, the amendments to the Santee Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance;

WHEREAS, the descriptions included in the council agenda statement, staff report, and minutes contain the findings of the City Council in support of this Ordinance and serve as evidence of the City Council's intention in adopting this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. **Existing Law Continued**. The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance;

2.1.3. The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance;

2.1.4. Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance, resolution, or regulation;

2.1.5. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the Santee Municipal Code;

2.1.6. Santee Municipal Code sections cited on signs, forms, notices, or other materials within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in the new Santee Municipal Code for purposes of notice and enforcement.

2.2. **Exclusions from code**. Every ordinance governing the following subject matter is not affected by the adoption of this Ordinance:

2.2.1. Alteration of city boundaries;

2.2.2. Contracts to which the city is a party;

2.2.3. Elections to which the city is a party;

2.2.4. Fixing the rate and making a levy of city taxes;

2.2.5. Granting, altering or withdrawing a franchise;

2.2.6. Land use classifications of specific property;

2.2.7. Naming roads and streets.

2.3. **References to Prior Ordinances Apply to All Amendments.** Whenever a reference is made to this code as the "Santee Municipal Code" or to any portion thereof, or to any ordinance of the City of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.4. **Title, Chapter, and Headings**. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

2.5. **References to Specific Ordinances and Code Sections**. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Santee Municipal Code. Renumbering and relabeling of existing ordinance, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.6. **Effect of Ordinance on Past Actions**, **Obligations and Irregularities**. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict

therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the City, do not revive any rights repealed or extinguished by any prior ordinance of the City which is repealed by this Ordinance.

2.7. **Effect of Ordinance on Period of Limitation**. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.8. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Title 7 “Public Peace and Welfare” of the Santee Municipal Code is hereby restated and amended as follows:

3.1. Chapter 7.02 “Booking Fee Costs” is restated and amended as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.2. Chapter 7.04 “Cannabis” is restated without substantive amendment as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.3. Chapter 7.06 “City Badges” is restated without substantive amendment as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.4. Chapter 7.08 “Curfew” is restated and amended as set forth in Exhibit 4 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.5. Chapter 7.12 “Firearms” is restated and amended as set forth in Exhibit 5 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.6. Chapter 7.14 “Gambling” is restated and amended as set forth in Exhibit 6 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.7. Chapter 7.15 “Abandoned Shopping Carts” is added as set forth in Exhibit 7 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.8. Chapter 7.16 “Graffiti” is restated and amended as set forth in Exhibit 8 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.9. Chapter 7.18 “Hotel, Motel and Lodging House Registration Regulations” is restated without substantive amendment as set forth in Exhibit 9 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.10. Chapter 7.20 “Loitering and Camping” is restated and amended as set forth in Exhibit 10 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.11. Chapter 7.22 “Possession and Consumption of Alcoholic Beverages” is restated and amended as set forth in Exhibit 11 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.12. Chapter 7.24 “Public Assembly” is restated and amended as set forth in Exhibit 12 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.13. Chapter 7.26 “Public Nudity” is restated without substantive amendment as set forth in Exhibit 13 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.14. Chapter 7.28 “Security and Fire Alarm Systems” is restated and amended as set forth in Exhibit 14 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.15. Chapter 7.30 “Smoking and Tobacco Prohibitions” is restated and amended as set forth in Exhibit 15 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.16. Chapter 7.32 “Solicitation” is restated and amended as set forth in Exhibit 16 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.17. Chapter 7.34 “Unauthorized Attack Warning” is restated and amended as set forth in Exhibit 17 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.18. Chapter 7.36 “Unlawful Pricing Practices” is restated and amended as set forth in Exhibit 18 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.19. Chapter 7.38 “Deemed Approved Alcohol Sales” is added to Title 7 as set forth in Exhibit 19 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has “the potential for causing a significant effect on the environment.” (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (*Ibid*.) Here, the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 5. Codification. The City has adopted the “City of Santee Municipal Code Editorial Guidelines,” and, except as otherwise provided herein, authorizes Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinance to the guidelines. In the event a substantive conflict arises on the basis of the changes authorized by this Section, the language adopted by this Ordinance prevails. The City Clerk is authorized to provide certified copies and notice of this Ordinance or any part of this Ordinance required or advised by the law or any regulation.

SECTION 6. Parentheticals. Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the Santee Municipal Code.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Santee 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 section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary or 1/4 page advertisement of the same to be published as required by law.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 22 day of May 2019, and thereafter ADOPTED at a Regular Meeting of the City Council held on this 26 day of June 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____
JOHN MINTO, MAYOR

ATTEST:

_____
ANNETTE ORTIZ, CITY CLERK

EXHIBIT 1

CHAPTER 7.02 BOOKING FEE COSTS

7.02.010 Purpose and intent.

The purpose of this chapter is to provide for the recovery of fees associated with the arrest and booking of persons for misdemeanors and felonies occurring within the City of Santee. (Ord. 346, 1996)

7.02.020 Definitions.

“Booking Fee” means those fees charged by the county of San Diego to process and book an individual into any county detention facility plus an administrative charge of 25%.

“Detention facility” means any facility operated by the Sheriff for the safekeeping of individuals suspected of/or committing a crime(s).

7.02.030 Charges for arrests and booking.

Any person arrested and booked into a detention facility on any felony or misdemeanor charge must pay any booking fee incurred by the City. If the person arrested is under 18 years of age, the individual’s parents and/or legal guardians are responsible for paying the booking fee. (Ord. 346, 1996)

7.02.040 Collection responsibility.

The finance director is authorized to process the collection of all booking fees. (Ord. 346, 1996)

EXHIBIT 2

CHAPTER 7.04 CANNABIS

7.04.010 Purpose.

The purpose of this Chapter is to regulate personal, medical, and commercial marijuana uses. Nothing in this Section shall preempt or make inapplicable any provision of state or federal law. (Ord. 543 § 2, 2016; Ord. 538 § 3, 2016)

7.04.020 Definitions.

For purposes of this Chapter, the following definitions apply:

A. "Commercial marijuana activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of marijuana and marijuana products.

B. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

C. "Delivery" means the commercial transfer of marijuana or marijuana products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

D. "Distribution" means the procurement, sale, and transport of marijuana and marijuana products between entities for commercial use purposes.

E. "Licensee" means the holder of any state issued license related to marijuana activities, including but not limited to licenses issued under Division 10 of the Business & Professions Code.

F. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

G. "Marijuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:

1. Industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code; or

2. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

H. “Marijuana accessories” means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.

I. “Marijuana products” means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

J. “Private residence” means a house, an apartment unit, a mobilehome, or other similar dwelling.

K. “Sale” includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.

L. Any term defined in this Section also means the very term as defined in the California Business & Professions Code or the California Health & Safety Code, unless otherwise specified. (Ord. 543 § 2, 2016; Ord. 538 § 3, 2016)

7.04.030 Personal use.

A. For purposes of this subsection, personal recreational use, possession, purchase, transport, or dissemination of marijuana is considered unlawful in all areas of the City to the extent it is unlawful under California law.

B. Outdoor Cultivation. A person may not plant, cultivate, harvest, dry, or process marijuana plants outdoors in any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, will be approved or issued for any such use or activity.

C. Indoor Cultivation.

1. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, or inside any other enclosed structure within any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, will be approved or issued for any such use or activity.

2. To the extent a complete prohibition on indoor cultivation is not permitted under California law, a person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a

private residence located upon the grounds of a private residence, in excess of the limitations imposed by Health and Safety Code Section 11362.2. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside any enclosed structure within any zoning district of the City which is not either a private residence or an accessory structure to a private residence located upon the grounds of a private residence.

3. The City Council may adopt, by later resolution, reasonable regulations on indoor cultivation of marijuana pursuant to Health and Safety Code Section 11362.2(b)(1). (Ord. 543 § 2, 2016)

7.04.040 Medical use.

The cultivation of medical marijuana pursuant to Section 11362.77 of the California Health and Safety Code, the establishment or operation of any medical marijuana collective, cooperative, dispensary, delivery service, operator, establishment, or provider is considered a prohibited use in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, will be approved or issued for the cultivation of medical marijuana or the establishment of any collective, cooperative, dispensary, delivery service, operator, establishment, or provider in any zoning district, and no person may otherwise establish such businesses or operations in any zoning district. (Ord. 543 § 2, 2016)

7.04.050 Commercial use.

A. The establishment or operation of any business of commercial marijuana activity is prohibited. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, will be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may include, but are not limited to:

1. The transportation, delivery, storage, distribution, or sale of marijuana, marijuana products, or marijuana accessories;

2. The cultivation of marijuana;

3. The manufacturing or testing of marijuana, marijuana products, or marijuana accessories; or

4. Any other business licensed by the state or other government entity under Division 10 of the California Business & Professions Code, as it may be amended from time to time. (Ord. 543 § 2, 2016)

EXHIBIT 3

CHAPTER 7.06 CITY BADGES

7.06.010 Unauthorized use of badges resembling city badges.

No person, except officers and employees of the City, is permitted to use, carry or display a badge, insignia or emblem that is identical to, a replica of, or resembles any official or authorized badge, insignia or emblem issued to an officer or employee of the City. (Prior code § 32.1101)

EXHIBIT 4

CHAPTER 7.08 CURFEW

ARTICLE 1. CURFEW DURING EMERGENCIES

7.08.010 Definitions.

For purposes of this chapter:

"Emergency" means an emergency, local emergency or state of emergency as those terms are defined in Section 2.32.020.

"Establishment" means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

"Juvenile" means any person younger than eighteen years of age.

"Parent" means a person who is the natural or adoptive parent of a person. The term includes a court appointed guardian or other person eighteen years of age or older authorized by the parent, by a court order or by a court appointed guardian to have the care and custody of that juvenile.

"Public place" means any place to which the public has access and includes, but is not limited to, streets, highways, roads, alleys, parks and the common areas of schools, hospitals, office buildings, transport facilities, shopping centers, malls, and other public grounds, public places, public buildings .

"Repeat curfew or daytime truancy violator" means any juvenile who:

1. Has been detained and taken into custody by City law enforcement personnel on more than one occasion in a twelve-month period for violating either Section 7.08.110 or Section 7.08.120 of this chapter, and

2. Has been reprimanded by a court because said court finds that the juvenile violated either Section 7.08.110 or Section 7.08.120 of this chapter on more than one occasion in a twelve-month period. (Ord. 363 § 2 (part) 1997)

7.08.020 Disaster and emergency powers of the sheriff.

A. When an emergency has been proclaimed in accordance with local or state law, or in the event no such proclamation has been made but there exists within any part of the City conditions of emergency, the City Manager may impose a curfew for up to forty-eight hours.

B. Any curfew imposed under the authority of subdivision A of this section must be limited to that area within the City wherein such conditions exist. The curfew may be extended only by a resolution of the City Council, in which event the curfew may be imposed for a length of time not to exceed the existence of the condition justifying the establishment of the curfew.

7.08.030 Curfew provisions disasters and emergencies.

In the event a curfew is imposed or extended as set forth in Section 7.08.020, it is unlawful for any person to loiter, idle, wander, stroll, or play in or on the public streets, highways, avenues, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places within the City where the curfew is in effect, during the hours designated by the Sheriff as curfew hours, unless authorized by the Sheriff. (Prior code § 31.302)

ARTICLE 2. CURFEW AND TRUANCY

7.08.100 Purpose.

A. The City is concerned with the level of juvenile violence, juvenile gang activity, and juvenile crime in the City. The City finds that juveniles are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime. Recent local statistics regarding juvenile crime and victimization indicate that enforcement of a curfew for juveniles decreases juvenile victimization and increases the number of arrests for violent crimes during curfew hours. The City Council believes that having an enforceable juvenile curfew ordinance is critical to preserving the public health, safety and welfare.

B. The City further finds and determines that juveniles are repeatedly detained and supervised by law enforcement personnel for violating curfew and that day time loitering laws impose an extraordinary burden on the resources of law enforcement because juveniles taken into custody by law enforcement personnel must be supervised in an unsecured area of the law enforcement station until they are released to a parent. Law enforcement personnel who supervise detained juveniles are then unavailable to carry out law enforcement duties in the field, which decreases the level of police protection, thereby decreasing public safety in the community. One purpose of this chapter is to inhibit crime committed by juveniles at night and by truants during the day and to defray the reasonable costs that the City incurs to provide extraordinary law enforcement services to respond to, detain and supervise repeat curfew and day time loitering violators. (Ord. 363 § 2 (part) 1997)

7.08.110 Curfew for juveniles.

A. It is unlawful for any juvenile to remain in any public place or on the premises of any establishment in the City between the hours of ten p.m. of any day and sunrise of the following day inclusive, unless the juvenile is:

1. Accompanied by the juvenile’s parent or guardian;

2. On an errand at the direction of the juvenile’s parent or guardian;

3. In a motor vehicle involved in interstate travel;

4. Engaged in an employment activity or going to or returning home from an employment activity without any detour or stop;

5. Involved in an emergency;

6. On the sidewalk abutting the juvenile's residence;

7. Attending an official school, religious or recreational activity supervised by one or more adults and sponsored by the City, a civic organization or other similar entity that takes responsibility for the juvenile, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by one or more adults and sponsored by the City, a civic organization or another similar entity that takes responsibility for the juvenile;

8. Exercising First Amendment rights protected by the United States Constitution, or going to or returning home from, without any detour or stop, the exercising of those First Amendment rights;

9. Travelling from an activity listed in Section 7.08.110 to another activity listed in Section 7.08.110, without any detour or stop; or

10. Emancipated pursuant to law. (Ord. 496 § 1, 2010; Ord. 363 § 2 (part) 1997)

7.08.120 Day time loitering or truancy.

A. It is unlawful for any juvenile who is subject to compulsory education to loiter, idle, wander or be in or on any public place or the premises of any establishment, vacant lots or unsupervised place between and away from the juvenile's residence during the hours when the juvenile's school is in session. This section does not apply if:

1. The juvenile is accompanied by a parent; or

2. The juvenile is on an emergency errand directed by a parent; or

3. The juvenile is going to or coming directly from the juvenile's place of school-approved employment; or

4. The juvenile is going to or coming directly from a medical appointment; or

5. The juvenile has permission to leave the school campus for lunch and has in his/her possession a valid, school-issued off-campus permit; or

6. The juvenile is going to or coming from a compulsory alternative education program activity; or

7. The juvenile is attending or, without any detour or stop, going to or returning from an official school, religious, government-sponsored activity, or other recreational activity supervised by adults; or

8. The juvenile is attending or, without any detour or stop, going to or returning from an event or activity directly related to the medical condition of the parent; or

9. The juvenile is officially enrolled in home schooling; or

10. The juvenile has passed a general educational development test and received a California high school equivalency certificate. (Ord. 363 § 2 (part) 1997)

7.08.130 Parent responsibility.

It is unlawful for the parent of any juvenile to knowingly permit or, by insufficient control, to allow a juvenile to be in violation of any section of this chapter. (Ord. 363 § 2 (part) 1997)

7.08.140 Enforcement.

A peace officer may issue a citation to any juvenile or parent found to be in violation of this chapter and may detain any juvenile, until the juvenile can be placed in the care and custody of a parent or may transport the juvenile's home or school. (Ord. 363 § 2 (part) 1997)

7.08.150 Violation—Penalties.

Any juvenile convicted of a misdemeanor for violations of this chapter may be punished by a fine not exceeding one thousand dollars or by a requirement to perform city or school-approved work projects or community service or both. If required to perform a project, the total time for performance may not exceed twenty hours over sixty days, and the project must be completed during times other than a juvenile's hours of school attendance or the juvenile's or parent's hours of employment. (Ord. 363 § 2 (part) 1997)

EXHIBIT 5

CHAPTER 7.12 FIREARMS

7.12.010 Definitions.

In this chapter,

"Firearm" has the same meaning as the term "firearm" under Part 6, Title 1, Division 2 of the Penal Code (commencing with Section 16000, the Deadly Weapons Recodification Act of 2010).

"Imitation firearm" has the same meaning as the term "firearm" under Part 6, Title 1, Division 2 of the Penal Code (commencing with Section 16000, the Deadly Weapons Recodification Act of 2010) and generally means any device or object made of plastic, wood, metal, or any other material which is a replica, facsimile, or toy version of, or is otherwise recognizable as a firearm.

"Riders' and hikers' trail" means any trail established under Article 6 of Chapter 1 of Division 5 of the Public Resources Code of the State of California.

7.12.020 Discharge of firearms.

Other than in the defense of person or property or on and pursuant to the safety regulations of a shooting range or area established and operated pursuant to a permit issued by the City, it is unlawful for any person to shoot, fire or discharge any firearm or device fired or discharged by explosives, or air gun or air rifle in any place in the City. (Prior code § 33.104)

7.12.030 Firearms prohibited on trails.

It is unlawful for any person to carry, possess, or discharge any firearm or device fired or discharged with explosives on or from any portion of any riders' and hikers' trail within the City which is bounded on both sides by privately owned real property.

7.12.040 Exceptions

A. The prohibitions in this chapter do not apply in the following circumstances:

1. on public lands owned by the United States or the State of California when permission to hunt on such lands has been granted to or reserved to the public. (Prior code § 33.105.1)

2. to any peace officer acting in the proper performance of his or her official duties.

3. In the event the United States Fish and Wildlife Service or the California Department of Fish and Wildlife have issued depredation orders or depredation permits to protect property. Prior to any discharge of firearms in accordance with a depredation order or permit, the permittee must notify the Sheriff's office. (Prior code § 33.108)

7.12.050 Firearms and explosives in city premises.

A. It is unlawful to bring or possess a firearm -loaded or unloaded, operable or inoperable – or explosive or explosive device – operable or inoperable – in any premises owned or leased by the City in which public business is conducted, without the written permission of the Mayor or the City Manager.

B. The provisions of subsection A of this section do not apply to the following:

1. to city employees or court personnel who use, possess or have custody of firearms, explosives and explosive devices in the course of their official duties; or

2. to any person exempted from compliance by state law. (Prior code § 33.109)

EXHIBIT 6

CHAPTER 7.14 GAMBLING

7.14.010 Gambling prohibited.

A. No person is permitted to play any game of chance for money or anything of value.

B. Notwithstanding the provisions of this section, and pursuant to Section 326.5 of the Penal Code, bingo games may be conducted in a city park by the following organizations, if such park facilities are leased to and used by the organizations for the purposes for which the organizations are organized, and provided that the proceeds of such games are used only for charitable purposes relating to the operation of recreational programs on such park facilities:

1. Any organization exempted from the payment of the bank and corporation tax by Sections 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g), 23701(k), 23701(w), and 23701(l) of the Revenue and Taxation Code;

2. Mobile home park associations;

3. Senior citizens' organizations; and

4. Charitable organizations affiliated with a school district.

C. Bingo games authorized by subsection D of this section must be conducted in compliance with the requirements of Section 326.5 of the Penal Code and Chapter 4.06 of this code.

D. No person is permitted to play bingo in city parks except with a permit issued by the director of community services and on payment of a special use fee in an amount authorized by resolution of the City council. A permit to pay bingo authorizes play only in those locations designated by the director in the permit. Park areas excluded from bingo use include, but are not limited to, dance pavilions, picnic ramadas, portable enclosures, and any park open space area. (Amended during 1989 supplement; prior code § 41.137)

EXHIBIT 7
CHAPTER 7.15 ABANDONED SHOPPING CARTS

7.15.010 Short title.

This Chapter shall be known as the "Abandoned Shopping Carts" ordinance.

7.15.020 Purpose and Intent

The off-site accumulation of wrecked, dismantled or abandoned shopping carts, or parts thereof, reduces property values, promotes blight and deterioration, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is aesthetically detrimental to the community and injurious to the health, safety and general welfare. Responsibility for minimizing or eliminating this impact rests with individuals who use shopping carts and the businesses, which provide shopping carts for their patrons. Therefore, effective containment or control of the shopping carts is necessary, and the presence of wrecked, dismantled or abandoned shopping carts, or parts thereof, within the City, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Chapter.

7.15.030 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "Abandoned shopping cart" means a shopping cart located outside the premises or parking lot or facility of the business establishment, which furnishes the shopping cart for use by its patrons.

B. "Director" means the Director of Community Services or his or her designee.

C. "Shopping cart" means any basket of any size, mounted on wheels or a similar device, including parts thereof, provided by a store operator for the purpose of transporting goods of any kind within a business establishment and/or designated parking or loading area of that business establishment.

D. "Shopping cart owner" means the owner of the shopping cart, the agent of the owner of the shopping cart, including individuals or business entities, or the business establishment, which furnishes the shopping cart for use.

E. "Store premises" mean the lot area, maintained and managed by the business, that may include the building, parking lot and adjacent walkways, and where the business' shopping carts are permitted.

7.15.040 Administration and enforcement.

The provisions of this Chapter are administered and enforced by the Community Services Department, or the Sheriff's Department, as noted below. In enforcing the provisions of this Chapter, employees of the aforementioned departments may enter onto both public and private property to examine a shopping cart or parts thereof, or to obtain information as to the identity of a shopping cart owner, and to remove, or cause the removal of a shopping cart, or parts thereof, in conformance with state law, when found to be abandoned pursuant to this Chapter.

7.15.050 General regulations.

A. All shopping cart owners must implement a shopping cart management plan to effectively manage the control of their shopping carts so that the off-site accumulation of carts does not become a public nuisance.

B. Upon request by the Director, shopping cart owners must submit a plan to the Director for review outlining how the owner is or proposes to manage shopping carts so that they are not a public nuisance. Information requested may include a description of the management control system, a monthly shopping cart inventory, monthly loss and recovery data specific to that business location, and such other information deemed reasonable by the director to determine the adequacy of the shopping cart containment system or control method.

C. If the Director determines that the shopping cart management system being used by a shopping cart owner is creating a public nuisance, and therefore not effective for that store premise, the Director may require a shopping cart owner to utilize an alternate, more effective shopping cart management system. Options that may be considered include, but are not limited to: (1) a shopping cart wheel lock system; (2) posting a guard in the parking lot to stop the removal of shopping carts during business hours; (3) requiring an employee to accompany and immediately retrieve every shopping cart that is removed from a store upon placement of purchases into a customer's vehicle; (4) establishment of an effective off-site shopping cart retrieval system; (5) requiring shopping carts to be secured during nonbusiness hours, and any combination thereof. Approval of an alternate system does not relieve the shopping cart owner of the responsibility to effectively manage the control of their shopping carts so that they are not a public nuisance. Any decision of the Director may be appealed to the City Council.

D. All shopping cart owners shall post a sign not less than eighteen (18) inches in width and twenty-four (24) inches in height with block lettering not less than one-half (1/2) inch in width and two (2) inches in height in a conspicuous place on the building within two (2) feet of all customer entrances and exits stating, at a minimum, the following:

REMOVAL OF SHOPPING CARTS FROM THE PREMISES
IS PROHIBITED BY LAW.
B & P Code Section 22435.2

7.15.060 Unauthorized removal or possession.

Procedures related to the unauthorized removal and possession of any shopping cart pursuant to Business and Professions Code, Sections 22435.2—22435.5 shall be administered by the Sheriff's Department, if deemed warranted by the City Manager.

7.15.070 Abandoned shopping carts—Abatement, removal and storage.

A. Procedures related to the abatement, removal, and storage of abandoned shopping carts pursuant to Business and Professions Code, Section 22435.7 shall be administered by the Community Services Department, if deemed warranted by the City Manager.

B. The administrative fees for the removal and storage of shopping carts shall be established or modified by resolution of the City Council and shall include the actual cost of removal and storage of any shopping cart, or parts thereof, plus the proportionate share of administrative costs in connection therewith. The schedule for such fees shall remain on file and be available in the finance department of the City. The Director of Community Services shall review the fees charged for such service at least once annually, and may, with the approval of the City Manager, recommend changes to the Council when the costs for such services make it appropriate.

7.15.080 Chapter not exclusive.

This Chapter is not to be construed as the exclusive regulation of wrecked, dismantled or abandoned shopping carts within the City. It shall supplement and be in addition to other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the City, state or any other legal entity or agency having jurisdiction.

EXHIBIT 8

CHAPTER 7.16 GRAFFITI

7.16.010 Purpose and intent.

A. It is the purpose and intent of the City Council through the adoption of this chapter, to provide enforcement tools to protect public and private property from acts of vandalism and defacement; especially, but not limited to, graffiti on privately and publicly owned walls, which are inimical and destructive of the rights and values of private property owners as well as the total community.

B. It is further the intent of the City Council to strictly enforce this chapter and prosecute those persons engaging in defacement of public and private properties.

C. It is further the City Council's intent to provide for the prohibition of the placement of graffiti on structures located either on public or private property; and

D. Government Code Section 53069.3 authorizes a city to enact ordinances to provide for the use of city funds to remove graffiti from public and privately owned structures located within the City; and

E. The City Council finds that graffiti or related inscribed materials are obnoxious and pursuant to Government Code Section 53069.3 authorizes that the program be instituted allowing for the use of city funds to remove graffiti from structures on public and private property; and

F. Government Code Section 53069.5 authorizes a city to offer and pay a reward for information leading to the determination of, and identity of, and the apprehension of any person who willfully damages property.

7.16.020 Definitions.

As used in this chapter:

"Aerosol paint container" means any aerosol container, regardless of the material from which it is made, which is adapted or made for the purpose of spraying paint or other substance capable of defacing property.

"Etching tool" means any inscribing, engraving pen, glass cutter, etching pen, chemical pen, or similar implement which is adapted to or made for the purpose of leaving permanent marks on glass, plastic or similar materials.

"Felt tip marker" means any pen or marker or similar implement 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 inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, pasted (e.g., stickers) or otherwise affixed to or on any real or personal

property, regardless of the nature of the material of that property, that is not authorized in advance by the owner thereof, or despite advanced authorization, is otherwise deemed to be a public nuisance in Chapter 1.10.

"Graffiti implement" means any aerosol paint container, felt tip marker, paint stick or etching tool.

"Paint 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.

(Ord. 311, 1993)

7.16.030 Graffiti prohibited.

It is unlawful for any person to intentionally place graffiti on private or public property. A mistake as to the private property owner's identity is not a defense to a violation of this section. (Ord. 311, 1993)

7.16.040 Possession of graffiti implement by minors.

A. It is unlawful for any minor under the age of eighteen to possess a graffiti implement while on any public highway, street, alleyway, park, playground, swimming pool or other public place, whether such a minor is or is not in any automobile, vehicle, or other conveyance.

B. This section does not apply if a minor is in possession of a graffiti implement in order to perform a task directed by the minor's parent, guardian, instructor, or employer, and if that task would not be a violation of this chapter if conducted by an adult. (Ord. 311, 1993)

7.16.050 Sale of graffiti implements to minors

It is unlawful for any person, other than a parent or legal guardian, to sell, give or in any way furnish, to a minor any aerosol paint containers, marker pens, and/or other graffiti implements that are capable of defacing property, without the consent of the minor's parent or legal guardian, which must be given in advance.

7.16.060 Determination of costs.

The City Council will from time to time determine and fix the costs for the removal of graffiti. These costs include an amount to be assessed as administrative costs. (Ord. 311, 1993)

7.16.070 Authority to remove.

Upon discovering the existence of graffiti on private or public property within the City, the code compliance officer has the authority to cause the abatement and removal thereof in accordance with the procedures prescribed in Chapter 1.10. (Ord. 311, 1993)

7.16.080 Appeals.

A person subject to the nuisance abatement procedures described in Section 7.16.080 may appeal the notice of intent to abate and request a hearing in accordance with the procedures set forth in Chapter 1.10; provided, however, that the appeal must be submitted to the director of community services.

7.16.090 Treble damages.

To the fullest extent permitted by state law, including Government Code Section 38773.7, a person who has two or more civil or criminal judgments within a two-year period finding a violation of this chapter is liable for a fine in the amount of three times the cost of abatement.

7.16.100 Lien.

If the City removes graffiti from private property after notice of intent to abate and all or any portion of the assessed charges remain unpaid after thirty days, the unpaid portion constitutes a debt to the City and is declared to constitute a lien on the property which may be recorded against the property in accordance with the procedures set forth in Chapter 1.12.

7.16.110 Ease of removal provisions.

A. Common Utility Colors and Paint Type. Any gas, electric, telephone, water, sewer, cable, and other utility operating in the City must paint above surface metal fixtures with a paint type and color approved by the director of community services.

B. Private property. If a property owner provides consent to the City to remove graffiti from private property, the City does not guarantee to color match the existing property. A property owner may provide the City with desired paint for use in graffiti abatement on private property.

C. Condition of Encroachment Permits. Any encroachment permit issued by the City may, among other things, be conditioned on any or all of the following:

1. the permittee must apply an anti-graffiti material acceptable to the Department Of Community Services;

2. the permittee must immediately remove any graffiti from the encroaching structure;

3. a reservation of the City's right to remove graffiti or to paint the encroaching object;

4. the permittee must provide the City with matching paint and/or anti-graffiti material on demand for use in the painting of the encroaching object containing graffiti; and

5. any other design features to eliminate or deter graffiti, including but not limited to:

    (a) use of a protective coating to provide for the effective and expeditious removal of graffiti;

(b) use of additional lighting;

(c) use of nonsolid fencing;

(d) use of landscaping designed to cover large expansive walls such as ivy or similar clinging vegetation;

(e) use of architectural design and materials to break up long continuous walls or solid areas. (Ord. 311, 1993)

7.16.120 Graffiti prevention provisions.

A. Design of Anti-Graffiti Surfaces. Any applicant for an administrative or discretionary permit, including but not limited to a conditional use permit, or other form of development or building permit, must design any existing or proposed building structures visible from any public or quasi-public place in such a manner to consider prevention of graffiti to the extent deemed feasible by the director of development services, including, but not limited to use of the following design elements:

1. a protective coating to provide for the effective and expeditious removal of graffiti;

2. additional lighting;

3. nonsolid fencing;

4. landscaping designed to cover large expansive walls such as ivy or similar clinging vegetation; and

5. architectural design and materials to break up long continuous walls or solid areas. (Ord. 311, 1993)

B. Retrofit. The director of community services may require non-residential property to be retrofitted, at the cost of the property owner, with such features or qualities necessary to reduce the attractiveness of the surface for graffiti or to permit more convenient or efficient removal of graffiti. In exercising the authority hereunder, the director of community services may require retrofitting only when property has been defaced with graffiti more than three times in twelve months, and only when the cost of retrofitting the property is less than three times the cost of one year's expense to the property owner for graffiti removal.

7.16.130 Offering of rewards for apprehension of violators of this chapter.

A. Council May Authorize Offering of Rewards. The City Council may authorize a reward, in an amount set by resolution, for information leading to the identification and apprehension of any person who willfully damages public or private property within the City. No law enforcement officer, municipal officer or employee of the City is eligible to claim such reward.

B. Recovery of Reward. Upon conviction of a violation of Section 7.16.030, the court must order, in addition to any other penalty imposed, that the offender reimburse to the City:

1. City's cost of removing graffiti placed by the offender;

2. City's cost of any reward given for information leading to the apprehension and conviction of the offender. If the offender is an unemancipated minor, the minor's parents or guardians are liable and must pay the cost set forth above. Failure to pay such costs within thirty days after demand by the City, is a violation of the provisions of this section. (Ord. 311, 1993)

7.16.140 Penalties.

A. Community Service. Any minor convicted of committing an offense in the City may be required, at the City's option, to perform community service, including graffiti removal, of not less than sixteen hours nor more than eighty hours.

B. Liability For Costs. A person convicted of a violation of this chapter is liable for the costs related to the removal and abatement of the graffiti. If the convicted person is a minor, the minor's parents and/or legal guardian are liable for all costs associated with the removal and abatement of the graffiti.

EXHIBIT 9

CHAPTER 7.18 HOTEL, MOTEL AND LODGING HOUSE REGISTRATION REGULATIONS

7.18.010 Purpose and scope.

The purpose of this ordinance is to deter the facilitation of prostitution, illicit drug activity and other illegal activities within the City by regulating registration practices in hotels, motels and other lodging houses. (Ord. 409 § 2, 2000)

7.18.020 Definitions.

In this chapter:

A. "Hotel" means any structure, or portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, including any hotel, inn, tourist home or house, motel, studio hotel, lodging house, rooming house, apartment house, dormitory, campsite, mobilehome, motor home, travel trailer or house trailer at a fixed location, or other similar structure or portion thereof.

B. "Operator" means the person who is the proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee or any other capacity. Where the operator performs functions through a managing agent of any type or character other than an employee, the managing agent is also deemed an operator for the purposes of this chapter and has the same duties and liabilities as a principal. Compliance with the provisions of this chapter by either the principal or the managing agent are considered to be compliance by both.

C. "Room" means any area within a hotel intended for use as dwelling, lodging or sleeping purposes. "Room" does not mean any area within a hotel not intended for use as sleeping or lodging quarters such as meeting or conference rooms.

D. "Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days.

7.18.030 Registration identification required.

A. Every operator of every hotel in the City must at all times keep and maintain a register, in which the operator keeps the name, address and date of birth of every transient. Concurrent with the registration process, each transient must identify all authorized or proposed occupants of the room and provide to the operator a valid picture identification. Valid picture identification includes a valid driver's license, federal or state government, or military identification card, passport or any form of identification that contains the transient's picture, current address and date of birth. The type of picture identification provided to the operator must be noted in the register and include the document's identification number and the state or country of issuance.

B. The operator must also include in the register information regarding the transient's vehicle including vehicle make and model, license plate number and the state of issuance.

C. The register required by this section must be signed by the transient and the operator must write opposite the name and address, the number of each room assigned, together with the time of the entry. Until all of the entries have been made in such register, no transient is permitted to occupy any room in any hotel in the City. Erasures or alterations on the register are prohibited excepting for correction of an error. No person is permitted to erase or obliterate any name or address or permit the same. When the transient quits or surrenders any room in any hotel, the operator of the hotel must enter the time thereof in the register opposite the name of such transient.

D. Registration records must be maintained and kept on file not fewer than ninety days after creation and must be available for inspection by city officials or any peace officer. (Ord. 409 § 2, 2000)

7.18.040 Multiple renting or letting prohibition.

No operator is permitted to rent or let any room in any hotel more than once within a twelve hour time period. (Ord. 409 § 2, 2000)

7.18.050 Signing of true name.

No person is permitted to write or cause to be written, or knowingly permit to be written in any register of any hotel any name other than the true name of the person so registering. (Ord. 409 § 2, 2000)

EXHIBIT 10

CHAPTER 7.20 LOITERING AND CAMPING

7.20.010 Purpose and intent.

A. It is the purpose and intent of the City Council through the adoption of this chapter, to provide enforcement tools to protect public and private property from acts of loitering, camping on public property, sleeping on or in public facilities, parking overnight without authorization or as otherwise permitted in this code, and aggressive solicitation. It is further the intent of the City Council, through the adoption of this chapter, that all those who callously disregard property rights of others, the law enforcement agencies of the City, both the law enforcement services division and the City Attorney's office, will strictly enforce the law and severely prosecute those persons engaging in the violation of any portion of this chapter. (Ord 333, 1995)

7.20.020 Definitions.

As used in this chapter:

"Camp" means to pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

"Camp facilities" includes, but is not limited to tents, huts or temporary shelters.

"Camp paraphernalia" includes, but is not limited to tarpaulins, cots, beds, sleeping bags, hammocks or non-city designated cooking facilities and similar equipment.

"Loitering" means to delay or linger without a lawful purpose for being on the property and for the purpose of committing a crime as opportunity may be discovered.

"Public property" means property owned or leased by a public entity.

(Ord. 339 § 1, 1996; Ord. 333, 1995)

7.20.030 Obstructing free passage.

It is unlawful for any person, after being warned by a law enforcement officer or where a sign or signs have been posted giving notice of this section, to loiter, stand, sit or lie in or on any public property or on any portion of private property used for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians, or to block, obstruct, or prevent the free access to the entrance of any building open to the public. (Ord. 370 § 2, 1998)

7.20.040 Sitting or lying down on public sidewalks in commercial zones prohibited.

A. No person is permitted to sit or lie down on a public sidewalk, or upon a blanket, stool, or any other object placed on a public sidewalk, between the hours of 7:00 a.m. and 9:00 p.m. in the following areas:

1. General commercial district

2. Neighborhood commercial district

3. Office/professional district

4. In those areas of the town center district zoned:

    (a) Commercial

    (b) Civic center

    (c) Institutional

    (d) Residential/office/commercial

B. Exceptions. The prohibition in subsection (A) of this section does not apply to any person:

1. sitting or lying down on a public sidewalk due to a medical emergency;

2. who, as the result of a disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk;

3. operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting or similar event conducted on the public sidewalk pursuant to a street use or other applicable permit;

4. sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner; or

5. sitting on a public sidewalk within a bus stop zone while waiting for public or private transportation.

C. No person may be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section. (Ord. 370 § 3, 1998)

7.20.050 Loitering in and around transportation facilities prohibited.

A. It is unlawful for any person to enter any premises, to remain on any premises after being directed by law enforcement officer, owner, occupant, or agent to leave, or to resume loitering within forty-eight hours after being directed to leave a premises, unless such person has a purpose legitimately connected with the business or activity of the legal occupant of the premises or a bona fide intent to exercise a constitutional right, and to undertake any lawful expressions of opinion.

B. For purposes of this section, “premises” means any bus depot, transit station, trolley station or on the grounds of a common carrier, or in a place open to the public immediately

adjacent to any bus depot, transit station, trolley station, or common carrier, including any ancillary food service premises maintained primarily for the convenience of the customers of said carrier, except those parts of such depot, station, or grounds thereof that are occupied by a business other than that of a common carrier or ancillary food service. (Ord. 462 § 3, 2007; Ord. 370 § 4, 1998)

7.20.060 Unlawful camping.

To the fullest extent provided by law, it is unlawful for any person to camp, occupy camp facilities or use camp paraphernalia during the following times and in the following areas, except as otherwise provided:

A. At any time within 1,000 feet of any waterbody, except pursuant to a permit authorizing such camping at a campground;

B. In any public park when that park is closed;

C. On any sidewalk or street in such a manner that obstructs the flow of traffic in a manner that results in a violation of the Americans with Disabilities Act, forces pedestrian traffic into a street or other area where vehicles travel, forces vehicular traffic to veer from its ordinary course of travel, or prevents the free access to the entrance of any building open to the public.

D. In any other public lot, area, or place, between the hours of 7:00 a.m. and 11:00 p.m.

7.20.070 Prohibited Activities on Public Property.

A. It is unlawful for any person to undertake the following activities on any public property, except in areas designated or authorized by the City for such activities through a sign, permit, or the provision of a facility intended to be used for such activity:

1. store personal property, including camp facilities and camp paraphernalia;

2. cook;

3. use, allow, or facilitate the burning of an open flame;

4. launder clothing, bedding, or other similar items;

5. bathe;

6. urinate;

7. defecate;

8. dispose of trash. (Ord. 339, 1995)

B. It is the intention of the City Council in adopting these prohibitions to protect the public from fire threats and unsanitary conditions and to protect the environment, including water courses and the stormwater conveyance system, from pollution.

7.20.080 Public urination or defection.

It is unlawful for any person to urinate or defecate on any street, sidewalk, alley, plaza, park, beach, public building, or public facility, or any place open to the public or exposed to public view.

7.20.090 Private property

It is unlawful for any person to camp, lodge, sleep, or stay overnight in or on any private property without permission of the owner or lessee of such property and in compliance with the zoning code.

EXHIBIT 11

CHAPTER 7.22 POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES

ARTICLE 1 GENERALLY

7.22.100 Purpose and intent.

It is the purpose and intent of the City Council through the adoption of this chapter to regulate the possession and consumption of alcoholic beverages pursuant to California Penal Code Section 647e and other applicable laws, in order to protect and promote the health, safety, and general welfare of the community. (Ord. 334, 1995)

7.22.110 Definitions.

In this chapter:

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

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

“Controlled substance” means a drug or substance whose possession and use are regulated under the Controlled Substances Act. Such term does not include any drug or substance for which the individual found to have consumed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription.

“Gathering” is a party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity.

“Guardian” means:

1. A person, who under court order, is the guardian of a person of minority age; or

2. A public or private agency with whom a minor has been placed by the court.

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

“Parent” means a person who is a natural parent, adoptive parent or stepparent of another person.

“Posted premises” means any premises on which the property owner has erected one or more signs clearly visible to persons upon the premises which notify persons that it is unlawful for any person who has in his or her possession any receptacle containing any alcoholic beverage which has been opened, or the seal broken, or the contents of each have been partially removed, to enter on, or remain on the premises designated in the sign.

“Private property” means property owned by a particular person or group.

“Public property” means property owned or leased by a public entity. (Ord. 334, 1995)

“Response costs” are the costs associated with response by law enforcement, fire and other emergency response providers to a gathering, including, but not limited to: (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s); (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering; (3) the cost of repairing any city equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and (4) any other allowable costs related to the enforcement of this Chapter 9.72. (Ord. 494 § 1, 2010; Ord. 435 § 1, 2003)

7.22.120 Prohibited possession of opened container, public property.

A. It is unlawful and an infraction for any person to enter on, be, or remain on, any public street, sidewalk, alley or public property when in possession of any receptacle which contains any alcoholic beverage and which has been opened, or the seal broken, or the contents of which have been partially removed, except at the following public places: Santee Lakes Regional Park; Santee city parks, except Mast Park as set forth in subsection B of this section and Town Center Community Park as set forth in subsection C of this section; Mission Trails Regional Park; and Buildings 7 and 8 of the Santee Civic Center.

B. It is unlawful and an infraction for any person to enter on, be, or remain on the premises of Mast Park when in possession of any receptacle which contains any alcoholic beverage and which has been opened, or the seal broken, or the contents of which have been partially removed, except as follows: on weekends during all hours at which Mast Park is open to the public as designated by the City Council or the Director of Community Services and at any other times established by the Director of Community Services. For purposes of this subsection, the term “weekend” is defined as between 12 a.m. on each Saturday and 12 a.m. on each Monday; on any legal holiday(s) designated by the Department of Community Services; and as authorized by a permit issued prior to the occurrence by the Department of Community Services pursuant to its authority to promulgate rules and regulations for the operation of city parks subject to approval of the City Council under Section 8.08.030 of this code.

C. It is unlawful and an infraction for any person to enter on, be, or remain on the premises of Town Center Community Park when in possession of any receptacle which contains any alcoholic beverage and which has been opened, or the seal broken, or the contents of which have been partially removed except as follows: on weekends during all hours at which Town Center Community Park is open to the public as designated by the City Council or the Department of Community Services. For purposes of this subsection, the term “weekend” is defined as between 12 a.m. on each Saturday and 12 a.m. on each Monday; on any legal holiday(s) designated by the Department of Community Services; and as authorized by a permit issued prior to the occurrence by the Department of Community Services pursuant to its

authority to promulgate rules and regulations for the operation of city parks subject to approval of the City Council under Section 8.08.030 of this code. (Ord. 523 § 1, 2013)

7.22.130 Prohibited possession of opened container, liquor stores and adjacent areas.

A. It is unlawful and an infraction for any person to be in possession of any receptacle which contains any alcoholic beverage and which has been opened, or the seal broken, or the contents of which have been partially removed to enter, be, or remain on the posted premises of, including the posted parking lot or public sidewalks immediately adjacent to, any retail package off-sale alcoholic beverage licensee.

B. Any premises subject to licensure under any retail package off-sale alcoholic beverage license must be posted with clear, visible notice indicating to the patrons of the licensee and the immediately adjacent parking lot, and to persons on the immediately adjacent sidewalk, that the provisions of the California Penal Code Section 647e(a), as adopted by subsection A of this section are applicable. The posted notice must conform to the sign provisions of this code, must be limited to no more than two faces per sign with no more than four square feet per sign face and must be in the following form:

POSSESSION OF OPENED ALCOHOLIC BEVERAGE CONTAINERS UPON THESE PREMISES IS PROHIBITED SMC CHAPTER 7.22

C. Failure to post the required notice at the licensed premises is a violation of this chapter.

D. This section does not apply to a private, residential parking lot immediately adjacent to those premises to which this section applies. (Ord. 334, 1995)

7.22.140 Prohibited consumption at hotels.

It is unlawful for any person to consume an alcoholic beverage at or on the premises, including the parking lot, of a hotel, motel or other lodging house, except under the following circumstances: (1) in individual hotel rooms used for dwelling, lodging or sleeping purposes, or (2) as authorized by a permit issued pursuant to the Alcoholic Beverage Control Act. (Ord. 410 § 2, 2000)

7.22.150 Prohibited possession of opened container, posted private property.

A. The owner of any property open to the public may post a sign in accordance with the provisions of Section 7.22.130.

B. It is unlawful and an infraction for any person to enter on, be, or remain on any posted premises when in possession of any receptacle which contains any alcoholic beverage and which has been opened, or the seal broken, or the contents of which have been partially removed.

C. It is unlawful and a misdemeanor for any person to consume alcohol on any premises posted with a sign in accordance with the provisions of Section 7.22.130. (Ord. 462 § 2, 2007; Ord. 334, 1995)

7.22.160 Prohibited consumption of alcohol.

A. Unless expressly authorized by the City as part of a special event, it is unlawful and a misdemeanor for any person to consume an alcoholic beverage at or on any public street, sidewalk, alley or public property, except at the following public places: Santee Lakes Regional Park; Santee city parks, except Mast Park as set forth in subsection B of this section and Town Center Community Park as set forth in subsection C of this section; Mission Trails Regional Park; and Buildings 7 and 8 of the Santee Civic Center.

B. It is unlawful and a misdemeanor for any person to consume an alcoholic beverage at or on the premises of Mast Park, except as follows: on weekends during all hours at which Mast Park is open to the public as designated by the City Council or the Director of Community Services and at any other times established by the Director of Community Services. For purposes of this subsection, the term "weekend" is defined as between 12 a.m. on each Saturday and 12 a.m. on each Monday; on any legal holiday(s) designated by the Department of Community Services; and as authorized by a permit issued prior to the occurrence by the Department of Community Services pursuant to its authority to promulgate rules and regulations for the operation of city parks subject to approval of the City Council under Section 8.08.030 of this code.

C. It is unlawful and a misdemeanor for any person to consume an alcoholic beverage at or on the premises of Town Center Community Park, except as follows: on weekends during all hours at which Town Center Community Park is open to the public as designated by the City Council or the Department of Community Services. For purposes of this subsection, the term "weekend" is defined as between 12 a.m. on each Saturday and 12 a.m. on each Monday; on any legal holiday(s) designated by the Department of Community Services; and as authorized by a permit issued prior to the occurrence by the Department of Community Services pursuant to its authority to promulgate rules and regulations for the operation of city parks subject to approval of the City Council under Section 8.08.030 of this code.

D. It is unlawful and a misdemeanor for any person to consume an alcoholic beverage at or on the premises of a posted parking lot or public sidewalks immediately adjacent to, any retail package off-sale alcoholic beverage licensee.

ARTICLE 2 CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS

7.22.200 Consumption of alcoholic beverages, marijuana and other controlled substances by minors prohibited in public places, places open to public, or places not open to public.

Except as permitted by state law, it is unlawful for any minor to:

A. Consume at any public place or any place open to the public any alcoholic beverage, marijuana or other controlled substance; or

B. Consume at any place not open to the public any alcoholic beverage, marijuana, or other controlled substance, unless the minor consumes an alcoholic beverage under the supervision of the minor's parent or legal guardian. (Ord. 494 § 1, 2010; Ord. 435 § 1, 2003)

7.22.210 Hosting, allowing a gathering where minors consuming alcoholic beverages, marijuana and other controlled substances prohibited.

A. (1) Any person who has control of any premises and knowingly hosts, permits, or allows a gathering at the premises must take all reasonable steps to prevent the consumption of alcoholic beverages, marijuana and other controlled substances by any minor at the gathering. "Reasonable steps" include but are not limited to: controlling access to alcoholic beverages, marijuana or other controlled substances at the gathering; controlling the quantity of alcoholic beverages, marijuana or other controlled substances present at the gathering; verifying the age of persons attending the gathering by inspecting government-issued identification cards; and supervising the activities of minors at the gathering.

(2) Whenever a person with control of a premises is present at that premises at the time that a minor possesses or consumes any alcoholic beverage or controlled substance, that person's presence constitutes prima facie evidence the such person had the knowledge or should have had the knowledge specified in subsection (A)(1).

B. This section does not apply to any of the following:

1. conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian, as permitted by Article I, Section 4, of the California Constitution.

2. any California Department of Alcoholic Beverage Control licensee at any premises regulated by the Department of Alcoholic Beverage Control. (Ord. 494 § 1, 2010; Ord. 435 § 1, 2003)

7.22.220 Reservation of legal options.

The City may prosecute violations of this article in the name of the people of the State of California, criminally, civilly, and/or administratively as provided in this code. The City may seek administrative fees and response costs associated with enforcement of this article through all remedies or procedures provided by statute, ordinance, or law. This article does not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out

of conduct regulated by this article or limit the City or state's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this chapter. (Ord. 494 § 1, 2010; Ord. 435 § 1, 2003)

7.22.230 Local authority.

This article does not apply where prohibited or preempted by state or federal law. (Ord. 494 § 1, 2010)

EXHIBIT 12

CHAPTER 7.24 PUBLIC ASSEMBLY

7.24.010 Demonstration equipment prohibited.

No person is permitted to carry or possess any length of lumber, wood, metal or lath while participating in any demonstration, rally, picket line or public assembly, unless that object is one-fourth inch or less in thickness, and two inches or less in width; or, if not generally rectangular in shape, such object may not exceed one-half inch in its thickest dimension.

7.24.020 Police presence at large gatherings—Second response—Fees.

When a peace officer determines that there is or will be a threat to the public peace, health, safety or general welfare from a gathering of persons at any premises, the person in charge of the premises and the person responsible for the event, or if either of those persons is a minor, then the parents or guardians of that minor, are jointly and severally liable for the cost of providing safety personnel (police officer or sheriff's deputy) on special security assignment over and above the services normally provided by the department. The safety personnel utilized during a second response after the first warning, to control the threat to the public peace, health, safety or general welfare, are deemed to be on special security assignment over and above the services normally provided. The costs of such special security assignment may include minor damages to city property and/or injuries to city personnel. The City may recover the actual costs of all special security assignments from the person in charge of the premises and person responsible for the event. The City reserves its legal options to elect any other legal remedies when said costs or damage exceed five hundred dollars. (Ord. 223, 1989)

EXHIBIT 13

CHAPTER 7.26 PUBLIC NUDITY

7.26.010 Purpose and intent.

The presence of nude persons in or on public rights of way, public parks, or any other public land, or in or on any private property open to public view from any public right of way, public park, or other public land, is offensive to members of the general public unwillingly exposed to such persons. Nudity, if it is to be permitted to be exposed to public view, should be confined to a defined area. The provisions of this chapter are enacted for the purpose of securing and promoting the public health and general welfare of all persons in the City. (Amended during 1989 supplement; prior code § 32.1001)

7.26.020 Definitions.

A. For the purposes of this chapter, the following terms have the definitions set forth below:

B. "Nude" means devoid of an opaque covering, which covers the genitals, vulva, pubis, pubic symphysis, pubic hair, buttocks, natal cleft, perineum, anus, anal region, or pubic hair region of any person or any portion of the breast at or below the upper edge of the areola thereof of any female person.

C. "Public place" means any public park, street or waters adjacent thereto, or any place open to the public or exposed to public view, including specifically a view from any private residence or any portion of the real property in the immediate vicinity of such private residence, whether such place is publicly or privately owned. (Prior code §§ 32.1002, 32.1003)

7.26.030 Public nudity prohibited.

It is declared a public nuisance and unlawful for any person to appear, sunbathe, bathe, walk, disrobe, or otherwise be nude in any public place, except in an area expressly set aside for such purpose or in those portions of a location, if expressly set aside for such purpose. (Prior code § 32.1004)

7.26.040 Exceptions.

A. This chapter does not apply to persons under the age of ten years.

B. This chapter does not apply to persons engaged in a live theatrical performance, in a theater, concert hall, or similar establishment which is predominantly devoted to theatrical performances. (Prior code §§ 32.1005, 32.1006)

7.26.050 Effect on statutory provisions.

Nothing contained in this chapter prohibits any act or acts which are expressly authorized or prohibited by the Penal Code of the State of California. (Prior code § 32.1007)

EXHIBIT 14

CHAPTER 7.28 SECURITY AND FIRE ALARM SYSTEMS

7.28.010 Short title.

This chapter is known and may be cited as the security and fire alarm ordinance. (Prior code § 310.101)

7.28.020 Purpose and intent.

The purpose of this chapter is to regulate security and fire alarm systems to protect the public health, safety and welfare of the City and its residents. It is also the purpose of this chapter to provide a system for recovering costs incurred by the City in responding to false alarms from security and fire alarm systems. The volume and frequency of false alarms threatens the welfare of the public by causing a significant impact on limited law enforcement and fire department resources. The unnecessary waste of tax dollars through response to continued false alarms must be reduced.

7.28.030 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "Alarm agent" means any person who is self-employed or employed directly or indirectly by an alarm business whose duties include, but are not limited to, selling, maintaining, installing, monitoring, servicing, repairing, altering, replacing, or taking over any alarm system. This definition does not apply to local safety officers as defined in Government Code 20424.

B. "Alarm business" means any entity who engages in business or accepts employment to install, maintain, alter, sell on premises, monitor, or service security or fire alarm systems, or who responds to security or fire alarm systems. Alarm business, however, does not include a business which merely sells from a fixed location or manufactures security or fire alarm systems unless such business services, installs, monitors or responds to security or fire alarm systems at the protected premises. Alarm business also does not include a property owner or property manager of an apartment complex who provides security alarm systems in each residential unit as an amenity.

C. "Alarm user" means any person who owns, leases, operates, possesses, or controls a security or fire alarm system, or who occupies, controls, or possesses a building or structure protected by a security or fire alarm system.

D. "Audible alarm" means a security or fire alarm system designed to emit an audible sound outside of the protected premises to alert persons of an unauthorized entry on the premises or of the commission of an unlawful act.

E. “Direct contact service” means a device which is connected to a telephone line and upon activation of the security alarm system automatically dials a predetermined telephone number and transmits a message or signal indicating a need for emergency response.

F. “False alarm” means: (1) the activation of a security alarm system due to other than an unauthorized intrusion on the premises or the commission or attempted commission of an unlawful act, which the security alarm system is designed to detect; or (2) the activation of a fire alarm system designed to detect fires or other similar emergency event when no such danger exists. Activation of a security or fire alarm system caused by any malfunction of telephone line circuits or violent natural catastrophic conditions does not constitute a false alarm unless activation is the result of the alarm user’s failure to correct any malfunction within the alarm user’s control.

G. “Fire alarm system” has the same meaning as the definition provided in Chapter 11.18.

H. “Security alarm system” is any device designed for the detection of an unauthorized entry on the premises or for alerting others of the commission of an unlawful act or both, and when activated emits an audible or silent signal or message and to which police are expected to respond. It includes devices that emit a signal within the protected premises only and supervised by the proprietor of the premises where located, and otherwise known as a proprietary alarm. Auxiliary devices installed by a telephone company to protect its systems which might be damaged or disrupted by the use of an alarm system are not included in the definition.

7.28.040 Prohibition.

It is unlawful to use a security alarm system for purposes other than those purposes stated in the application required by Section 7.28.060. (Prior code § 310.107)

7.28.050 Alarm permit and registration-required.

A. Alarm Business. It is unlawful for any person to operate an alarm business in the City without obtaining a city business license as set forth in Chapter 4.02 and filing with the City a copy of such person’s valid state license as required by the State of California.

B. Alarm Users. It is unlawful for any alarm user to own, possess, install, lease, or operate a security alarm system in the City without obtaining an alarm permit as required in this chapter.

C. Alarm Agents. It is unlawful for any person not registered as an alarm agent with the state of California to perform any duties of an alarm agent.

D. If an alarm business or alarm agent uses a security alarm system to protect its premises, it must obtain an alarm permit as required in this section. (Amended during 1989 supplement; prior code § 310.105)

7.28.060 Alarm permit-Requirements.

A. It is unlawful for any person to own, possess, install, lease or use a security alarm system without a separate alarm permit issued by the issuing officer for each security alarm system and each alarmed building. An alarm permit is required for every address where a security alarm system is in use. If an alarm user has one security alarm system protecting more than one address, a separate permit is required for each address.

B. The permit application required under subsection A must state: the number of security alarm systems; the alarm user's name; the address of the premises in or upon which the security alarm system has been or will be installed; user telephone number; the alarm business or operators selling, installing, monitoring, inspecting, responding to and/or maintaining the security alarm system; and, the name and telephone number of at least two persons who can be reached at any time, day or night and who are authorized to respond to an alarm signal and who can open the premises in which the system is installed; any other information required by the city. Each permittee must notify the issuing officer within ten days after any change in the information submitted pursuant to this subsection B.

C. Any person holding an alarm permit must notify the City of any changes to the information provided in the application required by this section within ten days after such changes.

D. An alarm permit is valid for an indefinite period unless there is a change in alarm user, address location of the security alarm system, type of alarm permit or unless an alarm permit is revoked under the provisions of Section 7.28.090, in which case a new permit is required within ten days from the date such change or revocation occurs or an application for a new permit and the appropriate fees paid.

E. Alarm permits are not transferable from person to person or from one location to another location.

F. If a property owner or property manager of an apartment complex or similar multi-unit residential building provides security alarm systems in each residential unit, the owner or property manager must ensure that the alarm user in each unit obtains an alarm permit.

7.28.070 False alarm-Limitations.

A. No person may cause, allow, facilitate, generate, or permit the occurrence of a false alarm.

B. An alarm user who causes, allows, facilitates, generates, or permits a false alarm is liable to the City for the fees established by resolution of the City Council, and if no fee is established by resolution of the City Council, then, beginning with the third violation, in amounts consistent with fines levied in administrative citations pursuant to Chapter 1.08.

C. An alarm user who violates subsection A of this Section must correct or remove the cause of the violation immediately or within a longer time period specified by the City.

7.28.080 False alarm-Determination.

The determination of whether a false alarm occurs is made by the Sheriff's Department for security alarm systems and by the fire chief for fire alarm systems.

7.28.090 Alarm permit – Revocation.

A. In addition to any remedies available for a violation of this code, the issuing officer may revoke a license or permit issued pursuant to this Chapter for the following reasons:

1. Violations of this chapter;

2. Failure to notify the issuing officer of any changes in the written license or permit information within the time limits provided by Section 7.28.060;

3. Failure to pay the fine imposed for violations of this Chapter within thirty days of demand;

4. Failure to comply with any citation issued by the City for a violation of this chapter;

5. Six or more false alarms within any 12-month period.

B. Following revocation of a permit issued pursuant to this chapter, the alarm system may not be used until a new application is filed and a new permit is issued. A new permit will only be issued upon a determination by the issuing officer that the underlying causes of the revocation as specified in subsection A of this section have been fully remedied, removed, or otherwise corrected and all fees have been paid. (Amended during 1989 supplement; prior code § 310.116)

7.28.100 Audible signal.

An alarm user must terminate the emission of an audible signal within thirty minutes of its being activated. The Sheriff has the right to take such steps as may be necessary and reasonable to disconnect any audible alarm that is not terminated within thirty minutes. (Prior code § 310.109)

7.28.110 Direct contact device.

No person may equip a security alarm system with a direct contact device or any direct line equipment which, when activated, will automatically dial a telephone number in or signal directly any office of the Sheriff's Department. (Prior code § 310.108)

7.28.120 Repairs and service.

The owner of every audible alarm system must post in a readily identifiable location the names and telephone numbers of persons to be notified to render repairs or service twenty-four hours a day. (Prior code § 310.111)

7.28.130 Liability.

The City has no duty or obligation to a permittee or any other person by reason of any provision of this chapter. (Amended during 1989 supplement; prior code § 310.117)

7.28.140 Responsibility.

It is the responsibility of the alarm business or the alarm agent or both to inform their respective security alarm system users of the provisions of this chapter. An alarm business may obtain the necessary permits for the alarm user. (Amended during 1989 supplement; prior code § 310.110)

7.28.150 Confidentiality.

To the extent authorized by state law, the information furnished to the City pursuant to this chapter will be confidential in character and will not be subject to public inspection and will be kept so that the contents thereof will not be known except to persons charged with the administration of this chapter. (Prior code § 310.121)

7.28.160 Exceptions.

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

1. alarm systems used by the Federal Deposit Insurance Corporation insured institutions, or to alarm systems affixed to automobiles, boats, boat trailers, recreational vehicles and aircraft;

2. to municipal, county, state and federal agencies;

3. personal medical alarm systems. (Prior code §§ 310.119, 310.120)

EXHIBIT 15

CHAPTER 7.30 SMOKING AND TOBACCO PROHIBITIONS

7.30.010 Legislative findings and declarations.

A. The purposes and intent of this chapter are to:

1. Protect against wildfires;

2. Promote the welfare of minors by discouraging the commercial exploitation of potential underage tobacco users;

3. Discourage actions that promote the unlawful sale of tobacco products to minors as well as the unlawful purchase or possession of tobacco products by minors. (Ord. 406 § 1, 2001)

7.30.020 Definitions.

For the purposes of this article, the following terms are defined as set forth in this chapter:

A. "Arcade" is any establishment with the City of Santee (other than a pool hall, billiard hall or card room) open to the public with six or more games of skill or amusement installed on the premises.

B. "Business" means any sole proprietorship, joint venture, corporation or other business entity formed for profit making purposes, including retail establishments where goods or services are sold, as well as professional corporations and other entities where legal, medicinal, dental, engineering, architectural or other professional services are delivered.

C. "Distribution" means to give, sell, deliver, dispense, issue, or cause or hire any person to give, sell, deliver, dispense, issue or offer to give, sell, deliver, dispense or issue.

D. "Minor" means any individual who is younger than twenty-one years old.

E. "Playground" means any outdoor premises or grounds owned or operated by the City, a public or private school, child care center, youth or recreational center, which contains any play or athletic equipment, used or intended to be used by minors.

F. "Promotion" includes a display of any logo, brand name, character, graphics, colors, scenes, or designs that are trademarks of a particular brand of tobacco product, on any door, sign, poster, banner, pamphlet or other paper, clock, display, display rack, ashtray, trash can, t-shirt or other clothing, lighter or other device.

G. "Public trail" means any route, path, or trail, identified in the Trails Element of the Santee General Plan, designated as such by the Director of Community Services, or posted as such through signage.

H. “Publicly visible location” means any location that is open to or visible to the public from any street, sidewalk or other public thoroughfare, and includes the placement of outdoor signs such as billboards, signs attached to poles, posts or other fixtures, signs attached to the outside of buildings, signs placed in the windows or doors of buildings that are visible to passers-by, and free standing signs on the sidewalk.

I. “Self-service display” means an open display of tobacco products that the public has access to without the intervention of an employee.

J. “Smoke” or “smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoke” or “smoking” includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device.

K. “Tobacco accessories” means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed primarily for the smoking or ingestion of tobacco products.

L. “Tobacco product” means any of the following:

1. A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.

2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

3. Any component, part, or accessory of a tobacco product, whether or not sold separately.

"Tobacco product" does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.

M. “Tobacco vending machine” means any electronic or mechanical device or appliance the operation of which depends upon the insertion of money, whether in coin or paper bill, or other thing representative of value, which dispenses or releases a tobacco product and/or tobacco accessories.

N. “Vendor-assisted” means that only a store employee has access to the tobacco product and assists the customer by supplying the product. The customer does not take possession of the product until it is purchased. (Ord. 406 § 1, 2001)

7.30.040 Tobacco vending machines unlawful; exception.

No person is permitted to locate, install, keep, maintain or use, or permit the location, installation, keeping, maintenance or use a tobacco vending machine on that person's premises, except as permitted by state law; provided that any establishment that installs, keeps, maintains or uses a tobacco vending machine must also prohibit minors from entering the premises and must only locate any tobacco vending machine where an employee or agent of the licensee is able to observe its use all times. (Ord. 328, 1994)

7.30.100 Identification required for purchase of tobacco products.

It is unlawful for any person, business or tobacco retailer to sell any tobacco product to any individual who appears to be younger than twenty-seven years of age, without first verifying by means of photographic identification containing the bearers date of birth, that the purchaser is not a minor, unless the seller has some other reliable basis for determining the purchaser's age. (Ord. 406 § 1, 2001)

7.30.110 Sale and distribution of tobacco products.

It is unlawful for any person, business, or tobacco retailer to sell, permit to be sold, offer for sale or display for purposes of sale, by means of self-service displays or by any means other than vendor-assisted sales, any tobacco products. (Ord. 406 § 1, 2001)

7.30.120 Distribution of tobacco samples or promotional items.

It is unlawful for any person, business, or tobacco retailer to distribute free tobacco products or promotional items, except in enclosed areas where minors are not permitted. (Ord. 406 § 1, 2001)

7.30.130 Posting of signs regarding sales to minors.

A. Every person who sells or deals in tobacco products must post conspicuously in his or her place of business at each point of purchase a notice stating that the sale of tobacco products to minors is prohibited by law and subject to penalties. The notice must also state that photo identification is required to purchase tobacco products. The letters of the sign must be at least one-half inch in height.

B. Any sign meeting the content requirements of California Business and Professions Code Section 22952(b) and the posting requirements of California Penal Code Section 308(c) satisfies subdivision A.

C. It is unlawful for any person who sells or deals in tobacco products to fail to post a sign in accordance with this section. (Ord. 406 § 1, 2001)

7.30.140 Banning unpackaged tobacco or smoking products.

No person, business, tobacco retailer or other establishment is permitted to sell or offer for sale cigarettes or other tobacco or smoking products not in the original packaging provided by the manufacturer. (Ord. 406 § 1, 2001)

EXHIBIT 16

CHAPTER 7.32 SOLICITATION

7.32.010 Soliciting prohibitions

A. It is unlawful for any person to solicit any person in an operating vehicle or conveyance of any character on any public highway in the City. (Prior code § 38.101)

B. Except as otherwise permitted in Title 10, it is unlawful to stand or park any vehicle or structure wholly or partly in any city street for the purpose of selling the vehicle or structure, or for the purpose of soliciting, selling, bartering or exchanging therefrom or therein.

C. It is unlawful for any person to solicit in the following locations:

1. Bus stops;

2. Public transportation facilities or vehicles;

3. Within fifty feet of a signalized intersection;

4. Within twenty feet in any direction of an ATM machine or bank entrance or exit.

D. For purposes of this section, “solicit,” mean to ask for money, goods, patronage, or services whether by words, bodily gestures, signs, printed matter, or other means.

7.32.020 Aggressive Solicitation.

A. It is unlawful for any person on the streets, sidewalks, or other places open to the public, whether publicly or privately owned, to coerce, threaten, harass, or intimidate another person for the purpose of soliciting money or goods.

B. For the purposes of this section, a person “coerces, threatens, harasses or intimidates another person” when:

1. The solicitor’s conduct would cause a reasonable person in the position of the solicitee to fear for their safety;

2. The solicitor intentionally blocks the path of the solicitee;

3. The solicitor persists in following the solicitee closely, and continues to demand money or other things of value after the solicitee has rejected the solicitation by words or conduct;

4. The solicitor blocks, obstructs, or prevents the free access to the entrance of any building open to the public; or

5. The solicitor fails to comply with any posted sign or signs indicating times, manners, or places where soliciting is permitted. Any such sign must contain lettering in a font size of at least 1/2 inch in height.

C. For the purposes of this section, the following facts, among others, are relevant in deciding whether a reasonable person would have cause to fear for their safety:

1. The solicitor making physical contact with the solicitee; or

2. The proximity of the solicitor to the solicitee; or

3. The duration of the solicitation; or

4. The solicitor's making threatening gestures or other threatening conduct, including closely following the solicitee.

(Ord. 523 § 2, 2013; Ord. 489 § 3, 2009; Ord. 333, 1995)

EXHIBIT 17

CHAPTER 7.34 UNAUTHORIZED ATTACK WARNING

7.34.010 Attack warning signal.

"Attack warning signal" means a three to five-minute wavering tone on sirens, or a series of short blasts on horns or other devices, or any other communication that warns of a threat or attack against the City that protective measures should be taken immediately. (Amended during 1989 supplement; prior code § 31.201)

7.34.020 Sounding of signal authorized.

The City Manager is authorized and directed to sound an attack warning signal when the City is notified to do so by the National Warning System. (Amended during 1989 supplement; prior code § 31.202)

7.34.030 Simulating signals without authority unlawful.

No person is permitted to operate a siren, whistle or other audible or legible device in a manner that simulates an attack warning signal, except on order of the City Manager. (Prior code § 31.203)

EXHIBIT 18

CHAPTER 7.36 UNLAWFUL PRICING PRACTICES

7.36.010 Authority

Pursuant to California Penal Code Section 396(i), municipalities are authorized to enact local legislation prohibiting excessive and unjustified increases in the prices of essential consumer goods and services when a declared state of emergency results in abnormal disruptions of the market. This Division does not apply where prohibited or preempted by state or federal law.

7.36.020 Purpose

It is the intent of the City Council to ensure that citizens are protected from excessive and unjustified increases in the prices charged during or shortly after a declared state of emergency, local emergency, or state of war emergency for goods and services that are vital and necessary for the health, safety, and welfare of consumers. This chapter applies apply when there is a proclamation of a state of emergency, local emergency, or state of war emergency declared by the President of the United States or the Governor, or the City . This chapter also applies to declarations of a state of emergency, local emergency, or state of war emergency outside the jurisdiction of the City of Santee which causes excessive and unjustified increases in the prices of goods and services vital and necessary for the health, safety, and welfare of consumers within the City of Santee.

7.36.030 Definitions

A. “Consumer food item” means any article that is used or intended for use for food, drink, confection, or condiment by a person or animal.

B. “Repair or reconstruction services” means services performed by any person who is required to be licensed under the Contractors’ State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code), for repairs to residential or commercial property of any type that is damaged as a result of any type that is damaged as a result of a disaster.

C. “Emergency supplies” includes, but is not limited to, water, flashlights, radios, batteries, candles, blankets, soaps, diapers, temporary shelters, tape, toiletries, plywood, nails and hammers.

D. “Medical supplies” includes, but is not limited to, prescription and nonprescription medications, bandages, gauze, isopropyl alcohol, and antibacterial products.

E. “Building materials” means lumber, construction tools, windows, and anything else used in the building or rebuilding of property.

F. “Gasoline” means any fuel used to power any motor vehicle or power tool.

G. “Transportation, freight, and storage services” means any service that is performed by any company that contracts to move, store, or transport personal or business property or rents equipment for those purposes.

H. “Housing” means any rental housing leased on a month-to-month or one year term.

I. “Goods” has the same meaning as defined in subdivision (c) of Section 1689.5 of the Civil Code.

7.36.040 Unlawful pricing practices

A. Upon the proclamation of a state of emergency, local emergency, or state of war emergency as provided in Title 2, and for a period of 30 days following the proclamation, it is unlawful for any person to sell or offer to sell any consumer food items or goods, goods or services used for emergency cleanup, emergency supplies, medical supplies, home heating oil, building materials, housing, transportation, freight and storage services, or gasoline or other motor fuels for a price of more than 10 percent above the price charged by that person for those goods or services immediately prior to the proclamation.

B. Notwithstanding subdivision A, a price increase is not unlawful if the person charging the price can prove that the increase in price was directly attributable to additional costs imposed on it by the supplier of the goods, or directly attributable to additional costs for labor or materials used to provide the services, provided that in those situations where the increase in price is attributable to additional costs imposed by the sellers’ supplier or additional costs of providing the good or service during the state of emergency, local emergency, or state of war emergency, the price represents no more than 10 percent above the total of the cost to the seller plus the markup customarily applied by the seller for that good or service in the usual course of business immediately prior to the onset of the state of emergency, local emergency, or state of war emergency. A business offering an item for sale at a reduced price immediately prior to the proclamation of the state of emergency, local emergency, or state of war emergency may use the price at which it usually sells the item to calculate the price pursuant to this section.

C. The City Council may extend the provisions of this section for additional 30-day period if necessary to protect the lives, property, or welfare of the citizens.

D. In addition to all remedies available to the City to enforce this chapter, a violation of this section constitutes an unlawful business practice and an act of unfair competition within the meaning of Section 17200 of the California Business and Professions Code. The remedies and penalties provided in this section are cumulative to each other, the remedies under Section 17200 of the California Business and Professions Code, and the remedies or penalties available under all other laws of this State.

EXHIBIT 19
CHAPTER 7.36 DEEMED APPROVED ALCOHOL SALES

7.38.010 Title, Purpose and general plan consistency

A. Title. This Chapter is known as the "Deemed Approved Alcohol Sales" ordinance.

B. Declaration of Need.

1. The City recognizes the need to regulate the sale of alcoholic beverages at commercial establishments to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare by requiring that all alcoholic beverage serving establishments lawfully operating pursuant to a valid ABC license (that authorizes the retail sale of alcoholic beverages for either on-site or off-site consumption) comply with the deemed approved performance standards of this chapter.

2. The regulations herein are consistent with Land Use Element of the General Plan's goal to minimize land-use conflicts and maximize mutual benefits between adjacent land uses.

C. Purposes. The purposes of this Chapter are to:

1. Protect residential, commercial, industrial, and civic areas from the harmful effects attributable to the sale of alcoholic beverages and minimize the adverse impacts of nonconforming and incompatible uses;

2. Provide opportunities for alcoholic beverage serving establishments to operate in a mutually beneficial relationship to each other and to commercial and residential uses;

3. Provide mechanisms to address problems often associated with the public consumption of alcoholic beverages such as litter, loitering, graffiti, unruly behavior and escalated noise levels;

4. Provide that alcoholic sales establishment activities are not the source of undue public nuisances in the community;

5. Provide for properly maintained alcoholic sales establishments so that the secondary negative impacts generated by these activities on the surrounding environment are mitigated;

6. Monitor deemed approved activities so that they do not substantially change in mode or character of operation.

7.38.020 Applicability of Deemed Approved Alcoholic Beverage Sale Regulations

A. Applicability. The deemed approved alcoholic sales ordinance applies, to the extent permissible under other laws, to all alcoholic beverage serving establishments lawfully operating pursuant to a valid ABC license (that authorizes the retail sale of alcoholic beverages for on-site or off-site consumption) within the City as of the effective date of the ordinance codified in this chapter.

B. Duplicated Regulations. Whenever any provision of the deemed approved alcoholic sales ordinance and any other provision of law, whether set forth in this Code, or in any other applicable law, ordinance, or resolution of any kind, imposes overlapping or contradictory regulations, or contain restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in the deemed approved alcoholic sales ordinance.

C. Relationship to State and Federal Regulations. The deemed approved alcohol sales ordinance is imposed as a matter of municipal law and is in addition to any federal regulations or state alcoholic beverage regulations or license or permit conditions that may apply.

7.38.030 Definitions.

The meaning and construction of words and phrases as hereinafter set forth apply throughout the deemed approved alcoholic sales ordinance, except where the context of such words or phrases clearly indicates a different meaning or construction.

"ABC" means the California Department of Alcoholic Beverage Control.

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

"Alcoholic beverage serving establishment" means any establishment engaged in the retail sale (pursuant to a valid ABC license) of any alcoholic beverage for on-site or off-site consumption. The term alcoholic beverage serving establishment shall include: (1) any alcoholic beverage serving establishment that is not in existence on the effective date of the ordinance codified in this chapter, but that is later permitted by the City and issued a valid ABC license; (2) any alcoholic beverage serving establishment engaged in the retail sale of any alcoholic beverage pursuant to a conditional use permit, adopted prior to the effective date of the ordinance codified in this chapter, and a valid ABC license; and (3) any legal alcoholic beverage serving establishment activity operating pursuant to a valid ABC license.

"Alcoholic beverage serving establishment activity" means the lawful operation of retail sale, for on- or off-site consumption, of liquor, beer, wine or other alcoholic beverages.

"Condition of approval" means a requirement which must be carried out by the activity in order to retain its deemed approved status.

"Deemed approved activity" means any alcoholic beverage serving establishment lawfully operating pursuant to a valid ABC license (that authorizes the retail sale of alcoholic beverages for on-site or off-site consumption) as long as it complies with the deemed approved performance standards as set forth in Section 7.38.040 of this chapter.

"Deemed approved performance standards" means regulations contained in Section 7.38.040 of this chapter.

"Deemed approved status" means the status conferred upon a deemed approved activity when it complies with previous approvals and meets the standards of Section 7.38.040 of this chapter.

"Mini-Bottle of Liquor" means bottles containing 1.7 ounces or 50 milliliters of alcohol or less and which sometimes known as an "airplane bottle."

"Premises" means the actual space within a building or any area either directly or indirectly supporting alcoholic beverage sales.

7.38.040 Deemed Approved Performance Standards and Deemed Approved Activities.

The provisions of this section are known as the deemed approved performance standards. The purpose of these standards is to control dangerous or objectionable environmental effects or potential effects of alcoholic beverage serving establishment activities. These standards apply, upon the effective date of the ordinance codified in this chapter, to all deemed approved alcoholic beverage serving establishment activities (i.e., possessing deemed approved status pursuant to this chapter).

Deemed approved status may only be maintained if each activity of the alcoholic beverage serving establishment complies with all of the following deemed approved performance standards:

A. Does not result in repeated nuisance activities within the premises or in close proximity of the premises, including, but not limited to, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises (especially in the late night or early morning hours) traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

B. Complies with the conditions of any approved conditional use permit.

C. Complies with the conditions on an approved ABC license.

D. Complies with City conditions developed during the ABC application process, including but not limited to, the determination that a Public Necessity or Convenience is served by any new application.

E. Does not result in violations to any applicable City, state or federal laws or regulations, ordinance or statute.

F. Maintains and operates the premises in a manner compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

G. Locates displays of mini-bottles of liquor behind a counter where only staff has access or a minimum of 20 feet away from any entrance to the premises.

H. Posts "No Loitering" signs upon written notice from ABC or the City.

I. Posts "No Open Container" signs upon written notice from ABC or the City.

J. Removes litter daily from the premises, including adjacent public sidewalks and parking lots under the licensee's control and sweeps/cleans these areas weekly.

K. No more than 25% of the square footage of the windows and clear doors of the premises is covered with advertising or signs of any sort.

7.38.050 Automatic Deemed Approved Status.

All alcoholic beverage serving establishments, new or existing, as of the effective date of this deemed approved alcohol sales ordinance are deemed approved activities. Each such deemed approved activity retains its deemed approved status as long as it complies with the deemed approved performance standards.

7.38.060 Notification to Owners of Deemed Approved Activities.

The City or its designated enforcement authority shall:

A. Provide a notice to the owner of each alcoholic beverage serving establishment with deemed approved status within the City, and also the property owner (if not the same), of the establishment's deemed approved status authorizing the establishment to lawfully continue its operation in the manner required by this chapter.

B. Provide the owner of any alcoholic beverage serving establishment with deemed approved status with a copy of Municipal Code Chapter 7.38 (Alcohol Sales and Deemed Approved Alcohol Sales Regulations); inform the owner of the requirement that the establishment shall be operated in accordance with the deemed approved performance standards.

C. Send the notices via first class and certified return receipt mail. If any notice is returned, the notice must be sent via regular U.S. mail. Failure of any person to receive notice given pursuant to this chapter does not affect the deemed approved status of the activity.

7.38.070 Procedure for Violations of Deemed Approved Performance Standards and/or Conditions of Approval.

Violations of the deemed approved performance standards and failure to comply with any condition of approval may be enforced by any means available to the City, including but not limited to the administrative citation process in Chapter 1.08.

ORDINANCE NO. 561

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, RESTATING, AMENDING, AND RECODIFYING TITLE 8 OF THE SANTEE MUNICIPAL CODE RELATING TO PUBLIC WORKS AND PUBLIC PROPERTY

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify its ordinances. Government Code section 50022.9 authorizes a city to adopt county codes by reference;

WHEREAS, in Ordinance 1, adopted as the first act of the City of Santee ("City") on December 2, 1980, the City temporarily adopted all county ordinances of the County of San Diego as its municipal code (the "Santee Municipal Code");

WHEREAS, in Ordinances 14 and 18, the City extended the validity of the county ordinances to provide additional time for the City to adopt its own ordinances;

WHEREAS, the City has not adopted a comprehensive code of ordinances, but has amended the county's ordinances in a piecemeal fashion more than 300 times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the City Council of the City of Santee held a series of public meetings to consider proposed restatement, amendment, and recodification issues for each title of the Santee Municipal Code as follows:

March 8, 2017	Titles 1 and 2
September 6, 2017	Titles 3 and 5
February 14, 2018	Titles 6, 8, and 9
March 28, 2018	Titles 12 and 13
August 8, 2018	Title 10
September 26, 2018	Titles 6, 15, and 16
November 14, 2018	Title 17

WHEREAS, the City desires to restate without substantive revision, amend, and recodify the ordinances codified in the Santee Municipal Code;

WHEREAS, the amendments to the Santee Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance;

WHEREAS, the descriptions included in the council agenda statement, staff report, and minutes contain the findings of the City Council in support of this Ordinance and serve as evidence of the City Council's intention in adopting this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. **Existing Law Continued**. The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance;

2.1.3. The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance;

2.1.4. Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance, resolution, or regulation;

2.1.5. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the Santee Municipal Code;

2.1.6. Santee Municipal Code sections cited on signs, forms, notices, or other materials within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in the new Santee Municipal Code for purposes of notice and enforcement.

2.2. **Exclusions from code**. Every ordinance governing the following subject matter is not affected by the adoption of this Ordinance:

2.2.1. Alteration of city boundaries;

2.2.2. Contracts to which the city is a party;

2.2.3. Elections to which the city is a party;

2.2.4. Fixing the rate and making a levy of city taxes;

2.2.5. Granting, altering or withdrawing a franchise;

2.2.6. Land use classifications of specific property;

2.2.7. Naming roads and streets.

2.3. **References to Prior Ordinances Apply to All Amendments.** Whenever a reference is made to this code as the "Santee Municipal Code" or to any portion thereof, or to any ordinance of the City of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.4. **Title, Chapter, and Headings**. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

2.5. **References to Specific Ordinances and Code Sections**. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Santee Municipal Code. Renumbering and relabeling of existing ordinance, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.6. **Effect of Ordinance on Past Actions**, **Obligations and Irregularities**. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict

therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the City, do not revive any rights repealed or extinguished by any prior ordinance of the City which is repealed by this Ordinance.

2.7. **Effect of Ordinance on Period of Limitation**. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.8. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Title 8 “Public Works and Public Property” of the Santee Municipal Code is hereby restated and amended as follows:

3.1. Chapter 8.02 “Encroachments” is restated and amended as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.2. Chapter 8.04 “Protection of Public Highways” is restated and amended as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.3. Chapter 8.06 “Urban Forestry” is restated and amended as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.4. Chapter 8.08 “City Parks” is restated and amended as set forth in Exhibit 4 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.5. Chapter 8.12 “Special Events” is restated and amended as set forth in Exhibit 5 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that the recodification, restatement, and amendment of the

Santee Municipal Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has "the potential for causing a significant effect on the environment." (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." (*Ibid*.) Here, the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 5. Codification. The City has adopted the "City of Santee Municipal Code Editorial Guidelines," and, except as otherwise provided herein, authorizes Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinance to the guidelines. In the event a substantive conflict arises on the basis of the changes authorized by this Section, the language adopted by this Ordinance prevails. The City Clerk is authorized to provide certified copies and notice of this Ordinance or any part of this Ordinance required or advised by the law or any regulation.

SECTION 6. Parentheticals. Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the Santee Municipal Code.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Santee 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 section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary or 1/4 page advertisement of the same to be published as required by law.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 22 day of May 2019, and thereafter

ADOPTED at a Regular Meeting of the City Council held on this 26 day of June 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____
JOHN MINTO, MAYOR

ATTEST:

_____
ANNETTE ORTIZ, CITY CLERK

EXHIBIT 1

CHAPTER 8.02ENCROACHMENTS

ARTICLE 1 GENERAL PROVISIONS

8.02.100 Scope.

The City owns various interests in real property, including, streets, alleys, easements, and interests in fee. From time to time, public and private utilities, governmental agencies, private individuals and businesses request the use of the City's real property. The purpose of this chapter is to establish policies, procedures, and fees whereby others may encroach upon real property in which the City has legal interests. The provisions of this chapter apply to the placing, changing, or renewing of an encroachment. (Ord. 403 § 2, 2000)

8.02.120 Definitions.

A. In addition to the meaning ordinarily ascribed thereto, "building or structure" includes any machine, implement, device, tree, derrick, stage or other setting, lumber, sash or door, structural steel, pipe bend, transformer, generator, punch, agitator, object or thing having a width of more than eight feet, other than any implement of husbandry or any special mobile equipment, as defined in the vehicle code of the State of California, having a width of ten feet or less. The term also includes a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum permitted by the vehicle code.

B. "Commercial driveway" means any driveway that is not a "residential driveway" as defined in this section.

C. "Delineate" means to mark in white the location or path of the proposed excavation in accordance to Government Code Section 4216.

D. "Driveway" includes both commercial and residential driveways.

E. "Director" means the director of the Department of Development Services and any subsequent title for this department head, or his or her duly authorized representative.

F. "Drop box" means any permanent structure located within the public right-of-way for the purpose of depositing and collecting packages for shipment, except mailboxes owned and maintained by the United States.

G. "Excavation" means any operation in which earth, rock, asphalt, concrete, or other material in the ground I moved, removed, or otherwise displaced by means of tools, equipment, or explosives in any of the following ways: grading, trenching, digging, ditching, drilling, augering, tunneling, scraping, boring, cable or pipe plowing and driving or any other way.

H. "Encroachment" means any tower, pole, pole line, pipe, pipeline, driveway, private road, fence, sign, billboard, stand or building, or any structure or object of any kind or

character not particularly mentioned herein, which is placed in, under or over any portion of the public way, temporarily or permanently.

I. "Facility" means pipelines, valves, cables, conduits, lines, boxes, vaults, cabinets, poles, pedestals, manholes, hand holes and all other related components of underground and above ground devices for the purpose of electrical, gas, water, sewer, and communication service and distribution.

J. "Graffiti" has the meaning set forth in Chapter 7.16.

K. "Markouts" means the identification of a utility facility by the use of any form of paint, chalk, felt tip marker, staking, flags, pen or etching tools.

L. "Permittee" means the person to whom the encroachment permit is issued.

M. "Protective measures" means any barricades, traffic control devices, trench plates or similar such devices intended to give warning and protect the public from injury or loss resulting from the placement of an encroachment within the public way.

N. "Public way" means any public highway, public street, public right-of-way, easement, or public place in the City either owned by the City or dedicated to the public.

O. "Publication stand" means any permanent structure located within the public right-of-way for the purpose of selling or distributing newspapers, magazines, advertisements, or similar publications.

P. "Residential driveway" means any driveway serving any property which is used solely as a private residence consisting of one, two, or three dwelling units including farms or ranches which are not used as retail outlets.

Q. Requestor" means the person requesting utility markouts for construction.

R. "Surface utility structures" means utility structures located within the public right-of-way at or above the existing or proposed grade, including but not limited to electrical transformers, telephone and cable television pedestals, hand holes, pull boxes, meter boxes, valve boxes and signal traffic controllers.

S. "Ticket" means an excavation location request issued a number by the regional notification center including but not limited to the Underground Service Alert – Southern California.

T. "Utility" means any publically owned or privately owned entity who owns, maintains, or operates facilities within the public right-of way or easements providing the following services; electrical, natural gas, water, sewer, phone, television, internet, wireless communication, data or any other form of communication.

U. "Utility Locator" means any person working for a utility as an employee or on behalf of a utility for the purpose of field locating utilities and marking out the utilities facilities.

V. "Width" means that dimension measured at right angles to the anterior-posterior axis of the conveyance upon which the building or structure or portion thereof or is to be loaded or moved, or to the median line of the public way over which the same is being or is to be moved. (Ord. 477 § 1, 2008; Ord. 403 § 2, 2000)

ARTICLE 2 PERMIT REQUIREMENTS

8.02.200 Permit—Required.

A. It is unlawful for any person, except for the City and its contractors, to place, change or renew an encroachment in, under or over any portion of a public way without first obtaining an encroachment permit from the director in accordance with this chapter, unless specifically exempted herein.

B. Except as provided in Section 8.02.205, no person is permitted to paint or cause to be painted house numbers on curbs on, along or over a highway without first obtaining an encroachment permit and meeting the standards listed below.

1. All numbers must be four inches high with a half-inch stroke.

2. Numbers must be black in color, painted on a white background.

3. House numbers must be painted on the vertical face of the curb.

4. The previous numbers must be completely painted over or removed.

5. Any business involved in painting house numbers on curbs must first obtain a city business license and regulatory permit and must not obstruct traffic, including bicycles and pedestrians, in any way while paining house numbers.

6. Notices distributed by curb painting companies must be approved by the City. The notice must state that house number painting is not mandatory and must contain the name and telephone number of the company.

7. No business may paint house numbers on curbs without the prior written approval of the affected property owner. (Ord. 403 § 2, 2000)

8.02.205 Permit—Exemptions.

Unless otherwise provided, the following are exempt from the requirement for an encroachment permit in Section 8.02.200:

A. The City's placement of signs and other structures.

B. Temporary, non-commercial signs authorized pursuant to Chapter 13.32 of this code. No sign may be placed within medians or at such locations that block vehicle sight distance or otherwise create a safety hazard to motorists or pedestrians.

C. Homeowners who wish to paint house numbers on their curb are not required to obtain an encroachment permit but must follow the standards pertaining to size, color and location identified above. (Ord. 403 § 2, 2000)

D. Emergency repair work conducted by employees or contractors of the United States, this state, school districts, other public district or public body or public utility agencies subject to regulation by the public utilities commission of the State of California necessary for the maintenance of service. In such event, however, a report of the excavation in such form as may be required by the director must be submitted to the director within twenty-four hours after the excavation is made and the person making an excavation must obtain a permit for the excavation within five days after the excavation commences. All provisions of this chapter for the protection of the public and governing repairs to the public way apply to the same extent as where applications and permits are required. All fees listed in Section 8.02.215 must be paid with each such report as would otherwise be required for a permit.

E. Any person who is subject to the rules and regulations of the public utilities commission of the State of California is not required to obtain a permit to install, maintain, replace, repair or relocate any telephone or electric pole, anchor, or overhead lines. However, any person exempted by this section from obtaining a permit is deemed to be a "permittee" under a blanket permit while performing any work referred to in this section and must comply with all regulations and requirements of this chapter imposed on a permittee. No person is exempted by this section unless such person has on file with the director a signed and unrevoked statement required by Section 8.02.220.C.

F. Nothing in this chapter prohibits any person from conducting any maintenance required by law, ordinance or permit, on any pipe or conduit in any public way, or from making such excavation as may be necessary for the preservation of life or property, if the necessity arises when the City offices are closed. Any person making an excavation contemplated by this section must provide notice to the director within 24 hours of making the excavation and obtain a permit for the excavation within five days after the City offices first open after making the excavation. (Ord. 403 § 2, 2000)

8.02.210 Permit—Application and issuance.

A. An application for a permit required pursuant to this chapter must be made in writing on a form supplied by the director.

B. Any permit issued pursuant to this chapter is subject to the following conditions

1. that if the permit expires, is revoked by the City, or the public way is vacated or abandoned, the permittee will, immediately and to the satisfaction of the director, restore the public way to the same or better condition than it was on the date that the permit was issued;

2. that the permittee indemnifies and holds harmless the City and any officer or employee from any liability or responsibility for any accident, loss or damage to persons or property, happening or occurring resulting from any placement, change

or renewal of an encroachment and that all of the liabilities are assumed by the permittee;

3. that the permittee and any successors or assigns will, at their own expense, remove or relocate any encroachment that interferes with the improvement, grading or realignment of the public way by the City or other city project.

8.02.215 Permit—Fees, security deposit.

Every person applying for a permit required by this chapter must pay the following, in the amounts established by the City Council:

A. a permit fee;

B. engineering and inspection fees or a general deposit; and

C. a security deposit or performance bond.

8.02.220 Security deposit.

A. The security deposit required by this chapter must be in an amount which the director determines is necessary to guarantee completion of the work contemplated under the permit and restoration of the public way.

B. If work under an active encroachment permit is on-going, a permittee must replenish any security deposit within fourteen days after written notice from the City that there is a deficiency in the amount of the fund.

C. A security deposit is not required under the following circumstances:

1. If the United States, the state, school districts, public utilities, other public district or public body files with the director a written guarantee of payment of all costs for which they may become liable to the City, then a security deposit, at the discretion of the director, may not be required from such persons.

2. If the permit is secured under a separate subdivision improvement agreement or right-of-way improvement agreement.

3. If the permittee is a telecommunications carrier or provider and has already provided a security deposit in accordance with Title 11 of this code. (Ord. 403 § 2, 2000)

8.02.225 Deductions from security deposit.

A. The City may deduct from the security deposit the cost to the City of the placement of protective measures, if required, and the removal of the encroachment and restoration of the public way if the permittee fails or refuses to do so.

B. Before any sums are withdrawn from the security deposit, the City will give written notice to the permittee of the following:

1. the act, default or failure to be remedied, or damages, cost or expenses which the City has incurred by reason of permittee's act or default;

2. a reasonable opportunity for permittee to first remedy the existing or ongoing default or failure, if applicable;

3. a reasonable opportunity for permittee to pay any monies due before the City withdraws the amount thereof from the security deposit, if applicable;

4. that the permittee will be given an opportunity to review the act, default or failure described in the notice with the director. (Ord. 403 § 2, 2000)

8.02.230 Performance bond in lieu of security deposit.

If a security deposit required by this chapter exceeds three thousand dollars, the director may allow the permittee to secure any excess above three thousand dollars to be secured by a faithful performance bond, letter of credit or other security in a format acceptable to the City Attorney. (Ord. 403 § 2, 2000)

8.02.235 General deposit.

Encroachments subject to full cost recovery, as set forth by resolution of the City Council, must make a general deposit in an amount estimated by the director to be sufficient to pay the cost of the permit issuance and engineering and inspection fees. The general deposit is in addition to any security deposits that may be required under Section 8.02.220. (Ord. 403 § 2, 2000)

8.02.240 Deductions from general deposit.

The City may deduct monthly from the general deposit required by this chapter the costs for the permit review and issuance and for the administration and inspection of the construction or installation of the proposed encroachment. (Ord. 403 § 2, 2000)

8.02.245 Billing in lieu of deposits.

The director may authorize billing of any or all fees required by this chapter for any public utility agencies who perform work within the public way on a continuing and regular basis. When billing has been authorized, the agency requesting an encroachment permit must place a general deposit in an amount satisfactory to the director to guarantee payment of the invoiced fees. The agency requesting the permit will be invoiced on a frequency acceptable to the director of finance but not less than semi-annually. Invoiced fees are be due and payable within thirty days after receipt of the invoice. Amounts not paid within the due date may be deducted from the general deposit. (Ord. 403 § 2, 2000)

8.02.250 Annual permits.

The director may authorize issuance of an annual encroachment permit to public utility agencies who perform a high volume of work within the public way on a continuing and regular basis. Issuance of an annual permit requires execution of an agreement in a form prescribed by the director and approved by the City Attorney. The fee for the permit is set by resolution of the City Council. (Ord. 403 § 2, 2000)

8.02.255 Additional deposit.

If, in the opinion of the director, any special or general deposit is not sufficient for the purpose of which it is intended, the director may require an additional deposit in such amount determined to be sufficient to protect the public interest. (Ord. 403 § 2, 2000)

8.02.260 Permit—Application—Approval.

A. The director must not approve an application for an encroachment permit from any person, unless the proposed work will not significantly damage the public ways or create an unreasonable risk of harm to persons or property, or unless the approval of the application is in the public interest.

B. Notwithstanding subsection A, the director may approve an encroachment permit application subject to conditions, including measures to protect the traveling public, if the director determines that by doing so it would be in the public interest, no significant damage to the public ways would be created, and no unreasonable risk of harm to persons or property would be created. Nothing in this subsection requires the director to approve an application subject to conditions.

C. Notwithstanding the provisions of subsection A of this section, the director will approve an encroachment permit application, subject to conditions, for any public agency or public utility with lawful authority to occupy the public ways and authorized by law to establish or maintain any works or facilities in, over, or under any public way. This subdivision does not apply to any public agency or public utility acting outside of its boundaries. Any encroachment permit issued to a public agency or public utility pursuant to this section is conditioned on a requirement that the permittee must relocate its encroachment at its sole expense if future improvement of the public way necessitates such relocation. (Ord. 436 § 1, 2003; Ord. 403 § 2, 2000)

8.02.265 Use of public ways—Location changes.

The director may require changes in the location of the proposed excavations, fills or obstructions as may be necessary to prevent undue interference with the use of the public way for other lawful purposes provided the changes required will not unreasonably interfere with the applicant’s rights of such use. (Ord. 403 § 2, 2000)

8.02.270 Permit—Changes.

Any permit issued by the director under any of the provisions of this chapter, or the conditions to which it has been made subject, may be amended or changed if the director deems such amendment or change to be necessary for the protection of the public ways, or to prevent undue interference with traffic, or to protect both persons and property within or adjacent to such public ways from damage or danger. Notification of the amendment or change will be made by the director either by mailing written notice to the permittee at the address contained on his or her application for the permit, or by making personal service of the written notice to the permittee. The amendment or change will be effective either twenty-four hours after the written notice is deposited in the United States mail or immediately upon completion of personal service. (Ord. 403 § 2, 2000)

8.02.275 Permit—Nontransferable.

Permits issued under this chapter are nontransferable. (Ord. 403 § 2, 2000)

ARTICLE 3 REGULATORY REQUIREMENTS

8.02.300 Permitted work—Time limit.

Every permittee must begin the proposed work within sixty days after an encroachment permit is granted and thereafter complete the work in a continuous, diligent, and workmanlike manner, in compliance with the permit terms, and in compliance with this article. (Ord. 403 § 2, 2000)

8.02.305 License required.

Except for work done by regular, full time employees of the United States, this state or any other state, any municipal corporation, school district, public utility agencies, other public district or public bodies, all work done within the right-of-way, must be performed by contractors licensed by the State of California, working within the area of expertise authorized by their license. (Ord. 403 § 2, 2000)

8.02.310 Plans and specifications—Compliance.

The permittee must perform or cause to be performed all work authorized by an encroachment permit in accordance with any approved plans. Work must also conform to the public works standards of the City of Santee, the standard specifications for public works construction, latest edition, San Diego Area Regional Standard Drawings, latest edition, all on file with the director, and to the satisfaction of the director. (Ord. 403 § 2, 2000)

8.02.315 Plans and specifications—Changes.

No change in any plans, if plans are made, or specifications may be made unless approved in writing by the director. (Ord. 403 § 2, 2000)

8.02.320 Request for inspector.

A. Not less than twenty-four hours prior to the commencement of any work regulated by this chapter, permittee must notify the City Inspector assigned to the encroachment permit for inspection. The permittee must specify the permit number as well as the day and hour when the work will commence.

B. Permittee must request an inspector not less than 72 business hours prior to requesting an inspection at night or outside of the City's regular business hours. A request for a night inspection does not guarantee an inspector will be available on the requested date. After-hours inspections are subject to inspector availability.

C. The director may waive inspection in writing, if he or she believes such inspection is not necessary and is in the best interests of the City. (Ord. 403 § 2, 2000)

8.02.325 Approval of concrete forms.

A permittee must not place concrete within the public way until the director has approved the forms into which the concrete is to be placed. (Ord. 403 § 2, 2000)

8.02.330 Replacement of property corners.

A permittee is at all times be responsible for the protection of property corner and street centerline monuments during the course of construction of the work contemplated under an encroachment permit. The permittee must cause any damaged or destroyed monumentation to be replaced by a licensed surveyor or registered civil engineer who is authorized to practice land surveying. After replacing any damaged monument, the permittee must cause a corner record or record of survey to be filed with the County Surveyor and recorded. The permittee must bear all costs associated with the replacing the monument. (Ord. 403 § 2, 2000)

8.02.335 Removal of debris.

A permittee must maintain the public way in a safe and orderly fashion at all times and must immediately remove any debris and excess material from the public way at the completion of construction. (Ord. 403 § 2, 2000)

8.02.340 Traffic control.

A permittee must provide adequate warning to the public at all times and follow the most current editions of "San Diego Regional Standard Drawings – Traffic Control Plans" and the "California Manual on Uniform Traffic Control Devices" for all work within the public way. When required, a permittee must submit a traffic control plan, in a format and number prescribed by the director, at the time of permit application. (Ord. 403 § 2, 2000)

8.02.345 Permittee's responsibility.

The inspection, approval, or acceptance of work or materials in the public way does not relieve a permittee of any obligation to perform and complete work and maintain encroaching structures

according to the permit, the plans, if plans are made, and the specifications referred to in this chapter. (Ord. 403 § 2, 2000)

8.02.350 Defective work and materials.

If ordered by the director, a permittee must remove any work or material that does not conform to the permit, the plans, if plans are made, or the requirements of this chapter, and may, at the discretion of the director, be replaced so as to conform to the plans and specifications. The provisions of this section apply even if such work or material has been previously inspected, or approved, or accepted by the director. (Ord. 403 § 2, 2000)

8.02.355 Upgrade and maintenance contact requirements.

A. Every utility provider which owns or operates one or more surface utility structures in the public way must inform the director, in writing, of the name, address, telephone number and e-mail address for the individual within their organization responsible for ensuring maintenance of said facilities in compliance with the minimum maintenance standards adopted pursuant to Section 8.02.360. The name and contact information for the contact individual must be updated and maintained in a current status.

B. Every utility provider which owns or operates one or more surface utility structures within the public way must inspect said structure(s) and provide to the director a list of structures which do not meet the minimum maintenance standards adopted by resolution.

C. The owner or operator of any surface utility structure that does not meet the minimum maintenance standards must repair and bring the structure into compliance with all requirements of the adopted standards. The director may grant additional time for repairs if deemed warranted. (Ord. 477 § 1, 2008)

8.02.360 Maintenance standards.

A. The owner or operator of each surface utility structure within the right-of-way must inspect the structure not less than annually and must properly maintain the structure in compliance with the minimum maintenance standards adopted by the City, to the satisfaction of the director.

B. The owner or operator of each surface utility structure in the public way must maintain the structure plumb to and true to grade, unless otherwise shown to the satisfaction of the director and the City Attorney to be exempt by law from such requirement, and must safely secure the structure from public access as required to comply with the minimum standards of maintenance.

C. In the event the director identifies a surface utility structure which is not maintained to the minimum standards adopted by the City or a structure which has been vandalized or otherwise damaged, the director may notify the contact individual identified by the utility provider pursuant to Section 8.02.355. Within fourteen days of notification that a surface utility structure does not meet the minimum maintenance standards, or other time provided by

the director, the utility provider must make all necessary repairs to bring the structure into compliance with this section. (Ord. 477 § 1, 2008)

8.02.365 Graffiti removal.

A. Permittees with one or more surface utility structures, drop boxes, or publication stands within the public way are required to provide graffiti removal from those facilities in accordance with Chapter 7.16 of this code.

B. In the event the director identifies a surface utility structure, drop box, or publication stand which has been the subject of graffiti, the director will notify the permittee. Notwithstanding Section 8.02.360, the permittee must cause graffiti to be removed from their facility within forty-eight hours of receiving notice or as soon as reasonably possible thereafter. In the event graffiti has not been removed within forty-eight hours, the City may exercise its right under Section 7.16.120 to remove the graffiti and to invoice the permittee for the actual cost of removal. (Ord. 477 § 1, 2008)

8.02.370 Sidewalk and sight distance requirements.

A. Sidewalks are intended to have clear unobstructed access. Surface utility structures, including facilities placed flush to grade such as hand holes and meter boxes, must not be placed within the public sidewalk without the prior written approval of the director. Any new surface utility structures placed within the public sidewalk without the approval of the director must be relocated at the utility provider's sole cost.

B. Surface utility structure within a public sidewalk must be placed to maintain minimum access requirements under the federal Americans with Disabilities Act.

C. Surface utility structures must not be placed within the public way so as to impede vehicular sight distance from any public or private street or any commercial or residential driveway as determined in the Caltrans Highway Design Manual, latest edition. (Ord. 477 § 1, 2008)

8.02.375 Drop boxes and publication stands.

A. An encroachment permit is required to place drop boxes and publication standards in the public way.

B. Drop boxes and publication stands may only be permitted in the public way adjoining the following land use zones; office professional (OP), general commercial (GC), neighborhood commercial (NC), general industrial (IG), light industrial (IL). Drop boxes or publication stands are not permitted within the town center (TC), residential (HL), (R1), (R1-A), (R2), (R7), R14), (R22), park/open space (P/OS) or planned development (PD) zones.

C. Permit applications for newspaper stands will be processed and approved or denied upon such grounds as set forth in Article 2 of this chapter, within sixty days of receipt by the City of a complete application. The final approval or denial of such permit will be subject to review by a court of competent jurisdiction.

D. Drop boxes and publication stands may only be placed where adequate parking is available to allow motorists to pull safely out of traffic and access the facilities. Thirty feet of curbing in front of these facilities must be painted yellow to indicate loading/unloading zone to allow motorists access to the facilities and for pick-up/drop-off of packages and publications. Maintenance of the curb painting is the responsibility of the permittee and must be repainted every two years.

E. No drop boxes or publication stands are permitted to encroach within the public sidewalk. Concrete pads must be installed for the placement of these facilities and must allow a one foot minimum vertical set back from the sidewalk area. A cash security deposit in an amount established by resolution of the City Council is required for each facility to ensure maintenance standards are met and to ensure restoration of the public way and landscaping following removal of the facility.

F. Drop boxes and publication stands must be properly secured and maintained at all times. Drop boxes and publication stands that are unpermitted, are not being secured or maintained, or that become inactive for sixty days or more must be removed from the public way and the public way restored. The City will provide at least fourteen days' notice and an opportunity to cure prior to removal of any publication stand, except when a publication stand poses a danger to pedestrians or vehicles.

G. No advertising is permitted on a drop box or publication stand, except to advertise the name of the publication or the use of the intended drop box. (Ord. 477 § 1, 2008)

8.02.380 Use of public ways—Rights of others.

Every permit for an excavation in or under the surface of any public way is subject to the right of the City and of any other person entitled thereto, to use that part of such public way for any purpose for which such public way may lawfully be used. (Ord. 403 § 2, 2000)

8.02.385 Relocation and replacement costs.

When required by law, this code, or by the director of development services, a permittee must make proper arrangements for, and bear the cost of relocating or replacing any encroaching structure, public utility, tree or shrub. All relocations and replacements must be completed to the satisfaction of the director. (Ord. 403 § 2, 2000)

8.02.390 Abandonment or discontinuation of use.

It is unlawful for any permittee under this chapter to abandon any encroachment, unless expressly approved by the Director. Upon removal of an encroachment, the site must be restored to its original condition or as approved by the Director. The permittee must bear all the costs associated with the removal and restoration of encroachments. For purposes of this section, abandonment occurs when any encroaching structure, line, or other facility is no longer in use or is not properly maintained or repaired.

ARTICLE 4 ENFORCEMENT

8.02.400 Enforcement generally

In addition to any other remedy available in this code or any other law or in equity, the City may enforce violations of this chapter by any means set forth in this article.

8.02.410 Default of permittee – Cost recovery.

A. By applying for and obtaining a permit pursuant to this chapter, the permittee agrees with the City that in the event the permittee fails to comply promptly with the terms of the permit and perform and complete the work according to the plans, if any, and the specifications referred to in this chapter, or fails to comply with any other provisions of this chapter, in addition to its power to revise the permit pursuant to Section 8.02.270, the City may elect to perform and complete all or part of the work.

B. In the event the City elects to perform any work, the permittee must pay the cost of performing and completing the work according to such permit, the plans, if any, and the specifications. The director may prosecute the work either by the use of the City's forces or by an independent contractor, whichever method the director deems appropriate. In the event the permittee fails to pay such cost to the City upon demand, the City may bring an action in a court of competent jurisdiction to recover such cost together with reasonable administrative costs and attorneys' fees. (Ord. 403 § 2, 2000)

8.02.420 Default of permittee—Permit revocation.

A. All permits other than those issued to public agencies or a public utility having lawful authority to occupy the public ways are revocable on five days' notice, and the encroachment must be removed or relocated as may be specified by the director in the notice revoking the permit and within a reasonable time specified by the director.

B. The director may revoke an encroachment permit, or may require related plans to be amended, or may require relocation of an encroachment, when it is in the interest of public health, safety, or general welfare and under any of the following situations:

1. Upon request of the permittee;

2. When the site conditions or operative facts upon which the encroachment permit was sought were not accurately presented in the application;

3. When work as constructed or as proposed to be constructed creates a hazard to public health, safety, or general welfare;

4. When the permit violates city policy or provisions of federal, state, or local law; or

5. When the City's repair or installation of public improvements requires revocation. (Ord. 403 § 2, 2000)

8.02.430 Public nuisance.

Any work performed contrary to the permit, the plans, if plans are made, and the specifications referred to in this chapter is declared to be a public nuisance.

EXHIBIT 2

CHAPTER 8.04 PROTECTION OF PUBLIC HIGHWAYS

8.04.010 Conditions prohibited.

A. No person is permitted to maintain or cause to be maintained any condition on private property which causes damage to a public highway or threatens imminent danger to a public highway or causes a hazard to exist on a public highway.

B. A violation of this section is declared to be a public nuisance and may be enforced or abated in any manner set forth in Title 1. (Prior code §§ 71.701, 71.702)

8.04.020 Establishment of trench cut moratorium

A. It is unlawful for any person to make any utility trench, repair trench or excavation on any street which has been newly constructed or reconstructed, or on any street resurfaced with asphalt overlays, slurry seals, cape seals or chip seals, until at least five years have passed since the City Council accepted such construction.

B. The prohibition in subsection A does not apply if trenching is necessary for emergency restorations of existing services or if otherwise approved in advance by the City pursuant to an encroachment permit as set forth in Chapter 8.02.

C. If any work is approved in a city encroachment permit that requires trenching or excavation during the trench cut moratorium period set forth in subsection A, asphalt repair work must include, but not be limited to the following street repairs subject to approval by the director:

1. Residential Streets: On residential streets, full asphalt paving resurfacing of the disturbed area is required and must extend to the full street width (curb to curb) for a minimum length of ten (10) feet, measured along the street centerline, and must also include any existing asphalt that has been damaged during the work. Asphalt restoration must include a minimum of a one and one-half-inches (1.5”) thick grind and overlay of existing asphalt pavement, and the installation of an approved paving fabric over the entire pavement restoration area, in addition to the trench restoration required by the encroachment permit or as additionally required by the City in order to restore the street to its preconstruction condition.

2. All Other Streets: On all other streets, half width asphalt paving (curb to centerline) or curb to raised median curb for a minimum length of ten (10) feet measured along the street centerline is required and must include the entire disturbed street area. Full width (curb to curb) asphalt paving is required when work crosses the street centerline and must be repaved a minimum length of ten (10) feet measured along the street centerline. The area of asphalt paving may be extended by the City if the existing asphalt has been damaged during the work. Asphalt restoration required by this subsection must include a minimum of two-inches (2”) thick grind and overlay of existing asphalt pavement, and the installation of an approved paving fabric over the entire pavement restoration

area, in addition to the trench restoration required by the encroachment permit or as additionally required by the City in order to restore the street to its preconstruction condition.

D. Upon completion of trenching or excavation work contemplated by this section, the person required to conduct restoration work must notify the director five (5) business days in advance of planned street restoration work to schedule an onsite meeting for the City to identify the final limits of street restoration necessary to restore the street to its pre-work condition.

E. Where the replacement of concrete related work is within a street subject to the trench cut prohibition in this section, such repairs may be made without asphalt restoration work only when approved by the director who may permit the concrete curbs, pedestrian ramps or driveways to be "neat poured" as conditioned on the approved encroachment permit application.

8.04.030 Establishment of year-end street work moratorium

A. In order to reduce traffic impacts during the year-end shopping season, no construction, utility, or maintenance work that requires lane closures is permitted beginning the Monday prior to Thanksgiving Day through New Year's Day on the following street segments:

1. Carlton Hills Boulevard: from Willowgrove Avenue to Mission Gorge Road

2. Cuyamaca Street: from Town Center Parkway to Prospect Avenue

3. Mission Gorge Road: from State Route 125 to Magnolia Avenue

4. Olive Lane: from Prospect Avenue to Mission Gorge Road

5. Riverview Parkway: Entire length of street.

6. Town Center Parkway: Entire length of street.

B. Notwithstanding subsection A, any construction, utility, or maintenance work necessary to address an emergency must be performed during the hours of 10:00 p.m. to 5:00 a.m., unless otherwise approved by the director. Notification must be provided to the Department of Development Services of proposed emergency work by calling the Department of Development Services.

8.04.040 Utility Markouts for Construction

A. Purpose and intent. It is the purpose and intent of the City Council through adoption of this chapter, to provide enforcement tools to ensure the complete removal of utility markouts upon completion of any excavation work and to limit the amount of markouts placed upon public and private property to the minimum amount necessary for excavation work.

B. Markouts prohibited.

1. It is unlawful for any person to intentionally place utility markouts outside of the limits delineated by the Requestor.

2. A request for utility markouts shall not be made for design purposes, for the preparation of design drawings or documents, or for construction purposes in lieu of obtaining the record drawings from the respective utility owner.

C. Responsibility for removal.

1. The Requestor of utility markouts shall have sole responsibility for the removal of all utility markouts and delineation within (10) ten calendar days from the completion of excavation work.

2. If the Utility Locator places utility markouts outside of the limits delineated by the Requestor, the Utility Locator shall have sole responsibility for the removal of all such utility markouts within (10) ten calendar days from being notified by the Requestor or the City.

3. The City shall determine the identification of the Requestor by the ticket requesting utility markouts by the regional notification center.

D. Removal of Markouts

1. Markouts shall be thoroughly removed from all surfaces to the satisfaction of the Director of Development Services or their designee.

2. Markouts on asphalt concrete may be blacked out by use of paints suitable for roadway traffic to a color and sheen that most closely matches the asphalt concrete. The blacked out area shall be a square or rectangle of sufficient size to cover markouts with the minimum number of such squares/rectangles needed to cover all markouts.

3. Markouts on concrete surfaces shall be removed from the concrete and shall not be painted over.

4. Markouts which are unable to be removed or have caused permanent damage during placement or removal may result in the requirement to replace the damaged surface at the expense of the entity who placed the mark.

E. Public nuisance. Markouts on public or private property creates a condition and appearance as graffiti. Graffiti creates a condition tending to reduce the value of private and public property, to promote blight and deterioration, to reflect badly on the community, and may be injurious to health, safety and general welfare. Therefore, the presence of markouts is hereby declared to constitute a public nuisance which may be abated as such in accordance with Title 1, or any other applicable provision of law.

F. Failure to remove utility markings as prescribed herein, is subject to enforcement and administrative citation procedures specified in Title 1 of this code

8.04.060 Abandonment of Utility Facilities

A. It is the purpose and intent of the City Council through adoption of this chapter, to provide enforcement tools to ensure the complete removal of unused or excess utilities lines located within the right of way or other City-owned property as the presence of obsolete lines and utility systems hinder future work within the right of way or on other City-owned property.

B. All obsolete or no longer need utility facilities shall not be abandoned in place but shall be removed at the time the replacement facilities are installed.

Failure to remove such obsolete facilities as specified in a City-issued permit, is subject to enforcement and administrative citation procedures specified in Title 1 of this code

EXHIBIT 3

CHAPTER 8.06 URBAN FORESTRY

8.06.010 Title.

This chapter is known as the "City of Santee Urban Forestry Ordinance." (Ord. 421 § 2, 2002)

8.06.020 Purpose and intent.

This chapter sets forth tree-related policies, regulations, and generally accepted standards for planting, trimming, and removing trees on public property and public rights-of-way. Additionally, this chapter sets forth policies relating to trees planted as a condition of residential, industrial and commercial development. The provisions of the chapter are enacted to:

A. Ensure that the City will continue to realize the benefits provided by generally accepted practices of urban forestry;

B. Clarify property owners' basic responsibilities to ensure that trees on public rights-of-way are recognized as part of the community's urban forest and those trees are not arbitrarily removed or damaged;

C. Identify the Department of Community Services as the City department responsible for the care of public trees throughout the City; identify the director as the responsible city administrator for authorizing public tree removal;

D. Maintain the optimal amounts of practical tree cover on public parks and open space lands within the City;

E. Maintain the City's commitment to generally accepted Tree City USA status and Growth Award status as designated by the National Arbor Day Foundation and the California Department of Forestry and Fire Protection;

F. Maintain appropriate diversity of tree species and age classes to provide the community with a stable and sustainable urban forest environment;

G. Assign the director to make recommendations regarding tree maintenance and landscaping decisions, promote generally accepted International Society of Arboriculture practices and standards within the City;

H. Maintain the practice of managing trees on public rights-of-way in a manner that does not damage, obstruct, or interfere with public improvements;

I. Manage the planting of trees on public rights-of-way on residentially classified streets;

J. Maintain the practice of requiring tree removal permits for the removal of trees on public rights-of-way;

K. Develop and maintain a street tree master plan, including a list of trees approved for use in the right of way. (Ord. 421 § 2, 2002)

8.06.030 Definitions.

Words and phrases in this chapter have the common and usual meaning except as defined below or elsewhere in this code.

A. "Director" means the director of community services or designated representative.

B. "Native tree" means any tree of the following species: Coast Live Oak (Quercus agrifolia), Canyon Live Oak (Quercus chrysolepis), Englemann Oak (Quercus engelmannii), and California Sycamore (Platanus racemosa), and any tree identified as native to southern California.

C. "Parks and landscape maintenance supervisor" means the director's representative who is responsible for landscaping within the City and for administration of this chapter.

D. "Parkway" means the portion of the public right-of-way located between the sidewalk and the curb.

E. "Private trees" means trees whose trunks are located upon privately owned property and those trees whose trunks are located upon property owned by a public entity other than the City.

F. "Protected tree" means the coast live oaks on the property defined in City ordinance no. 421.

G. "Public highway" means any public street, public way, or public place in the City either owned by the City or dedicated to the public for purpose of travel. (Ord. 421 § 2, 2002)

H. "Public trees" means both trees growing on city-owned property and trees planted by the City growing on public rights-of-way or landscape maintenance districts.

I. "Shrubs" means a bush or a plant more than twelve inches but not more than six feet tall.

J. "Street classification" means the name attributed with a set of street and road characteristics listed in the circulation element of the Santee general plan.

K. "Street tree" means a tree which the parks and landscape maintenance supervisor has designated as appropriate for planting within the public right-of-way for the particular portion of the public right-of-way in question and is on the approved street tree list.

L. "Topping" means the severe cutting back of limbs to stubs larger than three inches in diameter, within the tree's crown, to such a degree as to remove the tree's natural canopy and/or severely disfigure the tree's appearance.

M. “Tree” or “trees” means any individual or group of self-supporting woody perennial plant or plants growing with a single or multi-stemmed trunk supporting a crown of branches.

N. “Trees growing on public property” means trees whose trunks are located in whole or in part on property owned by the City.

O. “Trees growing on public rights-of-way” means trees whose trunks are located in whole or in part on property in which the City owns an interest for purposes of vehicular, pedestrian, equestrian, or city utility use. Trees growing on public rights-of-way include both public and private trees growing on public rights-of-way.

P. “Trees in public places” means trees growing on public property and trees growing on public rights-of-way.

8.06.040 Determination of definitions.

The director has the right to determine whether any specific woody plant is considered a tree or a shrub. Such determination is final and not subject to appeal. (Ord. 421 § 2, 2002)

8.06.050 Jurisdiction.

The City has control of all trees, shrubs, and other plantings now or hereafter in any street, park, public right-of-way, landscape maintenance districts or easement, or other city owned property within the city limits, and has the right, but not the duty, to plant, care for, maintain, remove, and replace such trees, shrubs and other plantings. (Ord. 421 § 2, 2002)

8.06.060 Designate administrative responsibilities.

The director, by use of city employees or private contractors, has the right, but not the duty, to plant, maintain and otherwise care for, or if necessary, remove, any and all trees in public places in the City. The responsibilities of the parks and landscape maintenance supervisor include, but are not limited to, the following:

A. Prepare an annual program for tree planting and tree care in public places of the City;

B. In coordination with the Department of Development Services, recommend to the City Council changes or additions to the master street tree plan;

C. Develop maintenance standards as they relate to street trees and trees in public places;

D. Inspect the planting, maintenance and removal of all trees in public places;

E. Make a determination to remove trees in public places;

F. Review all landscaping plans as they affect trees in public places. (Ord. 421 § 2, 2002)

8.06.070 Protection of trees.

A. It is unlawful for any person to:

1. remove, trim, prune or cut any public tree or tree growing on public rights-of-way unless such work conforms to city standards;

2. interfere, or cause any other person to interfere, with employees or contractors of the City who are engaged in planting, maintaining, treating or removing any tree in public places or removing any material detrimental to the tree;

3. willfully injure, disfigure or intentionally destroy by any means any tree in public places, except with permits described elsewhere in this chapter;

4. construct a concrete, asphalt, brick or gravel sidewalk, or otherwise fill up the ground area near any tree in public places, to shut off air, light or water from the roots, except under written authority from the director;

5. place building material, equipment or other harmful substance near any tree in public places which might cause injury to the tree;

6. post any sign on any tree in public places, tree-stake or guard, or fasten any guy wire, cable or rope to any tree, tree-stake or guard; provided, however, that tree-stakes or guards may be placed around trees growing in the public rights-of-way by property owners for the purpose of protecting or training the trees, with approval of the parks and landscape maintenance supervisor; or

7. plant any tree in public places, except according to policies, regulations and specifications established pursuant to this chapter or any currently applicable ordinances or code sections.

B. Any person deemed responsible for damaging a tree in a public place or removing a tree without a permit as described in this chapter is liable for damages to the City in an amount equal to the value of the tree plus city costs incurred to assess damages, in addition to or as part of any other enforcement action.

C. The trimming, pruning or removal of protected trees is subject to the provisions of this chapter. (Ord. 473 § 2, 2007; Ord. 421 § 2, 2002)

8.06.080 Responsibilities of property owners.

A. Pursuant to Streets and Highways Code Section 5610, it is the duty and responsibility of all property owners to maintain the grounds of sidewalks, parkways, and maintenance strips on the owner's property, regardless of whether such property is developed or within the public right-of-way. Property owners are responsible for watering trees growing in

public rights-of-way. The owner of any property has the primary and exclusive duty to perform maintenance of any sidewalk, parkway, or maintenance strip on the owner's property, regardless of whether the City has notified the owner of the need for such maintenance or has performed similar maintenance in the past. The property owner shall owe a duty to members of the public to keep and maintain the sidewalk area in a safe and non-dangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a non-dangerous condition as required by this Section, any person suffers injury or damage to person or property, the property owner is liable to such person for the resulting damages or injury. Notwithstanding the foregoing, if a property owner believes damage to the sidewalk, parkway, or maintenance strip has been caused by a tree planted by the City, the owner must notify the director in writing.

B. It is the duty and responsibility of every person owning or occupying any real property within the City of Santee, to keep all trees on that property trimmed in such a manner that meets City of Santee clearance standards for any street, alley, and sidewalk. It is also the duty and responsibility of every person owning or occupying any real property within the City of Santee to keep all trees and shrubs on that property trimmed in such a manner that they do not obstruct the view of any traffic sign or device for vehicle traffic in the direction controlled by that traffic sign or device.

C. Property owners having trees or shrubs growing on public rights-of-way must maintain these trees and shrubs to a reasonable standard of care. Reasonable care ensures that trees and shrubs growing on public rights-of-way do not block pedestrian visibility; do not obstruct street clearance requirements; do not obstruct sidewalk clearance requirements; do not obstruct traffic signals or signs; do not grow into overhead utility lines; and do not allow tree root structures to undermine sidewalks, curbs, gutters, adjacent roadways, and underground utilities such as water and sewer lines. Street and sidewalk clearance is defined as a minimum of 13 feet-6 inches from the lowest branches to the street or sidewalk. (Ord. 421 § 2, 2002)

8.06.090 Responsibilities for removing trees for newly aligned curbs, gutters, sidewalks and water/sewer laterals.

When designing or approving new alignments for sidewalks, curbs or driveway approaches, the City may take into account alternative options to preserve desirable trees growing on public rights-of-way. When trees growing on public rights-of-way must be removed, it is the responsibility of adjacent property owners to remove, at their own expense, any private trees directly in the way of new sidewalks, curbs and driveway approaches, unless the tree had been planted with city approval. (Ord. 421 § 2, 2002)

8.06.100 Tree maintenance by public utilities.

A. A public utility must obtain a permit pursuant to Section 8.06.110, issued by the director to maintain trees growing adjacent to utility fixtures or apparatus. The requirement to obtain a permit includes trees that encroach upon public streets.

B. When maintaining trees for which a maintenance permit has been obtained, a public utility must observe good arboricultural practices, as specified by International Society of

Arboriculture western chapter pruning standards and City of Santee pruning standards. (Ord. 421 § 2, 2002)

8.06.110 Trimming, pruning or removal—Permit required.

No person is permitted to trim, prune, cut, break, deface, destroy, burn or remove any tree, hedge or shrub from any city-owned public property or from a public highway within the City unless authorized in writing to do so by the director or the City Council.

8.06.120 Trimming, pruning or removal—Permit application.

A. Any person desiring to trim, prune or remove any tree, hedge or shrub from any public property or public highway must file an application with the director and obtain a permit issued in accordance with Section 8.06.130.

B. In nonemergency circumstances which do not pose an immediate threat to the public health, welfare or safety, any person desiring to trim, prune or remove a protected coast live oak tree must file an application with the director. The director may consider the following with respect to the permit application:

1. The condition of the tree with respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility services;

2. The necessity to remove the tree in order to construct improvements to the property;

3. The topography of the land and the effect of the removal of the tree on erosion, soil retention, and diversion or increased flow of surface waters;

4. The long-term value of the species under consideration, particularly lifespan and growth rate;

5. The ecological value of the tree such as for food, nesting, habitat, protection and shade for wildlife or other plant species;

6. The number, size, species, age distribution and location of existing trees in the area and the effect the removal would have upon shade, privacy impact, and scenic beauty;

7. The number of trees the particular parcel can adequately support according to good arboricultural practices;

8. The availability of reasonable and feasible alternatives that would allow for the continued protection of the tree.

C. A protected tree must not be removed unless and until the City Council authorizes such removal.

D. In such instances when a protected tree poses danger to the public health, welfare or safety, and requires immediate pruning, trimming or removal without delay, a verbal authorization to prune, trim or remove the tree may be given by the director. Any person removing a protected tree pursuant to this subsection must replace such tree within thirty days after removal by planting another tree of a type and in such location specified by the director. The requirement of replanting another tree may be waived by the director for reasons such as spacing, location and good arboricultural practices for that species of tree. If removal of a tree pursuant to the authority of this subsection results in the elimination of the need for protection under this chapter, whether or not due to the waiver by the director of the replacement requirement, the City Council will amend this chapter to remove the protected status within sixty days thereafter. (Ord. 473 § 2, 2007; Ord. 421 § 2, 2002)

8.06.130 Trimming, pruning or removal—Permit issuance or denial.

A. The director may issue a written permit authorizing the trimming, pruning or removal of any tree, hedge or shrub within a public highway upon such terms and conditions as the director deems appropriate to provide protection to persons and property or may deny such permit.

B. Any person removing a live tree pursuant to a permit issued by the director must, within thirty days following removal of such live tree, plant another tree of a type and in a location specified in the permit. The requirement of replanting another tree may be waived by the director for reasons such as spacing, location and good arboricultural practices for that species of tree.

C. The director may issue a written permit authorizing the trimming, pruning or removal of a protected tree upon such terms and conditions as the director deems appropriate to provide protection to persons and property or may deny such permit. (Ord. 473 § 2, 2007; Ord. 421 § 2, 2002)

8.06.140 Trimming, pruning or removal by city.

If the director deems that the trimming, pruning or removal of any tree, hedge or shrub within a public highway is necessary for the protection of the traveling public or public property, the director may, subject to the availability of funds, personnel and equipment, cause such tree to be trimmed, pruned or removed to provide such protection. A protected tree must not be removed unless and until the City Council authorizes such removal. Notwithstanding the foregoing sentence, in such instances when a protected tree within a public highway poses danger to the public health, safety, and welfare and requires immediate removal without delay, and such removal results in the elimination of the need for protection, the City Council will amend this chapter to remove the tree from protected status within sixty days thereafter. (Ord. 473 § 2, 2007; Ord. 421 § 2, 2002)

8.06.150 Planting—Permit required.

No person is permitted to plant any tree, hedge or shrub upon or within any city, public highway, or public property within the City unless authorized in writing to do so by the director. (Ord. 421 § 2, 2002)

8.06.160 Planting—Permit application.

Any person desiring to plant any tree, hedge or shrub within any public highway or public right-of-way must file an application with the director and receive a permit pursuant to Section 8.06.170. (Ord. 421 § 2, 2002)

8.06.170 Planting—Permit issuance or denial.

No permit for the planting of a tree within any public highway will be issued by the director unless the species of the tree to be planted is one approved by the director. The permit for the planting of a tree, shrub or hedge may be issued upon such terms and conditions as the director determines appropriate to protect persons and property or may be denied. (Ord. 421 § 2, 2002)

8.06.180 Removal of protective structures.

No person is permitted to injure, deface, or remove any protective structure placed around any tree or plant growing upon any public highway or public property in the City or around protected trees on the County Edgemoor property. (Ord. 473 § 2, 2007; Ord. 421 § 2, 2002)

8.06.190 Exemption from Solar Shade Control Act.

The City is exempt from the provisions of Chapter 12 (commencing with Public Resources Code Section 25980), division 15 of the Public Resources Code, known as the Solar Shade Control Act. (Ord. 421 § 2, 2002)

8.06.200 Tree service contractors.

When the City requires tree pruning, any tree service contractor performing work must have on staff an arborist certified by the western chapter of the International Society of Arboriculture. This arborist must use reasonable diligence in overseeing pruning trees and must certify that all work meets the City's pruning specifications. (Ord. 421 § 2, 2002)

8.06.210 Emergency tree services.

The City will attempt to provide on-call tree services in emergencies. Emergencies include fallen trees and other immediate safety hazards. The parks and landscape maintenance supervisor determines if an emergency exists. These services will be provided on an "as available" basis and the City assumes no liability for failing to provide these emergency services. (Ord. 421 § 2, 2002)

8.06.220 Topping prohibited.

The topping of public trees and protected trees is prohibited, unless the failure to top a tree poses a threat to public safety. (Ord. 473 § 2, 2007; Ord. 421 § 2, 2002)

8.06.230 Local government disclaims liability.

Nothing contained in this section imposes any liability upon the City, its officers or employees, or relieves the owner of any property from the duty to keep any tree, shrub or plant upon any street tree area on his or her property or under his or her control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, pleasure ground, boulevard, alley or public place within the City. (Ord. 421 § 2, 2002)

8.06.240 Interference with planting, maintenance, and removal unlawful.

No person, firm or corporation is permitted to interfere with the parks and landscape maintenance supervisor or persons acting under his or her authority while engaged in trimming, planting, mulching, pruning or removing any tree, shrub or plant in any right-of-way or public place within the City. (Ord. 421 § 2, 2002)

8.06.250 Appeals.

Any action by the parks and landscape supervisor may be appealed, unless otherwise stated, to the director within thirty working days after the decision of the parks and landscape supervisor. The appeal must be in writing and filed with the community services department. Any appeal pursuant to this chapter will be governed by the procedures in Chapter 1.14; provided, however, that the director's decision is final and non-appealable. The decision by the parks and landscape supervisor to remove a tree for safety reasons or in an emergency will be accomplished immediately and is not appealable.

8.06.260 Enforcement.

The parks and landscape maintenance supervisor is hereby charged with the responsibility for the enforcement of this chapter in accordance with the provisions of Title 1

EXHIBIT 4

CHAPTER 8.08 CITY PARKS

8.08.010 Definitions.

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

"City park or recreation area" means any parklands, playgrounds, community centers, athletic fields, or other recreation facilities, owned by, leased by, or under the control of the City.

"Community services officer" means any person employed by the County Sheriff that patrols and services any city park and recreation area.

"Director" means the director of community services or the director's designee.

"Peace officer" is any person falling within the provisions of Section 830 of the California Penal Code.

"Pet" means any dog, cat or other domestic animal.

"Skateboard" means a board of any material that has wheels attached and such wheels maybe used for moving or propulsion.

"Skate park" means any facility that is designed and maintained for the purpose of recreational skating, and includes the entire area within the fencing surrounding the skate facility, if the immediate skate facility is fenced.

"Watercourse" means any natural or artificial stream, river, creek, ditch channel, canal, conduit, culvert, drain, waterway, gully, ravine, arroyo or wash, in which waters flow in a definite direction or course, either continuously or intermittently, and which as a definite channel and bed or banks. A channel is not limited to land covered by minimal or ordinary flow but also includes land covered during times of high water. Watercourse does not include any surface drainage prior to its collection in a stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, arroyo or wash. (Ord. 385 § 1, 1999; Ord. 380 § 1, 1998; Ord. 373 § 1, 1998; amended during 1989 supplement; Ord. 167, 1986: prior code § 41.101)

8.08.020 Administration and enforcement.

A. The operation, maintenance and improvement of all city park and recreation areas is under the control of the director.

B. The community services officer, peace officers, and director are authorized to enforce the provisions of this chapter and the rules and regulations of the City, and to take appropriate actions in the case of any violations. (Amended during 1989 supplement; Ord. 167, 1986: prior code § 41.102)

8.08.030 Rules and regulations.

The director is authorized to promulgate rules and regulations for the operation of city parks and recreation areas and to charge fees for the use of city parks, in amounts established by resolution of the City Council. Such rules and regulations, or excerpts thereof, may be posted in city parks if such posting is feasible in the opinion of the director. Irrespective of posting, copies of such rules and regulations will be available to persons desiring copies thereof at the office of the director during business hours or on the City website. No person is permitted to violate and no person may fail to comply with the rules and regulations of the director. (Prior code § 41.103)

8.08.040 Alcoholic beverages.

No person is permitted to transport into a city park, or consume on the premises of a city park, any intoxicating liquors having an alcoholic content in excess of twenty percent by volume; provided, however, that the above prohibition is not applicable to persons transporting or consuming such intoxicating liquors in any park in accordance with leases, concessions or managerial contracts approved by the City Council. (Prior code § 41.136)

8.08.050 Animals.

A. No person is permitted to trap, kill, wound or maltreat any wild or domesticated bird or animal in any city park or recreation area, and no person may permit any pet to pursue, trap, kill or wound any wild or domesticated bird or animal in any city park or recreation area.

B. No person is permitted to hitch a horse or other animal to any tree or shrub or structure in a manner that may cause damage to park property. No person is permitted to ride, drive, lead or keep a saddle horse or other animal in any city park, except on such roads, trails or areas as the director may designate and subject to such regulations as the director may promulgate. (Prior code §§ 41.112, 41.122)

8.08.060 Bingo games

A. An organization with a permit and license issued pursuant to Chapter 4.06 may conduct bingo games in specific locations within city parks or recreation areas upon the issuance of written permission from the director and payment of a special use fee in an amount established by resolution of the City Council. Bingo games may only be conducted in the specific locations indicated in the director’s written permission

B. Bingo games authorized by this section must be conducted in compliance with the requirements of Section 326.5 of the Penal Code and Chapter 4.06 of this code. Violations of those provisions are punishable according to the terms thereof.

C. Park areas be excluded from bingo use include, but are not limited to dance pavilions, picnic ramadas, portable enclosures, and any park open space area. (Amended during 1989 supplement; prior code § 41.137)

8.08.070 Children.

No person may permit any child under the age of seven years to play in any playground area, or fish, swim or play in or near any lake, pool or drainage ditch, except in areas that are fenced and set aside for infants, unless such child is attended by an adult. (Prior code § 41.131)

8.08.080 Commercial vehicles.

No person may cause or allow a commercial vehicle to enter any part of a city park or recreation area over park roads, without first obtaining permission to do so from the City. A commercial vehicle is a vehicle of a type maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property. (Amended during 1989 supplement; prior code § 41.129)

8.08.090 Defacement of property.

No person may deface or mutilate any tree, fence, wall, building, railing, playground or playground equipment, camp or picnic structure, monument or any other object or structure within a city park. (Prior code § 41.115)

8.08.100 Drones

No person may operate any model airplane or flying device with or without a remote control within any city park or recreation area without a special permit issued by the director pursuant to Section 8.08.240.

8.08.110 Entertainment.

No person may set up or maintain any exhibition, show, performance, concert, place of amusement, lecture, oration or concert hall in any park or recreation area without written permission from the director. (Prior code § 41.134)

8.08.120 Fire hazards.

No person is permitted to ignite or permit to be ignited, a fire anywhere in a city park or recreation area except in an area designated by the City. No person is permitted to throw away any burning or combustible material in any location where it could set fire to grass, shrubs, buildings or any other combustible material. (Amended during 1989 supplement; prior code § 41.118)

8.08.130 Games or sports.

No person is permitted to play or engage in team games or sports in a city park or recreation area, except at such places specifically designated for that purpose by the director. The use of "regulation-type" baseballs is prohibited except as authorized by the director. (Amended during 1989 supplement; prior code § 41.124)

8.08.140 Geological features.

No person is permitted to destroy, disturb, deface or remove earth, sand, gravel, oil, minerals,

rocks or fossils, features of caves, or any parts thereof from any city park or recreation area. (Prior code § 41.113)

8.08.150 Operating hours.

It is unlawful for any person to remain on the grounds of a city park or recreation area or to permit any vehicle to remain therein, between dusk and dawn (dusk is one-half hour after sunset and dawn is one-half hour before sunrise). The director may designate and enforce an earlier or later opening or closing time for any city park or recreation area or for the use of any equipment therein and to post that alternative time at the park or recreation area. (Amended during 1989 supplement; Ord. 167, 1986: prior code § 41.125)

8.08.160 Parking.

No person is permitted to leave or park any motor vehicle or leave or hitch any horse in any location in a city park or recreation area, except where designated for vehicle parking or for hitching horses. A person is permitted to park a vehicle and to hitch a horse within a city park or recreation area during that person's visit to such park or recreation area. (Amended during 1989 supplement; prior code § 41.128)

8.08.170 Pets.

A. No person is allowed to bring or permit a pet to enter or remain in a city park or recreation area except in accordance with the following limitations:

1. Pets are only permitted in city parks or recreation areas during the hours when such city parks or recreation areas are open to the public.

2. Any dog brought into or permitted to enter a city park or recreation area must have a valid license issued pursuant to Title 6. Evidence of such valid license must be presented by the person responsible for such dog when required by a peace officer or community services officer.

3. Any pets in a city park or recreation area must be physically restrained at all times, by a leash no more than six feet in length, or by being confined in a vehicle, tent, trailer or other approved structure, except in off-leash areas designated pursuant to Section 8.08.180.

4. No pet is allowed to enter or remain on the portion of a trail which extends beyond the limits of campgrounds or picnic areas of a city park or recreation area, except to the extent allowed on that extension trail;

5. No pet is allowed to enter or remain within any structure in a city park or recreation area. This subsection does not apply to a "seeing eye" dog accompanying an unsighted person there present.

6. No pet is allowed to be or remain unattended outside a tent, camper or other enclosed vehicle during any time the park is considered closed.

7. No noisy, vicious or dangerous pet, or a pet which disturbs other persons is allowed in any city park or recreation area.

8. No pet is allowed to be on any sports court, playground, or athletic field unless authorized in writing by the director.

9. No person bringing a pet into a city park or recreation area is allowed to permit the pet to defecate on public park property unless that person immediately removes and places the feces into a proper receptacle.

B. Any person bringing a pet into a city park or recreation area is solely responsible for the actions of such pet. Such person must immediately report any injury inflicted by such pet upon any person or any damage caused by such pet to any real or personal property.

C. The director may further regulate pets in, or may exclude pets from, any city park or recreation area or city park where the director finds that the presence of pets substantially conflicts with the general use and enjoyment of such parks. Ord. 484 §§ 1,2, 2009; amended during 1989 supplement; prior code § 41.123)

8.08.180 Pets – Off-leash areas in city parks.

A. A person owning or having custody or control of any dog may allow that dog to be unrestrained by a leash in any area within a city park or recreation area that has been designated by the director as an off-leash area, subject to the following conditions, in addition to any other provisions of this chapter:

1. The dog must wear a collar at all times, and the dog's owner or person having custody or control of the dog must carry a readily available leash at all times;

2. The dog must be kept within the sight and voice control of the owner or person having custody or control of the dog, sufficient to ensure that the dog is not involved in a violation of any condition outlined herein or any other provision of law; and

3. The dog must not bite or harass a person or other animal or interference with another person's lawful use of the city park or recreation area.

B. Any person who enters or uses an off-leash area waives liability of the City for any claim, injury or damage to that person or the dog owned or controlled by that person caused by, resulting or arising from that use or entry. Use of an off-leash area by a dog's owner or another person having custody or control of that dog constitutes an agreement by the dog's owner or such other person to follow the rules set forth in this section and his or her agreement to protect, indemnify, defend and hold harmless the City from any claim, injury or damage arising from or in connection with such use.

C. Any person authorized to enforce the City's animal control regulations may order a person owning or having custody or control of a dog in a designated off-leash area to

physically restrain the dog if it violates any condition in subsection A in accordance with the following:

1. The order may be accompanied by a written notice that the order continues in effect until the City Manager or the City Manager's designee revokes the order, in writing.

2. A person subject to an order issued in accordance with this provision may apply to the City Manager or the City Manager's designee for revocation of the order.

3. The City Manager, or the City Manager's designee, may, after conducting a hearing on the application, revoke the order if the applicant demonstrates that, based upon a change in circumstance, the order is no longer required to accomplish the purposes of the code. (Ord. 484 § 3, 2009)

8.08.190 Pets - Enforcement.

Any person authorized to administer and enforce the provisions of Title 6 of this code is also authorized to enforce the pet control provisions of this chapter and those rules and regulations of the director which relate to pet control and to take appropriate action in the case of any violations thereof. Such enforcement authority is the same as that provided in Title 6 of this code.

8.08.200 Plants.

No person may pick, dig up, cut, mutilate, destroy, injure, disturb, move, molest, burn or carry away any plant or vegetation, or portion thereof, including aquatic plants, from any city park or recreation area. (Prior code § 41.111)

8.08.210 Rubbish, glass containers and litter.

A. Rubbish. It is unlawful for any person to bring garbage, refuse, cans, trash, ashes, bottles, broken glass, animal carcass, or any other similar item into any city park, for the purpose of disposing of it.

B. Glass Containers. It is unlawful for any person to possess or use any container made to carry liquid and made of glass in any city park or recreation area, except in locations where such containers are permitted under the terms of a lease, operating agreement or permit.

C. Littering. It is unlawful for any persons to leave or scatter about any boxes, empty or otherwise, waste paper, remains of meals, newspapers or rubbish of any kind in any city park or recreation area, except in receptacles provided for such purpose. (Ord. 238 § 1, 1990: Prior code § 41.116)

8.08.220 Skating and bicycles in skate parks

A. It is unlawful and an infraction for any person to ride a skateboard, to skate, or to be within the fenced area surrounding a skate facility in a skate park owned or operated by the

City, whether supervised or not, unless that person is wearing a helmet, elbow pads and knee pads. (Ord. 385 § 2, 1999; Ord. 380 § 2, 1998; Ord. 373 § 2, 1998)

B. It is unlawful and an infraction for any person to ride, jump, or otherwise use any bicycle in a skate park owned or operated by the City, except during the posted times when bicycles may legally use a skate park owned or operated by the City. A person may use a bicycle in a skate park pursuant to the written rules of the park. Any person using a bicycle pursuant to this section must wear a helmet, elbow, and knee pads. Bicycles used in violation of this section may be impounded as evidence of the violation. If a bicycle is impounded, a impound fee may be charged in an amount established by resolution of the City Council. (Ord. 433 § 1, 2003; Ord. 380 § 3, 1998)

8.08.230 Soliciting, selling and advertising.

A. Except as otherwise permitted by this code or other applicable law, no person is permitted to:

1. vend, offer for sale, or dispose of any goods, wares or merchandise, or conduct any business within a city park;

2. leave, post, or affix any hand bills, circulars, pamphlets, tracts, or advertisements to any tree, fence or structure within a city park or recreation area. (Amended during 1989 supplement; Prior code § 41.133)

B. During City-sponsored events in city parks, persons may undertake activities in Subdivision A.1 and A.2 in areas and under the conditions specified by the City.

8.08.240 Special permits.

The director may grant a permit to take any action prohibited by this chapter on a finding that such action otherwise complies with the rules and regulations adopted by the director pursuant to Section 8.08.030, is in the best interests of the City, or that it will not substantially interfere with the peaceful enjoyment of city parks or recreation areas. (Prior code § 41.114)

8.08.250 Speed limits.

A. No person is permitted to drive a vehicle within a city park or recreation area as follows:

1. at a speed which endangers the safety of persons, property or wildlife.

2. at a speed greater than ten miles per hour in camp, picnic, utility or headquarters area or in areas of general public assemblage.

3. at a speed greater than twenty miles per hour in other areas;

B. This section does not apply to state highways and public roads in city parks or recreation areas. (Prior code § 41.127)

8.08.260 Stoves.

Any person using a park stove must keep the stove in a tidy and sanitary condition and must clear away all cooking and eating utensils and waste matter after using the stove. Any person who uses a park stove must bank any fire remaining in the stove after use. (Prior code § 41.119)

8.08.270 Swimming in San Diego River.

It is unlawful for any person to swim, wade, or bathe in the waters of the San Diego River within the City. (Prior code § 42.301)

8.08.280 Walkways.

A. It is unlawful for any person to ride or drive a bicycle, motorcycle, automobile or any other vehicle in any location in a city park or recreation area other than on an automobile road or trail designated to accommodate such vehicles. Bicycles are permitted on walkways and trails within City Parks when designated by the director.

B. It is unlawful for any person to obstruct the free travel of pedestrians on any walk, road or avenue, or of vehicles on automobile roads. (Prior code § 41.130)

8.08.290 Washing or repairing cars.

It is unlawful for any person to wash, clean, polish, repair, renovate, or paint any vehicle in a city park or recreation area, except for emergency repairs necessary to make such vehicle safe. (Prior code § 41.126)

8.08.300 Water pollution.

It is unlawful for any person to place any garbage or other waste in any watercourse or to use any watercourse or hydrant for washing or bathing, or for any activity which would tend to cause pollution to violate or threaten to violate any provision of Chapter 9.06. (Prior code § 41.121)

8.08.310 Weapons and fireworks.

It is unlawful for any person to use, transport, carry, fire, or discharge any fireworks, firearm, air gun, archery device, slingshot, or explosives of any kind across, in, or into a city park or recreation area. (Amended during 1989 supplement; Prior code § 41.117)

EXHIBIT 5

CHAPTER 8.12 SPECIAL EVENT

8.12.010 Definitions.

A. "Director" as used in this chapter means the director of development services.

B. "Parade," as used in this chapter, means any march, procession or assembly consisting of persons, animals or vehicles, or combination thereof, upon any street, sidewalk or alley which does not comply with normal and usual traffic regulations or controls.

C. "Special event" as used in this chapter, means any celebration, festival, fair, carnival or similar local special event which is held wholly or partially within a street, the participants in which do not comply with the normal or usual traffic regulations or controls. (Prior code § 72.249.5(a))

8.12.020 License-Required.

It is unlawful for any person to conduct or manage a parade or special event without a written license from the director or the City Council. (Amended during 1989 supplement; prior code § 72.249.5(b))

8.12.030 License-Issuance.

A. The director may issue licenses in accordance with this chapter.

B. Upon appeal from a decision of the director, the City Council may issue a license in accordance with this chapter.

C. Any such license may be issued subject to such reasonable conditions as the director or the City Council may prescribe.

D. The director must not, without the approval of the City Council, issue a license for a parade or a special event which requires the temporary closing of a portion of a street for more than twenty-four hours. (Amended during 1989 supplement; prior code § 72.249.5(c))

8.12.040 Licensee-Application.

Any person desiring to conduct or manage a parade or special event must, not fewer than thirty nor more than one hundred eighty days before the date on which it is proposed to conduct such parade or special event, file with the director an application for a license for such parade or special event; provided the director may accept and act on any application filed fewer than thirty days before such parade or event. The application must be in the form and contain the information required by the director. (Amended during 1989 supplement; prior code § 72.249.5(f))

8.12.050 Special event.

No license for a special event may be issued unless the director or the City Council determines that the special event is primarily for the benefit of the community and that the use of the street for such purpose is in the public interest. (Amended during 1989 supplement; prior code § 72.249.5(d))

8.12.060 Prohibitions.

No license may be issued authorizing the conduct of a parade or special event which the director determines:

A. Is to be held for the sole purpose of advertising any product, goods, wares, merchandise or event and is designed to be held purely for private profit;

B. Is likely to cause injury to persons or property;

C. Will unduly interfere with the movement of traffic along or across its route or the movement of firefighting equipment or ambulances to a fire or emergency; or

D. Will require unreasonable extraordinary police service. (Amended during 1989 supplement; prior code § 72.249.5(e))

8.12.070 Appeal.

In the event the director denies a license or imposes conditions considered unreasonable by the applicant, the applicant may appeal to the City Council who may then consider the application and issue or deny the license. (Amended during 1989 supplement; prior code § 72.249.5(g))

8.12.080 Interference with parades or special events.

It is unlawful for any person, without the consent of the licensee, to join or participate in a parade or special event, or in any manner interfere with its progress or orderly conduct. (Amended during 1989 supplement; prior code § 72.249.5(h))

8.12.090 Temporary closing of street.

The director may temporarily close a portion of a street for a parade or special event for which a license has been issued pursuant to this chapter when in the director's opinion such closing is necessary for the safety and protection of persons using that portion of the street during the temporary closing. No such closing shall be for more than twenty-four hours without the approval of the City Council. (Amended during 1989 supplement; prior code § 72.249.6)

ORDINANCE NO. 562

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, RESTATING, AMENDING, AND RECODIFYING TITLE 9 OF THE SANTEE MUNICIPAL CODE RELATING TO PUBLIC SERVICES

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify its ordinances. Government Code section 50022.9 authorizes a city to adopt county codes by reference;

WHEREAS, in Ordinance 1, adopted as the first act of the City of Santee ("City") on December 2, 1980, the City temporarily adopted all county ordinances of the County of San Diego as its municipal code (the "Santee Municipal Code");

WHEREAS, in Ordinances 14 and 18, the City extended the validity of the county ordinances to provide additional time for the City to adopt its own ordinances;

WHEREAS, the City has not adopted a comprehensive code of ordinances, but has amended the county's ordinances in a piecemeal fashion more than 300 times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the City Council of the City of Santee held a series of public meetings to consider proposed restatement, amendment, and recodification issues for each title of the Santee Municipal Code as follows:

March 8, 2017	Titles 1 and 2
September 6, 2017	Titles 3 and 5
February 14, 2018	Titles 6, 8, and 9
March 28, 2018	Titles 12 and 13
August 8, 2018	Title 10
September 26, 2018	Titles 6, 15, and 16
November 14, 2018	Title 17
April 24, 2019	All titles

WHEREAS, the City desires to restate without substantive revision, amend, and recodify the ordinances codified in the Santee Municipal Code;

WHEREAS, the amendments to the Santee Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance;

WHEREAS, the descriptions included in the council agenda statement, staff report, and minutes contain the findings of the City Council in support of this Ordinance and serve as evidence of the City Council's intention in adopting this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. **Existing Law Continued**. The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance;

2.1.3. The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance;

2.1.4. Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance, resolution, or regulation;

2.1.5. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the Santee Municipal Code;

2.1.6. Santee Municipal Code sections cited on signs, forms, notices, or other materials within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in

the new Santee Municipal Code for purposes of notice and enforcement.

2.2. **Exclusions from code**. Every ordinance governing the following subject matter is not affected by the adoption of this Ordinance:

2.2.1. Alteration of city boundaries;

2.2.2. Contracts to which the city is a party;

2.2.3. Elections to which the city is a party;

2.2.4. Fixing the rate and making a levy of city taxes;

2.2.5. Granting, altering or withdrawing a franchise;

2.2.6. Land use classifications of specific property;

2.2.7. Naming roads and streets.

2.3. **References to Prior Ordinances Apply to All Amendments.** Whenever a reference is made to this code as the "Santee Municipal Code" or to any portion thereof, or to any ordinance of the City of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.4. **Title, Chapter, and Headings**. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

2.5. **References to Specific Ordinances and Code Sections**. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Santee Municipal Code. Renumbering and relabeling of existing ordinance, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.6. **Effect of Ordinance on Past Actions**, **Obligations and Irregularities**. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such

adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the City, do not revive any rights repealed or extinguished by any prior ordinance of the City which is repealed by this Ordinance.

2.7. **Effect of Ordinance on Period of Limitation**. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.8. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Title 9 "Public Services" of the Santee Municipal Code is hereby restated and amended as follows:

3.1. Chapter 9.02 "Solid Waste Management" is restated and amended as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.2. Chapter 9.04 "Construction and Demolition Debris Recycling" is restated and amended as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.3. Chapter 9.06 "Stormwater Management and Discharge Control" is restated and amended as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.4. Chapter 9.08 "Overhead and Underground Utilities" is restated and amended as set forth in Exhibit 4 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has "the potential for causing a significant effect on the environment." (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a

significant effect on the environment." (*Ibid*.) Here, the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 5. Codification. The City has adopted the "City of Santee Municipal Code Editorial Guidelines," and, except as otherwise provided herein, authorizes Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinance to the guidelines. In the event a substantive conflict arises on the basis of the changes authorized by this Section, the language adopted by this Ordinance prevails. The City Clerk is authorized to provide certified copies and notice of this Ordinance or any part of this Ordinance required or advised by the law or any regulation.

SECTION 6. Parentheticals. Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the Santee Municipal Code.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Santee 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 section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary or 1/4 page advertisement of the same to be published as required by law.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 22 day of May 2019, and thereafter ADOPTED at a Regular Meeting of the City Council held on this 26 day of June 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____
JOHN MINTO, MAYOR

ATTEST:

_____
ANNETTE ORTIZ, CITY CLERK

EXHIBIT 1

CHAPTER 9.02 SOLID WASTE MANAGEMENT

ARTICLE 1 GENERAL PROVISIONS

9.02.100 Purpose and intent.

A. The City Council hereby finds and determines, in order to meet the requirements of the California Integrated Waste Management Act of 1989, including requirements for 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 residential and commercial premises and to encourage recycling of solid waste and organic materials.

B. The City Council further finds and determines that the storage, accumulation, collection and disposal of solid waste and recyclables is a matter of great public concern because improper control of such matters may create a public nuisance, air or water pollution, fire hazard, rat and insect infestation and other problems affecting the public health, safety and welfare. Regulating the collection of recyclable materials and solid waste within the City will best solve such problems and promote public health, safety and welfare. Regulating such activities in the City will also promote public health, safety, and welfare by, among other things, requiring newer and safer vehicles, regular vehicular and facility maintenance, reduction of solid waste spillage and litter, accountability for cleaning solid waste bins and containers, recycling activities and accountability to the public for solid waste services.

C. The City Council hereby finds and determines that the public health, safety and welfare will be served by providing for a franchised or permitted system for solid waste collection and recycling services. (Ord. 339A, 1995)

9.02.110 Definitions.

In this chapter:

"Biohazardous waste" means

"Biohazardous waste" means any of the following:

1. Laboratory waste, including, but not limited to, specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate and mix cultures or material which may contain infectious agents and may pose a substantial threat to health;

2. Recognizable fluid blood elements and regulated body fluids, and containers and articles contaminated with blood elements or regulated body fluids that readily separate from the solid portion of the waste under ambient temperature and

pressure. Regulated body fluids are cerebrospinal fluid, synovial fluids, pleural fluid, peritoneal fluid, pericardial fluid, and amniotic fluid;

3. Sharps, which are objects or devices having acute rigid corners, edges, or protuberances capable of cutting or piercing, including, but not limited to, hypodermic needles, blades and slides;

4. Contaminated animal carcasses, body parts, excrement and bedding of animals including materials resulting from research, production of biologicals, or testing of pharmaceuticals which are suspected of being infected with a disease communicable to humans;

5. Any specimens sent to a laboratory for microbiological analysis;

6. Surgical specimens including human or animal parts or tissues removed surgically or by autopsy;

7. Such other waste materials that result from the administration of medical care to a patient by health care providers and are found by the administering agency or the local health officer to pose a threat to human health or the environment. If there is a difference in opinion between the administering agency and the local health officer, the local health officer's view will prevail.

"Biomedical waste" means any waste which is generated or has been used in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, in the production or testing of biologicals, or which may contain infectious agents and may pose a substantial threat to health. Biomedical waste includes biohazardous waste and medical solid waste. Biomedical waste does not include hazardous waste as defined in California Health and Safety Code Section 25117 and California Code of Regulations Title 22, Division 4.5, or radioactive waste as regulated in Division 104, Part 9 of California Health and Safety Code.

"Bulky items" means large items of solid waste, such as appliances, furniture, large auto parts, trees, branches, stumps and other oversize waste whose size precludes or complicates their handling by normal waste management methods.

"Business" means any: commercial or public entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as for-profit or nonprofit entity, or a multifamily residential dwelling containing more than five units.

"Buy-back/drop-off center" means a facility that is operated by a private business and which pays a fee for the delivery and transfer of ownership to the facility of recyclable materials for the purpose of recycling, or accepts at no charge selected recyclable materials, as defined by this chapter.

"Collect" or "Collection" means the operation of gathering together and/or transporting by means of a motor vehicle or other means, any solid waste, recyclable material or yard waste.

"Collector" means any person who has been issued a franchise or a permit by the City to provide waste management services.

"Commercial business owner" means any person, firm, corporation or other enterprise or organization holding or occupying, singly or with others, commercial premises, whether or not the holder of the title of the commercial premises.

"Commercial premises" means all occupied real property in the City except property occupied by governmental agencies which do not consent to their inclusion, and except residential premises which receive solid waste collection services using single family residential solid waste containers, and includes without limitation, multiple housing, of greater than four units, wholesale or retail establishments, restaurants, other food establishments, bars, stores, shops, offices, manufacturing, repair, research and development, professional services, sports or recreational facilities, and construction and demolition sites.

"Commercial solid waste" means all types of solid waste generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of five or more units.

"Commercial solid waste container" means a bin or refuse container used in connection with commercial premises with a one and one-half to six cubic yard capacity, designed for mechanical pick-up by collection vehicles and equipped with a lid or, where appropriate for the commercial premises being served, a ten to forty cubic yard roll-off body or compactor. This section also includes other types of containers suitable for the storage and collection of commercial solid waste if approved in writing by the director.

"Composting" means the natural process of decomposition and recycling of organic material into a humus-rich soil amendment.

"Container" means any vessel, tank, receptacle, box or bin used or intended to be used for the purpose of holding solid waste or recyclable materials for storage or collection.

"Designated recyclables" mean those recyclable materials designated in section 9.02.250

"Director" means the director of the Department of Development Services of the City of Santee or designee.

"Franchise" means the right to provide waste management services of any class or type within all or any part of the City, granted by the City Council pursuant to this chapter.

"Franchisee" means the person who provides waste management services under a franchise granted by the City Council.

"Garbage" means kitchen and table wastes, and animal or vegetable wastes that attends or results from the storage, preparation, cooking, or handling of food or edible items.

"Hazardous waste" has the same meaning set forth in Health and Safety Code Section 25117, and includes: (1) a waste or combination of wastes which, because of its quantity,

concentration, or physical, chemical or infectious characteristics, may either (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or (b) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed; (2) a waste which meets any of the criteria for the identification of a hazardous waste adopted by the California Environmental Protection Agency's Division of Toxic Substances Control pursuant to Health and Safety Code Section 25141. Hazardous waste includes extremely and acutely hazardous waste, unless expressly provided otherwise.

"HHWE" means the Household Hazardous Waste Element for the City prepared and updated pursuant to the Public Resources Code.

"Holiday" means New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and any other day designated as such in a contract between a collector and the labor union serving as the exclusive representative of said collector's employees, provided such holiday is approved by the City Council.

"Industrial Solid Waste" means solid waste originating from mechanized manufacturing facilities, factories, refineries, construction and demolition projects, publicly operated treatment centers, or solid waste placed in commercial collection bins, excluding hazardous waste.

"Landfill" means a disposal facility that accepts solid waste for land disposal as defined in Section 40195.1 of the Public Resources Code.

"Multi-Family Residential Premises "means a structure or structures containing greater than four dwelling units in any vertical or horizontal arrangement on a single lot or building site.

"Organic waste" means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

"Permittee" means a person who holds a valid, unrevoked, and unexpired permit to collect or transport solid waste and recyclables issued pursuant to this chapter.

"Public agency" means any governmental agency or department thereof.

"Public education" means any and all efforts to enhance, increase or improve the knowledge of customers of collectors or residents of the City regarding solid waste, recycling, source reduction or any other aspect of waste management services.

"Recyclables means materials generated on or emanating from residential or commercial premises, no longer useful or wanted thereon, and which are separated from the solid waste stream for the purpose of recycling into other useable product(s), and includes organic waste.

"Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become refuse, 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.

"Refuse" means garbage and rubbish.

"Residential Householder" means any person holding and/or occupying a residential premises, whether or not the owner, singly or with his or her family, in the City.

"Rubbish" means non-putrescible solid waste that is not recyclable such as ashes, soiled paper and cardboard, certain wood, glass, plastics and metals, bedding, crockery, rubber and rubber by-products, textiles, inert products, and litter.

"Scavenging" means the uncontrolled or unauthorized removal of solid waste, recyclables or yard waste pursuant to this chapter.

"Self-hauling" means the act of a residential householder or commercial business owner collecting and legally disposing of solid waste, recyclables, or yard waste generated in or on their premises.

"Single-family residential premises" means any residential property within the City utilizing solid waste containers of ninety-six gallons or less capacity for the provision of waste management services.

"Single-family residential solid waste container" means a container made of metal, hard rubber or plastic not exceeding ninety-six gallons in capacity.

"Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, generated in or upon, related to the occupancy of, remaining in or emanating from residential premises or commercial premises, including garbage, rubbish, trash, refuse, ashes, industrial wastes, demolition and construction wastes, manure, vegetable or animal solid or semisolid wastes, and other solid and semisolid wastes. This excludes liquid wastes, abandoned vehicles, and hazardous, biohazardous and biomedical wastes.

"Solid waste management or collection services" means the collection, transportation, storage, transfer, disposal, or processing of solid waste, recyclables or yard waste.

"SRRE" means the Source Reduction and Recycling Element for the City prepared and updated pursuant to the Public Resources Code.

"Transfer or processing station", as defined in Public Resources Code Section 40200, means those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport, and those facilities used for transformation.

"Yard waste" means lawn clippings, leaves, weeds, and woody materials from trees and shrubs. (Ord. 339A, 1995)

9.02.120 Promulgation of rules and regulations.

A. The storage, removal, collection, and transportation of solid waste, recyclables and yard waste in the City is under the supervision of the director, who has the authority and

duty to promulgate rules and regulations regulating these activities. A copy of the rules and regulations, and all amendments thereto, must be kept on file by all persons having a franchise or permit to collect solid waste, recyclables and yard waste in the City.

B. All persons are encouraged to utilize waste management services from a collector authorized by the City. However, nothing in this chapter prohibits a person from self-hauling solid waste and recyclables generated on the persons own property to a properly permitted receiving facility for final disposal provided that:

1. such solid waste is removed in a continuous and timely manner in accordance with Section 9.02.210 of this chapter;

2. weight receipts or other justification of proper disposal are maintained by the self-hauler for a twelve month period and can be made available upon request to a public agency charged with solid waste reporting requirements to the state; and

3. All commercial and industrial businesses not using the services of a permittee must submit solid waste disposal and recycling tonnage documentation annually to the City. Reports are due on or before January 31 for the previous year. Annual reporting must be on a form provided by the director. (Ord. 339A, 1995) (Ord. 339A, 1995)

9.02.130 Enforcement.

Violations of this chapter are declared to be a public nuisance and a misdemeanor and may be addressed by any means available to the City, including those means set forth in title 1.

ARTICLE 2 REGULATION OF SOLID WASTE GENERATORS

9.02.200 Illegal disposal.

A. It is illegal to place or allowed to be placed or remain any solid waste, recyclable material, garbage, dead animal, diseased, putrid, or offensive animal or vegetable matter, rubbish, construction wastes, or bulky items upon any vacant lot, park, public or private property, camping place, street, road, highway, alley, sidewalk, curb, gutter, stormwater conveyance, or on the bank of any stream or drywater course, or in any standing water, stream, or drywater course.

B. It is illegal to tamper with, modify, remove from, or deposit solid wastes or recyclables into or adjacent to any container without the permission of the container owner.

9.02.210 Frequency of removal.

A. The owner, operator and/or occupant of any residence, business establishment, or industry must remove or cause the removal of all solid waste accumulated on the property or premises. Excepting disruptions in normal solid waste collection schedules, garbage must not remain on any premises for more than seven days. Where the City deems necessary to further the purposes of this chapter, more frequent removal of garbage may be required. When garbage and

rubbish are containerized together, the period of removal is the period applied to garbage. (Ord. 339A, 1995)

B. All single-family residents and multi-family residents using single-family residential solid waste containers must use the services of a franchisee for recyclables and yard waste collection services.

9.02.220 Placement, collection and transportation of hazardous and biohazardous wastes.

A. It is unlawful for any person to place any hazardous, flammable, or explosive materials, poisons, insecticides, liquid or dry caustics or acids, operable hypodermic needles, drugs, infectious, biomedical, electronic, or biohazardous waste material, or any similar substances dangerous to collection and disposal personnel in any solid waste or recyclables receptacle.

B. It is unlawful for any person to collect or transport hazardous and biohazardous wastes without compliance with applicable federal, state and local laws. (Ord. 339A, 1995)

9.02.230 Storage and containers.

A. Storage. The owner, operator, and/or occupant of any premises, business establishment, industry, or other property, vacant or occupied, is responsible for the safe and sanitary storage of all solid waste accumulated on the property. Anytime garbage and rubbish are combined, the standards for garbage prevail. The property owner or occupant must store solid waste on the premises or property in such a manner so as not to constitute a fire, health, or safety hazard, and must ensure it does not to promote the propagation, harborage, or attraction of flies, rodents or other vermin, or create litter or other nuisances.

B. Containers - General. Property owners and tenants must deposit solid waste in containers approved for the property and designed for the express purpose of solid waste storage and disposal and must not cause containers to overflow or be loaded heavier than the collector specifies for the type of container being used. In addition, property owners and tenants must ensure the following:

1. Containers for garbage and putrescible matter or mixed garbage and rubbish must conform to the requirements established in Title 14, Division 7, Article 5, Section 17315 of the California Code of Regulations. This includes a safe handling design and a construction that is nonabsorbent, watertight, resistant, to flies, rodents and other vermin, durable, easily cleanable, and provided with tight-fitting lids, covers, or doors.

2. Containers must be kept in a clean condition at all times. Offensive material on the outside of containers, including graffiti, must be removed by the container owner within seventy-two hours of notification by the City.

3. Where single use plastic and paper bags or container liners are used, they must be constructed of such thickness and strength to resist punctures and tears, and must be manufactured expressly for the storage of waste.

4. Any business generating food waste must prevent leaking of food waste from trash containers, at a minimum by ensuring food waste is double bagged.

5. Containers used for any animal manure must be kept tightly covered at all times and must be kept sealed at all times to prevent access by flies, rodents and other vermin.

C. Containers - Single-Family Residential. Every single-family residential householder must comply with the following requirements:

1. Place separated refuse, recyclables, and yard waste in individual containers of ninety-six gallons or less capacity provided by or for each single-family residential premises. Containers must be of an adequate size and in sufficient numbers to contain, without overflowing, all the separated refuse, recyclables, and yard waste that a resident generates within the designated removal period.

2. Follow rules established by the collector for single-family residential solid waste containers. If permitted by the collector, any solid waste not suitable for placement in a single-family residential solid waste container may be placed for collection at the same place and time as the container if it is securely tied in bundles not heavier than forty pounds, not longer than three feet in length, and not more than twenty-four inches in diameter.

3. Place each container for collection at the curb prior to 6:30 a.m. on the day of collection, but in no case more than twelve hours before the earliest regularly scheduled collection time, without creating a hazardous or safety problem.

4. Remove each container from the curb no later than twelve hours after the latest regularly scheduled collection time except for unscheduled or unanticipated service interruptions. In such a case, the time frame for the removal of containers may be extended for an additional twenty-four hours.

D. Containers - Commercial. Every commercial business owner and the person responsible for multi-family residential premises must comply with the following requirements:

1. Utilize a container or containers for solid waste and recyclables provided by a franchisee or permittee or, in the alternative, utilize their own approved containers. Any such solid waste container must be a commercial solid waste container of one and one-half to six cubic yards capacity, with a leak-proof, insect-proof, and rodent-proof construction and tight fitting lids, which is compatible with the franchisee or permittee's collection equipment. Where appropriate for the commercial or industrial premises, a ten to forty cubic yard roll-off body or compactor may be used. Containers must be of an adequate size and in sufficient numbers to contain all solid waste generated on the commercial or industrial property within the designated removal period without overflowing.

2. Maintain solid waste containers, which are not provided by the collector, in a clean and healthful condition.

3. Provide a location on the premises for the container and keep the area in good repair, clean and free of solid waste outside of the container. (Ord. 339A, 1995)

9.02.240 Mandatory recycling.

A. All generators of solid waste in the City must separate from solid waste, for recycling purposes, all designated recyclables as defined in Section 9.02.250 and otherwise participate in recycling programs.

B. Each generator must separate recyclable materials from other solid waste, place recyclable materials in appropriate containers designated for such recyclables, and place the containers for collection in the same manner as regular collection occurs.

C. Collection of designated recyclables from residences using single-family residential solid waste containers must occur at least once weekly. For commercial premises, including multi-family residential premises as defined in Section 9.02.110 of this chapter, and industrial businesses, collection must be provided as needed to meet demand. (Ord. 339A, 1995)

9.02.250 Designated recyclable materials.

A. The materials designated by land use category in Table 9.02.250(A) must be separated from general refuse.

TABLE 9.02.250(A)

RESIDENTIAL **(Includes Multi-Family)**	**COMMERCIAL**	**INDUSTRIAL**
	Newspaper	Dirt
Newspaper	Corrugated Cardboard	Asphalt
Corrugated Cardboard	Mixed Paper	Sand
Mixed Paper	Magazines & Catalogs	Concrete
Magazines & Catalogs	Junk Mail & Envelopes	Rock
Junk Mail & Envelopes	Telephone Books	Brick/Tile
Telephone Books	White & Colored Paper	Re-Bar
Cereal Boxes	Computer Paper	Pallets
Cake Mix Boxes	Non-Carbon Forms	Land Clearing Brush
Shoe Boxes	Post-It Notes	Salvageable Bldg. Mtrls
Detergent Boxes	Aluminum Cans	
White & Colored Paper	Steel/Tin Cans	
Paper Gift Wrap	Glass Bottles (All Colors)	
Computer Paper	Glass Jars	
Core Tubes from Paper Towels,	PET#1 and HDPE#2 Plastic	
Etc.	Soda Bottles	
Aluminum Cans	Milk/Water/Juice Jugs	
Aluminum Foil	Pallets	

Steel/Tin Cans	Yard Waste	
Empty Paint Cans	Grass Clippings	
Empty Aerosol Cans	Leaves	
Glass Bottles (all Colors)	Limbs/Branches < 4′	
Glass Jars		
PET#1 and HDPE#2 Plastic		
Soda Bottles		
Milk/Water/Juice Jugs		
Some Detergent Bottles		
Empty Motor Oil Cans		
35 mm Film Containers		
Appliances/white goods		
Yard Waste		
Grass Clippings		
Leaves		
Weeds		
Limbs/Branches < 4′		

B. Organic waste must be separated from general refuse, as follows:

1. A business that generates four cubic yards or more of organic waste per week, and any business that generates four cubic yards or more of commercial solid waste per week, must arrange for recycling of organic waste by in one of the following ways:

   (a) Source separate organic waste from other waste and subscribe to a basic level of organic waste recycling service;

   (b) Recycle on-site or self-haul its own organic waste for recycling

   (c) Subscribe to an organic waste recycling service that may include mixed waste processing that specifically recycles organic waste

   (d) Make other arrangements consistent with any franchised collector.

2. On site organic waste recycling (i.e. composting) is exempt from the disposal requirements of this chapter, provided that the on-site organic waste recycling does not propagate, harbor, or attract flies, rodents, other vermin, or create a nuisance.

(Ord. 339A, 1995)

9.02.260 Exclusions—recyclable materials.

A. Residential Householders. No provision of this chapter prevents residential householders from self-hauling, from composting yard waste, or from selling or disposing of recyclables generated in or on their residential premises.

B. Gardeners. No provision of this chapter prevents a gardener, tree trimmer or person providing a similar service from collecting and disposing of yard waste as an incidental portion of providing such gardening, tree trimming or similar service.

C. Commercial.

1. No provision of this chapter prevents a commercial business owner from selling to a buyer, donating, or giving away any designated recyclable materials generated in, on, or by a commercial premises or business and no longer useful to such commercial business; provided however, that the buyer is not engaged in the business of collecting solid waste for a fee, charge, or consideration and that no such materials are transported to a landfill or transfer station for disposition. Source separated recyclables within the meaning of this subsection mean recyclables separated on the commercial premises from solid waste for the purpose of sale, not mixed with or containing more than incidental or minimal solid waste and having a market value.

2. No provision of this chapter prevents a recycler, junk dealer, or other enterprise engaged in the business of buying and marketing such materials and who is not engaged in the business of collecting solid waste or providing collection services for a fee or other charge, or consideration, from buying any materials described in this subsection for a monetary or other valuable consideration. No provision of this chapter prevents a recycler, junk dealer, or enterprise who buys such materials from removing and transporting such materials to a destination for marketing. No such buyer may buy or transport such material without a permit issued by the City.

D. Renovation, Rebuilding, Repairs. No provision of this chapter prevents a commercial business owner from arranging for any equipment used in the commercial to be picked up, renovated, rebuilt, recharged, regenerated or otherwise restored and repaired and returned to the commercial business owner. No provision of this chapter prevents any person engaged in the business of renovating, rebuilding, recharging, regenerating, or otherwise restoring or repairing equipment from transporting the same from or returning it to the commercial business or from removing, transporting or disposing of any such part or equipment replaced as a part of a repair or equipment service contract.

E. Building Materials/Demolition. No provision of this chapter prevents a licensed contractor who has a contract for the demolition and/or reconstruction of a building, structure, pavement, or concrete from marketing any saleable items salvaged from such activity, or from having salvageable items or demolition waste removed and transported from the premises on which such waste is generated, pursuant to the provisions of the demolition and/or construction contract. If such contractor subcontracts the transporting and disposition of demolition waste, however, only a franchisee or permittee, if any, is authorized to transport and dispose of such demolition waste.

F. Charitable or Non-Profit Organization. No provision of this chapter prevents a charitable or nonprofit organization as defined by the laws of the State of California, from

collecting and marketing any source separated recyclables, provided that the following conditions are met:

1. The organization is not engaged in the business of collecting recyclables for a fee or other consideration; and

2. The organization does not transport such materials to a landfill or transfer station for disposition; and

3. That recyclables are donated, without fee or any other consideration, to the charitable or non-profit organization.

G. Document Destruction Service. No provision of this chapter prevents a confidential or sensitive document destruction service from transporting or disposing of documents by shredding, incinerating, or other means, as a part of such document destruction service. (Ord. 339A, 1995)

9.02.270 Illicit scavenging.

A. It is unlawful for any person to remove material from a container at any premises, except for a collector who is authorized to provide collection services at the premises, the residential householder or owner of such premises, the commercial business owner or employee of a business on such commercial premises, or the owner or employee of the owner of the container.

B. Where separate collection or a salvaging operation is initiated anywhere in the City or in any legally designated facility to further the recovery of reusable or recyclable items, the following apply:

1. It is unlawful for any unauthorized person to remove any separated salvageable commodity from any curb, alley, street, designated pickup location, or any storage area or container.

2. It is unlawful for any person to disturb, tamper with, or remove any container containing salvageable material, or the contents thereof, unless authorized by the owner of the container.

3. It is unlawful for any person other than a franchised or permitted solid waste collector to charge a fee for the collection of separated recyclable or salvageable commodities.

C. All processors of recyclable materials must prominently post on their premises the following in both English and Spanish:

WARNING, STOLEN MATERIALS WILL NOT BE PURCHASED.

ARTICLE 3 REGULATION OF COLLECTORS

9.02.300 Franchise or permit required.

A. It is unlawful for any person to contract for or provide solid waste collection services in the City or to contract for or provide single-family residential, multi-family residential, commercial, or industrial solid waste collection services, whether permanent or temporary, unless the person holds a franchise from the City.

B. The terms and conditions of any franchise agreement between the City and a franchisee, in conjunction with this chapter, govern the work of the franchisee. Said franchise agreement may contain terms and conditions which are more restrictive than those of this chapter. (Ord. 339A, 1995)

9.02.305 Collection operations.

A. General.

1. Each collector must conduct its operations so as to cause the least possible obstruction and inconvenience to public traffic or disruption to the peace and quiet.

2. After collection, a collector must replace each container upright in the same location where it was found. Collectors must remove any solid waste or litter that is spilled or deposited on the ground as a result of any activities of the collector.

3. Each collector must comply with the noise regulations in Chapter 5.04 and in no event emit any noise with within five-hundred feet of occupied residential property that exceeds seventy-five decibels when measured at a distance of twenty-five feet.

4. Each collector must perform all work in a manner that provides safety to the public and meets or exceeds all applicable occupational safety and health standards, rules, regulations and orders established by the state.

5. No vehicle or equipment used in collections may be stored on any public street or other public property in the City. All such vehicles and equipment, if kept within the boundaries of the City, must be kept on property of the proper zoning within a building or fenced yard at all times when not in use.

6. No collector is permitted to transfer waste materials from one vehicle to another on any public street unless such transfer is essential to the operation and is approved by the director, or is necessitated by mechanical failure or accidental damage.

7. Each collector must maintain an office and telephone at a fixed location and have some person at the office to answer inquiries and receive complaints at all times during the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday,

except holidays. The telephone number must be toll-free and be listed in a citywide directory in the name under which it conducts business in the City.

8. A collector must maintain any containers it provides in a clean condition and may charge appropriate fees or any agreed upon rate for this service.

9. Each collector operating in the City must make recycling containers and services available to their customers. A franchisee has the responsibility for all recyclables and yard waste collection services from single-family residential premises within the City. For multi-family, commercial and industrial generators, collectors must develop, in cooperation with each generator, an individual recycling plan suitable for each such generator.

B. Residential.

1. Each collector must perform collections from each residential premises served by the collector not less than once every seven days or as approved by the director.

2. Residential collections must be made only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. Hours and days of collection are subject to change by the City Council.

3. When the collection day falls on a holiday, the collector must collect on the holiday, or collect one day prior to or one day after the holiday.

4. If requested by a residential householder, a collector must provide special collection of solid waste at such times and at such rates as may be agreed upon by the collector and the person requesting the service. If no agreement is reached, such special collections, charges and times will be determined by the director.

5. If a residential collector ceases to provide services to any resident, the residential collector must provide seven days written notice of termination to the customer. This notice must also include the name and telephone number of the City's residential franchisee.

C. Commercial/Industrial.

1. Each collector must provide collections from commercial/industrial premises on a schedule which is agreed upon between the commercial/industrial business owner and the collector. In no event may the collection schedule permit the accumulation of garbage on the premises for more than seven days or the accumulation of solid waste in quantities detrimental to public health or safety.

2. All collections from multi-family residential property or within five-hundred feet of occupied residential property must be made between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. Hours and days of collection are subject to change by the City Council.

3. Collectors must collect and dispose of all solid waste and recyclable material presented for collection at each commercial/industrial premises in conformity with the provisions of this chapter. Any such collection or disposal must be in accordance with all applicable laws and any controlling franchise agreement between the City and a franchisee. All solid waste and recyclable material collected by a collector is the property of the collector.

4. A collector who provides any container or other equipment used for the storage of commercial or industrial solid waste must place and maintain on the outside of such container or other equipment the collector's name or firm name and telephone number in legible letters and numerals not less than four inches high and in a color contrasting with the container's color. A collector must provide containers on casters and/or with locks upon request by the commercial or industrial business owner or the director.

5. A business that has its own recycling or resource recovery program for recyclable materials generated by such business may be excluded from utilizing a franchised or permitted collector provided that the business complies with Section 9.02.260 of this chapter and provided that the business reports its recycling tonnage to the City in accordance with Section 9.02.350. (Ord. 339A, 1995)

9.02.310 Annual renewal of collector permits.

A. No residential or industrial collector is permitted to operate in the City during any without a franchise agreement or a valid commercial permit from the director.

B. A collector must obtain or renew the permit required by subdivision A annually by submitting an application and all requested information related thereto no later than October 31 of the year preceding the permit period, which begins January 1 and ends December 31. (Ord. 339A (part) 1995)

9.02.315 Customer rates.

The City Council may from time to time review and, by resolution, establish rates to be charged to customers by a franchisee. No franchisee or permittee is permitted to charge any rate except the rate established by the City Council. (Ord. 339A, 1995)

9.02.320 Remittances of franchise and permit fees to city

A. Each collector must remit fees to the City in amounts determined by resolution of the City Council and set forth in franchise and/or permit agreements required of all collectors.

B. The City may increase or decrease collector fees to any amount, if, in the sole discretion of the City, it is necessary to defray city waste management costs.

C. A franchisee must pay franchise and permit fees quarterly, not later than twenty calendar days after the end of each quarter ending on March 31, June 30, September 30, and

December 31. If the twentieth calendar day falls on a weekend or holiday, the quarterly remittance is due on the next working day.

D. Each remittance required by this section must be accompanied by a report setting forth the basis and calculations used for computing the amount due. The figures used in the report must agree with the collector's general books of account. The collector's books of account must be made available to the City upon demand for the purposes of auditing quarterly and annual reports. Audits will take place at the collector's administrative facility. If the figures used in the report disagree with the collector's general books of account, the collector is liable for all audit costs, including city staff charges. If the figures used in the report agree with the collector's general books of account, the City will pay the costs of the audit.

E. If a collector fails to remit fees as required by this section, the collector must pay a penalty in the amount established by the City Council. After the thirtieth day following the due date, failure to remit the required payments to the City, or failure to make books of account available to the City on demand, whether by willful act or omission, or willful falsification of the figures used to determine permit fee remittances to the City, may result in the termination or revocation of the franchise or permit. (Ord. 339A, 1995)

9.02.325 Transfer of franchise or permit.

A franchise or permit issued pursuant to this chapter must not be transferred, delegated, sublet, subcontracted to or assigned without the advance approval of the City Council. This restriction includes the transfer of ownership or the majority of the ownership or control of the franchisee or permittee or transfer of a majority of the franchisees or permittee's stock to another person. (Ord. 339A, 1995)

9.02.330 Administrative requirements.

A. Compliance with Statutes, Ordinances and Regulations.

1. Collectors must provide collections in accordance with standards for similar sized cities in southern California. Collectors must comply with all current statutes, ordinances, and requirements of all government entities, relating to the collector's performance pursuant to this chapter, including but not limited to the laws governing transfer, storage or disposal of hazardous waste, as well as the requirements of the California Integrated Waste Management Board (CIWMB). CIWMB requirements include but are not limited to source reduction and recycling.

2. Collectors are responsible for the payment of fines, surcharges and fees levied by the county of San Diego for any violations of the San Diego County Code of Regulatory Ordinances.

B. Insurance. Collectors must at all times maintain in full force and effect insurance in the types and amounts approved by the City Attorney. Prior to commencing collections, collectors must deliver to the city copies of all required insurance policies. The policies of

insurance must cover all risks expected to arise during or from the performance of the work, but in no case be less than the following:

1. Commercial General Liability Insurance. Commercial general liability insurance, that includes coverage for premises-operations and contractual personal injury, comprehensive automobile liability, comprehensive protection of its officers, boards, commissioners, agents and employees, protection of the City and all persons against liability for loss or damage for personal injury, death and property damage, occasioned by the operations of the collector. The commercial general liability insurance policy must have minimum limits of five-million dollars in aggregate and two-million dollars combined single limit for bodily injury, including accidental death and property damage. The insurance company must be a California admitted liability insurance carrier with not less than an A minus (A-) rating, and having a financial size of not less than Class VI, according to the most recent version of the A.M. Best Insurance Guide. The commercial general liability policy must also:

   (a) Contain an endorsement extending coverage to the City as an insured, in the same manner as the named insured as respects liabilities arising out of the performance of any work under this chapter.

   (b) Be primary with respect to the interests of the City, and provide that any other insurance maintained by the City is excess and does not contribute to the insurance required herein.

   (c) An endorsement that written notice will be given to the City at least thirty days prior to any change, termination, cancellation, or reduction of coverage in the policy.

2. Worker's Compensation Insurance. Collectors must secure, maintain in full force and effect at all times and bear the cost of complete workers' compensation insurance in accordance with the laws of the state. A certificate evidencing workers' compensation insurance coverage for each collector must be on file with the City at all times during the term of the permit or franchise. The worker's compensation policy must also contain an endorsement extending coverage to the City as an additional insured, in the same manner as the named insured as respects liabilities arising out of the performance of any work under this chapter.

C. Performance Bond. Prior to beginning collections, collectors must provide, and at all times during the provision of collection services maintain, a faithful performance surety bond in a form and amount approved by the director to secure the full and faithful performance of the terms, obligations and agreements on the part of the collector.

D. Failure to Provide or Cancellation of Insurance Policies or Performance Bond. The City may terminate any permit or franchise issued pursuant to this chapter in accordance with the provisions of the permit or franchise or Chapter 1.08 if the collector fails to provide or maintain insurance policies or performance bonds required by this chapter. If a permit or

franchise is terminated pursuant to this section, the collector is liable to the City for any and all monetary damages suffered by the City arising out of the termination.

E. Indemnification.

1. Collectors must indemnify and hold the City harmless from and against any and all loss, damages, liability, claims, suits, costs and expenses, fines, charges or penalties whatsoever, including reasonable attorney's fees, regardless of the merit or outcome of any such claim or suit, arising from or in any manner related to the services or work provided under this chapter.

2. Collectors must indemnify, defend with counsel approved by the City, protect and hold harmless the City, its officers, employees, agents, assigns, and any successor in interest from and against all claims, damages, including but not limited to special and consequential damages, natural resource damage, punitive damages, injuries, costs, response remediation and removal costs, losses, demands, debts, liens, liabilities, causes of action, suits, legal or administrative proceedings, interest, fines and charges, penalties and expenses, including, but not limited to, attorneys' and expert witness fees and costs arising from or attributable to any repair, remediation, cleanup or detoxification, or preparation and implementation of any removal, remedial, response, or closure or other plan, regardless of whether undertaken due to governmental action, and concerning any hazardous substance or hazardous waste at any place where the collector stores or disposes of solid or hazardous waste pursuant to Section 9.02.110. The foregoing indemnity is intended to operate as an agreement pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 United States Code Section 9607(e), and California Health and Safety Code Section 25364, to insure, protect, hold harmless, and indemnify the City from liability.

3. Permittees must sign an affidavit supplied by the City affirming the indemnifications described in this section prior to the City's approval of any permit. (Ord. 339A, 1995)

9.02.335 Ownership of refuse, recyclables and yard waste.

A. All solid waste, recyclables or yard waste becomes the property of the collector upon placement by the customer for collection.

B. On thirty days' written notice, the City has the right to direct a franchisee to deliver any, solid waste, recyclables or yard waste it collects to a legal disposal facility designated by the City.

C. A franchisee may not enter into any agreement for the sale or disposal of any material, whether or not recyclable, for more than thirty days, without the written consent of the City.

D. Notwithstanding the provisions of subsection (A) of this section, the City has the option of assuming ownership of solid waste, recyclables or yard waste collected by a collector

pursuant to this chapter by providing collectors with thirty days' notice of the City's assumption of ownership. (Ord. 339A, 1995)

9.02.340 Collector vehicle and equipment standards.

A. A collector must print or paint the collector's name, telephone number and vehicle identification number at least six inches in height on both sides of every vehicle used for collections.

B. At the option of the collector or at the request of the City, a collector may display removable sign panels that advertise special solid waste programs, provided that such special advertising panels are not used cumulatively more than one-hundred-eighty days out of each calendar year.

C. Collectors must ensure that each vehicle used for collections satisfies the following requirements:

1. Is equipped with a watertight collection material body that has close fitting metal covers.

2. Is constructed and used so that no solid waste, oil, grease, or other substances blow, fall, or leak out.

3. Is equipped with a broom, shovel and appropriate fire extinguisher at all times. If any solid waste, oil, grease or other substance drops or is spilled during the collector's operations, the collector must immediately clean it up. A collector must pay all expenses incurred by the City if the City cleans up of the collector's operations.

4. Is inspected by the California Highway Patrol annually, and maintains certificates for the inspections on file annually with the City.

5. Is kept clean and sanitary, in good repair and uniformly painted to the satisfaction of the director.

6. Is available to the San Diego County Health Department for inspection at any time, if requested.

7. Is equipped with high intensity fog lamps, consisting of two red tail lamps in addition to the standard tail lamps, if the vehicle is eighty inches or wider. Each collector must use the fog lamps when visibility is less than fifty feet.

8. Is equipped with an audible backup warning device.

D. Collectors must operate and maintain all collection and transportation equipment in compliance with all applicable federal, state and local laws and with the following requirements:

1. All equipment must be maintained at all times in a manner to prevent unnecessary noise during operation.

2. All vehicles and equipment must be maintained in a safe and operable condition and collectors must maintain accurate records of repair, including the date, mileage, nature of repair, and the signature of a maintenance supervisor verifying that the repair has been properly performed.

3. No vehicle used for collection may be loaded in excess of the manufacturer's gross vehicle weight rating or in excess of the maximum weight specified by the California Vehicle Code, whichever is less. Evidence of the gross vehicle weight rating must be maintained in or upon every vehicle.

E. Collector Vehicle and Equipment Standards Violations. If the director gives notification to a collector that any of the collector's equipment is not in compliance with the standards of this chapter, the collector must immediately remove such equipment from service and must not use that equipment in the City until it has been inspected and approved by the director. The collector must maintain its regular collection schedule regardless of such action. (Ord. 339A, 1995)

9.02.345 Employee standards.

A. Collectors must hire employees without regard to race, religion, color, national origin, sex, or any other non-merit factor as delineated by the Equal Employment Opportunity Act.

B. Collectors must ensure that any employee providing collections services fulfills the following requirements:

1. presents a neat appearance, which may include a uniform approved by the City;

2. acts courteously at all times;

3. carries collector-issued identification approved by the City;

4. if driving a vehicle, is trained and qualified in the operation of collection vehicles, and has a valid license of the appropriate class issued by the California Department of Motor Vehicles.

C. Collectors must provide suitable operational and safety training for all employees who use or operate vehicles or equipment and who are directly involved in collections services. Collectors must train their employees involved in collections to identify, and not to collect, hazardous, biohazardous, or biomedical waste. (Ord. 339A, 1995)

9.02.350 Mandatory reporting of waste management activities.

A. Franchisees and Permittees. All franchisees and permittees must provide reports to the City regarding the franchisee's or permittee's operations containing information sufficient

for the City to report its progress to the state regarding the implementation of city's SRRE and HHWE pursuant to the California Public Resources Code. At a minimum, franchisees and permittees must provide the following reports:

1. Quarterly program reports. Quarterly program reports are due within twenty calendar days after the end of each quarter ending on March 31, June 30, September 30, and December 31. If the twentieth calendar day falls on a weekend or holiday, the report is due on the next working day. At a minimum, the quarterly program report must indicate, by residential, commercial, and roll-off categories:

    (a) the number of customers receiving services, and the types of services;

    (b) the total tons of refuse collected and the manner in which it was disposed;

    (c) the total recyclables and yard waste weights, and the respective weights of recyclables collected by material;

    (d) the types and weights of recyclable materials collected and disposed of due to contamination;

    (e) residential recycling program monthly set-out rates on each collection route;

    (f) discussion of public education activities and their impacts on program participation and recovered volumes;

    (g) detailed data and analysis of changes or modifications to collection and processing activities; and

    (h) other information deemed necessary by the City to determine the effectiveness and the progress of the overall waste management program.

2. Annual program reports. Annual program reports are due on or before January 31 following the end of each calendar year of operations. At a minimum, the annual program report must include:

    (a) All report items identified in subsection (A)(1) of this section presented in an annual summary format;

    (b) An updated list of all vehicles used in waste management services in the City including the make, type, year, license number, and ownership;

    (c) The names, titles and addresses of the owners, officers, directors and major stockholders holding five percent or more stock of the firm;

    (d) The names and titles of all supervisory personnel used in providing waste management services in the City;

(e) A description of all cases of public and private property damage and personal injury that have occurred while providing waste management services in the past year, including a copy of the accident or incident report filed with the company or with the appropriate authorities; and

(f) A description of any violations of applicable laws and their dispositions.

3. Failure by a franchisee or permittee to provide the reports required under this chapter, or any other information required by the City, allows the City, at a minimum, to employ a qualified consultant to prepare such reports, and to hold the franchisee or permittee liable for payment of the costs therefor.

4. The failure, refusal, or neglect of a franchisee or permittee to file any of the reports required by this chapter, or the inclusion of any materially false or misleading statement or representation in such a report, may result in the termination of the franchise agreement or permit, and the imposition of liquidated damages, including assessments against the performance bond.

9.02.355 Suspension or revocation of permit.

A. Notice. If any permittee performance does not conform to the standards, laws, ordinances and requirements set forth in the permit or this chapter, the City may advise the permittee in writing of such deficiencies. The City may, in such written instrument, set a reasonable time within which correction of all such deficiencies is to be made. Unless otherwise specified, a reasonable time for correction is sixty days from the receipt by the permittee of such notice.

B. Hearing. If the deficiencies noted in subsection (A) of this section are not corrected in accordance with the written notice, the director may set a hearing on the revocation or suspension of the permit in accordance with the procedures set forth in Section 1.14.030. The director must provide at least 14 days' notice of the hearing by any means set forth in Section 1.08.030. The hearing will address the existence of the deficiencies in the written notice provided pursuant to subsection A and whether those deficiencies have been remedied. The director will determine whether or not the permittee's permit should be revoked or suspended. In the event of revocation or suspension of a permit, the director will notify the permittee in writing of the reasons by any means set forth in Section 1.08.030.

C. Cessation of Operations. A permittee must cease collection operations within five days after receiving a notice described in subsection B.

D. Appeals. A permittee may appeal a decision to revoke or suspend a permit under this section following procedures set forth in Chapter 1.14.

E. Interim Suspension. The director, without a hearing, may suspend a permit for not more than sixty days, if the director determines that the continued operation by a permittee will constitute a threat to the public health, safety, or general welfare. If a permittee's permit is suspended pursuant to this section, the permittee must immediately cease all collection operations in the City.

9.02.360 Liquidated damages.

A. If any permittee fails to provide collection services in accordance with this chapter, the director may assess liquidated damages in an amount established by resolution of the City Council, and if no amount has been established, in an amount not to exceed five-thousand dollars ($5,000) per day, for each calendar day that the permittee fails to provide service in accordance with this chapter.

B. The permittee must pay any liquidated damages assessed by the director within ten days after they are assessed or appeal the assessment in accordance with Chapter 1.14.

C. If the permittee does not pay the liquidated damages within ten days after assessment after confirmation of the assessments through the appeal process in Chapter 1.14, the City may withdraw the amount of liquidated damages from the security fund established by the performance bond required by Section 9.02.330, collect the liquidated damages through the courts, order the termination of the permit granted by this section, or any combination of these remedies.

9.02.365 Suspension or revocation of franchise.

A. The City may suspend or revoke a franchise agreement in accordance with the terms of that agreement.

B. Notwithstanding subsection A, the City may pursue any remedies set forth in this chapter or in a franchise agreement for a franchisee’s violations of this chapter.

EXHIBIT 2

CHAPTER 9.04 CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING

9.04.010 Title.

This chapter is known as the "Construction and Demolition Debris Recycling Ordinance." (Ord. 501 § 3, 2011)

9.04.020 Purpose and intent.

A. The purpose of this chapter is to promote the recycling of construction and demolition debris in order to protect the public health, safety, and welfare, and to meet the City's obligations under AB 939 and the current version of the California Green Buildings Standards Code.

B. To ensure compliance with this chapter and to ensure that those contractors that comply with this chapter are not placed at a competitive disadvantage, it is necessary to impose a waste diversion security deposit requirement.

C. The chapter is also intended to divert building materials from landfills, and process and return the materials into the economic mainstream, thereby conserving natural resources and stimulating markets for recycled and salvaged materials. (Ord. 501 § 3, 2011)

9.04.030 Definitions.

In this chapter:

"AB 939" means the California Integrated Waste Management Act, codified at California Public Resources Code Section 40000 et seq., including any amendments or modifications.

"Certified recycling facility" means a recycling, composting, materials recovery or reuse facility which accepts construction and demolition debris and which meets minimum state standards for such facilities.

"City sponsored project" means a capital improvement project constructed by the City or its contractor, agent, or designee.

"Construction" means the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure. Construction does not include a project limited to interior plumbing work, interior electrical work or interior mechanical work.

"Construction and demolition (C&D) debris" means the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, alteration, and/or demolition operations on pavements, houses, commercial buildings, and other structures and may include, but is not limited to, concrete, asphalt, wood, cardboard, metals, bricks, and other inert waste.

"C&D debris management plan" or "DMP" means a report, prepared in a form approved by the director, submitted as required by Section 9.04.080, which identifies all C&D debris expected to be generated as a result of any covered project.

"C&D debris recycling report" or "DRR" means a report, prepared in a form approved by the director of development services or designee, submitted as required by Section 9.04.100, which identifies the amounts of all C&D debris generated by the project, and the amounts recycled or diverted.

"Conversion rate" means the rate set forth in the standardized conversion rate table approved by the director pursuant to this chapter for use in estimating the volume or weight of materials identified in debris management plan.

"Covered project" means any project type set forth in Section 9.04.040 of this chapter.

"Deconstruction" means a process to dismantle or remove useable materials from structures, in a manner that maximizes the recovery of building materials for reuse and recycling and minimizes the amount of waste transported for disposal in landfills and transformation facilities.

"Demolition" means the destruction, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

"Director" means the director of development services or a designee.

"Disposal" means the final deposition of solid waste at a permitted landfill.

"Diversion or divert" means the reduction or elimination of solid waste from landfill disposal. "Diversion requirement" has the meaning set forth in Section 9.04.060 of this chapter.

"Exempt project" means the activities set forth in Section 9.04.050 of this chapter.

"Green Building Standards Code" means the most current version of the California Green Building Standards Code as adopted by the City.

"Non-covered project" means any construction, demolition, or renovation project that does not meet the thresholds set forth in Section 9.04.040 to qualify as a covered project.

"Recycling" means the process of collecting, sorting, cleansing, deconstructing, treating, and reconstituting materials that would otherwise be solid waste, and the return of those materials to the economic mainstream in the form of materials which meet the quality standards necessary to be used in the marketplace for new, reused, or reconstituted products.

"Renovation" means any change, addition, or modification in an existing structure that requires a building permit or demolition permit but does not include a project limited to interior plumbing work, electrical work or mechanical work.

"Reuse" means further or repeated use of construction or demolition debris.

"Salvage" means the controlled removal of construction or demolition debris from a permitted building or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.

"Solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including, but not limited to, garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction and demolition debris, abandoned vehicles and parts thereof, discarded home and industrial appliances, recyclables, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

"Tenant improvement" means a "project" involving structural or other modifications of an existing commercial structure resulting in the generation of construction and demolition debris.

"Waste diversion security deposit" means any cash, check, credit card, or certified check in a form acceptable to the City, submitted to the City as pursuant to Section 9.04.090 of this chapter. (Ord. 501 § 3, 2011)

9.04.040 Covered projects.

The requirements set forth in this chapter apply to all construction and demolition permits issued for any project types set forth in subsections A through D.

A. Demolition. Any demolition of a structure involving one thousand (1,000) square feet or more.

B. Residential.

1. The construction of new residential structures, including single-family, multifamily, and condo conversions, regardless of the square footage of the floor area.

2. Additions or accessory structures to existing residential structures that involve one thousand five hundred (1,500) square feet or more of floor area.

3. Interior remodels to existing residential structures that involve the demolition of one thousand (1,000) square feet or more of floor area.

C. Commercial/Industrial.

1. The construction of all new commercial/industrial buildings.

2. Additions or accessory structures to existing commercial or industrial structures that involve one thousand five hundred (1,500) square feet or more of floor area.

3. Tenant improvements that involve demolition of one thousand (1,000) square feet or more of floor area.

D. City Sponsored Projects. City sponsored projects for which the City provides funding in excess of one hundred thousand dollars, or which fall within one of the above categories. (Ord. 501 § 3, 2011)

9.04.050 Exempt activities.

The following activities are exempt from the requirements of this chapter when alone or in combination with one another, except if the activity or activities is/are undertaken in conjunction with a project that is otherwise subject to this chapter:

A. Projects for which a construction or demolition permit is not required;

B. Projects for which only a plumbing, electrical or mechanical permit is required;

C. Installation or repair of a retaining wall;

D. Installation, replacement or repair of a carport, patio cover, balcony, trellis or fireplace;

E. Installation, replacement or repair of a deck;

F. Installation, replacement or repair of a fence;

G. Installation, replacement, demolition or repair of a single-family residential swimming pool or spa;

H. Installation, replacement, or repair of a pre-fabricated sign or the structure to which the sign is attached;

I. Installation, replacement or repair of storage racks;

J. Installation of any solar photo-voltaic system;

K. Replacement of any roofing system.

No exemption set forth above excuses compliance with the California Green Building Standards Code, as applicable. (Ord. 501 § 3, 2011)

9.04.060 Diversion requirements.

A. Covered. Applicants for covered projects must divert from landfills a minimum of fifty percent by weight of C&D debris generated from the covered project or other amount established by state law, whichever is higher, by using recycling, reuse, and diversion programs.

B. Non-Covered or Exempt. Applicants for non-covered and exempt projects within the City are encouraged to divert fifty percent by weight of C&D debris generated from the covered project or other amount established by state law, whichever is higher, by using recycling, reuse, and diversion programs.

C. In the event of any type of disaster, the above stated diversion goals apply to all relief clean-up efforts. Tracking of disaster debris disposal data is the responsibility of the City through the methods provided for in this chapter. (Ord. 501 § 3, 2011)

9.04.070 Diversion of construction and demolition debris.

A. For the purposes of this chapter, diversion of C&D debris may be achieved by any of the following methods:

1. On-site reuse;

2. Acceptance of the C&D debris by a certified recycling facility; or

3. Salvage, other donation, or reuse of the C&D debris acceptable to the director of development services.

B. Weighing of Wastes. Applicants for covered projects must make reasonable efforts to ensure that all C&D debris diverted or landfilled is measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris must be weighed by measurement on scales in compliance with all regulatory requirements for accuracy and maintenance. If weighing is not practical due to small size or other considerations, a volumetric measurement must be used. For conversion of volumetric measurements to weight, the applicant must use the standardized conversion rate table approved by the City.

C. Asbestos Handling. Any covered project conducting demolition of 100 square feet or more, except for a project involving demolition activities on one single family residence, must provide the City with an asbestos materials test report from a certified California State asbestos professional demonstrating that none of the materials to be demolished or disturbed contain asbestos in a concentration of 1% or higher. If asbestos containing materials are found, a certified asbestos abatement company must remove the material(s) prior to the issuance of any building or demolition permit, and a final abatement report documenting all materials identified as asbestos containing materials have been properly removed and disposed as a condition of the building or demolition permit.

D. Water Quality Control. All construction and debris recycling activities must be conducted in a manner to comply with the Stormwater Management Ordinance, Chapter 9.06, as amended from time to time. At a minimum this includes:

1. Any demolition, removal, crushing, movement or loading operations must be managed to prevent the discharge of dust or debris, and must, at a minimum, keep all materials covered and contained.

2. Any solid or liquid spills must be removed immediately.

3. All stockpiles must be covered and located away from concentrated flows of stormwater, drainage courses and inlets.

4. Materials that are not stockpiled must be stored off the ground and under cover.

5. Any materials containing, or that may reasonably be expected to contain hazardous materials, must be handled and stored in such a manner to prevent the release of hazardous materials.

6. Covers must be used on trucks transporting diverted waste. (Ord. 501 § 3, 2011)

9.04.080 Submittal of C&D debris management plan.

A. Except as otherwise provided in this chapter, applicants for any covered project must submit a properly completed C&D debris management plan (DMP), identifying all waste materials expected to be generated as a result of the project at the time of demolition or building permit application.

B. No building or demolition permit may be issued for a covered project unless the applicant has submitted a properly completed DMP to the satisfaction of the director.

C. The DMP must contain, at minimum, the following:

1. The type of project;

2. The total square footage of the project;

3. The estimated weight of project construction and demolition debris to be generated by material type; and

4. The debris material types that will be reused or salvaged, recycled, or disposed of in a landfill.

D. The City will provide a conversion rate table for the purpose of calculating the volume and weight of construction and demolition debris. The applicant must use the conversion rate table in estimating the weight of materials identified in the DMP.

E. In preparing the DMP, an applicant for a project involving the removal of all or part of an existing structure must consider deconstruction to the maximum extent feasible, and make the materials generated available for salvage before placing in a landfill. These salvaged materials must be included as part of the overall diversion rate.

F. Acknowledgment of Responsibility. The DMP must be signed by the applicant and/or property owner indicating: (1) an understanding of consequences of not meeting the diversion requirement, and (2) that they are responsible for the actions of their subcontractors with regard to this diversion requirement. (Ord. 501 § 3, 2011)

9.04.090 Waste diversion security deposit requirements.

Except as otherwise provided in this chapter, applicants for covered projects must pay a deposit prior to receiving a building or demolition permit for a covered project. The amount of the deposit will be calculated based on the square footage and type of project, in amounts established by resolution of City Council. (Ord. 501 § 3, 2011)

9.04.100 Submittal of C&D debris recycling report.

A. Documentation. Within ninety days after completing a covered project, the applicant must submit a C&D debris recycling report (DRR) and documentation to the director, showing how C&D debris generated by the covered project was diverted at the rates set forth in Section 9.04.060. Such documentation for compliance must include the following:

1. A copy of a completed C&D debris recycling report (DRR);

2. A copy of the previously approved C&D debris management plan (DMP) for the project;

3. Receipts from the vendor or facility which collected or received each material showing the actual weight or volume of that material, or if the improvements are part of a larger construction project, evidence of cumulative weight or volume of C&D material;

4. For materials reused on site (e.g., crushed concrete for base material, wood for mulch) photographs are encouraged;

5. Any additional information the applicant believes is relevant in demonstrating efforts to comply in good faith.

9.04.110 Entitlement to refund of deposit.

A. No deposit for a covered project may be refunded unless the applicant completes the following the requirements of this section to the satisfaction of the director:

1. Requests a refund within ninety days after the final inspection date of the covered project for which the deposit was paid, or requests a refund prior to final inspection when:

   (a) The project has a master developer and multiple commercial and/or retail tenants constructing their own tenant improvements; or

   (b) The developer has completed construction of the project, except for the tenant improvements when the tenant improvements are the sole responsibility of the commercial and/or retail tenant; and

2. Submits a C&D debris recycling report that demonstrates compliance with this chapter.

B. The director of development services must authorize the refund of any diversion deposit that was erroneously paid or collected and when the permit application is withdrawn or cancelled before any work has begun. (Ord. 501 § 3, 2011)

9.04.120 Failure to meet diversion requirements.

A. If the director determines that an applicant for a covered project has not met the required diversion requirement set forth in this chapter, then the applicant forfeits the deposit.

B. In the case of hardship, the director may authorize a partial repayment of the deposit to the applicant equal to the ratio of the diversion rate that was achieved for the project to the diversion rate that was required. A showing of hardship requires a written statement from the applicant which documents the following:

1. a lack of availability of markets for the C&D debris landfilled;

2. a hardship that results from the size of the project;

3. that the applicant made best efforts to divert the C&D debris. (Ord. 501 § 3, 2011)

9.04.130 Appeals.

A. Appeals of a determination made by the director must be made to the City Manager within 10 days after the date of the decision in accordance with Chapter 1.14, except as follows:

1. The appeal is limited to the following issues:

   (a) whether the applicant is entitled to a refund pursuant to Section 9.04.110;

   (b) whether the applicant made a good faith effort to comply with the required percentage of diversion specified in the waste diversion form;

   (c) in the case of a partial refund, the percentage of the deposit the director of development services authorizes; and

   (d) whether the project is covered or exempt from this chapter.

2. The director of development services, or designee, has an opportunity to provide a written response to the applicant's appeal.

3. The decision of the hearing officer is final. (Ord. 501 § 3, 2011)

9.04.140 Unclaimed and not refunded deposits and accrued interest.

Any deposit that is not refunded or claimed in accordance with this chapter becomes the property of the City in accordance with state law. Interest accruing on each deposit is the property of the City, and the applicant has no claim on the interest. (Ord. 501 § 3, 2011)

9.04.150 Use of deposits.

Deposits received by the City may be used for the following purposes:

A. The payment of refunds of deposits, as determined by the director;

B. The payment of costs incurred in administering the City's waste diversion program;

C. The development and implementation of additional policies and programs approved by the City Council to promote diversion of construction and demolition debris from landfill disposal and to encourage the salvage, reuse, and recycling of that waste;

D. The payment of costs to develop or improve infrastructure, including the costs of programs designed to develop or improve infrastructure, to divert construction and demolition debris from landfill disposal;

E. The cost of programs and activities whose purpose is to promote diversion and recycling in the City. (Ord. 501 § 3, 2011)

9.04.160 Public education requirements.

A. The City's franchised waste hauler must provide the following:

1. educational outreach and technical assistance to divert the maximum amount of C&D waste;

2. information on all C&D waste recycling program efforts to residents, businesses and contractors requesting services. At a minimum, specific beneficial pricing examples of recycling versus landfill disposal tipping fee rates will be quoted. (Ord. 501 § 3, 2011)

EXHIBIT 3

CHAPTER 9.06 STORM WATER MANAGEMENT AND DISCHARGE CONTROL

ARTICLE 1 GENERAL PROVISIONS

9.06.100 Title.

This chapter is known as the Storm Water Management Ordinance. (Ord. 530 § 1, 2015)

9.06.110 Purpose and Intent.

A. The purpose of this chapter is to ensure the health, safety, and general welfare of the citizens of the City by:

1. Effectively prohibiting non-stormwater discharges to the stormwater conveyance system.

2. Eliminating illicit discharges and illicit connections to the stormwater conveyance system.

3. Reducing the discharge of pollutants from the stormwater conveyance system, to the maximum extent practicable in order to achieve applicable water quality objectives for surface waters in San Diego County.

4. Achieving compliance with total maximum daily load (TMDL) regulations.

B. The intent of this chapter is to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Clean Water Act, the California Porter-Cologne Water Quality Control Act, and San Diego Regional municipal stormwater permit. (Ord. 530 § 1, 2015)

9.06.120 Definitions.

In this chapter:

"Basin Plan" means Water Quality Control Plan, San Diego Basin, Region 9, and duly adopted amendments thereto.

"Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, training and education, maintenance procedures, and other management practices to prevent or reduce the discharge of pollution to surface and groundwater to the maximum extent practicable. BMPs include, without limitation, structural and nonstructural treatment requirements, operating procedures, and practices to control urban runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs also include standard industry practices for controlling stormwater and non-stormwater runoff established by the California Stormwater Quality Association.

"BMP Design Manual" means the plan developed by the City in accordance with the

City's NPDES permit to eliminate, reduce, or mitigate the impacts of runoff from development projects and existing development.

"Business related activities" includes maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading, and cleanup procedures which are carried out partially or wholly outside.

"Caltrans Standards" means the BMPs included in the most recent iteration of the Caltrans Construction Site Best Management Practices Manual.

"CASQA Standards" means the BMPs included in the most recent iteration of the California Storm Water Quality Association ("CASQA") Construction BMP Handbook.

"Construction General Permit" or "CGP" means the General Permit for Storm Water Discharges associated with Construction and Land Disturbance Activities issued by the State Board, NPDES No. CAS000002, as it currently exists or may be amended and reissued from time to time. The Construction General Permit covers, in part, construction or demolition activity that results in a land disturbance of equal to or greater than one acre. The Construction General Permit is available from the State Board and may be accessed on the City's website.

"Development" or "development project" means construction, rehabilitation, redevelopment, reconstruction or land disturbance activity.

"Director" means the director of development services or the director's designee.

"Discharge" when used as a verb, means to allow pollutants to directly or indirectly enter stormwater, or to allow stormwater or non-stormwater to directly or indirectly enter the stormwater conveyance system or receiving waters, from an activity or operations which one owns or operates. When used as a noun, "discharge" means the pollutants, stormwater or non-stormwater that are discharged.

"Discharger" means any person or entity engaged in activities or operations owning facilities, from which an allowed non-stormwater discharge to the stormwater conveyance system may or does originate or which will or may result in pollutants entering stormwater, the stormwater conveyance system, or receiving waters or the owners of property on which such activities, operations or facilities are located, except that a local government or public authority is not a discharger as to activities conducted by others in public rights-of-way.

"Enclosed Bays and Estuaries Plan" means the "California Enclosed Bays and Estuaries Plan: Water Quality Control Plan for Enclosed Bays and Estuaries of California" adopted by the State Water Resources Control Board April 11, 1991, and any duly adopted amendments thereto.

"Enforcement officer" means any employee of the City who is responsible for enforcing the provisions of this chapter.

"Enforcement Response Plan" means the plan for enforcement of violations of this chapter developed in accordance with the municipal permit and included in the JRMP.

“Grading” means the cutting and/or filling of the land surface to a desired slope or elevation and is further defined in the grading ordinance.

"Graywater" means untreated wastewater that has not come into contact with toilet waste, kitchen sink waste, dishwasher waste or similarly contaminated sources. "Graywater" includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs. Graywater does not include captured rainwater.

“Guidelines for Surface Water Pollution Prevention” means the guidance document prepared by the City which outlines the minimum required BMPs for the control of stormwater in accordance with the municipal permit to eliminate, reduce or mitigate the impacts of pollutants and runoff. The Guidelines for Surface Water Pollution Prevention may be accessed on the City’s website.

“Hydromodification” means a change in the natural watershed hydrologic processes and runoff characteristics (i.e. interception, infiltration, overland flow, and groundwater flow) caused by urbanization or other land use changes that result in increased stream flows and sediment transport. In addition, alteration of stream and river channels, such as stream channelization, concrete lining, installation of dams and water impoundments, and excessive streambank and shoreline erosion are also considered hydro-modification due to their disruption of natural watershed hydrologic processes.

“Illicit Connection” means any conveyance or drainage system through which a non-stormwater discharge to the stormwater conveyance system occurs or may occur and any connection to the stormwater conveyance system that conveys an illicit discharge.

“Illicit Discharge” means any discharge to the stormwater conveyance system that is not composed entirely of stormwater, except discharges allowed pursuant to the provisions of this chapter.

“Impervious Surface Area” means the ground area covered or sheltered by an impervious surface, measured in plain view. For example, the impervious surface area for a pitched roof is equal to the ground area it shelters, rather than the surface area of the roof itself.

“Industrial General Permit” means the General Permit for Storm Water Discharges Associated with Industrial Activities issued by the State Water Resources Control Board, NPDES No. CAS000001, as it currently exists or may be amended and reissued from time to time. The Industrial General Permit is available from the State Board and may be accessed on the City’s website.

“Infiltration” in the context of low impact development means the percolation of water into the ground. Infiltration is often expressed as a rate (inches per hour), which is determined through an infiltration test. In the context of non-stormwater, infiltration is water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

"Jurisdictional Runoff Management Plan (JRMP)" means the plan containing the runoff management measures and programs that the city implements to comply with the municipal permit.

"Land Disturbance Activity" means any activity, whether or not a stormwater quality management plan or County permit or approval is required, that moves soils or substantially alters the land such as a grading, digging, cutting, scraping, stockpiling, or excavating of soil; placement of fill materials; paving, pavement removal, exterior construction; substantial removal of vegetation where soils are disturbed including but not limited to removal by clearing or grubbing; clearing or road-cutting associated with geotechnical exploration and assessment, percolation testing, or any other activity that is a condition of a permit application; or any activity which bares soil or rock or involves streambed alterations or the diversion or piping of any watercourse.

"Low Impact Development (LID)" means a stormwater management and land development strategy that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions.

"Maximum Extent Practicable (MEP)" means implementation of all best management practices (BMPs) that are technically feasible (i.e. are likely to be effective), are not cost prohibitive, and adequately reduce or eliminate pollutant discharges from the stormwater conveyance system. MEP will generally require a combination of site design, source control and treatment control BMPs that emphasize pollution prevention and source control BMPs as the first line of defense, and uses treatment control BMPs as a second line of defense. MEP also includes those practices considered or generally accepted as industry standards for the control of stormwater and non-stormwater runoff.

"Municipal permit" means the San Diego Regional Water Quality Control Board Order No. R9-2013-0001, NPDES Permit No. CAS0109266, issued by the San Diego Regional Water Quality Control Board on May 8, 2013, amended by Order No. R9-2015-0001 on February 11, 2015, and any amendment revision or renewal thereof.

"National Pollution Discharge Elimination System (NPDES) permit" means a permit issued by the San Diego Regional Water Quality Control Board or the State Water Resources Control Board pursuant to Chapter 5.5, division 7 of the California Water Code, or the Environmental Protection Agency (EPA) to control discharges from point sources to waters of the United States.

"New Development" means land disturbing activities, structural development, including construction or installation of a building or structure, the creation of impervious surfaces and land subdivision.

"Non-Storm Water Discharge" means any discharge to the stormwater conveyance system that is not entirely composed of stormwater.

"Pollutant" means, but is not limited to, any agent that may cause, potentially cause or contribute to the degradation of water quality such that a condition of pollution or contamination is created or aggravated, as defined by applicable laws and regulations.

"Pre-Development Runoff Conditions" means the approximate flow rates and durations that exist or existed onsite before land development occurs. For new development projects, this equates to runoff conditions immediately before project construction. For redevelopment projects, this equates to runoff conditions from the project footprint assuming infiltration characteristics of the underlying soil and existing grade. Runoff coefficients of concrete or asphalt must not be used. A redevelopment Priority Development Project must use available information pertaining to existing underlying soil type and onsite existing grade to estimate pre-development runoff conditions.

"Premises" means any building, lot, parcel, real estate, land or portion of land, whether improved or unimproved.

"Priority Development Project (PDP)" means development projects that fall under the City's planning and building authority and which must incorporate general, source control site design, pollutant control, and hydromodification management BMPs and other requirements as identified in the BMP Design Manual. Priority Development Projects must demonstrate compliance with the requirements of this chapter through the development and implementation of a stormwater quality management plan approved by the City.

"Priority Land Use" has the same meaning as that term is defined in the Trash Amendments.

"Rainy season" means October 1st through April 30th of each year or as otherwise specified in any applicable NPDES permit or the municipal permit.

"Receiving waters" means surface bodies of water which serve as discharge points for the stormwater conveyance system, including, but not limited to:

1. San Diego River, Forester Creek, Woodglen Vista Creek, Sycamore Creek, and Los Colinas Channel.

2. Any water body that qualifies as a "water of the United States" as that term is defined herein.

3. Any water body that qualifies as a "water of the state" as that term is defined herein.

"Redevelopment" means the creation and/or replacement of impervious surface on an already developed site.

"Regional Water Board" means the Regional Water Quality Control Board, San Diego Region.

"Significant Redevelopment" means that creation or addition of impervious surfaces on an already developed site and is further defined in the BMP Design Manual.

"Storm Water" means surface runoff and drainage associated with storm events and snow melt.

"Storm Water Conveyance System" means the conveyance or system of conveyances, public or private, improved or unimproved, by which water may be collected and conveyed, including, but not limited to, roads with drainage systems, municipal streets, sidewalks, catch basins, curbs, gutters, ditches, man-made channels, or storm drains.

"Storm Water Facilities Maintenance Agreement" means an agreement prepared as to content to the satisfaction of the City engineer, approved as to form by the City Attorney and executed on behalf of the City by the director, by and between the City and the owner of any priority development project and designed to identify, preserve, and ensure the property maintenance and operation of all stormwater controls in perpetuity.

"Storm Water Pollution Prevention Plan" means an approved site-specific document which describes the on-site program activities and minimum best management practices that will be implemented to effectively eliminate pollutant discharges to the stormwater conveyance system. This plan must include information required to ensure compliance with this chapter.

"Storm Water Quality Management Plan (SWQMP)" means a plan identifying the measures that will be used for stormwater and non-stormwater management for a development project. There are two types of SWQMPs: a Standard SWQMP and a PDP SWQMP. A PDP SWQMP is required for all Priority Development Projects. A Standard SWQMP is required for all development projects that are not Priority Development Projects.

"Surface Waters Plan" means the "California Inland Surface Waters Plan: Water Quality Control Plan for Inland Surface Waters of California" adopted by the State Water Resources Control Board, April 11, 1991, including duly adopted amendments thereto.

"Tenant Improvement" means any improvement project that requires a permit from the City.

"Trash Amendments" means the amendment to the Water Quality Control Plan for Ocean Waters of California to Control Trash and Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Water, Enclosed Bays, and Estuaries of California adopted by the State Water Resources Control Board and any amendments thereto.

"Temporary sewage disposal facility" means any portable privy, chemical toilet, recirculating toilet, composting toilet, or similar facility.

"Waste" means any discarded material of any form (for example, liquid, semi-solid, solid or gaseous) whether discarded intentionally or unintentionally.

"Water Quality Improvement Plan (WQIP)" means the plan(s) developed by the City and other jurisdictions in accordance with the municipal permit for watershed management areas.

"Water Quality Standards" means the beneficial uses (e.g. swimming, fishing, municipal drinking water supply, etc.) of a water body and criteria (referred to as water quality objectives in the California Water Code) necessary to protect those uses. Water quality standards are further described in the Basin Plan.

"Watercourse" means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, arroyo or wash, in which waters flow in a definite direction or course, either continuously or intermittently, and which has a definite channel and a bed or banks. A channel is not limited to land covered by minimal or ordinary flow but also includes land covered during times of high water. Watercourse does not include any surface drainage prior to its collection in a stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, arroyo or wash.

"Waters of the State" means any water, surface or underground, including saline waters within the boundaries of the State as defined by California Water Code Section 13050(e). The definition of the waters of the state is broader than that for waters of the United States in that all water in the State is considered to be waters of the State regardless of circumstances or condition.

"Waters of the United States" has the meaning set forth in 40 CFR 122.2, as limited by any applicable court decision. (Ord. 530 § 1, 2015)

9.06.130 Responsibility For Administration.

The director may modify any requirement imposed by this chapter to allow the on-site collection and use of stormwater or the collection of stormwater for delivery to and use at city-designated sites, provided the modified requirements are enforceable, consistent with the municipal permit, and provide equivalent environmental protection. (Ord. 530 § 1, 2015)

9.06.140 Construction and Application.

A. This chapter must be interpreted to assure consistency with the requirements of the Federal Clean Water Act and the California Porter-Cologne Water Quality Control Act, as amended, applicable implementing regulations, and the municipal permit.

B. Except as otherwise provided in this chapter, this chapter applies to any development project in the City, whether or not a permit or other approval is required. The requirements of this chapter apply to any discharger and any discharger may be required by the enforcement officer to install, implement and maintain source control, structural or other BMPs to prevent or reduce the discharge of pollutants, stormwater or non-stormwater to the extent necessary to bring a discharge into compliance with this chapter. (Ord. 530 § 1, 2015)

ARTICLE 2 REGULATORY PROVISIONS

9.06.200 Discharge of Pollutants and Non-Storm Water Prohibited.

A. It is unlawful for any person to:

1. Cause, allow or facilitate any illicit discharge.

2. Discharge any material, liquid, or substance into the stormwater conveyance system, or any premises or water body within the City's jurisdiction that may cause or threaten to cause a condition of pollution, contamination, or nuisance within the meaning of California Water Code Section 13050.

3. Discharge non-stormwater into the stormwater conveyance system or the receiving waters.

B. Specific Prohibitions. Without limiting the prohibitions set forth in this chapter, it is unlawful for any person to:

1. Cause or permit irrigation water to enter the stormwater conveyance system;

2. Cause or permit wash water from car washing, pavement washing and similar activities to enter the stormwater conveyance system.

C. Watercourses.

1. Every person owning property through which a watercourse passes, or such person's lessee or tenant:

   (a) Must keep and maintain the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles which could pollute, contaminate, or significantly retard the flow of water through the watercourse;

   (b) Must maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse; and

   (c) Must not remove healthy bank vegetation beyond that actually necessary for said maintenance and must conduct maintenance activities in a manner that minimizes the vulnerability of the watercourse to erosion.

2. It is unlawful for any person to commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the director and the appropriate state or federal agencies, if applicable:

   (a) Discharge pollutants into or connect any pipe or channel to a watercourse;

   (b) Modify the natural flow of water in a watercourse;

   (c) Deposit in, plant in, or remove any material from a watercourse including its banks, except as required for necessary maintenance;

(d) Construct, alter, enlarge, connect to, change, or remove any structure in a watercourse; or

(e) Place any loose or unconsolidated material along the side of or within a watercourse or so close to the side as to cause a diversion of the flow, or to cause a probability of such material being carried away by stormwaters passing through such a watercourse.

3. The requirements in subsection 2 are in addition to, but do not supersede any requirements of state or federal law, including, but not limited to, lawful requirements imposed on a project or property owner by the California Department of Fish and Wildlife or the United States Army Corps of Engineers.

D. Exceptions to Discharge Prohibition.

1. The prohibition on discharges in this section do not apply to any discharge regulated under a valid NPDES permit, provided that the discharger is in compliance with all requirements of the NPDES permit and other applicable laws and regulations and provided that the discharger takes actions to effectively prohibit discharges of pollutants to the stormwater conveyance system. Any discharge that could result in or contribute to a violation of the municipal permit, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge is the responsibility of the person(s) causing or responsible for the discharge. (Ord. 530 § 1, 2015)

2. The prohibition on discharges in this chapter do not apply to the following discharges, unless the Regional Water Board or the director determines the discharge is or may constitute a source of pollutants to receiving waters or to otherwise cause or threaten to cause a violation of the municipal permit:

(a) Diverted stream flows;

(b) Rising groundwaters;

(c) Uncontaminated groundwater infiltration to MS4s;

(d) Springs;

(e) Flows from riparian habitats and wetlands; and

(f) Discharges from foundation drains where the system is designed to be located above the groundwater table at all times of the year, and the system is only expected to discharge non-stormwater under unusual circumstances. (Ord. 530 § 1, 2015)

9.06.210 Illicit connections prohibited.

A. It is unlawful for any person to:

1. Construct, maintain, operate and/or utilize any illicit connection.

2. Act, cause, permit or suffer any agent, employee, or independent contractor, to construct, maintain, operate or utilize any illicit connection.

9.06.220 Reduction of Pollutants.

A. Best Management Practice Requirements.

1. Any person engaged in activities which will or may result in pollutants entering the stormwater conveyance system or owning or operating any property that may discharge any pollutants, directly or indirectly, to the stormwater conveyance system, must undertake all best management practices to effectively prohibit discharge of such pollutants. Such persons must implement the minimal requirements identified in the BMP Design Manual, Guidelines for Surface Water Pollution Prevention, JRMP and otherwise meet industry standards for the control of pollutants, including, but not limited to, installing trash capture devices in accordance with the trash capture requirements in the Trash Amendments and Guidelines for Surface Water Pollution Prevention.

2. The owner, operator and person in charge of day-to-day activities of any existing and new development must comply with Section 9.06.250 and must maintain post-construction structural BMPs so that they function in the manner intended, are maintained in accordance with any approved plans and industry standards, and do not create a nuisance or condition of pollution.

3. The owner of any property and any person in charge of day-to-day construction activities must comply with Section 9.06.230 and must maintain BMPs so that they function in the manner intended and do not create a nuisance or condition of pollution.

4. The owner, operator and any person having control of the day-to-day activities of any commercial or industrial property must comply with Section 9.06.240 and must maintain BMPs so that they function in the manner intended and do not create a nuisance or condition of pollution.

B. Waste Management.

1. Littering. It is unlawful for any person to throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned materials in or on any stormwater conveyance system, street, alley, parking lot, sidewalk, storm drain, inlet catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City, except as allowed by Chapter 9.02 or any other applicable solid waste laws or ordinances.

(a) The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor of any property in the City in front of which there is a

paved sidewalk must maintain the sidewalk free of dirt and litter. Sweepings from the sidewalk must not be swept or otherwise made or allowed to go into the gutter or roadway, but must be placed in receptacles maintained on the property for the disposal of garbage or recyclables.

(b) It is unlawful for any person to throw or deposit waste in any fountain, pond, lake, stream or any other body of water in a park or elsewhere in the City.

2. Upon receiving notice from the City, the owner or operator of any property that discharges to the stormwater conveyance system must install and operate best management practices to control and eliminate the discharge of waste from the property.

3. Parking Lots, Impervious Surfaces, and Equivalent Structures. Persons owning or operating a parking lot or impervious surfaces used for similar purposes must clean those structures as thoroughly and as often as is necessary to effectively prohibit the discharge of pollutants to the stormwater conveyance system. At a minimum, these facilities must be swept, and parking areas must be deep cleaned not less than once per year prior to each rainy season. Sweepings or cleaning residue from parking lots or said impervious surfaces must be captured and contained for proper disposal, and must not be swept or otherwise made or allowed to go into a stormwater conveyance system.

4. Wastewater.

(a) It is unlawful for any person to cause, suffer or permit the disposal of sewage, human excrement or other liquid wastes, in any place or manner except through and by means of an approved plumbing and drainage system and an approved and properly installed and maintained sewage disposal system. “Approved sewage disposal system” means a system that is functioning satisfactorily by disposing of all sewage in accordance with all applicable laws and regulations..

(b) Temporary sewage disposal facility.

(i) Every person must dispose of sewage, human excrement and other liquid wastes in plumbing or drainage system that complies with all local, state, and federal requirements.

(ii) Any person who places, allows, or causes to be placed, a temporary sewage disposal facility on property that person owns or controls must pump and remove all sewage from the temporary sewage disposal facility at an interval no greater than 45 days, and maintain the facility in a manner that prevents leaks, spills, or the creation of a condition of pollution or nuisance, including at a minimum, the following:

A. The temporary sewage disposal facility must have secondary containment features to control runoff from accidental leaks or spills;

B. The temporary sewage disposal facility must be located more than 50 feet away from any body of water, inlet, drainage channel, or other stormwater conveyance feature.

5. Graywater.

a. All graywater systems must conform to the California Plumbing Code (Title 24, Part 5, Chapter 16). Graywater systems may include tanks, filters, pumps, and piping for subsurface landscape irrigation through mulch basins, disposal trenches, or subsurface drip irrigation fields, provided the system complies with all local and state requirements.

b. Any person using graywater must ensure that graywater is used only subsurface, except as follows:

i. Graywater may be discharged on the ground in a mulch basin, provided the graywater remains covered with at least two inches of mulch, rock, or soil;

ii. Graywater must not be used in vegetable gardens where the food is a root crop or touches the ground surface.

6. Recreational vehicles. No person may allow or cause solid and liquid waste from a recreational vehicle or trailer to discharge to any portion of the stormwater conveyance system, create health hazards, harbor rodents, create or contribute to insect breeding areas, or otherwise cause or contribute to air and water pollution or a condition of nuisance.

7. Compliance with Best Management Practices. Every person owning or operating any activity, operation, or facility must comply with stormwater best management practices adopted by federal, state, regional, or local agencies, as applicable. (Ord. 530 § 1, 2015)

9.06.230 Best Management Practices For Construction Projects.

Construction activities are dynamic in nature and must adjust to seasonal changes, changed site conditions, and other changes throughout the life of a construction project. The following requirements apply to construction projects.

A. Construction and Grading Permits. Prior to issuance of any construction or grading permit, the owner or applicant of any development project that involves ground disturbance or soil disturbing activities that can potentially generate pollutants in stormwater runoff must prepare a pollution control plan, erosion and sediment control plan, BMP Plan Sheet, and implement BMPs to the director's satisfaction and in accordance with the requirements of

the CASQA or Caltrans standards. Pollution control plans must comply with the grading ordinance and must ensure that the discharge of pollutants from the site will be reduced to the maximum extent practicable and will not cause or contribute to an exceedance of water quality standards.

B. BMP Implementation. Each owner, operator, or person in charge of day-to-day activities of each construction or grading site in the City must take the following actions:

1. implement an approved pollution control plan and effective BMPs to ensure that discharges of pollutants to the stormwater conveyance system are effectively prohibited and will not cause or contribute to an exceedance of water quality standards. All construction and grading activities must comply with applicable laws, including all applicable city ordinances and the municipal permit regulating discharges into and from the stormwater conveyance system;

2. revise the pollution control plan as necessary to maintain compliance with this chapter as the project site changes through different phases of construction and different seasons of the year.;

3. if dewatering will occur, submit a dewatering plan to the City showing how dewatering activities will comply with all state and local laws prior to conducting any dewatering activity.

C. Compliance with Construction General Permit. Prior to issuance of any construction or grading permit, the owner or applicant of any development project must submit evidence satisfactory to the director that the applicant has obtained coverage under the Construction General Permit, if applicable. Maintaining applicable coverage under the Construction General Permit is a requirement to maintaining valid construction or grading permits.

9.06.240 Best Management Practices For Commercial and Industrial Activities.

A. Business-Related Activities. All owners or operators of premises where pollutants from business-related activities may enter the stormwater conveyance system must undertake the following:

1. prevent the discharge of pollutant(s);

2. implement industry standard pollution prevention methods and BMPs to eliminate pollutants in runoff;

3. train staff at these businesses in the procedures to prevent the discharge of pollutants to the stormwater conveyance system;

4. pay an inspection fee as established by resolution of the City Council.

B. Coordination with Hazardous Materials Release Response Plans and Inventory. Any business subject to the Hazardous Materials Release Response and Inventory Plan, Chapter

6.95 of the California Health and Safety Code, must include in that plan, a provision for compliance with this chapter, including the prohibitions on non-stormwater discharges and illicit discharges.

C. Compliance with NPDES Storm Water Permits. Each industrial discharger, discharger associated with construction activity, or other discharger, subject to any NPDES permit addressing such discharges, must obtain, comply with, and undertake all other activities required by any NPDES permit applicable to such discharges, including, but not limited to, the State Water Resources Control Board Statewide General Industrial and General Construction Permits, Hydrostatic Discharge Permit, and the San Diego Regional Water Quality Control Board General De-Watering Permits. Each discharger operating under the Industrial General Permit must maintain records in accordance with the requirements of the Industrial General Permit and make those records available for inspection by the City. Unpermitted sites and non-compliance sites will be referred to the Regional Water Board. (Ord. 530 § 1, 2015)

9.06.250 Best Management Practices For New Development and Redevelopment.

A. All New Development and Redevelopment.

1. Any person performing construction work in the City, regardless of whether a permit is required for such work, must effectively prohibit pollutants from entering the stormwater conveyance system by complying with all applicable local ordinances, CASQA standards, Caltrans standards, and the City's current BMP Design Manual, Guidelines for Surface Water Pollution Prevention, and JRMP. If any requirement in this chapter conflicts with any standards in the above-referenced sources, the standard most protective of the environment prevails.

    (a) Onsite BMPs must be located, installed, and maintained so as to remove pollutants from runoff prior to discharging to any receiving waters or to the stormwater conveyance system, be located as close to the source as possible, and must be designed and implemented to avoid creating nuisance or additional pollutant sources, including those associated with vectors; and

    (b) Structural BMPs must not be constructed within waters of the United States; and

2. Prior to the issuance by the City of a grading permit or building permit for any new development or significant redevelopment, the project applicant must prepare and submit project plans, including a Storm Water Quality Management Plan, BMP Plan Sheet, pollution control plan, and any other required plans, to the director that comply with the following requirements:

        (i) Storm Water Quality Management Plan. The owner or applicant of a new development or significant redevelopment project must submit a stormwater quality management plan in accordance with the BMP Design Manual. The plan must describe the manner in

which BMPs required by this chapter will be implemented and maintained.

(ii) All new development and significant redevelopment projects must be designed, constructed, and maintained to employ post-construction BMPs, consistent with the BMP Design Manual, including, but not limited to, the following:

A. Source control BMPs must prevent illicit discharges and protect outdoor trash and material storage areas from rainfall, run-on, runoff, and wind dispersal.

B. Low impact development design techniques.

C. Site designs, where feasible, must maintain or restore natural storage reservoirs and drainage corridors; provide buffer zones for natural water bodies; conserve natural areas within the project footprint; minimize the size of streets, sidewalks, parking areas, impervious areas, and soil compaction to landscaped areas; disconnect impervious surfaces; infiltrate, retain and/or treat runoff from impervious areas prior to discharging to the stormwater conveyance system; use permeable materials, native or drought tolerant landscaping; and harvest precipitation for landscaping or other permitted uses.

3. The owner of a new development or significant redevelopment project, or upon transfer of the property, its successors and assigns, must implement and adhere to the terms, conditions and requirements imposed on the new development or significant redevelopment pursuant to this section, including but not limited to ongoing maintenance of all post-construction BMPs. Failure by the owner of the property or its successors or assigns to implement and adhere to the terms, conditions and requirements imposed pursuant to this section constitutes a violation of this chapter.

4. The director may require that the terms, conditions and requirements imposed pursuant to this section be incorporated into a Storm Water Facilities Maintenance Agreement in accordance with Section 9.06.260 and be recorded with the County Recorder's Office by the property owner.

B. Priority Development Projects (PDP). In addition to the requirements in Section 9.06.250, PDPs must submit a plan, subject to approval by the director, identifying the measures that will be used to meet the following requirements:

1. All PDPs must be designed, constructed prior to final occupancy or earlier time established by City Council, and maintained to employ post-construction BMPs consistent with the BMP Design Manual, including but not limited to the following:

(a) Low impact development BMPs designed to retain (intercept, store, infiltrate, evaporate, and evapotranspire) onsite the pollutants contained in the volume of stormwater runoff produced from a 24-hour 85th percentile storm event (design capture volume).

(b) Hydromodification management BMPs that are sized and designed to ensure that post-project runoff conditions (flow rates and durations) will not exceed the pre-development runoff conditions by more than 10 percent (for the range of flows that result in increased potential for erosion or degraded instream habitat downstream of the Priority Development Project). A PDP may be exempt from the hydromodification management BMP requirements in this subsection, at the discretion of the director, where the project includes the following:

(i) existing underground storm drains that discharge directly to water storage reservoirs, lakes, enclosed embayments, or the Pacific Ocean;

(ii) conveyance channels whose bed and bank are concrete lined from the point of discharge to the water storage reservoir, lake, enclosed embayment, or the Pacific Ocean; or

(iii) an area the City deems appropriate for an exemption pursuant to any Watershed Management Area Analysis incorporated into an applicable Water Quality Improvement Plan accepted by the Regional Water Board.

2. All PDPs must avoid critical course sediment yield areas identified by the City or in any Watershed Management Area Analysis accepted by the Regional Water Board unless measures are implemented that allow for no net impact from critical coarse sediment to the receiving water and comply with the BMP Design Manual.

C. Improvements to Existing Development.

1. Any applicant for a permit to construct improvements to existing property must undertake the following:

(a) install, maintain, and operate trash enclosure and trash capture devices required by the Trash Amendments or by any plan or policy adopted by the City in accordance with the Trash Amendments, including but not limited to installing or retrofitting trash enclosures as outlined in City policy. At the director's discretion, the director may waive or modify the requirements in this subsection if the requirements are determined to be infeasible or impractical based on site conditions.

(b) implement minimum BMPs in the Guidelines for Storm Water Pollution Prevention;

(c) submit a BMP Plan sheet for review prior to permit issuance. A BMP Plan sheet must include minimum construction related BMPs, such as waste/material storage, sediment and erosion control, and inlet protection, in accordance with the requirements established by the director.

2. Hazardous Materials Documentation. Any person in charge of a project improving existing development which includes the demolition or disturbance of 100 square feet or more of building materials must submit a hazardous materials assessment reports and abatement documentation as outlined in the City's procedures. A project to improve one single-family residence is exempt from this subsection. (Ord. 530 § 1, 2015)

9.06.260 Storm Water Facilities Maintenance Agreement.

A. As a condition of development, the owner of PDPs must, prior to occupancy of the development, enter into a Storm Water Facilities Maintenance Agreement with the City. The agreement must comply with the following:

1. be recorded to run with the land and be binding upon the owner, and their heirs, and successors in interest to the project and to any real property developed in conjunction with the project in perpetuity;

2. include an annual requirement that verification of the effective operation and maintenance of each approved treatment control BMP be conducted by the owner and be certified to the City prior to each rainy season;

3. include a right of entry on the part of the City for the purpose of inspecting and confirming the condition of permanent stormwater BMPs and to perform maintenance or repairs where operation and maintenance is not conducted in a proper or timely fashion. (Ord. 530 § 1, 2015)

9.06.270 Authority to Inspect.

A. The owner, occupant, or operator of any property or activity subject to the requirements of this chapter must allow the enforcement officer of the City to make an inspection of any facility, activity, or residence during normal business hours to enforce the provisions of this chapter, and to ascertain whether the purposes of this chapter are being met.

B. An enforcement officer may make an inspection authorized by this section after presenting proper credentials and after the owner and/or occupant authorizes entry. If the enforcement officer is unable to locate the owner or other persons having charge or control of the premises, or the owner and/or occupant refuses the request for entry, the City may seek assistance from any peace officer or court of competent jurisdiction in obtaining entry.

C. In the event of an emergency that presents a direct threat to the environment or public health, safety and welfare, the enforcement officer may conduct an immediate inspection as necessary to remedy the direct threat to the public.

D. Any person who engages in any willful and unlawful use of force or violence upon the enforcement officer may be subject to criminal prosecution pursuant to the Penal Code.

E. In order to confirm or ensure compliance with the requirements of this chapter, the City may establish or require the establishment of devices necessary to conduct sampling or metering operations on any property. (Ord. 530 § 1, 2015)

9.06.280 Notification of Spills.

Any person responsible for emergency response for, or in charge of, a premises or facility must notify the City of any release or discharge in violation of this chapter and must take all steps necessary to ensure the containment and minimize the damages of such discharge in accordance with all applicable health and safety regulations and facility hazardous materials handling procedures and policies. Such person must immediately notify the City and any other appropriate agency of the discharge. (Ord. 530 § 1, 2015)

9.06.290 Requirement to Test, Monitor Or Mitigate.

A. The director may require any person engaged in any activity or owning or operating any facility which may cause or contribute pollution or contamination or discharge to undertake monitoring activities, including physical and chemical monitoring, and analyses and furnish reports. Specific monitoring requirements must bear a reasonable relationship to the types of pollutants which may be generated by the person's activities or the facility's operations.

B. The City, in cooperation with local wastewater programs, may require a person, or facility owner or operator, to install or implement stormwater pollution reduction or control measures, including but not limited to, process modification to reduce the generation of pollutants or a pretreatment program approved by the Regional Water Board or the City. Specific monitoring requirements must bear a reasonable relationship to the types of pollutants which may be generated by the person's activities or the facility's operations.

C. If testing, monitoring, or mitigation required pursuant to this chapter are deemed no longer necessary by the director, then the director may discontinue such requirements. (Ord. 530 § 1, 2015)

ARTICLE 3 ENFORCEMENT PROVISIONS

9.06.300 Response Plans.

The director must enforce the requirements of chapter consistent with the provisions of the Enforcement Response Plan. The enforcement officer may develop, amend, and implement or require a person in violation of this chapter to develop and implement a spill response plan or operation and maintenance plan setting forth the procedures, roles and responsibilities for investigating, cleaning up and reporting spills, BMP implementation, an illicit discharge response plan setting forth the procedures and responsibilities for investigating and abating illicit discharges, and other plans required to comply with the municipal permit or this chapter. (Ord. 530 § 1, 2015)

9.06.310 Penalties For Violation.

The director and enforcement officer are authorized to pursue any remedies available to the City at law or equity, for violations of this chapter, including but not limited to the administrative, civil, and criminal remedies set forth in title 1 of this code and in this chapter.

9.06.320 Administrative Enforcement Powers.

In addition to the other enforcement powers and remedies established by this code, the enforcement officer has the authority to order any and all of the following administrative enforcement orders for violations of this chapter and to serve such order in accordance with Section 1.08.030:

A. Notice of Violation. A notice of violation identifying the provision(s) of this chapter or applicable permit or order that has been violated.

B. Cease and Desist Order. A cease and desist order identifying the provision(s) of this chapter or applicable permit or order that has been violated and directing the cessation of any activities, practices, operations, or other actions that cause or contribute to the identified violation, either immediately or pursuant to a timeline.

C. Compliance Order. A compliance order identifying the provision(s) of this chapter or applicable permit or order that has been violated and directing the implementation of BMPs, facilities, equipment, or other actions appropriate to cease any violation and remedy the effects of such noncompliance, either immediately or pursuant to a timeline. A compliance order may require a person subject to the order to prepare and implement a stormwater pollution prevention plan for remedying any identified violation.

D. Permit Revocation and Denial. A notice identifying the provision(s) of this chapter or applicable permit or order that has been violated and identifying the provision(s) of this code authorizing revocation or denial of any permit issued by the City. If a permit or order issued by the City does not have independent procedures for revocation or denial, the City must follow the hearing procedures set forth in Chapter 1.14.

E. Stop Work Order. An order identifying the provision(s) of this chapter or applicable permit or order that has been violated and directing any or all work or activities causing or contributing to the noted violation to immediately stop. A person ordered to stop any work or activity in accordance with this section must not restart the work or activity until the City has verified that corrective actions have been implemented and authorizes work or activities to resume.

F. Notice of Ineligibility for Land Development. A notice identifying the priority development project requirement or land disturbing activity requirement at a construction project that has been violated, providing a notice of intent to determine a person or project ineligible for land development, and providing and providing the date and time of the eligibility hearing.

1. The notice of intent required by this chapter must:

(a) Be served on the owner personally or mailed by certified mail and first class mail to the address shown on the most recent tax assessment roll and be posted on the property;

(b) State the City's intent to fil a notice of ineligibility for land development.

(c) Fix a location, time and date, not less than 15 days after delivery of the notice, at which a hearing will occur and at which the owner may submit written or oral comments or reasons why a notice of ineligibility should not be filed.

2. The eligibility hearing must:

(a) Be held at the appointed time, or at a time agreed to by all parties,

(b) Provide the owner an opportunity to present written or oral comments or reasons why a notice of ineligibility should not be filed;

(c) Result in a determination of whether a violation occurred, whether it has been remedied, and whether to file a notice of ineligibility for land development; and

(d) Complies with the hearing requirements of Chapter 1.14 to the extent those requirements do not conflict with the requirements of this section.

3. A notice of ineligibility filed in accordance with this section remains in effect until the enforcement officer files a "Release of Notice of Ineligibility for Land Development." A Release of Notice of Ineligibility for Land Development may be filed when the owner implements all required plans and BMPs and remedies any noncompliant site conditions to the director's satisfaction. During the effective dates of any notice of ineligibility filed in accordance with this section, no application for a building permit, administrative permit, site plan, use permit, variance, tentative parcel map, tentative map, parcel map, or final map or any other permit for the development of the property, on which the violation occurred and which resulted in the notice of ineligibility will be approved. (Ord. 530 § 1, 2015)

G. Public Nuisance Abatement. A nuisance abatement action or summary abatement action pursuant to the provisions of Chapter 1.10.

H. Referral to the Regional Water Board. A violation of this chapter may be referred to the Regional Water Board for enforcement action in accordance with the requirements of the municipal permit or plans adopted pursuant to the municipal permit.

I. Monetary Penalties. Any violation of any provision or failure to comply with any of the mandatory requirements of this chapter may also be subject to a monetary penalty issued pursuant Chapter 1.14 of this code. Any monetary penalties collected by the City for violations of this chapter, will be used for stormwater pollution prevention and program management.

J. Cost Recovery. Together with or after issuing any administrative enforcement action, the City may also recover its costs in accordance with the provisions of Section 1.08.020. (Ord. 530 § 1, 2015)

9.06.330 Civil Actions.

In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City. In any such action, the City may seek, without limitation, and the court may grant, as appropriate, any or all of the following remedies:

A. Injunctive relief;

B. Assessment of the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing a legal action under this subsection;

C. Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation;

D. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life. Assessments under this subsection must be paid to the City to be used exclusively for costs associated with monitoring and establishing stormwater discharge pollution control systems and/or implementing or enforcing the provisions of this chapter, or for implementing water quality improvement projects. (Ord. 530 § 1, 2015)

9.06.340 Violations Constituting Misdemeanors.

The violation of any provision of this chapter, failure to comply with any of the mandatory requirements of this chapter, and the provision of false testimony or falsification of any statement made in accordance with this chapter are declared to be misdemeanors; except not withstanding any other provisions of this chapter, any such violation constituting a misdemeanor under this chapter may, in the discretion of the City Attorney, be charged and prosecuted as an infraction. (Ord. 530 § 1, 2015)

9.06.350 Concealment.

Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter constitutes a violation of such provision. (Ord. 530 § 1, 2015)

9.06.360 Remedies Not Exclusive.

Remedies under this chapter are in addition to and do not supersede or limit any and all other administrative, civil, or criminal remedies. The remedies in this chapter are cumulative and not exclusive. (Ord. 530 § 1, 2015)

EXHIBIT 4

CHAPTER 9.08 OVERHEAD AND UNDERGROUND UTILITIES

ARTICLE 1 DEFINITIONS

9.08.100 Definitions.

When used in this chapter:

"City engineer" means the person designated by the City Manager to administer this chapter or that person's designee.

"Commission" means the Public Utilities Commission of the State of California.

"Poles, overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a district and used or are useful in supplying electric, communication or similar or associated service.

"Service connection" means trenching backfill, surface improvements and any necessary conduit from the property line to the underground sweep at the base of the property owner's termination facility. In those cases where the service conduit enters the property owner's building, the service connection will terminate at that point.

"Underground utility district" or "district" means an area in the City within which poles, overhead wires, and associated overhead structures are prohibited, which area is established pursuant to and hereafter described in this chapter.

"Utility" means all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. (Ord. 285 § 2, 1992: amended during 1989 supplement; prior code § 89.101)

ARTICLE 2 ESTABLISHMENT OF UNDERGROUND UTILITY DISTRICTS

9.08.200 Authorization to establish underground utility districts

The City Council may from time to time establish underground utility districts in accordance with the procedures set forth in this article.

9.08.210 Resolution of intention—Public hearing by council.

A. To establish an underground utility district, the City Council must adopt a resolution of intention to establish such district and hold a public hearing to determine whether the public 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 or associated service.

B. The City Clerk must notify all owners of property within the proposed district, as shown on the last equalized assessment roll, and all utilities concerned by mail of the time and place of the hearing on such resolution at least ten days prior to the date of the hearing.

C. The public hearing required by this section must be open to the public and may be continued from time to time. At the public hearing all persons interested will have an opportunity to be heard. The decision of the City Council is final and conclusive. (Amended during 1989 supplement; prior code § 89.102)

9.08.220 Establishment of underground utility districts.

A. If, after the public hearing on the resolution of intention required by Section 9.08.210, the City Council adopts a resolution of intention to establish an underground district, the City Council may establish the underground utility district by ordinance declaring such designated area an underground utility district, and order such removal and underground installation.

B. The ordinance contemplated by subdivision A must include a description of the area comprising the underground district and must provide that the City Council will adopt a resolution setting the time by which all removal and underground installation must be accomplished and by which affected property owners must be ready to receive underground service. A reasonable time must be allowed for such removal and underground installation, considering the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities.

C. Notice of the adoption of the resolution completed by subdivision B must be given pursuant to subsections B and C of Section 9.08.230. (Prior code § 89.103)

9.08.230 Notice to property owners and utility companies.

A. Within ten days after the effective date of an ordinance establishing an underground utility district adopted pursuant to Section 9.08.220, the City Clerk must give notice of the adoption of such ordinance to all affected utilities and to all persons owning real property within the underground utility district established by such ordinance. Notification by the City Clerk must be made by mailing to all owners of property within the district as such are shown on the last equalized assessment roll and to the affected utilities a copy of the ordinance adopted pursuant to Section 9.08.220.

B. Within ten days after the City Council adopts a resolution setting the date for undergrounding of said utilities, the City Clerk must provide the following notices:

1. To all affected property owners of the adoption of the resolution and that if any person occupying such property wants to continue receiving any associated service, that person must provide all necessary facility changes on their premises in order to receive service from the utility or utilities, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission; and

2. To all affected utilities of the adoption of a resolution of the City Council setting the date by which the utilities must furnish the necessary underground service facilities and remove their overhead service facilities. (Prior code §§ 89.107, 89.107(A), 89.107(B))

9.08.240 Reimbursement of service connection construction costs.

Reimbursement of construction costs for the undergrounding of private property service connection will take place in accordance with the policy adopted by City Council.

9.08.250 General exceptions.

This chapter and any ordinance adopted pursuant to Section 9.08.220 does not apply to the following types of facilities, unless otherwise provided in such ordinance:

A. Any city facilities or equipment installed under the supervision and to the satisfaction of the City engineer;

B. Poles or electroliers used exclusively for street lighting;

C. Overhead wires (exclusive of supporting structures) crossing any portion of an underground utility district or connecting to buildings on the perimeter of such a district, when such wires originate in an area where poles, overhead wires and associated overhead structures are permitted;

D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred volts;

E. 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;

F. Antennae, associated equipment and supporting structures, used by a utility or person for furnishing or receiving communication services;

G. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;

H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects;

I. New or existing pole-to-anchor guy wires within the district necessary to support overhead facilities outside the boundary of the district or poles within the district which have been specifically excepted in the ordinance creating the district. (Prior code §§ 89.106, 89.106(i))

ARTICLE 3 REGULATORY REQUIREMENTS

9.08.300 Unlawful acts.

Whenever the City Council establishes an underground utility district and orders the removal of overhead facilities as provided in Section 9.08.220, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the facilities are required to be removed, unless the facilities are required to furnish service to property prior to the performance of the work necessary to continue providing utility service as provided in Section 9.08.330 and for such reasonable time required to remove said facilities after such work has been performed, and except as otherwise provided in this chapter. (Prior code § 89.104)

9.08.310 Exception, emergency or unusual circumstances.

A. Emergencies. Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained in an underground utility district for no more than ten days, without approval of the City engineer, in order to provide emergency service.

B. Unusual circumstances. Notwithstanding the provisions of this chapter, the City engineer may grant special permission to erect, construct, install, maintain, use or operate overhead facilities, on such terms as the engineer deems appropriate, in unusual circumstances, without discrimination as to any person or utility. (Prior code § 89.105)

9.08.320 Responsibility of utility companies.

If underground construction is necessary to provide utility service within a district created by an ordinance adopted pursuant to Section 9.08.220, the supplying utility must furnish conduits, conductors, and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the commission. (Prior code § 89.108)

9.08.330 Responsibility of property owner.

Every person owning a building or structure within a district must construct and provide that portion of the service connection on such person’s property between the facilities referred to in Section 9.08.320 and the termination facility on or within the building or structure being served. All work required by this section must be done in accordance with the applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission. (Amended during 1989 supplement; prior code § 89.109)

9.08.340 Responsibility of city.

At its own expense, the City must remove all city-owned equipment from all poles required to be removed by this chapter in time to enable the owner or user of such poles to remove the pole within the time specified in the ordinance establishing the district. (Prior code § 89.113)

9.08.350 Authority of city engineer.

If a property owner does not timely comply with the requirements of Section 9.08.330, the City engineer may take any action authorized in Sections 9.08.360 through 9.08.380. (Prior code § 89.110)

9.08.360 Disconnection of premises.

If a property owner does not timely comply with the requirements of Section 9.08.330, the City engineer may post on the property a written notice to comply with the requirements of Section 9.08.330. The notice to comply must state that if the service connection required by Section 9.08.330 is not completed within thirty days after the posting of such notice, the overhead service wires and associated service facilities supplying utility service to the property will be disconnected and removed. The City engineer is further authorized to disconnect and remove or cause the disconnection and removal of such facilities if the property owner does not comply with the requirements of the notice issued pursuant to this section.

9.08.370 Construction of service connection and assessment of cost.

If a property owner does not timely comply with the requirements of Section 9.08.330, the City engineer may perform or cause the performance of the work in accordance with the following:

A. Notice to Construct. Written notice to comply with the requirements of Section 9.08.330 must be given to the person in possession of the premises and to the owner as shown on the last equalized assessment roll. The written notice must specify what work is required to be done, provide thirty days to complete the work, and provide that if such work is not completed within the prescribed time, the City engineer will cause such work to be done, and to assess the cost and expense thereof as a lien upon the property. Except as set forth in this section, written notice must be given in accordance with Section 1.08.030.

B. Service by Mail. When no address appears on the last equalized assessment roll, mailed notice must be addressed to the owner at the affected property. If notice is given by mail, such notice is deemed to have been received by the person to whom it was addressed forty-eight hours after the mailing.

C. Posting. If notice is given by mail to either the owner or person in possession of the premises, the City engineer must also cause a copy of the notice to be conspicuously posted on the premises within forty-eight hours after the mailing.

D. Engineer Performs Work. If upon the expiration of the thirty-day period, the work required by this section has not been completed within thirty days after notice, the City engineer may proceed to do the work; provided, however, that if the property is unoccupied and no electric or communications services are being furnished to the property, the City engineer may order the disconnection and removal of any and all overhead facilities in accordance with this chapter.

E. Report and Assessment. The City engineer must keep an account of the costs of complying with this chapter, prepare a report of the costs in accordance with Section 1.10.150,

and serve a copy of the report on the property in accordance with the provision of Section 1.10.080, together with a notice of the time when the report will be heard by the City Council, for confirmation.

F. Confirmation of Assessment. At the time set for receiving the report described in subdivision E, the City Council will hold a hearing on the report in accordance with the provisions of Section 1.10.160.

G. Assessment Becomes a Lien—Collection. If any assessment is not paid within ten days after its confirmation by the City Council, the amount of the assessment may become a lien or an assessment on the property in accordance with Sections 1.12.030 through 1.12.050.

9.08.380 Extension of time.

In the event that any act required by this chapter or by any ordinance or resolution adopted pursuant to this chapter cannot be performed within the time provided because 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 to act may, on written request by the person required to perform the act, be extended by the City Council or City engineer for a period equivalent to the time of such limitation. (Prior code § 89.114)

ARTICLE 4 UNDERGROUND UTILITY DISTRICTS

9.08.400 Underground Utility District No. 1.

A. The following described portion of the City of Santee, San Diego County, State of California, is declared to be Underground Utility District No. 1 of the City of Santee:

All that territory in the City of Santee, State of California, lying within the following described boundary:

Beginning at the South Westerly corner of Lot "D" of Godbolds Subdivision, Map #2303, as filed in the office of the County Recorder; thence Northerly along the Westerly line of said lot to the Westerly line of Lot 8 of said map; thence Northerly along said Westerly boundary to the Northwest corner of said Lot; thence Northerly 102 ft. along the Northerly prolongation of the West boundary of said Lot; thence Easterly along a line 102 feet Northerly of and parallel to the North boundaries of Lots #8 and #9 to an intersection with the Northerly prolongation of a line 80 feet East of and parallel to the Easterly boundary of said Lot 9; thence southerly 430 feet along said parallel line; thence Westerly in a direct line to the centerline of Cuyamaca Street; thence Southerly along said centerline to the intersection with the Westerly prolongation of the South boundary of Lots #8 and #9 and D; thence Westerly along said prolongation to the Southwest corner of Lot D to the point of beginning.

B. The City Council must, by subsequent resolution, set the dates by which all affected property owners must be ready to receive underground utility service and by which the utility or utilities must remove all poles, overhead wires and associated overhead structures and make the necessary underground installation of wires and facilities for supplying electric, communication or similar or associated service within Underground Utility District No. 1 and

notice of the adoption of such subsequent resolution must be given by the City Clerk in the manner provided in Section 9.08.230. (Ord. 285 § 2, 1992)

9.08.410 Underground Utility District No. 2.

A. The following described portion of the City of Santee, San Diego County, State of California, is declared to be Underground Utility District No. 2 of the City of Santee:

Those portions of Lots 1 and 6 of the Resubdivision of Fanita Rancho together with those portions of Carlton Hills Units No. 1, 2 and 4 and Sycamore Hills Unit No. 1, in the County of San Diego, State of California, according to Maps thereof Nos. 1703, 4027, 4066, 4196 and 3994, respectively, filed in the Office of the County Recorder of the County of San Diego, described as follows:

1. Beginning at the northerly corner of that portion of Mission Gorge Road dedicated on said Map No. 3994, being also the westerly terminus of a 25-foot radius curve, concave northwesterly, in the right-of-way line of Carlton Hills Boulevard as shown on said Map 3994;

2. thence S. 89° 44′ 13″ E. parallel with the southerly boundary of said Map 3994, 225.19 feet;

3. thence N. 0° 14′ 03″ E. 234 feet;

4. thence N. 89° 44′ 13″ W. 100 feet, more or less, to a point on the easterly right-of-way line of Carlton Hills Boulevard as shown on said map 3994;

5. thence northerly along said easterly right-of-way line 2014.75 feet;

6. thence N. 77°. 04′ E. 354.35 feet;

7. thence N. 12° 56′ W. 515 feet;

8. thence continuing N. 12° 56′ W. 80 feet to the northwesterly right-of-way line of Carlton Oaks Drive (Halberns Boulevard) as shown on said Map No. 4027, being also the easterly terminus of a 25-foot radius curve in the easterly boundary of said Map 4027;

9. thence along said northwesterly right-of-way line S. 77°. 04′ W. 240 feet to the southeasterly corner of Lot 229 of said Map 4027;

10. thence northerly along the easterly boundary of Lot 229 to the northeast corner thereof;

11. thence westerly along the northerly line of said Lot 229 and the westerly prolongation of said northerly line to the centerline of Carlton Hills Boulevard;

12. thence southerly along said centerline to the intersection of the easterly prolongation of the southerly line of Lot 230 and said centerline;

13. thence westerly along the said easterly prolongation of the southerly line of Lot 230 and along said southerly line to the southwest corner of said Lot 230;

14. thence southerly along the westerly boundary of Parcel 2 of said parcel Map, being also the westerly boundary of Lot 546 of said Map 4066, to the southwesterly corner of said Parcel 2;

15. thence easterly along the southerly of said Parcel 2 to the southeasterly corner thereof, being a point on the westerly right-of-way line of Carlton Hills Boulevard as shown on said map 4027;

16. thence southerly parallel with the centerline of Carlton Hills Boulevard to an intersection with the easterly prolongation of the northerly line of Lot 152 of said Map 3994;

17. thence westerly along said northerly projection and along said northerly line to the northwesterly corner of said Lot 152;

18. thence southerly along the westerly lines of Lots 152 through 150 of said Map 3994 to the southwesterly corner of said Lot 150;

19. thence easterly along the southerly line of said Lot 150 to a point which is 100 feet westerly from the centerline of Carlton Hills Boulevard as shown on said Map 3994;

20. thence southerly radial to the southerly line of said Lot 150, 60 feet to the southerly boundary of said Map 3994;

21. thence westerly along said southerly boundary to an angle point therein;

22. thence southerly along said boundary 65 feet;

23. thence N. 80° 20′ 51″ E. 192.51 feet to a point on the westerly right-of-way line of Carlton Hills Boulevard as shown on said Map 3994;

24. thence southerly along said westerly line to the beginning of a tangent 25-foot radius curve, concave northwesterly;

25. thence southerly, southwesterly, and westerly along said curve to the Point of Beginning.

B. The City Council will, by subsequent resolution, set the dates by which all affected property owners must be ready to receive underground utility service and by which the utility or utilities must remove all poles, overhead wires and associated overhead structures and make the necessary underground installation of wires and facilities for supplying electric,

communication or similar or associated service within Underground Utility District No. 2 and notice of the adoption of such subsequent resolution must be given by the City Clerk in the manner provided in Section 9.08.230. (Ord. 285 § 2, 1992)

9.08.420 Underground Utility District No. 3.

A. The following described portion of the City of Santee, San Diego County, State of California, is hereby declared to be Underground Utility District No. 3 of the county of San Diego:

LEGAL DESCRIPTION
MISSION GORGE ROAD, UUD NO. 3

Those portions of Rancho El Cajon land in the City of Santee, County of San Diego, State of California, described as follows:

1. Beginning at the point of intersection of the centerline of a city road known as Bushy Hill Drive and the centerline of a city road known as Simeon Drive, thence northerly along the northerly extension of the centerline of Bushy Hill Drive to the northerly right-of-way of Simeon Drive;

2. thence easterly along said northerly right-of-way of Simeon Drive 230.00 feet to the true point of beginning;

3. thence southerly parallel to the northerly extension of the centerline of Bushy Hill Drive and 230 feet easterly thereof to the centerline of Simeon Drive;

4. thence southerly parallel to the centerline of Bushy Hill Drive and 230.00 feet easterly thereof to the northwesterly right-of-way of a city road known as Mission Gorge Road;

5. thence northeasterly along the north westerly boundary of said Mission Gorge Road to its intersection with the southerly boundary of said Simeon Drive;

6. thence southerly in a line perpendicular to the centerline of said Mission Gorge Road to said centerline;

7. thence southerly along the extension of said perpendicular line 110.00 feet;

8. thence easterly in a line parallel to the centerline of said Mission Gorge Road and 110.00 feet southerly thereof to the easterly boundary of Steele's Subdivision Unit No. 1 as shown on Subdivision Map 7646 filed with the recorder of San Diego County;

9. thence N. 10° 22′ 14″ E. 59.00 feet to the southerly right-of-way line of said Mission Gorge Road;

10. thence easterly along said right-of-way to a point which is 30.00 feet westerly of the easterly boundary of Lot 4, Block F, Fanita Rancho Map No. 688 as filed with the Recorder of San Diego County;

11. thence S. 10° 30′ W. 272.25 feet;

12. thence S. 79° 30′ E. 475.50 feet;

13. thence N. 10° 30′ E. to the southerly right-of-way of said Mission Gorge Road.

14. thence easterly along said southerly right-of-way to its intersection with a 20.00 foot radius tangent curve, concave southwesterly;

15. thence along the arc of said curve for 29.40 feet through an interior angle of 84° 13′ 57″ to the intersection with the westerly right-of-way of a city road known as Rancho Fanita Drive;

16. thence southerly along the westerly right-of-way of said Rancho Fanita Drive to a point which is 175.00 feet southerly of the centerline of said Mission Gorge Road;

17. thence easterly in a line perpendicular to the centerline of said Rancho Fanita Drive to said centerline;

18. thence easterly along the easterly extension of said perpendicular line to the easterly right-of-way line of said Rancho Fanita Drive;

19. thence northerly along said easterly right-of-way of Rancho Fanita Drive to the beginning of a tangent 30.00 foot radius curve, concave southeasterly;

20. thence northeasterly along the arc of said curve to its intersection with the southerly right-of-way line of Mission Gorge Road;

21. thence easterly along said southerly right-of-way 305.50 feet;

22. thence S. 4° 36′ 35″ W. 133.00 feet;

23. thence S. 85° 30′ E. 103.00 feet;

24. thence S. 4° 36′ 35″ W. 10.00 feet;

25. thence S. 85° 30′ E. 31.00 feet;

26. thence S. 4° 36′ 35″ W. 29.00 feet;

27. thence easterly in a line parallel to the centerline of said Mission Gorge Road and 223.00 feet southerly thereof to the westerly right-of-way line of a city road known as Big Rock Road;

28. thence southerly along said right-of-way line to a point 232.42 feet southerly of the centerline of said Mission Gorge Road;

29. thence S. 85° 24′ 26″ E. 589.99 feet;

30. thence S. 4° 30′ W. 8.11 feet;

31. thence S. 85° 39′ 43″ E. 1532.35 feet;

32. thence S. 43° 11′ 10″ E. 149.87 feet;

33. thence N. 36° 35′ 40″ E. 18.83 feet;

34. thence S. 53° 25′ 40″ E. 52.53 feet;

35. thence N. 36° 35′ 40″ E. 27.99 feet to the beginning of a tangent 30 foot radius curve, concave southeasterly;

36. thence northeasterly along the arc of said curve for 30.23 feet;

37. thence S. 85° 39′ 43″ E. 80.17 feet to the beginning of a tangent 25 foot radius curve, concave southwesterly;

38. thence southeasterly along the arc of said curve for 14.07 feet;

39. thence N. 36° 35′ 40″ E. 50 feet;

40. thence N. 53° 24′ 20″ W. 74.06 feet;

41. thence S. 85° 39′ 43″ E. 187.37 feet;

42. thence S. 53° 24′ 20″ E. 20.51 feet;

43. thence N. 85° 39′ 43″ W. 10.97 feet;

44. thence S. 85° 39′ 43″ E. 85.99 feet to the beginning of a tangent 5058.50 foot radius curve, concave northerly;

45. thence easterly along the arc of said curve for 411.91 feet;

46. thence S. 00° 44′ 10″ W. 7.56 feet;

47. thence N. 89° 23′ 25″ W. 498.33 feet;

48. thence N. 00° 36′ 35″ E. 18.12 feet;

49. thence N. 84° 55′ 03″ E. 381.60 feet to the beginning of a tangent 930 foot radius curve, concave northwesterly;

50. thence easterly along the arc of said curve for 599.84 feet to the beginning of a tangent 900 foot radius curve bearing N. 19° 42′ 40″ E., concave southwesterly;

51. thence southeasterly along the arc of said curve for 85.29 feet;

52. thence N. 00° 20′ 25″ E. 517.34 feet;

53. thence N. 37° 45′ 10″ E. to the intersection of a line parallel to the centerline of Mission Gorge Road 100 feet southerly thereof;

54. thence easterly along said line which is parallel to the centerline of said Mission Gorge Road, 100.00 feet southerly thereof to the easterly boundary of Lot 7, Block C, Revised Map 688 as filed with the Recorder of San Diego County;

55. thence S. 1° 33′ 30″ E. to a point 200.00 feet from the centerline of Mission Gorge Road;

56. thence easterly to a point on the centerline of a city road known as Fanita Drive, which is 200.00 feet southerly of the intersection of said Fanita Drive centerline and the centerline of Mission Gorge Road;

57. thence northerly along said centerline of Fanita Drive to a point on said centerline which is 150.00 feet southerly of its intersection with the centerline of Mission Gorge Road;

58. thence easterly in a line perpendicular to said centerline of Fanita Drive to the easterly right-of-way of said Fanita Drive;

59. thence northerly along said easterly right-of-way to its intersection with a 20.00 foot radius tangent curve concave southeasterly;

60. thence northeasterly along the arc of said curve to its intersection with the southerly right-of-way of Mission Gorge Road;

61. thence easterly along said right-of-way to the northeasterly corner of Parcel 1 of Parcel Map 5225 as filed with the Recorder of San Diego County;

62. thence S. 5° 29′ 40″ E. 75.00 feet;

63. thence easterly parallel to the centerline of Mission Gorge Road and 126.00 feet southerly thereof to the northeasterly most line of Parcel Map 5225 as filed with the Recorder of San Diego County;

64. thence S. 0° 05′ E. along said northeasterly most line to a point on said bearing which is 171.00 feet southerly of the centerline of Mission Gorge Road;

65. thence easterly parallel to the centerline of Mission Gorge Road and 171.00 feet southerly thereof to the intersection with the easterly boundary of Forester Creek Flood Control Channel;

66. thence southerly along said easterly boundary of Forester Creek Flood Control Channel to the easterly boundary of Lot 3, Block A, Map 688, as filed with the Recorder of San Diego County;

67. thence N. 0° 15′ W. to the southerly right-of-way of Mission Gorge Road;

68. thence easterly along said southerly right-of-way of Mission Gorge Road 130.00 feet;

69. thence S. 0° 15′ E. 20.00 feet;

70. thence parallel with the centerline of Mission Gorge Road and 71.00 feet southerly thereof 70.00 feet;

71. thence N. 0° 15′ W. to the southerly right-of-way of Mission Gorge Road.

72. thence easterly along said southerly right-of-way 170.00 feet;

73. thence S. 0° 21′ 21″ W. 411.21 feet to the northeasterly boundary of Forester Creek Flood Control Channel;

74. thence southeasterly along said boundary of Forester Creek Flood Control Channel to its intersection with a line parallel to the centerline of said Mission Gorge Road and 679.83 feet southerly thereof;

75. thence S. 89° 44′ 43″ E. to the easterly boundary of lot 3, Map 2303, as filed with the Recorder of San Diego County;

76. thence N. 0° 15′ 17″ E. to the southerly boundary of Mission Gorge Road;

77. thence easterly along the southerly right-of-way of Mission Gorge Road 346.37 feet;

78. thence S. 0° 15′ 17″ W. 20.00 feet;

79. thence easterly parallel to the centerline of Mission Gorge Road and 71.00 feet southerly thereof 86.00 feet;

80. thence N. 0° 15′ 17″ E. to the southerly right-of-way of Mission Gorge Road;

81. thence easterly along the southerly right-of-way of Mission Gorge Road to the beginning of a tangent 25.00 foot radius curve, concave southwesterly;

82. thence southeasterly along the arc of said curve 39.27 feet;

83. thence S. 0° 15′ 10″ W. 1.00 foot;

84. thence S. 89° 44′ 43″ E. 67.50 feet;

85. thence N. 0° 15′ 10″ E. to the beginning of a tangent 25.00 foot radius curve, concave southeasterly;

86. thence along the arc of said curve to its intersection with the southerly right-of-way of Mission Gorge Road;

87. thence easterly along said southerly right-of-way of Mission Gorge Road to the northeasterly corner of Lot 34 of La Vega Condominiums as described in document 71-76787 on file with the Recorder of San Diego County;

88. thence easterly along said southerly right-of-way of Mission Gorge Road 171.88 feet;

89. thence S. 0° 13′ 20″ W. 75.00 feet;

90. thence easterly parallel to the centerline of Mission Gorge Road and 126.00 feet southerly thereof to the easterly boundary of the Official Centerline Project UY 0590 Annexation to the San Diego County Lighting Maintenance District 1 on file with the Assessor of San Diego County as BC 77-17;

91. thence northerly along said easterly boundary of Official Centerline Project UY 0590 to the southerly right-of-way of Mission Gorge Road.

92. thence easterly along said southerly right-of-way 209.74 feet;

93. thence S. 01° 31′ 30″ W. 200.00 feet;

94. thence parallel to the centerline of Mission Gorge Road and 251.00 feet southerly thereof 139.00 feet;

95. thence N. 01° 31′ 30″ E. to the southerly right-of-way of Mission Gorge Road;

96. thence easterly along said southerly right-of-way to the beginning of a tangent 25.00 foot radius curve, concave southwesterly;

97. thence along the arc of said curve to its intersection with the westerly right-of-way of a city road known as Cottonwood Avenue;

98. thence southerly along said westerly right-of-way to a point on said right-of-way which is 201.00 feet southerly of the centerline of Mission Gorge Road;

99. thence easterly parallel to the centerline of Mission Gorge Road and 201.00 feet southerly thereof to the intersection with the southeasterly boundary of a city road known as Railroad Avenue;

100. thence northeasterly along said southeasterly boundary of Railroad Avenue to its intersection with a tangent 40.00 foot radius curve, concave southeasterly;

101. thence along the arc of said curve to the intersection with the southerly boundary of Mission Gorge Road;

102. thence easterly along said southerly boundary of Mission Gorge Road to its intersection with a tangent 20.00 foot radius curve, concave southwesterly;

103. thence along the arc of said curve to its intersection with the westerly boundary of a city road known as Magnolia Avenue;

104. thence southeasterly along said westerly boundary of Magnolia Avenue to its intersection with the westerly prolongation of a line parallel to the centerline of a city road known as Woodside Avenue and 151.00 feet southeasterly thereof;

105. hence northeasterly along said westerly prolongation of a line parallel to the centerline of Woodside Avenue and 151.00 feet southeasterly thereof to the centerline of Magnolia Avenue;

106. thence northeasterly parallel to the centerline of Woodside Avenue and 151.00 feet southeasterly thereof to its intersection with the northerly boundary of Parcel 1 of Parcel Map 3197 as filed with the Recorder of San Diego County;

107. thence westerly along the northerly boundary of Parcel 1 of Parcel Map 3197 to the southeasterly right-of-way of Woodside Avenue.

108. thence northeasterly along said southeasterly right-of-way of Woodside Avenue along the westerly boundary of Parcel 2 of said Parcel Map 3197 to the northeasterly corner of said Parcel 2;

109. thence northwesterly to the point of intersection of northwesterly right-of-way of Woodside Avenue with the southeasterly right-of-way of a city road known as Woodside Avenue North;

110. thence northeasterly along said southeasterly right-of-way of Woodside Avenue North to its intersection with the southerly prolongation of the centerline of a city road known as Hartley Road;

111. thence northwesterly along said prolongation of said centerline to its intersection with the centerline of said Woodside Avenue North;

112. thence northwesterly along said centerline of said Hartley Road to the intersection with the northwesterly right-of-way of said Woodside Avenue North;

113. thence southwesterly along said northwesterly right-of-way of Woodside Avenue North to its intersection with the northwesterly boundary of Woodside Avenue;

114. thence southwesterly along said northwesterly boundary to its intersection with a line which is parallel to the centerline of Magnolia Avenue and 221.00 feet northeasterly thereof;

115. thence northerly along said line parallel to the centerline of Magnolia Avenue and 221.00 feet northeasterly thereof 340 feet;

116. thence S. 64° 14′ 22″ W. to the centerline of Magnolia Avenue;

117. thence southeasterly along said centerline of Magnolia Avenue to its intersection with the easterly prolongation of a line parallel to the centerline of Mission Gorge Road and 201.00 feet northerly thereof;

118. thence westerly along said prolongation to its intersection with the westerly right-of-way line of Magnolia Avenue;

119. thence westerly parallel to the centerline of Mission Gorge Road and 201.00 feet northerly thereof to the northwesterly corner of Lot 16, Block 11, Map 1484 as filed with the Recorder of San Diego County;

120. thence southerly along the westerly boundary of said Lot 16, Block 11, Map 1484 to the northerly right-of-way of Mission Gorge Road;

121. thence westerly along said northerly right-of-way of Mission Gorge Road to its intersection with the centerline of a city road known as First Street.

122. thence northerly along said centerline of First Street to a point which is 81.00 feet northerly of the centerline of said Mission Gorge Road;

123. thence westerly parallel to said centerline of Mission Gorge Road and 81.00 feet northerly thereof to the centerline of a city road known as Edgemoor Drive;

124. thence southerly along said centerline of Edgemoor Drive to the northerly right-of-way of Mission Gorge Road;

125. thence westerly along said northerly right-of-way of Mission Gorge Road 490.00 feet;

126. thence northerly along the westerly boundary of Lot 15, Block 8, of said Map 1484, 30.00 feet;

127. thence westerly parallel to the centerline of Mission Gorge Road and 81.00 feet northerly thereof 125.00 feet;

128. thence southerly along the westerly boundary of Lot 10, Block 8 of said Map 1484 to the northerly right-of-way of Mission Gorge Road;

129. thence westerly along said northerly right-of-way of Mission Gorge Road to the beginning of a tangent 25.00 foot radius curve, concave northeasterly;

130. thence northwesterly along the arc of said curve to its intersection with the easterly right-of-way of a city road known as Cottonwood Avenue;

131. thence northerly along said easterly right-of-way 150.00 feet;

132. thence westerly perpendicular to the centerline of said Cottonwood Avenue to the westerly right-of-way of said Cottonwood Avenue;

133. thence southerly along said westerly right-of-way to its intersection with the northerly right-of-way of Mission Gorge Road;

134. thence westerly along said northerly right-of-way 710.00 feet;

135. thence N. 1° 27′ E. 100.00 feet;

136. thence westerly parallel to the centerline of Mission Gorge Road and 151.00 feet northerly thereof to the centerline of a city road known as Willow Avenue;

137. thence southerly along said centerline to the northerly right-of-way of Mission Gorge Road;

138. thence westerly along said northerly right-of-way to the easterly boundary of Lot 7, Block G, Fanita Rancho Map 688 filed with the Recorder of San Diego County;

139. thence northerly along the easterly boundary of Lot 7, block G of said Map 688 264.00 feet;

140. thence westerly parallel to the centerline and 264.00 feet northerly thereof to the San Diego city limits;

141. thence southerly along said city limits to the northerly right-of-way of Mission Gorge Road;

142. thence westerly along said northerly right-of-way 75 feet;

143. thence S. 88° 46′ 04″ W. 60.13 feet;

144. thence N. 26° 13′ 22″ W. 25.82 feet;

145. thence N. 37° 45′ 10″ E. 272.59 feet to a beginning of a tangent 796 foot radius curve, concave northwesterly;

146. thence southwesterly along the arc of said curve for 737.81 feet;

147. thence S. 84° 55′ 03″ W. 389.82 feet to a beginning of a tangent 4946 foot radius curve, concave northerly;

148. thence westerly along the arc of said curve for 813.22 feet;

149. thence N. 85° 39′ 43″ W. 1902.56 feet to a beginning of a tangent 1446 foot radius curve, concave northeasterly;

150. thence northwesterly along the arc of said curve 434.80 feet;

151. thence N. 68° 26′ 01″ W. 193.51 feet to the beginning of a tangent 1554 foot radius curve, concave southwesterly;

152. thence northwesterly along the arc of said curve 240.21 feet;

153. thence N. 12° 42′ 35″ E. to the northerly right-of-way of Mission Gorge Road;

154. thence westerly along said northerly right-of-way to the true point of beginning.

B. The City Council will, by subsequent resolution, set the dates by which all affected property owners must be ready to receive underground utility service and by which the utility or utilities must remove all poles, overhead wires and associated overhead structures and make the necessary underground installation of wires and facilities for supplying electric, communication or similar or associated service within Underground Utility District No. 3 and notice of the adoption of such subsequent resolution must be given by the City Clerk in the manner provided in Section 9.08.230. (Ord. 296 § 2, 1993; Ord. 285 § 2, 1992)

9.08.430 Underground Utility District No. 4.

A. The following described portion of the City of Santee, San Diego County, State of California, is hereby declared to be Underground Utility District No. 4 of the City of Santee:

Those portions of Lots 1 and 7 in Block 15, and Lots 6, 7, 8 & 9 in Block 7 of the Subdivision of tracts “H” and “O” of Rancho El Cajon according to map thereof No. 817 together with those portions of Parcel Map 10744, and Lot 1 of Map 9176 all filed in the Office of the County Recorder of the County of San Diego, more particularly described as follows:

1. Beginning at the northerly corner of Lot 1 in Block 15 of Map 817; thence southwest along the northwesterly line of said Lot 1 to the westerly corner of said Lot 1;

2. thence southeast along the southerly line of said Lot 1 to the easterly corner of said Lot 1, to a point on the westerly right-of-way line of Magnolia Avenue per R.S. 627-5;

3. thence southeast along said westerly right-of-way line along lots 2, 3, and 4 in Block 15 of said map 817, of Parcel 1 and 2 of said map 10744 to the intersection of the easterly prolongation of the northerly right-of-way line of Prospect Avenue per Document No. 80-188211;

4. thence southeast along the said prolongation to an intersection of an imaginary parallel line offset 251 feet northeast from the center line of Magnolia Avenue per R.S. 627-5;

5. thence northwest along said imaginary parallel line to the south right-of-way line of Woodside Avenue per R.S. 627-5;

6. thence southwest along said southerly right-of-way line to its intersection with a 20.00 foot radius tangent curve concave southeasterly;

7. thence south and southeast along the arc of said curve to its intersection with the easterly right-of-way line of Magnolia Avenue per R.S. 627-5;

8. thence southwest to the point of Beginning.

Excepting therefrom the following:

9. The north 25 feet of Lot 9 in block 7 of said Map 817,

10. A 25 foot strip in width lying 12.5 feet on each side of the following described centerline:

Beginning at the west common corner of Lot 7 and 8 in block 7 of said Map 817; thence S. 25° 05′ 00″ E. 222.58 feet per R.O.S. 7399; thence S. 88° 31′ 26″ E. per R.O.S. 7399, 23.5 feet to the true point of beginning of centerline; thence S. 88° 31′ 26″ E. per R.O.S. 7399 to the said imaginary parallel line off-set 251 feet northeast from the centerline of Magnolia Avenue per R.S. 627-5.

B. The City Council must, by subsequent resolution, set the dates by which all affected property owners must be ready to receive underground utility service and by which the utility or utilities must remove all poles, overhead wires and associated overhead structures and make the necessary underground installation of wires and facilities for supplying electric, communication or similar or associated service within Underground Utility District 4 and notice of the adoption of such subsequent resolution must be given by the City Clerk in the manner provided in Section 9.08.230. (Ord. 285 § 2, 1992)

9.08.440 Underground Utility District No. 5.

A. The following described portion of the City of Santee, San Diego County, State of California, is declared to be Underground Utility District No. 5 of the City of Santee:

All that territory in the City of Santee, State of California, lying within the following described boundary:

Beginning at the southwest corner of Parcel 2 of Parcel Map No. 4003, as filed in the office of the County Recorder, a point on the east right-of-way line of Cuyamaca Street; thence, easterly 60 feet along the southerly line of said parcel; thence, southerly parallel to the Cuyamaca Street centerline of Road Survey No. 1151 to the intersection of the southerly line of Lot 10 of

Map No. 1231, as filed in the office of the County Recorder, a point on the north right-of-way line of Buena Vista; thence, westerly 40 feet along said right-of-way line; thence, southerly parallel to the Cuyamaca Street centerline of Road Survey No. 1151 to the intersection of the northerly line of Lot 29 of Map No. 1231, as filed in the office of the County Recorder, a point on the south right-of-way line of Prospect Avenue; thence, easterly 89 feet along said right-of-way line; thence, southerly parallel to the Cuyamaca Street centerline of Road Survey No. 1151 to a point on the southern City of Santee boundary as Document No. 81-052979, as filed in the office of the County Recorder; thence, westerly following said boundary to the intersection of the Cuyamaca Street centerline of Road Survey No. 1151; thence, westerly 100 feet following said boundary; thence, N 88° 58′ W to the intersection of the south right-of-way line of Prospect Avenue; thence, westerly 250 feet along said right-of-way line; thence N 88° 58′ N to the intersection of the centerline of Prospect Avenue of Road Survey 1498-1; thence, easterly 250 feet along said centerline; thence N. 88 58′ N. parallel to the Cuyamaca Street centerline of Road Survey No. 1151 to the intersection of the northerly line of Parcel 7 of Parcel Map 943, as filed in the office of the County Recorder; thence, easterly along said northerly line to a point on the west right-of-way line of Cuyamaca Street; thence, northeasterly to the point of beginning.

B. The City Council will, by subsequent resolution, set the dates by which all affected property owners must be ready to receive underground utility service and by which the utility or utilities, except the Metropolitan Transit Development Board trolley power system, must remove all poles, overhead wires and associated overhead structures and make the necessary underground installation of wires and facilities for supplying electric, communication or similar or associated service within Underground Utility District No. 5 and notice of the adoption of such subsequent resolution must be given by the City Clerk in the manner provided in Section 9.08.230. (Ord. 298 § 2, 1993).

9.08.450 Underground Utility District No. 6

The following described portion of the City of Santee, San Diego County, State of California, is hereby declared to be the Underground Utility District No. 6 of the City of Santee:

All that territory in the City of Santee, State of California, lying within the following described boundary:

Those portions of Lot 2 in Block 16, Lots 6 and 7 in Block 15, Lot 1 in Block 21, and Lots I and 2 in Block 22 of the Subdivision of Lots “H” and “O” of the Rancho El Cajon according to map thereof No. 817, together with those portions of Lots 20, 21, and 23 through 37 inclusive, of Stevens and Hartley’s Free Water Tract according to map thereof No. 1231, together with Lots 1, 20, 21 and 40 of Airways Terrace according to map thereof No. 6595, all filed in the Office of the Recorder of San Diego County, together with portions of Magnolia Avenue, Prospect Avenue and the public and private streets adjoining Prospect Avenue located between Cuyamaca Street to the West and Magnolia Avenue to the East, all in the City of Santee, County of San Diego, State of California, more particularly described as follows:

1. Commencing at the centerline intersection of Cuyamaca Street (Road Survey No. 1155) and Prospect Avenue (Road Survey No. 1151) as shown on Record of Survey (ROS) 16309 filed in the Office of the Recorder of San Diego County;

thence along the centerline of said Prospect Avenue, S. 88°13′09″ E., 15.27 meters (50.10 feet) to a point in the easterly line of Underground Utility District No. 5 as described in Section 9.08.440, said point being the true point of beginning;

2. thence leaving said centerline, along said easterly line N. 00°19′36″ E., 15.55 meters (51.00 feet) to a point in a line parallel with and 15.54 meters (51.00 feet) northerly of the centerline of said Prospect Avenue;

3. thence leaving said easterly line, along said parallel line, S. 88°13′09″ E., 33.72 meters (110.63 feet);

4. thence N. 00°16′01″ E., 14.40 meters (47.24 feet) to a point in a line parallel with and 29.93 meters (98.20 feet) northerly of the centerline of said Prospect Avenue;

5. thence along said parallel line S. 88°13′09″ E., 28.65 meters (94.00 feet);

6. thence S. 00°16′01″ W., 13.18 meters (43.24 feet);

7. thence S. 86°06′45″ E., 33.17 meters (108.83 feet) to a point on a line parallel with and 15.54 meters (51.00 feet) northerly and at right angles to said centerline of Prospect Avenue;

8. thence along said parallel line S. 88°13′09″ E., 67.22 meters (220.54 feet) to a point in the easterly line of the right-of-way of Hacinda Road as shown on said ROS 16309;

9. thence along said easterly line N. 00°21′32″ E., 15.00 meters (49.21 feet) to a point in a line parallel with and 30.54 meters (100.20 feet) northerly of the centerline of said Prospect Avenue;

10. thence along said parallel line S. 88°13′09″ E., 34.09 meters (111.84 feet);

11. thence S. 00°16′22″ W., 15.01 meters (49.25 feet) to a point in a line parallel with and 15.54 meters (51.00 feet) northerly of the centerline of said Prospect Avenue;

12. thence along said parallel line S. 88°13′09″ E., 253.61 meters (832.05 feet);

13. thence N. 00°16′22″ E., 15.01 meters (49.25 feet) to a point in a line parallel with and 30.54 meters (100.20 feet) northerly of the centerline of said Prospect Avenue;

14. thence along said parallel line S. 88°13′09″ E., 50.58 meters (165.94 feet);

15. thence S. 00°16′22″ W., 15.01 meters (49.25 feet) to a point in a line parallel with and 15.54 meters (51.00 feet) northerly of the centerline of said Prospect Avenue;

16. thence along said parallel line S. 88°13′09″ E., 101.39 meters (332.64 feet);

17. thence S. 00°13′43″ W., 1.21 meters (3.97 feet) to a point in a line parallel with and 14.34 meters (47.05 feet) northerly of the centerline of said Prospect Avenue;

18. thence along said parallel line S. 88°13′09″ E., 100.12 meters (328.48 feet);

19. thence N. 89°18′22″ E., 27.90 meters (91.54 feet) to a point in a line parallel with and 15.54 meters (51.00 feet) northerly of the centerline of said Prospect Avenue;

20. thence along said parallel line S. 88°13′09″ E., 24.14 meters (79.20 feet);

21. thence N. 00°11′23″ E., 15.01 meters (49.25 feet) to a point in a line parallel with and 30.54 meters (100.20 feet) northerly of the centerline of said Prospect Avenue;

22. thence along said parallel line S. 88°13′09″ E., 188.19 meters (617.42 feet);

23. thence S. 00°46′55″ W., 14.48 meters (47.51 feet) to a point in the arc of a non-tangent 6.10 meter (20.00 foot) radius curve concave northeasterly, a line radial to said point bears S. 25°15′01″ W.;

24. thence southeasterly along the arc of said curve through a central angle of 25°43′20″, a distance of 2.74 meters (8.99 feet) to a point in a line parallel with and 15.54 meters (51.00 feet) northerly of the centerline of said Prospect Avenue as shown on said ROS 16309;

25. thence along said parallel line S. 88°17′44″ E., 159.69 meters (523.92 feet);

26. thence N. 00°46′11″ E., 11.89 meters (39.00 feet) to a point in a line parallel with and 27.43 meters (90.00 feet) northerly of the centerline of said Prospect Avenue;

27. thence along said parallel line S. 88°17′44″ E., 17.49 meters (57.38 feet);

28. thence S. 00°46′11″ W., 11.89 meters (39.00 feet) to a point in a line parallel with and 15.54 meters (51.00 feet) northerly of the centerline of said Prospect Avenue;

29. thence along said parallel line S. 88°17′44″ E., 48.46 meters (158.99 feet);

30. thence N. 10°46′11″ E., 15.19 meters (49.84 feet) to a point in a line parallel with and 30.54 meters (100.20 feet) northerly of the centerline of said Prospect Avenue;

31. thence along said parallel line S. 88°17′44″ E., 17.24 meters (56.56 feet) to an angle point therein;

32. thence continuing along said line parallel with and 30.54 meters (100.20 feet) northerly of the centerline of said Prospect Avenue as shown on said ROS 16309, S. 88°15′19″ E., 127.22 meters (417.39 feet);

33. thence S. 89°06′39″ E., 29.91 meters (98.13 feet);

34. thence S. 88°15′19″ E., 158.84 meters (521.13 feet);

35. thence S. 01°44′41″ W., 15.45 meters (50.69 feet) to a point in a line parallel with and 15.54 meters (51.00 feet) northerly of the centerline of said Prospect Avenue;

36. thence along said parallel line S. 88°15′19″ E., 37.20 meters (122.05 feet);

37. thence N. 01°44′41″ E., 15.45 meters (50.69 feet) to a point in a line parallel with and 30.99 meters (101.67 feet) northerly of the centerline of said Prospect Avenue;

38. thence along said parallel line S. 88°15′19″ E., 49.99 meters (164.00 feet);

39. thence S. 01°44′41″ W, 15.45 meters (50.69 feet) to a point in a line parallel with and 15.54 meters (51.00 feet) northerly of the centerline of said Prospect Avenue;

40. thence along said parallel line S. 88°15′19″ E., 39.62 meters (129.99 feet);

41. thence N. 01°44′41″ E., 15.00 meters (49.21 feet) to a point in a line parallel with and 30.54 meters (100.20 feet) northerly of the centerline of said Prospect Avenue;

42. thence along said parallel line S. 88°15′19″ E., 80.77 meters (264.99 feet);

43. thence S. 01°44′41″ W., 15.00 meters (49.21 feet) to a point in a line parallel with and 15.54 meters (51.00 feet) northerly of the centerline of said Prospect Avenue;

44. thence along said parallel line S. 88°15′19″ E., 185.29 meters (607.91 feet) to a point in the westerly line of Underground Utility District No. 4 as described in Section 9.08.430;

45. thence along said westerly line S. 24°47′38″ E., 7.15 meters (23.46 feet) to an angle point therein:

46. thence continuing along the southerly line of said Underground Utility District No. 4 S. 88°15′19″ E., 12.78 meters (41.93 feet) to a point in the centerline of Magnolia Avenue (Road Survey 627-5);

47. thence leaving said southerly line, along said centerline S. 24°47′38″ E., 27.60 meters (90.56 feet) to a point on a line parallel with and 15.54 meters (51.00 feet) southerly at right angles to the said centerline of Prospect Avenue;

48. thence leaving said centerline of said Magnolia Avenue, along said parallel line N. 88°15′19″ W., 147.24 meters (483.07 feet);

49. thence S. 01°44′41″ W., 15.00 meters (49.21 feet) to a point in a line parallel with and 30.54 meters (100.20 feet) southerly of the centerline of said Prospect Avenue;

50. thence along said parallel line N. 88°15′19″ W., 60.96 meters (200.00 feet);

51. thence N. 01°44′41″ E., 15.00 meters (49.21 feet) to a point in a line parallel with and 15.54 meters (51.00 feet) southerly of the centerline of said Prospect Avenue;

52. thence along said parallel line N. 88°15′19″ W., 44.92 meters (147.38 feet);

53. thence S. 01°41′50″ W., 15.00 meters (49.21 feet) to a point in a line parallel with and 30.54 meters (100.20 feet) southerly of the centerline of said Prospect Avenue;

54. thence along said parallel line N. 88°15′19″ W., 50.54 meters (165.81 feet);

55. thence N. 87°24′48″ W., 30.48 meters (100.00 feet);

56. thence N. 88°15′19″ W., 148.01 meters (485.60 feet);

57. thence N. 01°44′41″ E., 14.55 meters (47.74 feet) to a point in a line parallel with and 15.54 meters (51.00 feet) southerly of the centerline of said Prospect Avenue;

58. thence along said parallel line N. 88°15′19″ W., 21.83 meters (71.62 feet);

59. thence S. 01°44′41″ W., 14.55 meters (47.74 feet) to a point in a line parallel with and 30.10 meters (98.75 feet) southerly of the centerline of said Prospect Avenue;

60. thence along said parallel line N. 88°15′19″ W., 33.53 meters (110.00 feet);

61. thence N. 01°44′41″ E., 15.16 meters (49.74 feet) to a point in a line parallel with and 14.94 meters (49.00 feet) southerly of the centerline of said Prospect Avenue;

62. thence along said parallel line N. 88°15′19″ W., 20.57 meters (67.49 feet);

63. thence S. 01°44′41″ W., 0.61 meters (2.00 feet) to a point in a line parallel with and 15.54 meters (51.00 feet) southerly of the centerline of said Prospect Avenue;

64. thence along N. 88°15′19″ W., 178.97 meters (587.17 feet) to an angle point therein;

65. thence continuing along said line parallel with and 15.54 meters (51.00 feet) southerly of the centerline of said Prospect Avenue N. 88°17′44″ W., 259.69 meters (852.00 feet) to an angle point therein;

66. thence continuing along said line parallel with and 15.54 meters (51.00 feet) southerly of the centerline of said Prospect Avenue N. 88°13′09″ W., 166.79 meters (547.21 feet);

67. thence N. 89°20′34″ W., 61.31 meters (201.15 feet);

68. thence S. 00°43′23″ W., 15.00 meters (49.21 feet);

69. thence N. 88°13′22″ W., 113.57 meters (372.60 feet);

70. thence N. 87°04′24″ W., 29.30 meters (96.13 feet);

71. thence N. 00°35′22″ E., 15.01 meters (49.25 feet);

72. thence N. 87°02′31″ W., 29.90 meters (98.10 feet);

73. thence N. 88°13′28″ W., 86.43 meters (283.56 feet);

74. thence S. 00°34′10″ W., 15.00 meters (49.21 feet) to a point in a line parallel with and 30.54 meters (100.20 feet) southerly of the centerline of said Prospect Avenue;

75. thence along said parallel line N. 88°13′09″ W., 44.39 meters (145.64 feet);

76. thence N. 00°33′41″ E., 15.00 meters (49.21 feet) to a point in a line parallel with and 15.54 meters (51.00 feet) southerly of the centerline of said Prospect Avenue;

77. thence along said parallel line N. 88°13′09″ W., 33.54 meters (110.04 feet);

78. thence S. 00°33′41″ W., 15.00 meters (49.21 feet) to a point in a line parallel with and 30.54 meters (100.20 feet) southerly of the centerline of said Prospect Avenue;

79. thence along said parallel line N. 88°13′09″ W., 67.68 meters (222.05 feet);

80. thence N. 00°29′41″ E., 15.00 meters (49.21 feet) to a point in a line parallel with and 15.54 meters (51.00 feet) southerly of the centerline of said Prospect Avenue;

81. thence along said parallel line N. 88°13′09″ W., 32.53 meters (106.73 feet);

82. thence S. 00°25′41″ W., 15.00 meters (49.21 feet) a point in a line parallel with and 30.54 meters (1100.20 feet) southerly of the centerline of said Prospect Avenue;

83. thence along said parallel line N. 88°13′09″ W., 140.45 meters (460.79 feet);

84. thence N. 00°24′45″ E., 15.00 meters (49.21 feet) to a point in a line parallel with and 15.54 meters (51.00 feet) southerly of the centerline of said Prospect Avenue;

85. thence along said parallel line N. 88°13′09″ W., 55.71 meters (182.78 feet);

86. thence S. 00°24′45″ W., 15.00 meters (49.21 feet) to a point in a line parallel with and 30.54 meters (100.20 feet) southerly of the centerline of said Prospect Avenue;

87. thence along said parallel line N. 88°13′09″ W., 41.39 meters (135.79 feet) to a point in said easterly line of said Underground Utility District No. 5;

88. thence along said easterly line N. 00°19′36″ E., 21.41 meters (70.24 feet) to an angle point therein;

89. thence continuing along said easterly line N. 88°13′09″ W., 27.14 meters (89.04 feet) to an angle point therein;

90. thence continuing along said easterly line N. 00°19′36″ E., 9.15 meters (30.02 feet) to the true point of beginning.

The City Council will by subsequent resolution set the dates by which all affected property owners must be ready to receive underground utility service and by which the utility or utilities must remove all poles, overhead wires, and associated overhead structures and make the necessary underground installation of wires and facilities for supplying electric, communications or similar or associated service within Underground Utility District No. 6 and notice of the adoption of such subsequent resolution must be given by the City Clerk in a manner provided in Section 9.08.230. (Ord. 405, 2002)

9.08.460 Underground Utility District No. 7.

A. The following described portion of the City of Santee, San Diego County, State of California, is hereby declared to be Underground Utility District No. 7 of the City of Santee:

All that territory in the City of Santee, State of California, lying within the following described boundary:

Commencing at the centerline intersection of Mission Creek Drive and Cuyamaca Street the true point of beginning; thence west, 51 feet to the westerly line of Cuyamaca Street right-of-way; thence north, along the westerly right-of-way line of Cuyamaca Street a distance of approximately 1,412 feet to the centerline of Bingham Street; thence east, 102 feet to the easterly right-of-way line of Cuyamaca Street, thence south, along the easterly right-of-way line of Cuyamaca Street a distance of approximately 1,412 feet; thence west, 51 feet to the centerline intersection of Mission Creek Drive and Cuyamaca Street, the true point of beginning.

B. The City Council will by subsequent resolution set the dates by which all affected property owners must be ready to receive underground utility service and by which the utility or utilities, must remove all poles, overhead wires and associated overhead structures and make the necessary underground installation of wires and facilities for supplying electric, communication or similar or associated service within Underground Utility District No. 7 and notice of the adoption of such subsequent resolution must be given by the City Clerk in the manner provided in Section 9.08.230. (Ord. 442 § 2, 2004)

9.08.470 Underground Utility District No. 8.

A. The following described portion of the City of Santee, San Diego County, State of California, is hereby declared to be the Underground Utility District No. 8 of the City of Santee:

All that territory in the City of Santee, State of California, lying within the following described boundary:

Commencing on the centerline of Mast Boulevard per Road Survey 1275 at the intersection with Magnolia Park Drive centerline, the district boundary includes all area within 51.00 feet on both sides of said centerline; thence proceeding in a westerly direction along the centerline of Mast Boulevard to the intersection with Cuyamaca Street centerline; thence continuing westerly on the centerline of Mast Boulevard per Road Survey 1275, the district boundary includes all area within 150.00 feet south of said centerline to the intersection with Dragoye Drive centerline; thence continuing westerly on the centerline of Mast Boulevard per Road Survey 1275, the district boundary includes all area within 150.00 feet of both sides of said centerline to the intersection with Halberns Boulevard centerline, said point being called Point "A"; thence continuing northerly along the centerline of Halberns Boulevard, the district boundary includes all area within 150.00 feet of both sides of said centerline to the intersection with Cecilwood Drive centerline; thence continuing from above mentioned Point "A" westerly on the centerline of Mast Boulevard per Road Survey 1275, the district boundary includes all area within 150.00 feet of both sides of said centerline terminating at the intersection of Carlton Hills Boulevard centerline.

B. The City Council will by subsequent resolution set the dates by which all affected property owners must be ready to receive underground utility service and by which the utility or utilities, must remove all poles, overhead wires and associated overhead structures and make the necessary underground installation of wires and facilities for supplying electric, communication or similar or associated service within Underground Utility District No. 8 and notice of the adoption of such subsequent resolution must be given by the City Clerk in the manner provided in Section 9.08.230. (Ord. 444 § 2, 2004)

ORDINANCE NO. 563

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, RESTATING, AMENDING, AND RECODIFYING TITLE 10 OF THE SANTEE MUNICIPAL CODE RELATING TO THE TRAFFIC CODE

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify its ordinances. Government Code section 50022.9 authorizes a city to adopt county codes by reference;

WHEREAS, in Ordinance 1, adopted as the first act of the City of Santee ("City") on December 2, 1980, the City temporarily adopted all county ordinances of the County of San Diego as its municipal code (the "Santee Municipal Code");

WHEREAS, in Ordinances 14 and 18, the City extended the validity of the county ordinances to provide additional time for the City to adopt its own ordinances;

WHEREAS, the City has not adopted a comprehensive code of ordinances, but has amended the county's ordinances in a piecemeal fashion more than 300 times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the City Council of the City of Santee held a series of public meetings to consider proposed restatement, amendment, and recodification issues for each title of the Santee Municipal Code as follows:

March 8, 2017	Titles 1 and 2
September 6, 2017	Titles 3 and 5
February 14, 2018	Titles 6, 8, and 9
March 28, 2018	Titles 12 and 13
August 8, 2018	Title 10
September 26, 2018	Titles 6, 15, and 16
November 14, 2018	Title 17
April 24, 2019	All titles

WHEREAS, the City desires to restate without substantive revision, amend, and recodify the ordinances codified in the Santee Municipal Code;

WHEREAS, the amendments to the Santee Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance;

WHEREAS, the descriptions included in the council agenda statement, staff report, and minutes contain the findings of the City Council in support of this Ordinance and serve as evidence of the City Council's intention in adopting this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. **Existing Law Continued**. The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance;

2.1.3. The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance;

2.1.4. Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance, resolution, or regulation;

2.1.5. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the Santee Municipal Code;

2.1.6. Santee Municipal Code sections cited on signs, forms, notices, or other materials within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in

the new Santee Municipal Code for purposes of notice and enforcement.

2.2. **Exclusions from code**. Every ordinance governing the following subject matter is not affected by the adoption of this Ordinance:

2.2.1. Alteration of city boundaries;

2.2.2. Contracts to which the city is a party;

2.2.3. Elections to which the city is a party;

2.2.4. Fixing the rate and making a levy of city taxes;

2.2.5. Granting, altering or withdrawing a franchise;

2.2.6. Land use classifications of specific property;

2.2.7. Naming roads and streets.

2.3. **References to Prior Ordinances Apply to All Amendments.** Whenever a reference is made to this code as the "Santee Municipal Code" or to any portion thereof, or to any ordinance of the City of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.4. **Title, Chapter, and Headings**. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

2.5. **References to Specific Ordinances and Code Sections**. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Santee Municipal Code. Renumbering and relabeling of existing ordinance, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.6. **Effect of Ordinance on Past Actions**, **Obligations and Irregularities**. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such

adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the City, do not revive any rights repealed or extinguished by any prior ordinance of the City which is repealed by this Ordinance.

2.7. **Effect of Ordinance on Period of Limitation**. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.8. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Title 10 "Traffic Code" of the Santee Municipal Code is hereby restated and amended as follows:

3.1. Chapter 10.02 "General Provisions" is restated and amended as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.2. Chapter 10.04 "Traffic-Control Devices" is restated and amended as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.3. Chapter 10.06 "Centerlines" is restated and amended as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.4. Chapter 10.08 "Stops" is restated and amended as set forth in Exhibit 4 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.5. Chapter 10.10 "Stopping, Standing and Parking" is restated and amended as set forth in Exhibit 5 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.6. Chapter 10.12 "Local Delivery Routes" is restated and amended as set forth in Exhibit 6 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.7. Chapter 10.14 “Turning Movements” is restated and amended as set forth in Exhibit 7 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.8. Chapter 10.16 “One-Way Streets” is restated without substantive amendment as set forth in Exhibit 8 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.9. Chapter 10.18 “Speed Limits” is restated without substantive amendment as set forth in Exhibit 9 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.10. Chapter 10.20 “Spectators Prohibited at Illegal Speed Contest or Exhibitions of Speed” is restated without substantive amendment as set forth in Exhibit 10 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.11. Chapter 10.22 “Miscellaneous Provisions” is restated and amended as set forth in Exhibit 11 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.12. Chapter 10.24 “Abandoned Vehicles” is restated and amended as set forth in Exhibit 12 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.13. Chapter 10.26 “Food Trucks and Mobile Food Merchants” is added as set forth in Exhibit 13 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has “the potential for causing a significant effect on the environment.” (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (*Ibid*.) Here, the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 5. Codification. The City has adopted the "City of Santee Municipal Code Editorial Guidelines," and, except as otherwise provided herein, authorizes Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinance to the guidelines. In the event a substantive conflict arises on the basis of the changes authorized by this Section, the language adopted by this Ordinance prevails. The City Clerk is authorized to provide certified copies and notice of this Ordinance or any part of this Ordinance required or advised by the law or any regulation.

SECTION 6. Parentheticals. Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the Santee Municipal Code.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Santee 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 section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary or 1/4 page advertisement of the same to be published as required by law.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 22 day of May 2019, and thereafter ADOPTED at a Regular Meeting of the City Council held on this 26 day of June 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____

JOHN MINTO, MAYOR

ATTEST:

_____
ANNETTE ORTIZ, CITY CLERK

EXHIBIT 1

CHAPTER 10.02 GENERAL PROVISIONS

10.02.010 Title

This title is known as the City traffic code. (Prior code § 72.1)

10.02.020 Definitions

When the following terms are used in this title, they have the meaning set forth in this section. Whenever any words or phrases used in this title are not defined in this section, the definitions set forth in the Vehicle Code, if any, apply.

A. "Alley" means any highway with a width of twenty feet or less and without a sidewalk or sidewalks

B. "Bus loading zone" means the space adjacent to a curb or edge of a roadway reserved for the exclusive use of busses during loading and unloading of passengers.

C. "City Traffic Engineer" means the person charged with overseeing traffic engineering in the City.

D. "Crosswalk" is either:

1. That portion of a roadway ordinarily included within the prolongation or connection of the boundary lines of sidewalks at intersections where the intersecting roadways meet at approximately right angles, except the prolongation of any such lines from an alley across a street;

2. Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface

E. "Curb return" means the curved section of a curb at an intersection that connects two straight sections of curbs.

F. "Department of transportation" means the department of transportation of the State of California.

G. "Director" means the Director of Development Services of the City of Santee.

H. "Dockless Vehicle" means those means of shared transportation, not otherwise regulated by the State of California, the County of San Diego, or a regional transit operator, in which the operating company leases vehicles for use in the City, but does not have a physical dispatching location within the City.

I. "Highway" means the entire width between boundary lines of every way set apart for public travel when any part thereof is open to the use of the public for purposes of vehicular travel

J. “Holidays” are New Year’s Day, Martin Luther King Jr. Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the day after Thanksgiving Day, the day before Christmas Day and Christmas Day.

K. “Intersection” means the area within the prolongation of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways, of two highways which join one another at approximately right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

L. “Loading zone” means the space adjacent to a curb or edge of a roadway reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials

M. “Local delivery route” means streets to be used by trucks and commercial vehicles as direct routes for the purpose of accessing restricted streets or locations necessary for making pickups or deliveries of goods, wares and merchandise from or to any building or structure located within the City or for delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure within the City for which a building permit has previously been obtained or for vehicles owned, leased, operated or controlled by any licensed contractor or public utility while necessarily in use in the construction, maintenance or repair of any public works project or public utility within the City.

N. “Passenger loading zone” means the space adjacent to a curb or edge of a roadway reserved for the exclusive use of vehicles during the loading or unloading of passengers

O. “Official traffic signals” mean any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed, and which is erected by authority of a public body or official having jurisdiction

P. “Official traffic-control devices” mean all signs, signals, markings and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic

Q. “Park” means to stand or leave standing any vehicle, occupied or not, except while actually engaged in loading or unloading passengers or materials

R. “Pedestrian” means any person on foot

S. “Recreational vehicle” has the same meaning as defined in the zoning code.

T. “Restricted streets” means those streets and portions of streets which are not designated and established as local delivery routes and are to be used only for direct access to specific addresses or locations.

U. “Safety zone” means that portion of a roadway reserved for the exclusive use of pedestrians, marked and designated as provided in this title

V. “Sidewalk” means that portion of the highway, other than the roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel.

W. “Stop or stand.”

1. The word “stop” means the complete cessation of movement

2. The words “stop or stand” mean any stopping, or standing of a vehicle, whether occupied or not, except where necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device

X. “Street” means a city road, state highway, public road, street, or alley, or a private thoroughfare not less than ten feet in width connecting with a city road, state highway, public road, street or alley, which affords primary access to an abutting lot. Street includes highway.

Y. “Truck” or “Commercial vehicle” means any vehicle other than emergency vehicles and buses having three or more axles or measuring thirty-six feet or longer in overall length, including truck and load, and in excess of fourteen-thousand pounds.

Z. “Vehicle” means every device or animal by which any person or property is or may be transported or drawn on a street or highway, excepting devices moved by human power or used exclusively upon rails

AA. “Vehicle Code” means the Vehicle Code of the State of California. (Amended during 1989 supplement; prior code §§ 72.1—72.26)

10.02.030 Applicability to public employees

The provisions of this chapter apply to the driver of any vehicle owned by or used in the service of the United States government, this state, any county, city, or other public entity, and it is unlawful for any driver to violate any of the provisions of this chapter except as otherwise permitted in this chapter or by state statute. (Prior code § 72.51)

10.02.040 Exemption

A. The provisions of this chapter regulating the operating, parking, stopping, and standing of vehicles do not apply to the following:

1. any vehicle that is considered an authorized emergency vehicle under the Vehicle Code, when any such vehicle is operated in the manner specified in the Vehicle Code in response to an emergency. This exemption does not protect a driver from the consequences of that person’s willful disregard of the safety of others.

2. any city vehicle while in use for construction or repair work on any highway or any vehicle owned by the United States while in use for the collection, transportation or delivery of United States mail. (Amended during 1989 supplement; prior code § 72.52)

EXHIBIT 2

CHAPTER 10.04 TRAFFIC-CONTROL DEVICES

10.04.010 Generally

Except for signs regulated by the department of transportation pursuant to the Vehicle Code, the director is authorized to determine and designate the size, shape and character of all official warning, regulatory, and direction signs. The director may place and maintain, or cause to be placed and maintained all official warning and direction signs necessary to the proper control of traffic and all regulatory signs required or authorized by this title or the Vehicle Code.

10.04.020 Placement, installation, and operation

A. The council determines, by resolution, the following:

1. the intersections to be controlled by official traffic-control signals;

2. the hours and days during which any traffic-control device operate or are effective.

B. The director is authorized and directed to place, maintain, operate, or cause to be placed, maintained, and operated:

1. all official traffic-control signals authorized pursuant to this chapter; and

2. traffic-control devices determined to be necessary in accordance with traffic engineering principles, traffic investigations, and standards, limitations and rules established by this chapter, by resolution of the council, or by the Manual on Uniform Traffic Control Devices, as it currently exists or as it may be amended, and any other industry standard.

10.04.030 Crosswalks

The Director is authorized to provide and maintain painted markings or other appropriately devised symbols or warning signs at all crosswalks designated by the council and at such other crosswalks where the director determines such symbols or warning signs are necessary. (Amended during 1989 supplement; prior code § 72.67)

10.04.040 Distinctive roadway markings

The director is authorized to prohibit driving on streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of any such markings or signs. Such markings or signs have the same effect as similar markings authorized by the Vehicle Code. (Prior code § 72.69)

10.04.050 Portable school crossing sign and/or flasher

With approval from the council, the director may issue a permit to a school district authorizing the district to maintain a portable school crossing sign and/or flasher within a city right-of-way. The director may issue such permit on terms and conditions necessary or appropriate for the protection of the public. Any such permit issued by the director may be revoked by the director for violation of any of the terms or conditions of such permit. (Prior code § 72.73)

10.04.060 Traffic markings

The director is authorized to place traffic guide lines which divide highways into traffic lanes and may place such other pavement markings necessary to direct vehicular movements in accordance with requirements of this chapter and the Vehicle Code. (Prior code § 72.68)

10.04.070 Temporary removal of signs and markings

A. The director is authorized and directed to remove or cover up any sign or other traffic marking whenever complying with such sign or traffic marking would create a traffic hazard in any of the following circumstances:

1. During construction, alteration, repair, or improvement of any highway,

2. During an emergency,

3. During a special event;

4. Pursuant to any action of the council taken in accordance with this title.

B. While such sign or other marking is removed or covered, the effect of such prohibition is suspended.

C. At the end of any circumstance justifying the removal or covering of any sign or traffic marking, unless otherwise determined by the council, the director is authorized and directed to replace or uncover such sign or other marking. (Amended during 1989 supplement; prior code § 72.71)

10.04.080 Temporary closing of streets by school grounds

A. The council may, by resolution, close any portion of a street or highway crossing or dividing any school ground or grounds when the council determines such closing is necessary to protect persons attending the school or school grounds. The closing may be limited to hours and days as the council specifies.

B. During a closure as provided in subsection A of this section, the school district of the school where the closed portions of the street lie must post and maintain barricades and signs giving notice of such closure at each end of the closed portion and at other appropriate locations. The director is authorized to determine the type, posting and maintenance requirements for such barricades and signs. (Amended during 1989 supplement; prior code § 72.74)

10.04.090 Restricting use of or closing public highway

A. The director is authorized to restrict the use of, or close, any public highway whenever the director considers it necessary to close or restrict the public highway for any of the following reasons:

1. For the protection of the public;

2. For the protection of such public highway from damage during storms;

3. During construction, improvement or maintenance operations thereon

B. No liability attaches to the City, the director, or to the City Council for the restriction of use, or closing, of any public highway for the above public services. (Amended during 1989 supplement; prior code § 72.75)

10.04.100 Damaging signs prohibited

It is unlawful for any person to maliciously tear down, damage, mutilate, deface, or destroy any sign, notice, or traffic-control device placed on, along, or affixed to any property, when the sign, notice, or traffic-control device is indicates or designates any highway or is intended to direct, control, or warn operators or travelers. (Prior code § 72.72)

EXHIBIT 3

CHAPTER 10.06 CENTERLINES

10.06.010 Establishment of centerlines

The centerline of a street is as follows:

A. The centerline of the street shown on any of the following:

1. a final subdivision map filed in accordance with the Subdivision Map Act (beginning with Section 66410 of the Government Code);

2. a record of survey map filed pursuant to the Professional Land Surveyors' Act (beginning with Section 8700 of the Business and Professions Code);

3. a record of survey map filed according to and prior to the repeal of Section 11575 of the Government Code (Statutes 1955, c. 1593, p. 2890);

4. or a road survey map approved by and filed in the office of the director.

B. If no such map is filed or if there is an ambiguity within or between filed maps, the director may establish the centerline of the street, after notice and hearing, pursuant to Section 10.06.040.

C. If the centerline of a street has not been established according to subsection A or B of this section, or the map filed as in subsection A does not show a centerline, then until such centerline is established pursuant to subsection A or B, it is presumed that the centerline is a line equidistant between the exterior right-of-way lines of the street. (Amended during 1989 supplement; prior code § 75.102)

10.06.020 Change of existing centerlines

A. No centerline established pursuant to Section 10.06.010 may be changed except by one of the following:

1. a new subdivision map or a resubdivision map filed in accordance with the Subdivision Map Act (beginning with Section 66410 of the Government Code);

2. by a new record of survey map filed pursuant to the Professional Land Surveyors' Act (beginning with Section 8700 of the Business and Professions Code);

3. by a new road survey map approved by and filed in the office of the director or by the director after notice pursuant to Section 10.06.040.

B. An established centerline is not changed by the vacation of a part of the right-of-way on either or both sides of the centerline, or by widening the right-of-way on either or both sides of the right of way. (Amended during 1989 supplement; prior code § 75.103)

10.06.030 Appeal

A. The following persons, and no others, are authorized to appeal from the decision of the director in accordance with Chapter 1.14: persons owning real property adjoining the portion of the street for which the centerline is proposed to be established or changed; and persons owning real property that adjoins the street and is within three hundred feet of the portion of the street where the centerline is to be established or changed and is not separated from such portion by an intersecting street.

B. If a decision of the director is appealed, the City Council will determine the establishment or change of such centerline after notice and hearing pursuant to Section 10.06.040. The decision of the City Council is final. (Amended during 1989 supplement; prior code § 75.105)

10.06.040 Notice and hearing

A. Notice of the hearing required by this chapter must be given in accordance with the service procedures in Section 1.08.030 at least ten days before the date of the hearing. Notice must be given to the owners of real property referred to in Section 10.06.030 as they appear on the last tax assessment rolls.

B. At the hearing, the City Council will establish the centerline the location most in keeping with the public health, safety and welfare, taking into consideration the proposed ultimate width of the street. The council will hear evidence presented by persons authorized to appeal by Section 10.06.030 and may hear evidence from other persons.

EXHIBIT 4

CHAPTER 10.08 STOPS

10.08.010 Erection and maintenance

The director is authorized and directed to erect and maintain stop signs complying with the provisions of the Vehicle Code at all entrances to highways or portions of highways designated by the council by resolutions as through highways. (Prior code § 72.100)

10.08.020 Required stops

A. Every person operating a vehicle is required to stop the vehicle at a stop sign or at a clearly marked stop line before entering the intersection; provided, however, that no stop is required at any intersection where:

1. An officer is on duty and directs traffic to proceed;

2. A traffic signal is in operation and indicates that traffic may proceed;

3. A stop sign has been removed or covered pursuant to this title.

B. The driver of a vehicle emerging from an alley, driveway, or building, must stop the vehicle immediately before driving onto a sidewalk or into the sidewalk area extending across any alleyway. (Prior code § 72.105)

10.08.030 Establishment at intersections

The director is authorized and directed to erect and maintain stop signs in compliance with the provisions of the Vehicle Code at the entrance to every intersection, as directed by resolution of the City Council.

10.08.040 Emergencies

A. The director is authorized to temporarily remove or cover a stop sign or to erect a stop sign complying with the Vehicle Code, and to maintain the sign while any of the following conditions exist:

1. temporary detours,

2. emergencies making it impractical and a hazard to require a vehicle to stop at an intersection where a stop sign has been erected;

3. emergencies creating a hazard unless vehicles stop.

B. When the conditions in subdivision A cease, the director must restore or uncover any signs erected or remove any signs temporarily erected. (Amended during 1989 supplement; prior code § 72.104)

EXHIBIT 5

CHAPTER 10.10 STOPPING, STANDING AND PARKING

ARTICLE 1 AUTHORITY

10.10.100 Authority of city council.

A. The City Council makes the following determinations by resolution:

1. Whether, in order to facilitate the movement of traffic, it is necessary to prohibit stopping, standing, or parking on any highway, or portion thereof, and the times during which stopping, standing and parking are prohibited;

2. Whether it is necessary to restrict parking on any highway or portions thereof to emergency vehicles as defined in Vehicle Code Section 165;

3. Whether it is necessary to establish no parking tow-away zones on any roadways or portions thereof as defined in Vehicle Code Section 22651, subparagraphs (k), (l), (m), or (n);

4. Whether to accept the director's recommendations and designate specific roadways or portions of roadways for angle parking;

5. Whether to determine the location of and establish loading zones, passenger loading zones and bus loading zones;

6. Whether to establish parking time limits on streets or portions of streets.

10.10.110 Authority of director.

The director is authorized to regulate parking on city property, including but not limited to, imposing conditions and limitations on parking, stopping and standing of vehicles and establish signs on city property providing notice of such regulations.

10.10.120 Authority of city traffic engineer

A. The City Traffic Engineer is authorized to take the following actions:

1. Determine when to prohibit standing or parking on or adjacent to the left-hand side of any one-way street, on any highway, or in order to eliminate a hazardous condition;

2. Place signs or markings indicting no parking upon any highway when the width of the roadway and shoulders of such highway do not exceed twenty feet, or on one side of a highway as indicated by such signs or markings when the width of the roadway and shoulders of such highway do not exceed thirty feet;

3. Establish signs indicating no parking on any side of any street adjacent to any school property when such parking would, in the City Traffic Engineer's opinion, interfere with traffic or create a hazardous situation;

4. Establish temporary signs prohibiting the operation, stopping, standing, or parking of vehicles when traffic congestion or an emergency traffic hazard is likely to result from one of the following:

   (a) the operation, stopping, standing, or parking of vehicles during the holding of public or private assemblages, gatherings, or functions;

   (b) during the construction, alteration, repair or improvement of any highway; or

   (c) for any other reason.

5. Place curb markings to indicate parking or standing regulations in zones established by City Council;

6. Establish and maintain signs along the portions of highways where parking has been limited pursuant to this chapter;

ARTICLE 2 REGULATIONS AND PROHIBITIONS

10.10.200 Application of regulations

A. The provisions of this chapter prohibiting the stopping, standing or parking of a vehicle apply at all times unless otherwise provided in this chapter and .except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

B. The provisions of this chapter imposing a time limit on standing or parking do not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or this title. (Ord. 254 Art. 1, § 1, 1991)

10.10.205 General prohibition

It is unlawful for any person to operate, stop, stand, or park any vehicle contrary to the directions, limitations, or prohibitions on any sign or marking established pursuant to this chapter.

10.10.210 Parking prohibited in medians, traffic islands

It is unlawful for any person to stop, stand or park a vehicle within any median strip between roadways or within any traffic island or other area designed to separate or guide the movement of traffic. (Ord. 254 Art. 1, § 2, 1991)

10.10.215 Parking on one-way streets and roadways

A. Except as otherwise prohibited or limited pursuant to this chapter, a person may stop or park a vehicle within eighteen (18) inches of the left-hand curb facing in the direction of traffic movement on any one-way street, unless signs are in place prohibiting such stopping or standing.

B. If a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, it is unlawful for any person to stand or park a vehicle on or adjacent to the left-hand side of such one-way roadway, unless signs are in place permitting such standing or parking.

C. It is unlawful for any person to stop, stand, or park a vehicle on either side of a one-way street so that the vehicle is facing opposite to the direction of traffic movement on the one-way street. (Ord. 254 Art. 1, § 3, 1991)

10.10.220 Parking prohibited on narrow streets

It is unlawful for any person to park a vehicle upon any narrow street where signs or markings prohibiting parking are established pursuant to this chapter. (Ord. 254 Art. 1 § 4, 1991)

10.10.225 Parking adjacent to schools

It is unlawful for any person to park on any side of a street adjacent to a school property where a sign, established pursuant to this chapter, indicates that parking is prohibited.

10.10.230 Stopping, standing or parking prohibited

A. Except as provided in subdivision B, it is unlawful for any person to stop, stand, or park a vehicle in any of the following places when signs or markings indicate prohibition of stopping, standing or parking:

1. At any place within twenty (20) feet of a point on the curb or edge of the roadway immediately opposite the mid-block end of a safety zone;

2. At any place within twenty-five (25) feet of an intersection or within the curb return of an intersection, whichever is greater;

3. Within twenty-five (25) feet of the approach to any traffic signal, stop sign, or official electric flashing device;

4. Adjacent to either side of a crosswalk or driveway entrance so as to block access to such crosswalk or driveway;

5. For a distance of fifty (50) feet along the curb or edge of the roadway at the driveway of any hospital;

6. For a distance of fifty (50) feet along the curb or edge of the roadway immediately in front of the main driveway to any substation office of the Sheriff;

7. For a distance of fifty (50) feet along the curb or edge of the roadway immediately in front of the main driveway to any fire station housing motor vehicle fire-fighting equipment;

8. At any other place where the City Traffic Engineer determines that it is necessary in order to eliminate a dangerous traffic hazard;

B. Subdivision A does not prohibit buses from stopping to receive or discharge passengers at such places when appropriately signed or marked as bus loading zones.

C. It is unlawful for any person to stop, stand, or park a recreational vehicle or any vehicle exceeding eight (8) feet in height (at any point) or eight (8) feet in width (at any point) within 50 feet of an intersection or a marked crosswalk when signs at all gateway entrances to the City, as those gateway entrances are identified in the General Plan, indicate such prohibition.

10.10.235 Blocking highway

It is unlawful for any person to stop, park, or leave standing any vehicle, attended or unattended, on any highway within any business or residential district unless there is at least ten (10) feet of paved or improved or main traveled portion of the highway opposite the stopped, parked, or standing vehicle is left clear and unobstructed for the free passage of other vehicles. (Ord. 254 Art. 1, § 8, 1991)

10.10.240 Obstruction of public ways

It is unlawful for any person to stand or sit on any crosswalk, sidewalk, or any other public street, highway, public park, public beach, public hall, public building, arcade, shopping center or other property opened or dedicated to public use or to which the public is invited, in any manner that obstructs the free use thereof by the public, passage therein or thereon by pedestrians, or hinders any person or persons in passing along the same. (Prior code § 73.111)

10.10.245 Use of streets for storage prohibited

A. It is unlawful for any person who owns or has possession, custody or control of any vehicle to park that vehicle on any street or alley for more than seventy-two (72) consecutive hours.

B. It is unlawful for any person who owns or has possession, custody or control of any a recreational vehicle to park that vehicle on any public street in the same location, defined as within 300 feet of the original or previously documented location, for more than seventy-two (72) consecutive hours.

C. It is unlawful for any person to leave any object on any street or alley so as to obstruct traffic flow or parking without a permit per Chapter 8.02 provided, however, that trash and recycling containers complying with a temporary use permit not subject to this prohibition.

D. The City may enforce violations of this section by any means set forth in Title1 and as set forth in this chapter.

10.10.250 Dockless vehicles

A. It is unlawful for any person to provide any dockless vehicle for rent or lease in the City, unless that person complies with all of the following:

1. Obtains a business license pursuant to Title 4;

2. Provides proof of insurance to the satisfaction of the risk manager;

3. Enters into an agreement with the City regarding the operation, maintenance, storage, providing for the payment of a security deposit to ensure timely retrieval of vehicles, and providing a process for reimbursement of the cost of staff time for removal of vehicles blocking the right of way or pedestrian paths. The agreement may include but is not limited to terms governing areas for parking, speed restricted zones, prohibited areas, and reporting requirements;

4. Ensures that all dockless vehicles:

   (a) Are labeled with the company logo;

   (b) have a unique serial number;

   (c) are labeled with a 24-hour customer service number;

   (d) include any other information or equipment required by the agreement terms in subsection A.3.

10.10.255 Washing, greasing and repairing of vehicles upon highways

It is unlawful for any person to park a vehicle on any highway and to wash, grease, or repair the vehicle, except when repairs are necessitated by an emergency. (Ord. 389 § 2, 1999; Ord. 254 Art. 1, § 13, 1991)

10.10.260 Emergency vehicles

It is unlawful for any person to park on any highway where signs or markings restrict parking to emergency vehicles as defined in the Vehicle Code.

10.10.265 No parking tow-away zones

It is unlawful for any person to park or stand on any highway or portion of highway designated as no parking pursuant to this Title or the California Vehicle Code, where signs or markings are established pursuant to this chapter.

10.10.270 Parking or standing of commercial vehicles

A. It is unlawful for any person to park or stand any commercial vehicle with a manufacturer's gross weight rating of ten thousand (10,000) pounds or more on any street in a residential district, except as follows:

1. When such vehicle is loading or unloading property;

2. When such vehicle is parked in connection with and in aid of the performance of a service to or on a property within the residential area;

3. When such vehicle is engaged in the construction, installation, repair or maintenance of a publicly or privately owned utility facility located within the residential area;

4. When the area contains property used for commercial or industrial purposes and such vehicle is parked on the property or on the highway contiguous to the property;

5. When the City Council has determined by resolution that the parking of such vehicles on certain residential streets or portions thereof is permitted and the City Traffic Engineer has appropriately signed or marked such streets or portions thereof.

B. For purposes of this chapter, a residential district means property contiguous to a highway for one-quarter mile which is occupied by eight or more dwelling units.

C. Churches, public schools, and public parks, do not disqualify a residential district if the ratio of dwelling units to the length of highway exists on the lands immediately adjacent to said facilities. (Ord. 337 § 1, & § 2, 1995; Ord. 254 Art. 1, § 16, 1991)

10.10.275 Sleeping in automobiles

A. It is unlawful for any person to sleep in a vehicle parked on any public street or highway within the City for more than two continuous hours. (Prior code § 73.110)

B. It is unlawful for any person to use or occupy any travel trailer or recreational vehicle, as defined in Chapter 13.04 while it is parked in the City, except at a campground and pursuant to the rules of the campground. All water, gas, electric and sewer lines must be disconnected from the travel trailer or recreational vehicle at all times, except that a travel trailer or recreational vehicle may be connected to the foregoing utilities for a forty-eight-hour period for the purpose of maintenance and repairs or for servicing prior to or after returning from travel.

C. Notwithstanding subdivision B, this section does not apply where the occupancy of travel trailer or recreational vehicle is allowed by conditional use permit or otherwise permitted by Title 13 of this code. (Ord. 264 § 2, 1991)

10.10.280 Stopping or standing of a school bus by a driveway

It is lawful to temporarily stop a school bus in front of a public or private driveway for the sole purpose of loading or unloading school pupils. (Ord. 254 Art. 1, § 17, 1991)

10.10.285 Fire hydrants

It is unlawful for any person to park a vehicle within an overall distance of 15 feet of the hydrant as measured along the curb or edge of the street.

10.10.290 Stopping or standing in fire lanes

It is unlawful for any person to stop or stand a vehicle in designated fire lanes on public or private property. (Ord. 254 Art. 1, § 19, 1991)

10.10.300 Stopping and Parking Zones

A. It is unlawful for any person to fail to comply with the regulations applicable to the following zones as established by city council and marked with signs or by the zone color on the top or side of all curbs within such zones:

1. Red means no stopping, standing, or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or sign posted as a bus zone;

2. Yellow means no stopping, standing or parking at any time between seven a.m. and six p.m. or 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 must not consume more than three minutes and the loading or unloading of materials must not consume more than twenty minutes;

3. White means no stopping, standing, or parking for any purpose other than loading or unloading of passengers for a time not to exceed three minutes between seven a.m. and six p.m. of any day except Sundays and holidays as follows:

    (a) When a white zone is in front of a hotel, the restrictions apply at all times,

    (b) When a white zone is in front of a theater, the restrictions apply at all times when the theater is open,

    (c) For the purpose of depositing mail in an adjacent mailbox;

4. Green means no standing or parking for longer than twenty minutes at any time between seven a.m. and six p.m. of any day except Sundays and holidays;

5. Blue means parking limited exclusively to the vehicles of physically handicapped persons

B. When there are no curbs, zones are indicated by installing signs giving notice of the zone and its regulations.

C. Standing in Any Alley. It is unlawfully for any person to stop, stand or park a vehicle in an alley for any purpose other than the loading or unloading of persons or materials in the alley.

D. Bus loading zone. It is unlawful for any person to stop, stand, or park any vehicle except a bus in a bus loading zone.

E. It is unlawful for any person to stop, stand, or park a vehicle adjacent to any legible curb markings or adjacent to the side of any roadway with a sign indicating an established zone, in violation of any of the regulations applicable to that zone.

10.10.305 Angle parking

Where angle parking is indicated by parallel white lines on the surface of the roadway, it is unlawful for any person to stop, stand, or park any vehicle on a roadway except between, at the angle indicated by, and parallel to both adjacent white lines, with the nearest wheel not more than one foot from the curb or edge of the roadway. (Ord. 490 § 1, 2009; Ord. 254 Art. 4, 1991)

10.10.310 Parking on city property

A. It is unlawful for any person to stop, park, or leave standing any vehicle on any city property, except in accordance with this chapter and regulations adopted by the director regulating parking on city property.

B. The following parking regulations apply to all city property unless the director has established alternate regulations:

1. It is unlawful for any person to park, stop, or leave unattended any vehicle on any city property, except where marked for parking or in designated parking spaces;

2. Officers and employees of the City must park vehicles entitled to be parked in designated employee parking areas in such designated areas, and not in parking areas designated as reserved for the general public, for named individuals, or officers or for other purposes.

3. It is unlawful for any person, except the person for whom a parking spot is reserved to park in any area designated as reserved for employee parking, for named individuals or officers, or for other purposes.

C. It is unlawful for any person to park any vehicle longer than any established and posted maximum time limit.

D. It is unlawful for any person to park, stop, or leave unattended any vehicle in any parking lot driveway entrance or exit or aisle. (Prior code § 73.107)

ARTICLE 3 ENFORCEMENT

10.10.350 Removal of vehicles

The City may remove or caused to be removed any motor vehicle parked, stopped, or left standing contrary to this chapter and, at the expense of the owner, and may place such vehicle in a storage yard operated by a towing company or impound the same in a city facility. (Prior code § 73.104)

10.10.360 Citation penalty

A. The City may issue a citation for any violation of this chapter or any violation of the California Vehicle Code and the owner of the vehicle cited must, within ten days after the date of issuance of the citation, pay to the City a citation penalty in the amount established by resolution of the City Council.

B. Payment of a citation must be made in person or by mailing or sending the penalty amount to the City of Santee or to a contract parking citation processing vendor as referenced on the citation, within ten days after the date of the issuance of the citation.

C. If not paid within ten days after the date of the issuance of the citation, a notice of delinquent parking violation shall be mailed to the registered owner pursuant to the procedure set out in California Vehicle Code Section 40200 et seq.

D. All citation penalty amounts not paid within twenty days of the mailing of the notice of delinquent parking violation shall be subject to delinquent penalty amounts as established by resolution of the City Council.

E. The provisions of Article 3, Chapter 1, Division 17 of the Vehicle Code apply to collection of delinquent penalty amounts.

EXHIBIT 6

CHAPTER 10.12 LOCAL DELIVERY ROUTES

10.12.010 Local delivery routes

A. Local delivery routes—General

1. It is unlawful for any person to operate a truck or commercial vehicle on a street within the City except as provided in Vehicle Code Sections 35701, 35703 and 35704 and this title.

2. Trucks and commercial vehicles are permitted to operate only on those streets designated as local delivery routes in subdivision B. Trucks and commercial vehicles delivering or picking up merchandise, materials or equipment to or from a specific address or location may operate off local delivery routes on restricted streets as strictly necessary for direct access to the specific address or location.

3. Trucks and commercial vehicles having a base of operation on other than a local delivery route may operate off local delivery routes on restricted streets as strictly necessary for direct access to enter or leave their base of operation.

4. The following vehicles are exempt from the local delivery route provisions:

   (a) Vehicles subject to the provisions of Sections 1031 through 1036 inclusive of the California Public Utilities Code;

   (b) Authorized emergency vehicles.

B. The following streets and portions of streets are designated as local delivery routes:

1. Mission Gorge Road from Magnolia Avenue to the west city limits;

2. Magnolia Avenue from the south city limits to Mast Boulevard;

3. Cuyamaca Street from the south city limits to Mast Boulevard;

4. Fanita Drive from the south city limits to Mission Gorge Road;

5. Prospect Avenue from State Route 67 to Cuyamaca Street;

6. Mast Boulevard from Magnolia Avenue to Cuyamaca Street;

7. Carlton Hills Boulevard from Mast Boulevard to Mission Gorge Road;

8. Woodside Avenue from Magnolia Avenue to State Route 67;

9. Woodside Avenue North from Woodside Avenue to north city limits;

10. Woodside Avenue (south) from Woodside Avenue to north city limits

C. Sewage Carriers. It is unlawful for any person to operate a vehicle used for sewage:

1. To enter or leave the City on any street except on a designated local delivery route;

2. On any street not designated as a local delivery route except as necessary to service a single-family residence or a commercial premises served by a septic system or construction site.

D. Refuse Carriers. It is unlawful for any person to operate a vehicle used for refuse:

1. To enter or leave the City on any street except a designated local delivery route;

2. On any street not designated as a local delivery route except to service a property not accessible from a local delivery route.

E. Route Posting. All streets and portions thereof established by this section as local delivery routes, must be posted with appropriate signs. (Ord. 366 § 2, 1997; Ord. 365 § 2, 1997; Ord. 356, 1996; Ord. 267 § 1, 1991; Ord. 198 § 1, 1987; Ord. 187 §§ 1—4, 6, 7, 1987)

10.12.020 Moving Permit – Oversize Load

A. It is unlawful for any person to operate any of the following vehicles in the City except as authorized by a permit issued by the City Traffic Engineer, which authorizes the operation of such vehicle for the purpose of making necessary deliveries and pickups to or from points in the City:

1. Any truck or commercial vehicle more than eight and one-half feet wide;

2. Any truck or commercial vehicle loaded so that any part of its load extends more than twenty feet to the front or rear of the vehicle;

3. Any truck or commercial vehicle more than fourteen feet high, measured from the surface upon which the vehicle stands.

B. A permit required by the traffic engineer does not replace a moving permit required for oversized load pursuant to Chapter 11.34.

EXHIBIT 7

CHAPTER 10.14 TURNING MOVEMENTS

10.14.010 Generally

The director is authorized to place pavement markings, markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and the director is authorized to allocate and indicate more than one lane of traffic from which drivers of vehicles may make right-hand or left-hand turns. (Prior code § 72.80)

10.14.020 Restricted turns

The director is authorized to determine those intersections at which drivers of vehicles must not make a right, left, or U-turn, and must place proper signs at such intersections, including but not limited to intersections where a driver is not permitted to make a right turn against a red or stop signal. The director may prohibit or permit such turns between certain hours of any day and must plainly indicate such hours on the signs. (Prior code § 72.81)

10.14.030 Obedience to no-turn signs

Whenever authorized signs are erected indicating that no right, left, or U-turn is permitted, it is unlawful for any driver of a vehicle to disobey the directions of any such sign. (Prior code § 72.82)

EXHIBIT 8

CHAPTER 10.16 ONE-WAY STREETS

10.16.010 Designation by council

The council may by resolution describe and designate highways or portions of highways as one-way streets. (Prior code § 72.90)

10.16.020 Posting of signs

The director is authorized and directed to place or cause to be placed in a conspicuous place on such one-way streets at the intersection of each highway intersecting such one-way street, signs bearing the words “One-Way Street” and indicating the direction of lawful traffic movement. (Prior code § 72.91)

10.16.030 Violation

It is unlawful for the operator of any vehicle to operate the vehicle in violation of the one-way street signs. (Prior code § 72.92)

EXHIBIT 9

CHAPTER 10.18 SPEED LIMITS*

10.18.010 Designated

The prima facie speed limits on the following streets are established as follows:

Roadway Segment	Limits	Speed Limit
Carlton Hills Blvd.	Lake Canyon Rd. to Mast Blvd.	35
Carlton Hills Blvd.	Mast Blvd. to Carlton Oaks Dr.	35
Carlton Hills Blvd.	Carlton Oaks Dr. to Mission Gorge Rd.	35
Carlton Oaks Dr.	West Hills Pkwy. to Kaschube Wy.	35
Carlton Oaks Dr.	Kaschube Wy. to Wethersfield Rd.	35
Carlton Oaks Dr.	Wethersfield Rd. to Pebble Beach Dr.	35
Carlton Oaks Dr.	Pebble Beach Dr. to Fanita Pkwy.	35
Carlton Oaks Dr.	Fanita Pkwy. to Carlton Hills Blvd.	35
Carlton Oaks Dr.	Carlton Hills Blvd. to Stoyer Dr.	30
Cottonwood Ave.	Mission Gorge Rd. to Buena Vista Ave.	30
Cottonwood Ave.	Buena Vista Ave. to Prospect Ave.	30
Cuyamaca St.	Beck Dr. to Mast Blvd.	35
Cuyamaca St.	Mast Blvd. to Town Center Pkwy.	35
Cuyamaca St.	Town Center Pkwy. to Mission Gorge Rd.	35
Cuyamaca St.	Mission Gorge Rd. to Buena Vista Ave.	35
Cuyamaca St.	Buena Vista Ave. to south city limits	35

Roadway Segment	Limits	Speed Limit
El Nopal	Magnolia Ave. to city limit	35
Fanita Dr.	Mission Gorge Rd. to Prospect Ave.	40
Fanita Dr.	Prospect Ave. to south city limit	40
Fanita Pkwy.	Mast Blvd. to Ganley Rd.	40
Graves Ave.	Prospect Ave. to Pepper Dr.	35
Halberns Blvd.	Mast Blvd. to Stoyer Dr.	35
Magnolia Ave.	Princess Joann Rd. to Woodglen Vista Dr.	40
Magnolia Ave.	Woodglen Vista Dr. to El Nopal	40
Magnolia Ave.	El Nopal to Mast Blvd.	40
Magnolia Ave.	Mast Blvd. to San Diego River	45
Magnolia Ave.	San Diego River to Mission Gorge Rd.	45
Magnolia Ave.	Mission Gorge Rd. to Prospect Ave.	45
Magnolia Ave.	Prospect Ave. to south city limit	45
Magnolia Ave.	Mission Gorge Rd, to City Limit	40
Mast Blvd.	Western city limit to Fanita Pkwy.	40
Mast Blvd.	Fanita Pkwy. to Carlton Hills Blvd.	40
Mast Blvd.	Carlton Hills Blvd. to Halberns Blvd.	40
Mast Blvd.	Halberns Blvd. to Cuyamaca St.	40
Mast Blvd.	Cuyamaca St. to Magnolia Ave.	40
Mast Blvd.	Magnolia Ave. to Los Ranchitos Rd.	35

Roadway Segment	Limits	Speed Limit
Mesa Rd.	Mission Gorge Rd. to Prospect Ave.	35
Mission Gorge Rd.	West city limit to West Hills Pkwy.	55
Mission Gorge Rd.	West Hills Pkwy. to Big Rock Rd.	50
Mission Gorge Rd.	Big Rock Rd. to Mesa Rd.	50
Mission Gorge Rd.	Mesa Rd. to SR-52 Ramps	45
Mission Gorge Rd.	SR-52 Ramps to Fanita Dr.	40
Mission Gorge Rd.	Fanita Dr. to Carlton Hills Blvd.	35
Mission Gorge Rd.	Carlton Hills Blvd. to Town Center Pkwy.	35
Mission Gorge Rd.	Town Center Pkwy. to Cuyamaca St.	35
Mission Gorge Rd.	Cuyamaca St. to Cottonwood Ave.	40
Mission Gorge Rd.	Cottonwood Ave. to Magnolia Ave.	40
Olive Lane	Mission Gorge Rd. to Prospect Ave.	30
Prospect Ave.	Mesa Rd. to Fanita Dr.	35
Prospect Ave.	Fanita Dr. to Olive Ln.	35
Prospect Ave.	Olive Ln. to Cuyamaca St.	40
Prospect Ave.	Cuyamaca St. to Cottonwood Ave.	35
Prospect Ave.	Cottonwood Ave. to Magnolia Ave.	35
Town Center Pkwy.	Cuyamaca St. to Costco Dwy.	35
Town Center Pkwy.	Costco Dwy. to Mission Gorge Rd.	35
Woodside Ave.	Magnolia Ave. to SR-67 Off Ramp	45

Roadway Segment	Limits	Speed Limit
Woodside Ave. North	SR 67 off-ramp to City limit	40
Woodside Ave.	Shadow Hill Rd. to east city limits	45

EXHIBIT 10

CHAPTER 10.20 SPECTATORS PROHIBITED AT ILLEGAL SPEED CONTESTS OR EXHIBITIONS OF SPEED

10.20.010 Purposes

The council finds and declares that pursuant to California Vehicle Code Section 23109, motor vehicle speed contests and exhibitions of speed conducted on public highways are illegal. Motor vehicle speed contests and exhibitions of speed are more commonly known as "street races" or "drag races."

Streets within the City of Santee have been or have the potential to be the site of illegal street racing. Such street racing threatens the health and safety of the public, interferes with pedestrian and vehicular traffic, creates a public nuisance, and interferes with the right of private business owners to enjoy the use of their property within the City of Santee.

Illegal street racers accelerate to high speeds without regard to oncoming traffic, pedestrians, or vehicles parked or moving nearby. The racers drive quickly from street to street, race for several hours, and then move to other locations upon the arrival of the police. Those who participate in this illegal activity are very sophisticated, using their cell phones, police scanners, and other electronic devices to communicate with each other to avoid arrest. They also use the internet to provide information on where to race, and give advice on how to avoid detection and prosecution. Traffic accidents, property crimes, and calls for police service as a result of these illegal drag races have increased dramatically.

At illegal drag races, sometimes hundreds of racers and spectators gather late at night and in the early morning hours, blocking the streets and sidewalks to traffic, forming a racetrack area, placing bets, and otherwise encouraging, aiding and abetting the racing process. The mere presence of spectators at these events fuels the illegal street racing and creates an environment in which these illegal activities can flourish.

This chapter is adopted to prohibit spectators at illegal street races with the aim of significantly curbing this criminal activity. The chapter targets a very clear, limited population and gives proper notice to citizens as to what activities are lawful and what activities are unlawful. In discouraging spectators, the act of organizing and participating in illegal street races will be discouraged. This chapter additionally makes evidence of specified prior acts admissible to show the propensity of the defendant to be present at or attend illegal street races, if the prior act or acts occurred within three years of the presently charged offense. (Ord. 430 § 1, 2003)

10.20.020 Definitions

A. "Illegal motor vehicle speed contest" or "illegal exhibition of speed" means any speed contest or exhibition of speed referred to in California Vehicle Code Sections 23109(a) and 23109(c)

B. "Preparations" for the illegal motor vehicle speed contest or exhibition of speed include, but are not limited to, situations in which:

1. A group of motor vehicles or individuals has arrived at a location for the purpose of participating in or being spectators at the event;

2. A group of individuals has lined one or both sides of a public street or highway for the purpose of participating in or being a spectator at the event;

3. A group of individuals has gathered on private property open to the general public without the consent of the owner, operator, or agent thereof for the purpose of participating in or being a spectator at the event;

4. One or more individuals has impeded the free public use of a public street or highway by actions, words, or physical barriers for the purpose of conducting the event;

5. Two or more vehicles have lined up with motors running for an illegal motor vehicle speed contest or exhibition of speed;

6. One or more drivers is revving his or her engine or spinning his or her tires in preparation for the event; or

7. An individual is stationed at or near one or more motor vehicles serving as a race starter.

C. "Spectator" means any individual who is present at an illegal motor vehicle speed contest or exhibition of speed, or at a location where preparations are being made for such activities, for the purpose of viewing, observing, watching, or witnessing the event as it progresses. Spectator includes any individual at the location of the event without regard to whether the individual arrived at the event by driving a vehicle, riding as a passenger in a vehicle, walking, or arriving by some other means. (Ord. 430 § 1, 2003)

10.20.030 Spectator at illegal speed contest or exhibitions of speed—Violation

A. Any individual who is knowingly present as a spectator, either on a public street or highway, or on private property open to the general public without the consent of the owner, operator, or agent thereof, at an illegal motor vehicle speed contest or exhibition of speed is guilty of a misdemeanor.

B. Any individual who is knowingly present as a spectator, either on a public street or highway, or on private property open to the general public without the consent of the owner, operator, or agent thereof, where preparations are being made for an illegal motor vehicle speed contest or exhibition of speed is guilty of a misdemeanor.

C. An individual is present at the illegal motor vehicle speed contest or exhibition of speed if that individual is within two hundred feet of any part of the location of the event, or within two hundred feet of the location where preparations are being made for the event.

D. Nothing in this section prohibits law enforcement officers or their agents from being spectators at illegal motor vehicle speed contests or exhibitions of speed in the course of their official duties. (Ord. 430 § 1, 2003)

10.20.040 Relevant circumstances to prove a violation

Notwithstanding any other provision of law, to prove a violation of Section 10.20.030, admissible evidence may include, but is not limited to, any of the following:

A. The time of day;

B. The nature and description of the scene;

C. The number of people at the scene;

D. The location of the individual charged in relation to any individual or group present at the scene;

E. The number and description of motor vehicles at the scene;

F. That the individual charged drove or was transported to the scene;

G. That the individual charged has previously participated in an illegal motor vehicle speed contest or exhibition of speed;

H. That the individual charged has previously aided and abetted an illegal motor vehicle speed contest or exhibition of speed;

I. That the individual charged has previously attended an illegal motor vehicle speed contest or exhibition of speed;

J. That the individual charged previously was present at a location where preparations were being made for an illegal speed contest or exhibition of speed or where an exhibition of speed or illegal motor vehicle speed contest was in progress. (Ord. 430 § 1, 2003)

10.20.050 Admissibility of prior acts

The list of circumstances set forth in Section 10.20.040 is not exclusive. Evidence of prior acts may be admissible to show the propensity of the defendant to be present at or attend an illegal motor vehicle speed contest or exhibition of speed, if the prior act or acts occurred within three years of the presently charged offense. These prior acts may always be admissible to show knowledge on the part of the defendant that a speed contest or exhibition of speed was taking place at the time of the presently charged offense. Prior acts are not limited to those that occurred within the City of Santee. (Ord. 430 § 1, 2003)

EXHIBIT 11

CHAPTER 10.22 MISCELLANEOUS PROVISIONS

10.22.010 Bicycles on sidewalks

It is unlawful for any person to operate a bicycle or scooter in a manner that blocks any sidewalk, driveway, pedestrian ramp, trail, or access to buildings and businesses unless the director has authorized such operation. (Prior code § 72.230)

10.22.020 Skateboards and similar devices

It is unlawful for any person to ride any skateboard, scooter, roller skates, toy vehicle or similar device:

A. On any roadway in the City of Santee;

B. On any sidewalk in the City of Santee in such proximity to vehicles or pedestrians as to create a hazard to those vehicles, pedestrians, the operator, or other persons.

C. On any public plaza, in any business district, or any private parking lot or property open to the public where signs forbidding such activities are displayed. (Ord. 39 Art. 1, 1981)

10.22.030 Driving through funeral processions

It is unlawful for any person to drive a vehicle between vehicles that are part of a funeral procession while they are in motion and when the vehicles in such procession are conspicuously so designated. (Prior code § 72.234)

10.22.040 Flashing lights

Except as authorized by city council, it is unlawful for any person to direct a beam of light in a flashing sequence toward any highway or to establish or maintain any electric advertising sign or similar device that interferes with the visibility of any official traffic-control device or warning signal. (Prior code § 72.247)

10.22.050 Freeway restrictions

A. It is unlawful for any person to undertake the following on any highway established as a freeway, as defined by Section 332 of the Vehicle Code within the City's jurisdiction:

1. drive or operate a bicycle, motor-driven cycle, any vehicle which is not drawn by a motor vehicle, or any horses or livestock ,

2. walk across or along any such street, except in space set aside for the use of pedestrians, provided official signs are in place giving notice of such restrictions. (Prior code § 72.237)

10.22.060 Livestock restrictions

It is unlawful for any person to drive or ride or permit to be driven or ridden any livestock upon or along any public highway.

10.22.070 Loitering and fishing on bridges

It is unlawful for any person to stand on, sit on, or fish from any public highway bridge spanning any stream or body of water within the City. (Prior code § 72.244)

10.22.080 Motorcycle use on trails

It is unlawful for any person to operate any motorcycle or power cycle on any riders' and hikers' trail within the City. (Prior code § 72.245)

10.22.090 Operation on private property

A. It is unlawful for any person to operate, drive, or leave any vehicle in, over or on any private property without the written permission of the owner, the person entitled to the immediate possession of the property, or the authorized agent of either.

B. Whenever any person is stopped by a peace officer pursuant to this section, such person must, upon the request of such peace officer, immediately provide the written permission.

C. This provision does not apply to:

1. Persons having lawful business with the owner, agent, or person having lawful possession of the property;

2. The owner, agent, or person having lawful possession of the property. (Amended during 1989 supplement; Ord. 43 § 2, 1981: prior code § 76.101)

10.22.100 New pavement

It is unlawful for any person to ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted marking in any street when a barrier or sign is in place warning persons not to drive over or across such pavement or marking, or when a sign is in place stating that the street or any portion thereof is closed. (Prior code § 72.235)

10.22.110 Restricted access

It is unlawful for a person to drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by the City. (Prior code § 72.236)

10.22.120 Removal of unofficial signs and devices

It is unlawful for any person to place, maintain, or display on, or in view of, any public highway any unofficial sign, signal or device contrary to the provisions of Section 21465 of the Vehicle Code and this chapter. The director is authorized to remove any item that violations this section. (Prior code § 72.248)

10.22.130 Use of engine braking prohibited

A. It is unlawful to use engine brakes on any street or portion of a street designated by sign prohibiting such use.

B. The City Traffic Engineer is authorized to determine streets or portions of streets where the use of engine braking is prohibited and to establish signs providing notice of the prohibition.

10.22.140 State highways

A. No amendment of this chapter with respect to a state highway and no resolution establishing any regulation with respect to a state highway takes effect until such amendment or resolution is approved by the Department of Transportation.

B. The director is not authorized to erect any signs or markings upon a state highway unless the regulation imposed by such signs or markings has been approved by the Department of Transportation.

C. Within six months after receipt of written notice that the Department of Transportation has withdrawn its approval of any regulation affecting a state highway, the director is authorized and directed to remove from such state highway any signs or markings giving notice of such regulation. (Prior code § 72.240)

10.22.150 Traffic counting devices

It is unlawful for any person, except persons authorized by the director, to move, tamper with, or damage any traffic-counting device located within a city highway. (Prior code § 72.241)

10.22.160 Yield intersections

The director is authorized and directed to erect and maintain “Yield Right-of-Way” signs complying with the Vehicle Code to all approaches to highways and intersections of highways designated by the council by resolution. (Prior code § 72.107)

10.22.170 Vehicles injurious to highways

It is unlawful for any person to operate or permit to be operated on any improved highway in the City any vehicle or other implement that will tear up, disturb or damage the surface on the highway. (Prior code § 72.243)

EXHIBIT 12

CHAPTER 10.24 ABANDONED VEHICLES

10.24.010 Findings

A. In addition to and in accordance with Section 22660 of the Vehicle Code, providing for the removal of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof as public nuisances, the City Council makes the following declarations:

B. The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways is 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 hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter. (Prior code § 78.101)

10.24.020 Definitions

As used in this chapter:

A. "Delegated officers" means the director and those the director appoints or authorizes to enforce this chapter.

B. "Hearing officer" means the director.

C. "Notice of intention to abate" is that form used to provide notice of public nuisances of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property.

D. "Public property" does not include "highway."

10.24.030 Exceptions

A. This chapter does 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;

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 lawful dismantler, licensed vehicle dealer, or a junkyard

B. Nothing in this section authorizes the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this chapter. (Prior code § 78.103)

10.24.040 Scope

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles within the City. It supplements and is in addition to the other regulatory codes, statutes, and ordinances enacted by the City, the State, or any other legal entity or agency having jurisdiction.

Except where specified otherwise by this chapter, the abatement and cost recovery procedures set forth in Chapters 1.10, 1.12, and 1.14 for the abatement of nuisances apply to the abatement of abandoned vehicles under this chapter. (Prior code § 78.104)

10.24.050 Franchise for removal

When the City Council has contracted with or granted a franchise to any person or persons, such person or persons are authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter. (Prior code § 78.106)

10.24.060 Abatement—Notice to property owner

The notice of intention to abate provided pursuant to Sections 1.10.040 and 1.10.070 must be served in accordance with Section 1.10.080.C and must be mailed by first class mail, prepaid, to the last registered and legal owner of record when the vehicle is in such condition that identification numbers are available to determine ownership.

10.24.070 Abatement—Notice to Highway Patrol

A copy of the notice of intention to abate shall at the time such notice is issued be given to the California Highway Patrol, identifying the vehicle or part thereof proposed for removal. (Prior code § 78.109)

10.24.080 Abatement—Appeal of notice of intent to abate.

A. In addition to the procedures set forth in Chapter 1.10:

1. The owner of a vehicle or of land on which a vehicle is located which is subject to abatement pursuant to this chapter may appeal the notice of intent to abate and request a hearing in accordance with Section 1.10.100.

2. If the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his or her land within such time period, this statement constitutes a waiver of a hearing for the person submitting the written statement.

3. If the City Clerk does not receive a request for a hearing within the applicable time period, the director or director's designee is authorized to remove the vehicle.

10.24.090 Abatement—Hearing—Procedure

A. In addition to the procedures set forth in Chapter 1.10, whenever a notice of intent to abate is appealed pursuant to Section 1.10.100, a hearing will proceed in accordance with Sections 1.10.110 through 1.10.120, provided that the hearing officer will:

1. hear such facts and testimony the officer deems pertinent prior to rendering a decision, including the following:

   (a) the condition or status of the vehicle or part thereof ;

   (b) the circumstances concerning its location on the private or public property;

2. make findings regarding:

   (a) whether the vehicle constitutes a public nuisance; and

   (b) whether the property owner on whose land the vehicle is located consented to the placement of the vehicle or acquiesced in its presence;

10.24.100 Abatement hearing—Appeal to city council

A. In addition to the procedures set forth in Chapter 1.10, in the event of any appeal of the hearing officer's decision pursuant to Section 10.24.090, the City Council will review the decision of the hearing officer for substantial evidence. The hearing will not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land with his or her reasons for such denial.

B. At the conclusion of the public hearing, the City Council will determine whether the a vehicle or part thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property, and if so, issue an order that includes the following:

1. conditions and requirements it deems appropriate under the circumstances to carry out the purpose of this chapter;

2. the time for removal of the vehicle or part thereof;

3. an order to remove the vehicle from the property as a public nuisance and to disposed of it in accordance with this chapter;

4. a description of the vehicle or part thereof and identification number or license number of the vehicle to be removed, if available;

5. a determination of the administrative costs and the costs of removal to be charged against the land owner or owner of the vehicle.

C. Unless otherwise stated in the order of removal, the vehicle or parts thereof may be removed by the abatement officer immediately following the order. (Amended during 1989 supplement; prior code § 78.112)

10.24.110 Removal—Disposal

Any vehicles removed pursuant to this chapter may be disposed of by removal to a scrap yard or licensed automobile dismantler's yard. After a vehicle has been removed pursuant to this chapter, it must not be reconstructed or made operable. (Prior code § 78.114)

10.24.120 Removal—Requirements

Within five days after the date of removing a vehicle or part thereof, the director must give notice to the Department of Motor Vehicles identifying the vehicle or part thereof removed and transmit any evidence of registration available, including registration certificates, certificates of title and license plates. (Prior code § 78.115)

10.24.130 Costs—Exemption to property owner

The City may collect fines, costs, and penalties in accordance with Chapters 1.10 and 1.12; provided however, that when the hearing officer or city council determines that a vehicle subject to abatement under this chapter was placed on land without the consent of the landowner and that the landowner has not consented in its presence, then the City will not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such cost from such owner. (Amended during 1989 supplement; prior code § 78.113)

10.24.140 Unlawful acts

A. It is unlawful, an infraction, and a public nuisance for any person to abandon, park, store, or leave or permit the abandonment, parking, storing, or leaving of any licensed or unlicensed vehicle or part thereof which is in an abandoned, wrecked, dismantled, or inoperative condition upon any private property or public property not including highways within the City unless such vehicle or part thereof is:

1. 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. Stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a licensed junkyard

B. It is unlawful, an infraction, and a public nuisance for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or part or part thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions

of this chapter or state law where such state law is applicable. (Amended during 1989 supplement; prior code §§ 78.117, 78.118)

10.24.150 Administration and enforcement

Except as otherwise provided herein, the director of development services is authorized to administer this chapter. The director and the director's officer, deputies, assistants, employees, and agents 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 part thereof declared to be a nuisance pursuant to this chapter. (Amended during 1989 supplement; prior code § 78.105)

EXHIBIT 13

CHAPTER 10.26 FOOD TRUCKS AND MOBILE FOOD MERCHANTS

10.26.010 Findings.

The City Council finds as follows:

Mobile food vending has the potential to pose special dangers to the public health, safety and welfare of residents of the City.

The act of looking for prospective buyers while operating a vending vehicle makes the operator less attentive to pedestrian and vehicular traffic. When done on public roadways, this poses obvious traffic and safety risks to the public which the City seeks to prevent.

Vending vehicles parked in one location for more than ten minutes at a time may exacerbate traffic problems in highly congested areas and obstruct sidewalks. This also creates safety issues for children who may run across public roadways attempting to access the vendors, especially around school sites when children are coming to and going from school.

Mobile food merchants who fail to park their vending vehicles correctly during a transaction attract prospective buyers onto public roadways, creating a further traffic and public safety hazard.

The sale of non-food items presents special regulatory challenges which may affect the health, safety and welfare of minors who frequent this type of vendor, often without adult supervision.

The City has an important and substantial public interest in providing regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community and exercises its authority pursuant to Section 22455 of the California Vehicle Code, which permits local authorities to regulate the type of vending and the time, place, and manner of vending from vehicles upon the street in order to promote public safety.

10.26.020 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this section unless, from the context, a different meaning is intended or specifically defined:

“Beverages” means a liquid for drinking that does not contain alcohol.

“Food” or “foodstuff” means any substance as defined by Section 113781 of the California Health and Safety Code, and includes a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.

“Food preparation” means and refers to the activities defined by Section 113791 of the California Health and Safety Code, and includes packaging, processing, assembling, portioning, or any

operation that changes the form, flavor, or consistency of food, but does not include trimming of produce.

"Mobile food merchant" means any individual that operates or assists in the operation of a vending vehicle in the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of foodstuffs from a vending vehicle.

"Mobile food vending" means the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise, of foodstuffs from any vending vehicle.

"School" means any preschool, elementary school, middle school, junior high school, senior high school, continuation high school, or any branch thereof.

"Ice cream truck" means a vending vehicle used to sell, barter, exchange, give, or display only prepackaged ice cream.

"Vending vehicle" means any self-propelled, motorized device by which any person or property may be propelled or moved upon a highway, excepting a device moved exclusively by human power, or which may be drawn or towed by a self-propelled, motorized vehicle, or used exclusively upon stationary rails or tracks, from which foodstuffs are sold, displayed, solicited or offered for sale, bartered, exchanged, given or otherwise.

10.26.030 Compliance with State and Local Laws.

The mobile food merchant must comply with all applicable State and local laws, including but not limited to the requirements of this Chapter and the County of San Diego. This Chapter is not intended to be enforced against pedestrian food merchants or against mobile food merchants who operate human powered push carts and other non-self-propelled vehicles including trailers.

10.26.040 Business License Required.

A. It is unlawful for any person to engage in mobile food vending or operate a vending vehicle in the City without first having procured a business license required by Chapter 4.02.

B. It is unlawful for any person to operate an ice cream truck for the purpose of selling, bartering, exchanging, giving, or displaying prepackaged ice cream products without first having procured a regulatory permit required by Chapter 4.03.

10.26.050 Environmental Health Permit Required.

All vending vehicles from which foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged must have displayed in a conspicuous place a valid certificate to operate required by the County of San Diego.

10.26.060 Sales from Vending Vehicles.

A. Vending vehicles must be brought to a complete stop and be lawfully parked adjacent to the curb consistent with Vehicle Code 22500 and the provisions of Title10 of this code prior to initiating mobile food vending.

B. Except for mobile food merchants operating ice cream trucks, mobile food merchants operating a vending vehicle must:

1. provide or have garbage receptacles readily available for immediate use by customers of the vending vehicle;

2. pick up, remove and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials dispensed from the vending vehicle, and any residue deposited on the street from the operation thereof, and must otherwise maintain in a clean and debris-free condition the entire area within a 25-foot radius of the location where mobile food vending is occurring;

3. obtain authorization from the owner of private property to operate a vending vehicle on private property, if any.

C. Except as otherwise provided, no mobile food merchant may operate in any public park without a special event permit or other written authorization from the City.

10.26.070 Sales to Children Near School Grounds.

It is unlawful for every mobile food merchant to sell or offer for sale, display, solicit, barter, exchange, gift or otherwise, any food and/or beverages to any minor child, attending any of the public or private schools within the City, on the street or from other public places within one thousand feet of the exterior boundaries of land on which is located any public or private school within the City between the hours of seven a.m. and four p.m. of any school day.

The above provision does not apply to any mobile food merchant who has received written consent of the school principal or other authorized school official to park, stop or stand for the purpose of vending when such authorization does not interfere with public vehicle traffic or pose a traffic safety hazard to school children. Any such written authorization must be kept and maintained with the mobile merchant at all times for inspection.

10.26.080 Exception.

Any mobile food merchant identified in an application for a special event or farmers' market or any city sponsored or approved event is required to obtain a business license and regulatory permit, but is otherwise exempt from the requirements of this chapter pertaining to mobile food vending, provided that the vending vehicle is parked for the duration of the special event to conduct its business and conducts no other business within the City.

ORDINANCE NO. 564

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, RESTATING, AMENDING, AND RECODIFYING TITLE 11 OF THE SANTEE MUNICIPAL CODE RELATING TO BUILDINGS AND CONSTRUCTION

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify its ordinances. Government Code section 50022.9 authorizes a city to adopt county codes by reference;

WHEREAS, in Ordinance 1, adopted as the first act of the City of Santee ("City") on December 2, 1980, the City temporarily adopted all county ordinances of the County of San Diego as its municipal code (the "Santee Municipal Code");

WHEREAS, in Ordinances 14 and 18, the City extended the validity of the county ordinances to provide additional time for the City to adopt its own ordinances;

WHEREAS, the City has not adopted a comprehensive code of ordinances, but has amended the county's ordinances in a piecemeal fashion more than 300 times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the City Council of the City of Santee held a series of public meetings to consider proposed restatement, amendment, and recodification issues for each title of the Santee Municipal Code as follows:

March 8, 2017	Titles 1 and 2
September 6, 2017	Titles 3 and 5
February 14, 2018	Titles 6, 8, and 9
March 28, 2018	Titles 12 and 13
August 8, 2018	Title 10
September 26, 2018	Titles 6, 15, and 16
November 14, 2018	Title 17

WHEREAS, the City desires to restate without substantive revision, amend, and recodify the ordinances codified in the Santee Municipal Code;

WHEREAS, the amendments to the Santee Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance;

WHEREAS, the descriptions included in the council agenda statement, staff report, and minutes contain the findings of the City Council in support of this Ordinance and serve as evidence of the City Council's intention in adopting this Ordinance; provided, however, that the findings in Ordinance 545 supporting adoption of the California Building Standards Code(s) are adopted as if restated in full herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. **Existing Law Continued**. The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance;

2.1.3. The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance;

2.1.4. Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance, resolution, or regulation;

2.1.5. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the Santee Municipal Code;

2.1.6. Santee Municipal Code sections cited on signs, forms, notices, or other materials within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in the new Santee Municipal Code for purposes of notice and enforcement.

2.2. **Exclusions from code**. Every ordinance governing the following subject matter is not affected by the adoption of this Ordinance:

2.2.1. Alteration of city boundaries;

2.2.2. Contracts to which the city is a party;

2.2.3. Elections to which the city is a party;

2.2.4. Fixing the rate and making a levy of city taxes;

2.2.5. Granting, altering or withdrawing a franchise;

2.2.6. Land use classifications of specific property;

2.2.7. Naming roads and streets.

2.3. **References to Prior Ordinances Apply to All Amendments.** Whenever a reference is made to this code as the "Santee Municipal Code" or to any portion thereof, or to any ordinance of the City of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.4. **Title, Chapter, and Headings**. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

2.5. **References to Specific Ordinances and Code Sections**. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Santee Municipal Code. Renumbering and relabeling of existing ordinance, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.6. **Effect of Ordinance on Past Actions**, **Obligations and Irregularities**. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict

therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the City, do not revive any rights repealed or extinguished by any prior ordinance of the City which is repealed by this Ordinance.

2.7. **Effect of Ordinance on Period of Limitation**. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.8. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Title 11 “Buildings and Construction” of the Santee Municipal Code is hereby restated and amended as follows:

3.1. Chapter 11.01 “Definitions” is added as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.2. Chapter 11.02 “California Administrative Code” is restated without substantive amendment as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.3. Chapter 11.04 “California Building Code” is restated and amended as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.4. Chapter 11.06 “California Residential Code” is restated and amended as set forth in Exhibit 4 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.5. Chapter 11.08 “California Electrical Code” is restated without substantive amendment as set forth in Exhibit 5 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.6. Chapter 11.10 “California Mechanical Code” is restated without substantive amendment as set forth in Exhibit 6 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.7. Chapter 11.12 “California Plumbing Code” is restated and amended as set forth in Exhibit 7 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.8. Chapter 11.14 “California Energy Code” is restated without substantive amendment as set forth in Exhibit 8 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.9. Chapter 11.16 “Historical Building Code” is restated without substantive amendment as set forth in Exhibit 9 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.10. Chapter 11.18 “California Fire Code” is restated and amended as set forth in Exhibit 10 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.11. Chapter 11.20 “California Existing Building Code” is restated without substantive amendment as set forth in Exhibit 11 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.12. Chapter 11.22 “California Green Building Standards Code” is restated without substantive amendment as set forth in Exhibit 12 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.13. Chapter 11.24 “Construction and Improvement Standards” is restated and amended as set forth in Exhibit 13 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.14. Chapter 11.26 “Referenced Standards Code” is restated without substantive amendment as set forth in Exhibit 14 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.15. Chapter 11.28 “Housing Regulations” is restated without substantive amendment as set forth in Exhibit 15 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.16. Chapter 11.30 “Abandoned Residential Property Registration” is restated and amended as set forth in Exhibit 16 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.17. Chapter 11.32 “Swimming Pools” is restated and amended as set forth in Exhibit 17 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.18. Chapter 11.34 “Moving and Temporary Storage of Buildings and Structures” is restated and amended as set forth in Exhibit 18 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.19. Chapter 11.36 “Flood Damage Prevention” is restated and amended as set forth in Exhibit 19 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.20. Chapter 11.38 “Drainage and Watercourses” is restated and amended as set forth in Exhibit 20 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.21. Chapter 11.40 “Excavation and Grading” is restated and amended as set forth in Exhibit 21 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.22. Chapter 11.42 “Improvements and Reimbursement” is restated and amended as set forth in Exhibit 22 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.23. Chapter 11.44 “Uniform Code for the Abatement of Dangerous Buildings” is added as set forth in Exhibit 23 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.24. Chapter 11.48 “Historical Landmarks” is amended and restated as set forth in Exhibit 24 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has “the potential for causing a significant effect on the environment.” (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (*Ibid*.) Here, the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 5. Codification. The City has adopted the "City of Santee Municipal Code Editorial Guidelines," and, except as otherwise provided herein, authorizes Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinance to the guidelines. In the event a substantive conflict arises on the basis of the changes authorized by this Section, the language adopted by this Ordinance prevails. The City Clerk is authorized to provide certified copies and notice of this Ordinance or any part of this Ordinance required or advised by the law or any regulation.

SECTION 6. Parentheticals. Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the Santee Municipal Code.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Santee 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 section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary or 1/4 page advertisement of the same to be published as required by law. In addition, this ordinance amends, recodifies, and authorizes republication with a new structural plan, pursuant to Government Code sections 50022.1-50022.10, and accordingly, publication of notice has occurred pursuant to Government Code section 6066. To the extent possible, publication has occurred or will occur simultaneously to satisfy the requirements of both Government Code sections 36933 and 6066.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 22 day of May 2019. A public hearing was held on the 12th day of June 2019, and thereafter, this Ordinance was ADOPTED at a Regular Meeting of the City Council held on this 26 day of June 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____
JOHN MINTO, MAYOR

ATTEST:

_____
ANNETTE ORTIZ, CITY CLERK

EXHIBIT 1

CHAPTER 11.01 DEFINITIONS

11.01.010 Definitions.

For purposes of this title:

"City Engineer" means the Director or the person appointed by the City Manager or Director to fulfill the functions of City Engineer required by law, this code, or assigned by City Council, City Manager, or Director.

"Director" means the Director of development services.

EXHIBIT 2

CHAPTER 11.02 CALIFORNIA ADMINISTRATIVE CODE

11.02.010 Adoption.

The California Administrative Code, 2016 Edition, Chapter 11.02, is adopted by reference without change to the Buildings and Construction Code. (Ord. 545 § 4, 2016)

EXHIBIT 3

CHAPTER 11.04 CALIFORNIA BUILDING CODE

11.04.010 Adoption of the 2016 California Building Code, Part 2, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, as the City's building code, the 2016 California Building Code, Part 2, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, Health and Safety Code Section 18901 *et seq*., and Appendix Chapters specified in as adopted by this chapter, and any rules and regulations promulgated pursuant thereto, together with all amendments set forth in this chapter.

Except as otherwise provided in this chapter and Chapter 11.02, the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures must conform to the building code. (Ord. 545 § 4, 2016)

11.04.020 Findings.

The City of Santee has many large brush-covered hillsides. The City is subject to frequent Santa Ana conditions consisting of dry gusting winds, which create extreme fire dangers. The City Council specifically finds that these geographic and topographic conditions necessitate greater fire protection than that provided by the 2016 California Building Code. Therefore, this chapter alters the 2016 California Building Code, to require more fire retardant roof coverings. (Ord. 545 § 4, 2016)

11.04.030 Deletions, revisions and additions to the 2016 California Building Code.

Deletions, revisions and additions to the 2016 California Building Code are set forth as follows:

A. Section 104.7.1 of the California Building Code is added to read as follows:

Section 104.7.1 Permit History Survey. Upon receipt of a written request from the owner of a parcel of property for a Permit History Survey, and the payment of the fee specified in a resolution adopted by the City Council, the Building Official may review city records and provide a report listing those building, plumbing, electrical and mechanical permits that have been issued for a specific parcel of property.

B. Section 105.2 of the California Building Code is amended by adding the following Subsection 14 through 18:

14. Satellite dish antenna.

15. Attached or detached open residential patio covers, detached pergola and detached gazebo structures or similar detached structures up to 120 square feet in projected roof area, associated with a single family (R-3 occupancy) residence, subject to the following conditions:

(a) The property is not located in a Very-High Fire Hazard Severity Zone (VHFHSZ);

(b) The structure is located in the side or rear yard of a property;

(c) If attached to the principal residence, the setbacks for the main building apply;

(d) If detached from the principle residence, the supporting posts must be located a minimum of five (5) feet from the property line;

(e) The structure does not contain electrical circuit(s) or gas lines;

(f) The structure is not to be used as a carport.

16. Decks and platforms associated with single family (R-3 occupancy) structures, not exceeding 200 square feet in area; not exceeding 30 inches above grade at any point, not serving as required exiting, and not located in the VHFHSZ.

17. Trellis or arbors when used for decoration, entrance ways, or gardening when not taller than eight feet and when not used as a fence.

18. Fences not over 8 feet high, where permitted to be installed by City Zoning Code in commercial and industrial zones.

C. Section 105.3.1.1 of the California Building Code is added to read as follows:

Section 105.3.1.1 Permits will not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer or his/her representative notifies the Building Official in writing that grading or public improvements have been satisfactorily completed.

Permits will not be issued if the City Engineer determines that flooding or geologic conditions at the site may endanger the public safety or welfare.

D. Section 109 of the California Building Code is deleted and replaced with the following:

Section 109.1 FEES

Section 109.2 GENERAL. Fees will be assessed as set forth in a resolution adopted by the City Council.

Section 109.3 PERMIT FEES. The fee for each permit is set forth in a resolution adopted by the City Council.

The Building Official will determine the value or valuation under any of the provisions of these codes. The value to be used in computing building permit and building plan review fees is the total value of all construction work for which the permit is issued as well as all finish work,

painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment. The permit fees for those projects subject to State energy code compliance and /or State disabled access regulation compliance are set forth in a resolution adopted by the City Council.

Section 109.4 PLAN REVIEW FEES. When submittal documents are required by Section 107, a plan review fee must be paid at the time of submitting the submittal documents for plan review. The plan review fee is set forth in a resolution adopted by the City Council. The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.3 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee will be charged at the rate set forth in a resolution adopted by City Council.

Section 109.5 EXPIRATION OF PLAN REVIEW. An application expires one year after it is submitted unless a permit is issued. The Building Official may extend an applicant's time for acting for a period not to exceed one year on written request by the applicant showing that circumstances beyond the control of the applicant have prevented the applicant from taking appropriate action. The Building Official may not extend an applicant's time for acting more than once. An applicant's time for acting may not be extended if any relevant portion of this code, or other pertinent law or ordinance has been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant must resubmit plans and pay a new plan check fee. The Building Official may return or destroy plans and other data submitted for review with an application after the application expires.

Section 109.6 INVESTIGATION FEES: WORK WITHOUT A PERMIT.

Section 109.6.1 INVESTIGATION. Whenever any work has been done without a required permit, the Building Official may undertake a special investigation before a permit may be issued for such work and may require payment of the fee set forth in Section 109.6.2.

Section 109.6.2 FEE. An applicant for a permit for work that has been done without a required permit must pay an investigation fee in addition to the permit fee. The investigation fee is equal to the amount of the permit fee required by this code. Payment of the investigation fee does not exempt an applicant from compliance with all applicable provisions of this code and the technical codes or from any penalty prescribed by law.

Section 109.7 FEE REFUNDS. The Building Official may refund 100% of any fee erroneously paid or collected.

The Building Official may refund no more than 80% of a permit fee when no work has been done under a permit issued in accordance with this code.

The Building Official may refund no more than 80% of the plan review fee when the application for a permit is withdrawn or cancelled before the City undertakes any work.

The Building Official may not refund any fee unless the original permittee submits a written refund application within one year after paying the fee.

Section 109.8 PERMIT HISTORY SURVEY FEE. The fee for conducting a permit history survey for an existing structure or facility is set forth in a resolution adopted by City Council.

Section 109.9 DEMOLITION PERMIT FEE. The fee for a permit to demolish a building is set forth in a resolution adopted by the City Council.

Section 109.10 FEE EXCEPTIONS: The government of the United States of America, the State of California, local school districts proposing work exempt from building permits, the County of San Diego, and the City are not required to pay for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by City Council apply.

E. Section 111 of the California Building Code is amended to read as follows:

Section 111.1 CERTIFICATE ISSUED. The Building Official is authorized to inspect buildings and structures for compliance with this code and issue a certificate of occupancy. When the Building Official inspects a building or structure and finds no violations of this code or other applicable laws enforced by the building division, the Building Official will indicate compliance on an Inspection Report Card. The completed and signed Inspection Report Card serves as the Certificate of Occupancy.

F. Section 113.1 of the California Building Code is amended to read as follows:

Section 113.1 General. The City Council serves as the appeal board for determinations, decisions, and orders of the Building Official regarding interpretation of technical codes. An applicant may appeal the order, decision, or determination of the Building Official by filing a written appeal with the City clerk within ten days after the date of the written decision in accordance with Chapter 1.14.

G. Section 114.4 of the California Building Code is deleted and replaced with the following:

Section 114.4 Violations. Any person who violates any provision of this code or the technical codes is guilty of a misdemeanor and upon conviction thereof, will be fined an amount not to exceed five hundred dollars, or imprisoned for a period of not more than six months in the county jail, or both fine and imprisonment.

H. Section 114.5 of the California Building Code is added as follows to read:

Section 114.5 Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished, equipped, used, occupied, or maintained contrary to the provisions of this code is declared to be unlawful and a public nuisance. The Enforcement Official and City Attorney are authorized to undertake any enforcement action authorized in Title 1 to abate, remove, enjoin, or remedy such public

nuisance in the manner provided by law. Any failure, refusal of neglect to obtain a permit as required by this chapter is prima facie evidence of the fact that the public nuisance has been committed.

I. Add the following to the end of the first paragraph of Section 1505.1 General:

Section 1505.1 Any reroofing or roof repair using wood single or shake material in an area that exceeds 25% of the projected roof area in any 12 month period must comply with the requirements for new roof installations or a minimum of Class B Rating

(Ord. 545 § 4, 2016)

11.04.040 Table 1505.1 amended.

Table 1505.1 of the 2016 California Building Code and the International Building Code, 2015 Edition, is amended to read as follows:

TABLE 1505.1

MINIMUM ROOF COVERING CLASSIFICATION FOR TYPE OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

(Ord. 545 § 4, 2016)

11.04.050 Appendices C, H and I adopted.

Appendix C, H and I are adopted. (Ord. 545 § 4, 2016)

EXHIBIT 4

CHAPTER 11.06 CALIFORNIA RESIDENTIAL CODE

11.06.010 Adoption of the 2016 California Residential Code, Part 2.5, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, as the City's residential code, the 2016 California Residential Code, published by the California Building Standards Commission, and any rules and regulations promulgated pursuant thereto, together with all amendments set forth in this chapter.

Except as otherwise provided in this chapter and Chapter 11.02, the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade within the City of Santee must comply with the City's residential code.

A. Section R104.7.1 of the California Residential Code is added to read as follows:

Section R104.7.1 Permit History Survey. Upon receipt of a written request from the owner of a parcel of property for a Permit History Survey, and the payment of the fee specified in a resolution duly adopted by the City Council, the Building Official may review City records and provide a report listing those building, plumbing, electrical and mechanical permits that have been issued for a specific parcel of property.

B. Section R105.2 of the California Residential Code is amended by modifying Subsection 10 and adding the following Subsection 11 through 16:

1. through 9. remains unchanged.

10. Decks on properties not located in a Very-High-Fire Hazard Severity Zone (VHFHSV).

11. Satellite dish antenna.

12. Attached or detached open residential patio covers, detached pergola and detached gazebo structures or similar detached structures up to 120 square feet in projected roof area, associated with a single family (R-3 occupancy) residence, subject to the following conditions:

    (a) The property is not located in a Very-High Fire Hazard Severity Zone (VHFHSZ);

    (b) The structure is located in the side or rear yard of a property;

    (c) If attached to the principal residence, the setbacks for the main building apply;

(d) If detached from the principle residence, the supporting posts must be located a minimum of five (5) feet from the property line;

(e) The structure does not contain electrical circuit(s) or gas lines;

(f) The structure is not to be used as a carport.

C. Section R105.3.1.2 of the California Residential Code is added to read as follows:

Section R105.3.1.1 Permits will not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer or his/her representative notifies the Building Official in writing that grading or public improvements have been satisfactorily completed.

Permits will not be issued if the City Engineer determines that flooding or geologic conditions at the site may endanger the public safety or welfare.

D. Section R108 of the California Building Code is deleted and replaced with the following:

Section R108.1 FEES

Section R108.2 GENERAL. Fees are set forth in a resolution adopted by the City Council.

Section R108.3 PERMIT FEES. The fee for each permit is set forth in a resolution adopted by the City Council.

The Building Official will determine the value or valuation under any of the provisions of these codes. The value to be used in computing building permit and building plan review fees is the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment. The permit fees for those projects subject to State energy code compliance and /or State disabled access regulation compliance are set forth in a resolution adopted by the City Council.

Section R108.4 PLAN REVIEW FEES.

When submittal documents are required by Section R106, a plan review fee must be paid at the time of submitting the submittal documents for plan review. The plan review fee is set forth in a resolution adopted by the City Council. The plan review fees specified in this section are separate fees from the permit fees specified in Section R108.3 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee will be charged at the rate set forth in a resolution adopted by City Council.

Section R108.5 EXPIRATION OF PLAN REVIEW. An application expires one year after it is submitted unless a permit is issued. The Building Official may extend an applicant's time for acting for a period not to exceed one year on written request by the applicant showing that circumstances beyond the control of the applicant have prevented the applicant from taking appropriate action. The Building Official may not extend an applicant's time for acting more than once. An applicant's time for acting may not be extended if any relevant portion of this code, or other pertinent law or ordinance has been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant must resubmit plans and pay a new plan check fee. The Building Official may return or destroy plans and other data submitted for review with an application after the application expires.

Section R108.6 INVESTIGATION FEES: WORK WITHOUT A PERMIT.

Section R108.6.1 INVESTIGATION. Whenever any work has been done without a required permit, the Building Official may undertake a special investigation before a permit may be issued for such work and may require payment of the fee set forth in Section R108.6.2.

Section R108.6.2 FEE. An applicant for a permit for work that has been done without a required permit must pay an investigation fee in addition to the permit fee. The investigation fee is equal to the amount of the permit fee required by this code. Payment of the investigation fee does not exempt an applicant from compliance with all applicable provisions of this code and the technical codes or from any penalty prescribed by law.

Section R108.7 FEE REFUNDS.

The Building Official may refund 100% of any fee erroneously paid or collected.

The Building Official may refund no more than 80% of a permit fee when no work has been done under a permit issued in accordance with this code.

The Building Official may refund no more than 80% of the plan review fee when the application for a permit is withdrawn or cancelled before the City undertakes any work.

The Building Official may not refund any fee unless the original permittee submits a written refund application within one year after paying the fee.

Section R108.8 PERMIT HISTORY SURVEY FEE. The fee for conducting a permit history survey for an existing structure or facility is set forth in a resolution adopted by City Council.

Section R108.9 DEMOLITION PERMIT FEE. The fee for a permit to demolish a building is set forth in a resolution adopted by the City Council.

Section R108.10 FEE EXCEPTIONS: The government of the United States of America, the State of California, local school districts proposing work exempt from building permits, the County of San Diego, and the City are not required to pay for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by City Council apply.

E. Section R110 of the California Building Code is amended to read as follows:

Section R110.1 CERTIFICATE ISSUED. The Building Official is authorized to inspect buildings and structures for compliance with this code and issue a certificate of occupancy. When the Building Official inspects a building or structure and finds no violations of this code or other applicable laws enforced by the building division, the Building Official will indicate compliance on an Inspection Report Card. The completed and signed Inspection Report Card serves as the Certificate of Occupancy.

F. Section R112.1 of the California Residential Code is added to read as follows:

Section R112.1 General. The City Council serves as the appeal board for determinations, decisions, and orders of the Building Official regarding interpretation of technical codes. An applicant may appeal the order, decision, or determination of the Building Official by filing a written appeal with the City clerk within ten days after the date of the written decision in accordance with Chapter 1.14.

G. Section R113.4 of the California Residential Code is replaced as follows to read:

Section R113.4 Violations. Any person who violates any provision of this code or the technical codes is guilty of a misdemeanor and upon conviction thereof, will be fined an amount not to exceed five hundred dollars, or imprisoned for a period of not more than six months in the county jail, or both fine and imprisonment.

H. Section R113.5 of the California Residential Code is added as follows to read:

Section R113.5 Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished, equipped, used, occupied, or maintained contrary to the provisions of this code is declared to be unlawful and a public nuisance. The Enforcement Official and City Attorney are authorized to undertake any enforcement action authorized in Title 1 to abate, remove, enjoin, or remedy such public nuisance in the manner provided by law. Any failure, refusal of neglect to obtain a permit as required by this chapter is prima facie evidence of the fact that the public nuisance has been committed.

I. Section R902.1.3 of the California Residential Code is altered to read as follows:

Section R902.1.3 Roof Coverings in all other areas. Alter the class of roof coverings in R902.1.3 at the end of the paragraph from “Class C” to “Class B.”

(Ord. 545 § 4, 2016)

EXHIBIT 5

CHAPTER 11.08 CALIFORNIA ELECTRICAL CODE

11.08.010 Adoption of the 2016 California Electrical Code, Part 3, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, as the City's electrical code, the 2016 California Electrical Code, Part 3, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code based on the National Electrical Code, 2014, and any rules and regulations promulgated pursuant thereto, together with all amendments set forth in this chapter.

Except as otherwise provided in this chapter and Chapter 11.02, the installation, alteration and repair of electrical systems within the City must conform to the City's electrical code. (Ord. 545 § 4, 2016)

EXHIBIT 6

CHAPTER 11.10 CALIFORNIA MECHANICAL CODE

11.10.010 Adoption of the 2016 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, as the City's mechanical code, the 2016 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. based on the Uniform Mechanical Code, 2015 Edition, and any rules and regulations promulgated pursuant thereto.

Except as otherwise provided by this chapter and Chapter 11.02, the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances must conform to the City's mechanical code and any rules and regulations published by the California Building Standards Commission. (Ord. 545 § 4, 2016)

EXHIBIT 7

CHAPTER 11.12 CALIFORNIA PLUMBING CODE

11.12.010 Adoption of the 2016 California Plumbing Code, Part 5, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, as the City's plumbing code, the 2016 California Plumbing Code, Part 5, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. based on the Uniform Plumbing Code 2015 Edition, and any rules and regulations promulgated pursuant thereto, together with all amendments set forth in this chapter

Except as otherwise provided by this chapter or Chapter 11.02, all construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment within the City must comply with the City's plumbing code. (Ord. 545 § 4, 2016)

11.12.020 Deletions and Additions to the 2016 California Plumbing Code and the Uniform Plumbing Code, 2015 Edition.

Deletions and additions to the 2016 California Plumbing Code are set forth in sections 11.12.020 and 11.12.030.

A. Section 104.1.1 of the California Plumbing Code is added as follows to read,

Section 104.1.1 SOLAR WATER HEATERS PRE-PLUMBING AND STORAGE TANK SPACE REQUIREMENT.

1. Notwithstanding any provisions in this chapter to the contrary, no permit for a new residential building may be issued on an application submitted after the effective date of the ordinance adding this Section 104.1.1 unless all of the following occur:

   (a) the building includes plumbing and adequate space for installation of a solar storage tank specifically designed to allow the later installation of a system which utilizes solar energy as the primary means of heating domestic potable water;

   (b) the plumbing required pursuant to this section is indicated in the building plans;

   (c) pre-plumbing and storage tank configuration are designed to the satisfaction of the administrative authority.

2. The administrative authority is authorized to exempt those applications from the provisions of this section which the administrative authority determines do not

have feasible solar access due to shading, building orientation, construction constraints, or configuration of the subdivision parcel.

B. Section 104.1.2 of the California Plumbing Code is added as follows to read,

Section 104.1.2 SWIMMING POOL HEATERS.

1. Notwithstanding any provisions of this chapter to the contrary, no permit may be issued for a new or replacement fossil fuel swimming pool heater unless a solar system with a collector area a minimum of 50% of the surface area of the swimming pool being heated is also installed as the primary heat source for the swimming pool.

2. A fossil fuel swimming pool heater is defined as one which uses nonrenewable fuel, including but not limited to natural gas, propane, diesel and electricity.

3. As used in this section a swimming pool means any confined body of water exceeding two feet in depth, greater than 150 square feet in surface area, and located either above or below the existing finished grade of the site, designed, used or intended to be used for swimming, bathing or therapeutic purposes.

EXCEPTION: A separate spa and a spa built in conjunction with a swimming pool may be heated by fossil fuels, provided the heating source cannot be used to heat the swimming pool.

4. Notwithstanding other provisions of this section, the owner of a swimming pool may request a waiver of all, or a portion, of the requirements contained in this section when topographic conditions, development, or existing trees on or surrounding the swimming pool or probable location of the solar collection system preclude effective use of the solar energy system due to shading; or the swimming pool is located in a permanent, enclosed structure.

5. An applicant dissatisfied with a decision of the administrative authority relating to modification or waiver under this section may appeal the decision to the City Council by filing a written appeal with the City Clerk within ten days of the issuance of the written decision in accordance with Chapter 1.14. The decision of the City Council in the case of any such appeal is final.

(Ord. 545 § 4, 2016)

11.12.030 Appendices A, B, D, G and I adopted.

Appendix Chapters A, B, D, G and I of the 2016 California Plumbing Code, are adopted. (Ord. 545 § 4, 2016)

EXHIBIT 8

CHAPTER 11.14 CALIFORNIA ENERGY CODE

11.14.010 Adoption of the 2016 California Energy Code, Part 6, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, as the City's energy code, the 2016 California Energy Code, Part 6, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. and the California Energy Code, 2016 Edition, and any rules and regulations promulgated pursuant thereto.

Except as otherwise provided by Chapter 11.02, all construction of buildings where energy will be used must conform to the City's Energy Code. (Ord. 545 § 4, 2016)

EXHIBIT 9

CHAPTER 11.16 HISTORICAL BUILDING CODE

11.16.010 Adoption of the 2016 California Historical Building Code, Part 8, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference the California Historic Building Code, 2016 edition without change. (Ord. 545 § 4, 2016)

EXHIBIT 10

CHAPTER 11.18 CALIFORNIA FIRE CODE

11.18.010 Adoption of the 2016 California Fire Code, Part 9, Title 24 of the California Code of Regulations, which incorporates and amends the International Fire Code 2015 Edition with certain local amendments.

The city adopts and incorporates by reference, as the City's fire code, the 2016 California Fire Code, Part 9, Title 24 California Code of Regulations, a portion of the California Building Standards Code and any rules and regulations promulgated pursuant thereto, and the International Fire Code, including Appendix Chapters 4, B, BB, C, CC, E, F, G, H, I and J, published by the International Code Council, 2015 Edition thereof, and the California Amendments thereto, as incorporated into California law under Title 24 of the California Code of Regulations, together with all amendments set forth in this chapter.

Except as otherwise provided by this chapter and Chapter 11.02, the planning, design, operation, construction, use and occupancy of every newly constructed building or structure must conform with the City's fire code.

No fewer than three copies of these codes and standards have been, and are now filed in the office of the City Fire Department with one copy on file in the office of the City Clerk per Government Code Section 50022.6. (Ord. 545 § 4, 2016)

11.18.020 Amendments made to the California Fire Code.

The California Fire Code, 2016 Edition, is amended and changed in the following respects:

A. **CHAPTER 3 AMENDED - GENERAL PRECAUTIONS AGAINST FIRE**

1. Section 307.4.3 is hereby amended to read as follows:

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces must comply with all the following restrictions:

307.4.3.1 Portable outdoor fireplaces must be used in accordance with the manufacturer's instructions. The use of washing machine tub fireplaces and other similar devices as outdoor fireplaces is prohibited within Santee City limits.

307.4.3.2 Portable outdoor fireplaces must be constructed of steel or other approved non-combustible materials.

307.4.3.3 During operation, a portable outdoor fireplace must be covered with a metal screen or welded or woven wire mesh spark arrestor with openings no larger than $^1/_4$″ to reduce airborne embers.

307.4.3.4 Portable outdoor fireplaces must be used only on a non-combustible surface or bare ground, void of all vegetation.

307.4.3.5 Portable outdoor fireplaces must be operated at least 15 feet away from all combustible materials or structures and must not be used under eaves, patio covers or other shade structures.

307.4.3.6 Portable outdoor fireplaces must be supervised at all times when in use and extinguished when no longer being used.

307.4.3.7 A garden hose or 4A fire extinguisher must be readily available at all times when the outdoor portable fireplace is in operation.

307.4.3.8 The burning of trash, rubbish or paper products is strictly prohibited.

307.4.3.9 The Fire Code Official or other Fire Department representative is authorized to order extinguishment at any time because of misuse, objectionable situation, hazardous weather, or any other safety concern.

B. **CHAPTER 5 AMENDED - FIRE SERVICE FEATURES**

1. Section 503.2.1 is hereby amended by replacing language to read as follows:

503.2.1 Dimensions (Fire Apparatus Access Roads). Fire apparatus access roads must have an unobstructed width of not less than 26 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

EXCEPTION: A fire apparatus access road may be reduced to an unobstructed width of not less than 16 feet (or other approved width) when in the opinion of the Fire Chief the number of vehicles using the roadway will not limit or impair adequate emergency fire department access.

2. Section 503.2.3 is hereby amended to read as follows:

503.2.3 Surface. Fire apparatus access roads must be designed and maintained to support the imposed loads of fire apparatus and must be provided with an approved paved surface. In new development, all underground utilities, hydrants, water mains, curbs, gutters and sidewalks must be installed and the drive surface must be approved prior to combustibles being brought on site.

3. Section 503 is hereby amended by adding Subsections 503.7 and 503.8 to read as follows:

503.7 Gates across fire apparatus access roads. All gates and other structures or devices which could obstruct fire access roadways or otherwise hinder emergency operations are prohibited unless they meet standards approved by the Fire Chief/Fire Code Official, and receive specific plan approval. Written plans must be submitted for approval and approved prior to the installation of any gate or other similar obstruction. Gates must be equipped with approved emergency locks or locking devices.

503.8 Automatic gates. All automatic gates across fire apparatus access roads must be

equipped with approved emergency key switches. Gates serving more than four residential dwellings or gates serving projects that, in the opinion of the Fire Chief/Fire Code Official, require a more rapid emergency response, must be equipped with an approved strobe activating sensor(s) to open the gate upon approach of emergency apparatus. All gates must have a manual release device to open the gate upon power failure.

4. Section 505 is hereby amended by adding Subsection 505.3 to read as follows:

505.3 Map/Directory. A lighted Directory map meeting current Santee Fire Department standards must be installed at each driveway entrance or other approved location(s) to multiple unit residential projects 15 units or more and other occupancies when in the opinion of the Fire Chief the Directory will enhance emergency response to the project.

C. **CHAPTER 9 AMENDED – FIRE PROTECTION SYSTEMS**

1. Section 903.2 is hereby amended adding Subsections 903.2(a) and 903.2(b) to read as follows:

903.2(a) Automatic fire sprinkler system required. The installation of an approved automatic fire sprinkler system is required in all buildings, regardless of size, occupancy, or area separation. Sprinklers are required in all additions made to existing buildings equipped with automatic fire sprinkler system. “Fire walls” and “Area or Occupancy Separation Walls” regardless of construction rating do not constitute separate buildings for purposes of determining fire sprinkler requirements. An approved fire sprinkler system is required in an existing non-sprinklered building when a change of occupancy classification occurs.

EXCEPTION: Kiosks, sheds, out-buildings, small temporary buildings and other small buildings may not need an automatic fire sprinkler system if in the opinion of the Fire Chief, the site, and the use, does not pose a significant hazard.

903.2(b) Automatic fire sprinkler system required additions. An approved automatic fire sprinkler system must be installed in any existing non-sprinklered buildings where structural additions are made greater than 5,000 square feet or resulting in a 50% increase in the size of the building. In this situation the entire building is required to be equipped with an approved automatic fire sprinkler system.

EXCEPTION: Group R, Division 3 occupancies.

2. Section 903.4.2 is hereby amended by replacing language to read as follows:

903.4.2 Alarms. One or more exterior approved audio/visual device(s) must be connected to every automatic sprinkler system in an approved location. Such sprinkler water-flow alarm devices must be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic sprinkler system must actuate the building fire alarm system.

3. Section 905 is hereby amended by adding Subsection 905.3(a) to read as follows:

905.3(a) Required installations. A wet standpipe system must be installed in all levels of any parking structures below or above grade.

D. **CHAPTER 23 AMENDED - MOTOR VEHICLE FUEL-DISPENSING FACILITIES AND REPAIR GARAGES**

1. Section 2306.2.3 is hereby amended by replacing language for exception 3 to read as follows:

2306.2.3 Above-ground tanks located outside, above grade, exception 3.

3. Tanks containing fuels must not exceed 1,500 gallons of Class I liquids, 12,000 gallons of Class II liquids in individual capacity and 26,000 gallons in aggregate capacity. Installations with the maximum allowable capacity must be separated from other installations by not less than 100 feet.

E. **CHAPTER 49 AMENDED – REQUIREMENTS FOR WILDLAND-URBAN INTERFACE (WUI) AREAS**

1. Section 4903 is hereby amended to read as follows:

4903 Fire Protection Plan. A Fire Protection Plan (FPP), approved by the Fire Chief, is required for all new development within declared Fire Hazard Severity Zones and/or Wildland-Urban Interface (WUI) areas.

The FPP must include mitigation measures consistent with the unique problems resulting from the location, topography, geology, flammable vegetation, and climate of the proposed site.

The FPP must address access, water supply, building ignition fire resistance, fire protection systems and equipment, defensible space and vegetation management.

2. Section 4905.2 is hereby amended to read as follows:

4905.2 Construction methods and requirements within established limits. Within the limits established by law, construction methods intended to mitigate wildfire exposure must comply with the wildfire protection building construction requirements contained in the California Building Standards Code including the following:

(a) California Building Code Chapter 7A,

(b) California Residential Code Section R327,

(c) California Reference Standards Code Chapter 12-7A

(d) Santee Local Amendments and applicable amendments

3. Section 4905.2 is hereby amended adding Subsections 4905.2.1 through 4905.2.3.

4905.2.1 Construction materials within Fire Hazard Severity Zones and/or Wildland Urban Interface areas. Prior to combustible materials being brought on site, utilities must be in place, fire hydrants operational, an approved all-weather roadway must be in place, and the fuel modified defensible space must be established and approved by the fire code official.

4. Section 4907 is hereby amended by adding Subsections 4907.2, 4907.2.1, 4907.2.2 and 4907.2.3.

4907.2 Fuel Modified Defensible Space. All new developments, subdivisions and tracts that are planned in Fire Hazard Severity Zones and/or Wildland Urban Interface Areas must have a minimum of 100 horizontal feet of "fuel modified" defensible space between structures and wildland areas. Depending on the percentage of slope and other wildland area characteristics, the Fuel Modified Defensible Space may be increased beyond 100 feet. Fuel Modified Defensible Space must be comprised of two distinct brush management areas referred to as, "Zone One" and "Zone Two."

4907.2.1 Fuel Modified Defensible Space, Zone One. "Zone One" is the first 50 feet measured from the structure toward the wildland. This area is the least flammable, and consists of pavement, walkways, turf and permanently landscaped, irrigated and maintained ornamental planting. This vegetation should be kept in a well-irrigated condition and cleared of dead material. This area requires year-round maintenance. Fire resistive trees are allowed if placed or trimmed so that crowns are maintained more than 10 feet from the structure. Highly flammable trees such as, but not limited to conifers, eucalyptus, cypress, junipers and pepper trees are not allowed in WUI areas. This area must be maintained by the property owner or applicable homeowners association(s).

4907.2.2 Fuel Modified Defensible Space, Zone Two. "Zone Two" is the second 50 feet of the 100 total feet of defensible space and is measured 50 feet from the structure to a total of 100 feet toward the wildland. Zone Two consists of low-growing, fire-resistant shrubs and ground covers. Average height of new plants for re-vegetation should be less than 24 inches. In this Zone, no more than 30% of the native, non-irrigated vegetation may be retained. This area requires inspection and periodic maintenance. This area must be maintained by the property owner or applicable homeowners association(s).

4907.2.3 Defensible space adjacent to roadways. An area of 50 feet from each side of fire apparatus access roads and driveways must be improved to "Zone One" standards and maintained clear of all but fire-resistive vegetation. This area must be maintained by the property owner or homeowners associations as with other defensible space areas. Defensible space adjacent to roadways may be increased to more than 50 feet on each side of a fire apparatus access road. This distance is to be determined by the approved Fire Protection Plan.

5. Chapter 49 is hereby amended by adding Section 4908 to read as follows:

4908 Special Fire Protection Requirements.

4908.1 Combustible fencing. Fencing within Fire Hazard Severity Zones and/or Wildland Urban Interface Areas must consist of noncombustible or approved materials. The closest five (5) feet of fencing to any structure must be approved noncombustible.

4908.2 Outdoor fireplaces, barbecues and grills. Outdoor fireplaces, barbecues and grills must not be built, or installed in Fire Hazard Severity Zones and/or Wildland Urban Interface Areas without plan approval by the Fire Code Official. Portable outdoor fireplaces and other wood burning appliances are strictly prohibited within Fire Hazard Severity Zones and Wildland Urban Interface Areas.

4908.3 Spark arresters. Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel are used, must be provided with a spark arrester of woven or welded wire screening of 12-gauge standard wire having openings not exceeding $^1/_4$ inch.

4908.4 Storage of firewood and combustible materials. Firewood and combustible materials must not be stored in unenclosed spaces beneath buildings or structures, or on decks, under eaves, canopies or other projections or overhangs and must be stored at least 20 feet from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet.

4908.5 Water supply. All water systems, specifically fire hydrants and storage tanks, must be approved by the Fire Department. Fire hydrants within Fire Hazard Severity Zones or Wildland Urban Interface Areas must be spaced every 300 feet and must have a fire flow of 2500 gallons per minute or a fire flow approved by the Fire Chief. Developments that require new or "stand alone" water storage facilities may also be required to provide secondary or back-up systems, such as independently powered pumps that will ensure adequate water supply for firefighting emergencies.

4908.6 Wildland access. To adequately deploy resources to protect structures threatened by wildfires, emergency access to wildland areas may be required. Access may include but is not limited to, gated vehicle access points and/or personnel corridors between homes or structures. The need, number, and location of wildland access points will be determined by the Fire Code Official.

F. CHAPTER 56 AMENDED - EXPLOSIVES AND FIREWORKS

Chapter 56 is hereby amended by adding Section 5607 to read as follows:

5607 Blasting

5607.1 Scope. Section 5609 regulates blasting operations within the City of Santee.

5607.2 Grading permit required. Section 5609 applies to any project or construction operation where a grading permit is required. A grading permit must be approved and issued by the Engineering Department of the City of Santee prior to the issuance of a blasting permit issued by the Fire Department for blasting at construction sites.

5607.3 Definitions. For the purpose of this Division the following definitions apply:

Approved Blaster is a blaster who has been approved by the Fire Chief to conduct blasting operations in the City of Santee and who has been placed on the list of approved blasters.

Blaster is any person, corporation, contractor or other entity who uses, ignites, or sets off an explosive device or material.

Inspector is any person who has been approved by the Fire Chief to conduct pre and post blast inspections in the City of Santee.

Blasting Operations means the use of an explosive device or explosive materials to destroy, modify, obliterate, or remove any obstruction of any kind from a piece of property.

Minor Blasting is any blasting operation associated with trenching operations, digging holes for utility poles, and other single shot operations.

Major Blasting is any other type of blasting operation.

Permit for Blasting is a written document issued by the Santee Fire Department wherein the blaster is given permission to blast within the City of Santee under specific terms and conditions for the operation.

Certificate of Insurance is a written document issued by an insurance company authorized to do business in the State of California stating that the insurance company has issued a policy of liability insurance covering property damage and bodily injuries resulting from blasting operations occurring in the City of Santee.

Explosive Permit is a written document issued by the San Diego County Sheriff's Department pursuant to Section 12000, et seq. of the California Health and Safety Code wherein the Sheriff's Department allows blasting with explosives to be done by the permittee under the conditions specified therein.

5607.4 Permit to Blast: All blasting operations within the City of Santee are prohibited unless permitted by the Santee Fire Department.

5607.4.1 Prerequisites. No Permit to Blast will be granted or obtained unless the prerequisite conditions listed below are complied with and proof provided to the satisfaction of the Fire Department.

5607.4.2 Explosives permit. The blaster must obtain an explosives permit from the San Diego County Sheriff's Department and a copy thereof must be placed on file with the Santee Fire Department.

5607.4.3 Santee business license. The blaster must obtain a business license from and issued by the Finance Department of the City of Santee and place a copy thereof on file with the Santee Fire Department.

5607.4.4 Liability insurance. The property owner/developer or general contractor must obtain liability insurance covering the blaster's activities with the coverages acceptable to the City, but in no case in an amount less than $4,000,000 for property damage and bodily injury aggregate and $2,000,000 per occurrence. The property owner/developer or general contractor must file a copy of the Certificate of Insurance with the Santee Fire Department. The blaster

must have liability insurance, property insurance, and bodily injury insurance with the coverages acceptable to the City, but in no case in an amount less of $4,000,000 aggregate and $2,000,000 per occurrence. A copy of the Certificate of Insurance of the blaster must be filed with the Santee Fire Department by the property owner/developer or general contractor. The City of Santee must be endorsed as an Additional Insured on the blaster's liability insurance.

5607.4.5 Blaster's qualifications. The blaster's qualifications will be reviewed by the Fire Chief. Approval and placement on the list of approved blasters will be based upon a review of the blaster's qualifications, past safety record, and history of complaints of job performance. Failure on the part of the blaster to comply with the terms and conditions under which approval is granted may result in suspension from the list of approved blasters for a period not exceeding one year.

5607.5 Permit to Blast - repository and renewal.

5607.5.1 Permit to Blast filing. A copy of the Permit to Blast must be kept on file with the Santee Fire Department at 10601 Magnolia Ave., Santee, California 92071. A copy of the Permit to Blast must be retained by the general contractor or property owner/developer and by the blaster and must be available at the job site for public or official inspection at all times during blasting operations.

5607.5.2 Permit to Blast cancellation. A Permit to Blast is required to be cancelled with the Fire Department when a blaster completes or discontinues, for thirty (30) days, blasting operations at a construction site.

5607.5.3 Permit to Blast - renewal. A Permit to Blast must be renewed with the Fire Department before any blasting operations are continued or resumed.

5607.6 Blasting operation procedures. After the Permit to Blast has been issued, the blaster must comply with the following procedures.

5607.6.1 Notification of blasting operation. The contractor or property owner/developer must give reasonable notice in writing at the time of issuance of building permit, grading permit or encroachment license to all residences or businesses within 600 feet of any potential blast location. The notice must be in a form approved by the Fire Chief.

Any resident or business receiving such notice may request of the Fire Department that the blaster give a 12 hours advance notice of impending blast. The general contractor or property owner/developer must obtain the advanced notification list of residents and businesses from the Fire Department, and must make every reasonable effort to contact any and all parties requesting the second advanced notice.

5607.6.2 Inspections. Inspections of all structures within 300 feet of the blast site must be made before blasting operations. The person(s) inspecting must obtain the permission of the building owner prior to conducting the inspection. The inspections must be performed by a qualified person(s) approved by the Fire Chief, and employed by the blaster or project contractor. The inspection may be only for the purpose of determining the existence of any visible or reasonably recognizable pre-existing defects or damages in any structure. Waiver of such

inspection must be in writing by owner(s), and persons who have vested interest, control, custody, lease or rental responsibility of said property or their legally recognized agent. Post blast inspections are required upon receipt of a complaint of property damage by the person in charge of the property. Damage must be reported to the Fire Department within one year of the completion of blasting operations.

5607.6.3 Inspection report. Complete inspection reports identifying all findings or inspection waivers must be signed by the inspector and property owners or owner's agent. Such inspection reports must be retained by the inspecting agency, but must be immediately available to the Fire Department and individuals directly involved in alleged damage complaints.

5607.6.4 Inspection waiver report. The inspector must file with the Fire Department a summary report identifying the address, occupant/owner's name, time and date of inspections, and any inspection waiver signed by property owner or owner's agent, with an explanation as to why an inspection of a specific structure was not made. This summary and waiver report must be signed by the inspector.

5607.6.5 Blasting hours. Blasting is only permitted between the hours of 9:00 am and 4:00 pm during any weekday, Monday through Friday, unless special circumstances warrant another time of day and special approval is granted by the Fire Chief.

5607.6.6 Fire Department inspections. The blaster must permit Fire Department personnel to inspect the blast site and blast materials or explosives at any reasonable time.

5607.6.7 Fire Department witness of blasting. If a Fire Department witness is desired by the general contractor, and or blaster, arrangements must be made at least 12 hours prior to the blast. Confirmation must be made to the Fire Department no less than one hour prior to the blast. The Fire Department may assign a Department member to be present and observe the blast at their discretion.

5607.6.8 Blast notification to Fire Department. The blasting companies are required to notify the Fire Department on the day of a tentative blasting operation, between the hours of 8:00 am and 8:30 am.

5607.6.9 Seismograph monitoring. All blasting operations must be monitored by an approved seismograph located at the nearest constructed structure. All daily seismograph reports must be forwarded to the Fire Department by the end of the blast week.

EXCEPTION: Public Utility Companies are not required to seismographically monitor minor blasting operations.

5607.6.10 Confiscation. Any explosives which are illegally manufactured, sold, given away, delivered, stored, used, possessed, or transported are subject to immediate seizure by the Fire Chief, issuing authority, or peace officer. When a permit has been revoked or has expired and is not immediately renewed, any explosive is subject to immediate seizure.

5607.7 Complaints regarding blasting operations. Post-blast inspections are required on all structures for which complaints, alleging blast damage, have been received. Such

inspections must be written within thirty (30) days after receipt of complaint.

5607.8 Fee for Permit to Blast. The blaster must pay a fee for the Permit to Blast designated within the Fire Department Schedule of Fees. Unless otherwise designated within the approved Schedule of Fees, a Permit to Blast is site specific and a separate fee must be paid for each Blast operation or for each Permit to Blast issued.

5607.9 Fire Department conditions. The Santee Fire Department may impose such additional conditions and procedures as it deems are reasonably necessary to protect the public health and safety based upon the peculiar and individual facts and circumstances of a particular blasting operation. The Fire Department will provide the blaster with the additional conditions or procedures in writing and the blaster must comply with those requirements until such time as the Fire Department is satisfied they are no longer required and cancels the additional requirements.

(Ord. 545 § 4, 2016)

11.18.030 Special regulations.

A. **Establishment of geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited**. The limits referred to in Section 5704.2.9.6.1 of the International Fire Code in which the storage of flammable or combustible liquids in above-ground tanks outside of buildings is prohibited are hereby established as the jurisdictional limits of the City.

The storage of Class I and Class II liquids in above ground tanks outside of buildings is prohibited in all residential zones within the City of Santee. The storage of Class I and Class II liquids in above ground tanks for motor vehicle fuel-dispensing may be allowed in commercial or industrial zones within the City, provided that applicable provisions of Chapters 23 and 57 are met, and if in the opinion of the Fire Chief, the site, and the use, does not pose a significant hazard.

B. **Establishment of geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited**. The limits referred to in Section 5706.2.4.4 of the International Fire Code in which the storage of flammable or combustible liquids in above-ground tanks is prohibited are hereby established as the jurisdictional limits of the City.

The storage of Class I and Class II liquids in above ground tanks is prohibited in all residential zones within the City of Santee. The storage of Class I and Class II liquids in above ground tanks for motor vehicle fuel-dispensing may be allowed in commercial or industrial zones within the City, provided that applicable provisions of Chapters 23 and 57 are met, and if in the opinion of the Fire Chief, the site, and the use, does not pose a significant hazard.

C. **Establishment of geographic limits in which the storage of liquefied petroleum gases is restricted for the protection of heavily populated or congested areas**. The limits referred to in Section 6104.2 of the International Fire Code, in which the storage of liquefied petroleum gas is restricted, are hereby established as the jurisdictional limits of the City.

The storage of liquefied petroleum gases are prohibited within residential zones within the City of Santee. The storage of liquefied petroleum gases are allowed within commercial or industrial zones within the City of Santee to a maximum quantity of 2,000-gallon water capacity, provided all applicable provisions of Chapter 61 are met, and in the opinion of the Fire Chief, the site, and the use, does not pose a significant hazard.

EXCEPTION: Liquefied Petroleum Gas may be allowed for residential use where no other gas service is provided and the quantity, location and use do not pose a significant problem.

D. **Establishment of limits of districts in which storage of explosives and blasting agents is prohibited.** Limits in which storage of explosives and blasting agents is prohibited, are hereby established as the jurisdictional limits of the City.

Permanent storage of explosives and/or blasting agents is strictly prohibited within the City of Santee. Temporary storage may be allowed during set-up for excavation, demonstration, or other use, when proper permits have been obtained, all applicable provisions of Chapter 56 have been met, and when in the opinion of the Fire Chief, there are no significant hazards.

EXCEPTION: Small quantities of black powder and explosive materials may be stored and used when they are permitted by the applicable law enforcement agency and permitted by the Fire Department.

E. **Establishment of geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited**. The limits referred to in Section 3506.2 of the International Fire Code, in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows:

The storage of flammable cryogenic fluids is prohibited within the City of Santee. (Ord. 545 § 4, 2016)

11.18.040 Appeals.

Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply, or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the City Council but submitting a letter of appeal to the City Clerk within 30 days from the date of the decision in accordance with Chapter 1.14. (Ord. 545 § 4, 2016)

11.18.050 New materials, processes or permits.

The City Manager, the Fire Chief and the Fire Marshal act as a committee to determine and specify, after giving affected person an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the California Fire Code and International Fire Code. The Fire Marshal will post such list in a conspicuous place in the office of the City Clerk, at the bureau of fire prevention and distribute copies thereof to interested persons. (Ord. 545 § 4, 2016)

EXHIBIT 11

CHAPTER 11.20 CALIFORNIA EXISTING BUILDING CODE

11.20.010 Adoption of the 2016 California Existing Building Code, Part 10, Title 24 of the California Code of Regulations.

The California Existing Building Code, 2016 Edition is adopted by reference without change. (Ord. 545 § 4, 2016)

EXHIBIT 12

CHAPTER 11.22 CALIFORNIA GREEN BUILDING STANDARDS CODE

11.22.010 Adoption of the 2016 California Green Building Code, Part 11, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, as the City's green building code the 2016 California Green Building Code, Part 11, Title 24 California Code of Regulations, a portion of the California Building Standards Code.

Except as otherwise provided by this chapter and Chapter 11.02, planning, design, operation, construction, use and occupancy of every newly constructed building or structure must conform with the City's green building code. (Ord. 545 § 4, 2016)

EXHIBIT 13

CHAPTER 11.24 CONSTRUCTION AND IMPROVEMENT STANDARDS

11.24.010 Intent.

It is the intent of this chapter that, before a building permit is issued for the construction or enlargement of buildings or a change in the footprint of a building on parcels of land in the City for which no zoning permit or other approval is required, the person applying for such permit must assure that the standard of adequacy for the easements and dedications for streets or highways abutting the parcels, or drainage, or utilities, or other public needs, has been complied with. (Ord. 309 § 2, 1993; Ord. 251 § 1, 1991: prior Code § 51.501)

11.24.020 Definitions.

As used in this chapter:

"Centerline of street" means the centerline of a street as shown on final maps, final parcel maps, official route surveys, record of surveys, or other bases as determined by the City Engineer.

"General plan highway" means any street identified as a collector, parkway, major, or prime arterial highway on the circulation element of the City general plan as amended or hereafter amended.

"Street" means a city road, state highway, public road, street, or alley, or a private thoroughfare not less than ten feet in width connecting with a city road, state highway, public road, street or alley which affords primary access to an abutting lot. (Ord. 309 § 2, 1993; Ord. 251, 1991: amended during 1989 supplement; prior Code § 51.502)

11.24.030 Public right-of-way—Dedication required.

A. Except for the exemptions in Section 11.24.060, no building or structure may be erected or enlarged and no building permit may be issued, unless one half of the street, which is located on the same side of the centerline of the street of the subject lot, has dedicated right-of-way for the full length of the lot along all street frontages so as to meet the street designation as indicated in the general plan of the City or in any adopted specific plan. If right-of-way dedication is required, the applicant must furnish to the City a current preliminary title report and copy of the deed or other documents acceptable to the City Engineer for use in preparing necessary right-of-way documents.

B. In addition to required dedication for street purposes, dedication for storm drain, sewer, water, or other utility purposes may also be required in connection with building permits where such dedication is necessary to prevent the flooding of adjacent or nearby properties or to permit connection to required utilities.

C. In the event construction of full frontage improvements is not immediately planned by the City, the applicant must make an irrevocable offer to dedicate property, executed

by all parties having an interest in the property, including beneficiaries and trustees of deeds of trust, as shown by a current preliminary title report prepared by a title company approved by the City Engineer. The City Engineer may at his/her discretion, waive the requirements of signatures for beneficiaries and trustees of deeds of trust, as well as the requirement for a current preliminary title report, provided sufficient information is presented to indicate all current interests in the property to the City Engineers' satisfaction. The offer of dedication must be prepared by the City and continue in effect in perpetuity, regardless of whether the City Council accepts or rejects such offer.

D. No fee is required for the processing of the dedication documents. (Ord. 309 § 2, 1993; Ord. 251, 1991: prior Code § 51.503)

11.24.040 Construction of public improvements.

A. Except for sections 11.24.050 and 11.24.060 of this chapter, a person, owner, lessee, or agent constructing or causing to be constructed any building, or building addition, on any legal parcel within the City must provide for the construction or installation, to city standards, as shown on the circulation element of the general plan, public works standards, or an adopted specific plan, of street improvements, including, but not limited to, sidewalks, curbs, gutters, landscaping, street lights, paving, and drainage facilities, unless adequate improvements already exist to serve the lot on which the building is to be constructed or enlarged.

B. Upon receipt of notification by the City Engineer, the Building Official must deny issuance of a building permit, or deny approval of occupancy, or deny final approval and acceptance for public utility connections to any such building until satisfactory provisions have been made to ensure that the required full frontage improvements are constructed to the satisfaction of the City Engineer. The improvements must be constructed as soon as practical unless deferral of their construction, pursuant to Section 11.24.110, is approved by the City Engineer. (Ord. 251, 1991: amended during 1989 supplement; prior Code §§ 51.504, 51.505)

11.24.050 Limitations.

The approval authority may limit the cost of required public improvements for small projects for enlargement of a building, or addition of a new building on a lot having existing development.

A. Single-Family Residences or Duplex.

1. In situations where the value of the proposed expansion work, as determined by the Director of planning and community development, does not exceed one-half of the current market value of an existing single-family residence or duplex, the cost of public improvements may be limited by the approval authority to 25% of the estimated cost of the proposed work, or ten thousand dollars, whichever is lesser.

2. The provisions of this section do not apply where public improvements are needed which in the opinion of the City Engineer are necessary for safe and orderly development of the area, except as indicated in Section 11.24.060 of this chapter.

B. Existing Commercial or Industrial Buildings.

1. In situations where the value of the proposed expansion work, as determined by the Director of planning and community development, does not exceed 25% of the current market value of any existing commercial or industrial buildings, the cost of public improvements may be limited by the approval authority to 25% of the estimated cost of the proposed work, or twenty-five thousand dollars, whichever is lesser.

2. The provisions of this section do not apply where public improvements are needed which in the opinion of the City Engineer are necessary for safe and orderly development of the area. (Ord. 251, 1991: prior Code 51.509)

11.24.060 Exemptions.

The right-of-way standards of this chapter do not apply to the following:

A. The use, alteration or enlargement of an existing building or structure or the erection of one or more buildings or structures accessory thereto, or both, on the same lot or parcel of land zoned for single-family use.

B. The construction of auxiliary structures, private garages, carports, children's playhouses, patio covers or covers constructed to protect materials stored outside the principal use.

C. Agricultural buildings. (Ord. 309 § 2, 1993; Ord. 251, 1991; Ord. 99, 1983: prior Code § 51.507)

TABLE 11.24.060

Zone	Local or Cul-de-Sac Street	Industrial Street	Collector Street	Major Road	Prime Arterial
All zones except commercial and manufacturing	50	56	62	71	83
Commercial	35	41	47	56	68
Manufacturing	35	41	47	56	68

11.24.070 Street lights—Required.

A. The applicant must install a street lighting system that provides the level of illumination recommended in the then current American National Standard Practice for Roadway Lighting published by the American National Standards Institute. Installation must be in accordance with plans and specifications approved by the City Engineer.

B. The owner of any property subject to an application for development that is subject to the requirements of this chapter must agree to annexation of that property into a lighting district or lighting maintenance district. The applicant must pay all costs of annexation and energizing as outlined in the City public works standards. (Ord. 251, 1991: prior Code § 51.508)

11.24.080 Improvements—Connection required.

The right-of-way and improvement of any street or general plan highway required by this chapter will not be considered adequate unless the right-of-way and improvement connect to an improved publicly maintained road system. The road system must have dedicated right-of-way and street improvements in accordance with city public works standards. Where an off-site connection is necessary to provide access to a publicly maintained street, the applicant must acquire the right-of-way and construct the required improvements. (Ord. 224 § 1, 1989)

11.24.090 Condemnation proceedings—Off-site acquisition.

If an applicant is unable to obtain off-site right-of-way or easement(s) required by conditions of approval, the applicant must notify the City prior to the approval of any improvement plans. After notification, the applicant must:

A. Enter into an agreement to complete off-site improvements and pay the full cost of acquiring off-site right-of-way or easements required. The applicant must agree to secure and complete the off-site improvements at such time as the City acquires an interest in land which will permit the improvements to be made. The surety must be in accordance with city requirements;

B. Deposit with the City the estimated costs of acquiring the off-site right-of-way or easements. The City Engineer will approve the estimated cost;

C. Have all right-of-way and/or easements documents and plats prepared and appraisals complete which are necessary to commence condemnation proceedings.

The requirements of Subsections A, B and C of this section must be accomplished prior to issuance of a building permit. (Ord. 224 § 1, 1989)

11.24.100 Undergrounding of utilities—Required.

All new and all existing overhead utilities within the boundaries of the project and within the half street abutting the project must be placed underground except as indicated below. Undergrounding of electrical lines of 69 kv or greater will not be required.

A. Limitations. At the discretion of the approval authority, undergrounding requirements may be limited to placement of conduit for future undergrounding of utilities in the following situations:

1. Where the value of the building improvement is less than 25% of the current market value of all buildings on the lot in consideration; and

2. Where the length of frontage to be under-grounded is less than 200 feet but more than 50 feet.

B. Exemptions. The following are exempt from undergrounding utilities in the adjacent right-of-way:

1. Single-family dwellings in an area where most utilities have been undergrounded, but the value of the building improvement is less than 50% of the current market value of all buildings on the lot;

2. Single-family dwellings in a built-out area where overhead utilities have not been undergrounded in the neighborhood, and there are no plans for undergrounding these utilities;

3. Any unit or development which has 50 feet or less frontage that includes overhead utilities;

4. Single-family dwelling replacements when the existing residential unit has been completely removed from the lot in a built-out neighborhood, and there are no plans for overhead facilities to be undergrounded in the foreseeable future.

C. Exemption. Utilities which serve properties outside the project boundaries and which are not adjacent to the street frontage.

D. In-Lieu Cash Deposits. Where the City Engineer determines that undergrounding the utilities is impractical, the undergrounding improvements may be deferred and an in-lieu cash deposit collected by the City in the amount equal to the estimated cost of undergrounding of such utilities.

E. Deferment/Waivers. In exceptional circumstances the property owner may request that the City defer/waive the requirement to underground utilities. The City Council will conduct a public hearing and allow the applicant to present evidence supporting deferment/waiver. The owner/applicant must provide the following with the application for a public hearing:

1. A fee in the amount established by resolution of the City Council to cover the cost of the public hearing;

2. A letter detailing the extenuating circumstances supporting a deferment/waiver;

3. Written, itemized cost estimates for undergrounding from the appropriate utility companies or an undergrounding consultant;

4. A plat map, prepared on eleven inch by seventeen inch paper, showing size and location of all utility lines and facilities on-site and adjacent to the site;

5. Electronic images of all utility lines involved in the request for deferment/waiver.

If the council elects to defer the undergrounding requirement, the applicant must enter

into an agreement with the City to accept the establishment of an undergrounding district at a future date and waiving the right to protest against such a district. The agreement must be binding on the heirs, successors, and assigns of the property owner, and must be recorded against the property. (Ord. 251, 1991: amended during 1989 supplement; prior Code § 51.511.7)

11.24.110 Improvements—Secured agreement.

A. If the City Engineer determines that construction of the public improvements prior to the issuance of a building permit would cause undue hardship on the applicant, the applicant must enter into a secured agreement to construct the road improvements prior to occupancy of any building or within 24 months, whichever is earlier. Security must be in a form acceptable to the City Attorney, and may include cash, bond, or instrument of credit.

B. The secured agreement must be executed and become effective on the date of the deposit of security and must expire upon the date of completion of the public improvements to the satisfaction of the City Engineer. The city is authorized in the event of any default, to use any or all of the deposit money to cause and pay for all of the required work to be completed. Any money remaining will be refunded to the owner of record of the property.

C. The amount of the security deposit must be in the amount of not less than 100% of the approved cost estimate for faithful performance and, in addition, for payment of furnishing materials, labor or equipment in an amount of not less than 50% of the approved cost estimate.

D. Upon completion of the improvements and their acceptance by the City, the owner must provide a warranty bond or other security satisfactory to the City for a period of one year. The bond or other security must be in an amount not less than ten percent of the approved cost estimate. After acceptance of the warranty security, any deposit of security for faithful performance and materials, labor, or equipment will be released to the owner. (Ord. 251, 1991: prior Code § 51.511.4)

11.24.120 Requirement for construction permit.

If public improvements are required in existing public rights-of-way, the applicant must obtain a construction permit from the City Engineer to construct the necessary improvements. The applicant must furnish the following to the City Engineer prior to applying for a construction permit:

A. Requirements (Major Improvements).

1. A street improvement plan prepared in ink on mylar base, standard size city improvement plan sheet by a civil engineer registered in the state of California;

2. Fees required by the fee schedule adopted by the City Council;

3. Security in a form acceptable to the City Attorney in an amount equal to 100% of the construction cost estimate for faithful performance and 50% of the construction cost estimate for material and labor;

4. Liability insurance for contractor working in public right-of-way;

B. Requirements (Minor Improvements).

Where the required work constitutes minor revision or repair to existing improvements as determined by the City Engineer the applicant must do the following:

1. Revise existing plans to indicate improvements constructed. Include on the plans the name of the firm, person and registration number associated with the revision if revisions are not by the original engineer of work;

2. Payment of plan check and inspection fees equal to the amount outlined in the current fee schedule adopted by City Council;

3. Place a cash security deposit adequate to cover clean up or damage to existing public streets as determined by the City Engineer. (Ord. 251, 1991: prior Code § 51.511.5)

11.24.130 Appeal.

Any person who has been affected by any decision of the City Engineer pursuant to any provisions of this chapter may appeal the decision in accordance with the appeal provisions in Chapter 1.14. (Ord. 309 § 2, 1993; Ord. 251, 1991: amended during 1989 supplement; prior Code § 51.511.6)

EXHIBIT 14

CHAPTER 11.26 REFERENCED STANDARDS CODE

11.26.010 Adoption of the 2016 California Referenced Standards Code, Part 11, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, the California Referenced Standards Code, 2016 Edition, without change. (Ord. 545 § 4, 2016)

EXHIBIT 15

CHAPTER 11.28 HOUSING REGULATIONS

11.28.010 Authority.

The department of development services has and is authorized to exercise the power and authority granted the building department by Section 17951 of the Health and Safety Code. (Prior Code § 57.103)

11.28.020 Adoption of state regulations.

Any rules and regulations adopted by the department of housing and community development pursuant to the State Housing Law that impose restrictions greater than those imposed by this code are adopted and are applicable and enforceable within the City in the same manner as city ordinances regulating the erection, construction, alteration, maintenance, sanitation, occupancy or ventilation of buildings; provided, however, no fees prescribed by such rules or regulations are applicable unless they are greater than the fees prescribed by this title. (Prior Code § 57.104)

EXHIBIT 16

CHAPTER 11.30 ABANDONED RESIDENTIAL PROPERTY REGISTRATION

11.30.010 Purpose—Scope.

It is the purpose and intent of the Santee City Council, through the adoption of the ordinance codified in this chapter, to establish an abandoned residential property registration program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned residential properties. (Ord. 472 § 1, 2007)

11.30.020 Definitions.

For the purposes of this chapter, certain words and phrases are defined as follows:

"Abandoned" means any residential property in the City that is vacant or shows evidence of vacancy and: (1) is under a current notice of default and/or notice of trustee's sale, pending tax assessor's lien sale; and/ or (2) was the subject of a foreclosure sale where the title was retained by the beneficiary or trustee of a deed of trust involved in the foreclosure who is the current owner of the property; and/or (3) was transferred to the current owner under a deed in lieu of foreclosure/sale.

"Assignment of rents" means an instrument that transfers the beneficial interest under a deed of trust from one lender/entity to another.

"Beneficiary" means a lender under a note secured by a deed of trust.

"Dangerous building" means any building structure that is in violation of any condition referenced in Santee Municipal Code Chapter 11.04.

"Days" means consecutive calendar days.

"Deed of trust" means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan, used in California instead of a mortgage. This definition applies to any and all subsequent deeds of trust (i.e., second trust deed, third trust deed, etc.).

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

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

"Evidence of vacancy" means any condition that on its own or combined with other conditions present leads any person authorized to enforce this code, in his or her reasonable discretion, or would lead any other reasonable person to believe that the property is vacant. Such conditions include but are not limited to: overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers, and/or mail, past due utility notices and/or disconnected utilities,

accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, statements by neighbors, passersby, delivery agents or government employees that the property is vacant.

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

"Local" means within forty road/driving miles distance of the subject property.

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

"Notice of trustee's sale" means a document prepared and recorded by the trustee that sets forth the day, date and time of the trustee's sale, describes the property to be sold, and gives an estimate of the unpaid debt on the deed of trust secured by the property.

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

"Owner" means any person, co-partnership, association, corporation, or fiduciary having legal or equitable title or any interest in any real property subject to this chapter.

"Owner of record" means the person having recorded title to a parcel of property at the time the record is provided by the San Diego County recorder's office.

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

"Tax assessor's lien sale" means the sale, conducted by the assessor of the county in which real property is located, of tax liens for delinquent taxes on the property.

"Trustee" means the person, firm, or corporation holding a deed of trust on a property.

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

"Vacant" means a building/structure that is not legally occupied. (Ord. 472 § 1, 2007)

11.30.030 Recordation of transfer of loan or deed of trust—Assignment of rents.

Within ten days after the purchase and/or transfer of a loan or deed of trust secured by residential property in the City, the new beneficiary or trustee must record, with the office of the recorder of San Diego County, an assignment of rents, or similar document that lists the name (whether a corporation, individual, or other entity), the mailing address, and the contact phone

number of the new beneficiary or trustee responsible for receiving payments associated with the loan or deed of trust. (Ord. 472 § 1, 2007)

11.30.040 Registration.

A. If a property that is the security for a deed of trust in default is not abandoned, but the deed of trust remains in default, the beneficiary or trustee must inspect the property monthly until: (1) the trustor or other party remedies the default; or (2) the property is found to be abandoned, at which time the beneficiary or trustee must, within ten days of that inspection, register the property with the Director on forms provided by the City.

B. The registration form must contain the name of the owner, beneficiary or trustee (whether a corporation, individual, or other entity), the direct street/office mailing address of the owner, beneficiary, or trustee (no P.O. boxes), and a direct contact name and phone number for the owner, beneficiary, or trustee or its designee. If the owner, beneficiary or trustee is a corporation or is located out of area, the registration must also identify the local property management company responsible for the security, maintenance and/or marketing of the property.

C. The registration fee must accompany the registration form. The fee and registration will be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Registration fees will not be prorated. The beneficiary or trustee must register an abandoned residential property annually for so long as the property continues to be abandoned and the registered owner, beneficiary or trustee either: (1) continues to hold a deed of trust which is secured by the property and remains in default; or (2) is the owner of record of such property. Subsequent registrations and fees are due January 1st of each year and must be received no later than January 31st of the year due.

D. Any corporation, individual, or other entity that has registered a property under this chapter must report any change of information contained in the registration within ten days of the change. (Ord. 472 § 1, 2007)

11.30.050 Maintenance requirements.

The beneficiary or trustee of a registered abandoned residential property must maintain the property as follows:

A. Any condition causing the property to constitute a dangerous building must be immediately remedied.

B. Excessive trash accumulation and/or accumulation of materials constituting a fire hazard must be cleared from the property.

C. The property must be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

D. Visible front and side yards must be mowed or otherwise maintained to the satisfaction of the Director.

E. Pools and spas must be kept in working order so the water remains clear and free of pollutants and debris, or must be drained and kept dry. (Ord. 472 § 1, 2007)

11.30.060 Security requirements.

The beneficiary or trustee of a registered abandoned residential property must secure the property as follows:

A. All windows, doors (walk-through, sliding and garage) gates and any other opening of such size that it may allow a child to access the interior of the property and or structure(s) must be secured so as to prevent access by any unauthorized person. In the case of broken windows, securing means the re-glazing or boarding of the window.

B. Pools and spas must be fenced or otherwise secured to prevent access or use by any unauthorized person.

C. The property must be posted with name and twenty-four-hour contact phone number of the local property management company. The posting must be visible from the centerline of the street on which the property is located, or a distance of forty-five feet, whichever is less, and must contain the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL." (Ord. 472 § 1, 2007)

11.30.070 Inspection.

The owner, trustee, beneficiary or local property management company must inspect the property on a monthly basis, or more frequently if required by the Director, to ensure that the property is in compliance with the requirements of this chapter. (Ord. 472 § 1, 2007)

11.30.080 Additional authority.

The Director is authorized but not required to require the beneficiary/trustee/owner and/or owner of record of any registered abandoned residential property to implement additional maintenance and/or security measures including but not limited to: securing any/all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to arrest the decline of the property and prevent the maintenance of an attractive nuisance. In addition, nothing in this chapter prevents the application of provisions of the Santee Municipal Code, including but not limited to chapter providing for the abatement of nuisances by the City at the expense of the owner, trustee, or beneficiary. (Ord. 472 § 1, 2007)

11.30.090 Fees.

The annual fee for registering an abandoned residential property is the amount established by resolution of the City Council. (Ord. 472 § 1, 2007)

11.30.100 Enforcement.

Violations of this chapter may be enforced in any means provided in title 1. (Ord. 472 § 1, 2007)

11.30.110 Appeals.

Any person aggrieved by any of the requirements of this chapter may file a written appeal with the City Manager pursuant to Chapter 1.14. (Ord. 472 § 1, 2007)

11.30.120 Violation—Strict liability.

Violations of this chapter are strict liability offenses regardless of intent. Any person, firm, or corporation that violates any portion of this section may be subject to prosecution or administrative enforcement. (Ord. 472 § 1, 2007)

EXHIBIT 17

CHAPTER 11.32 SWIMMING POOLS

11.32.010 Definitions.

In this chapter:

"Above-ground/on-ground pool" means the same as "swimming pool" defined in this section.

"Barrier" means a fence, wall, building wall or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

"Grade" means the underlying surface such as earth or a walking surface.

"Hot tub" means the same as 'swimming pool' defined in this section.

"Health officer" means the designated representative of the San Diego County department of environmental health.

"Public swimming pool" public has the same meaning as that term is defined in Article 5, Chapter 5, Part 10, Division 104 of the Health and Safety Code.

"Spa" means the same as "swimming pool" defined in this section.

"Swimming pool" means any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

"Swimming pool, indoor" means a swimming pool which is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

"Swimming pool, outdoor" means any swimming pool which is not an indoor pool. (Ord. 349, 1996)

11.32.020 Review of plans for public swimming pools.

Any person wanting the review and approval of plans and specifications for a public swimming pool must submit plans to the Director, accompanied by a fee set forth in a resolution adopted by City Council to cover the cost of the review for compliance with the requirements for public swimming pools in Article 5, Chapter 5, Part 10, Division 104 of the Health and Safety Code and with the applicable provisions of Chapter 20, Division 4, Title 22 of the California Code of Regulations. In the event that the plans and specifications do not comply with these requirements, amended plans and specifications may be submitted to the Director together with the fee for each such re-review set forth in the fee schedule adopted by resolution of the City Council. (Ord. 349, 1996)

11.32.030 Permit—Required.

No person may maintain or operate any pool, except a private pool, unless an annual operating permit is issued by the health officer. A pool is considered a private pool if it is maintained by an individual for the use of family and friends and for swimming instruction programs of short duration which are conducted by or sponsored by the American Red Cross. An annual operating permit issued by the health officer is required for operation of any public pool including, but not limited to, all commercial pools, real estate and community pools, pools at hotels, motels, resorts, auto and trailer parks, auto courts, apartment houses, clubs, public or private schools and gymnasia, and health establishments. Every person applying for a permit required by this section must, at the time of applying for such permit, pay an annual inspection fee for the first pool under one ownership and on the same property and a fee for each additional pool on the same property and under the same ownership in the amount set forth in the fee schedule adopted by the City Council. The annual operating permit is effective for a twelve-month period from the date of issuance. The required permit must be applied for and issued as prescribed in title 4. (Ord. 349, 1996)

11.32.040 Permit—Nontransferable.

A permit is not transferable from one person or one place to another, and is deemed voided if removed from the place or location specified in the written application and in the permit. (Ord. 349, 1996)

11.32.050 Adoption of swimming pool, spa and hot tub fencing regulations.

The city adopts the following as the City swimming pool, spa and hot tub fencing regulations for the purpose of regulating the construction, alteration, moving, demolition, repair and use of all swimming pool, spa and hot tub fencing: (Ord. 349, 1996)

A. Outdoor Swimming Pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa must be provided with a barrier complying with the following:

1. The top of the barrier must be at least 60 inches above grade measured on the side of the barrier which faces away from the swimming pool and must be constructed to withstand the forces outlined in the Uniform Building Code. The maximum vertical clearance between grade and the bottom of the barrier must be 4 inches measured to a hard surface, such as concrete, or 2 inches to earth. This measurement must be taken on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and bottom of the barrier must be 4 inches.

2. Openings in the barrier must not allow passage of a 4-inch diameter sphere.

3. Solid barriers that do not have openings, such as masonry or stone walls, must not contain indentations or protrusions, except for tooled masonry joints.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members must be located on the swimming pool side of the barrier. Spacing between vertical members must not exceed 2 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts must not exceed 2 inches in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members must not exceed 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts must not exceed 2 inches in width.

6. Maximum mesh size for chain link fences is a 2 inch square. The wire must not be less than 11 1/2 gauge.

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members must be no more than 2 inches square.

8. Access gates must comply with the requirements of items 1 through 7 and must be equipped to accommodate a locking device no less than 54 inches above grade. Pedestrian-access gates must open outward away from the pool, be self-closing, and have a self-latching device. Gates other than pedestrian-access gates must comply with the requirements of items 1 through 7 and must be equipped with a locking device.

9. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps must be capable of being secured, locked or removed to prevent access or (2) the ladder or steps must be surrounded with a barrier which meets the requirements of items 1 through 8. When the ladder or steps are secured, locked or removed, any opening created must not allow the passage of a 4-inch diameter sphere.

10. Hot tubs and spas located outdoors and not exceeding 64 square feet may have rigid pool covers equipped with a permanent locking and latching device in lieu of the barrier required by this section.

11. Where unusual circumstances exist that make strict enforcement of this section impractical, the Director may grant modifications for individual cases as allowed for in Chapter 11.02. (Ord. 349, 1996)

EXHIBIT 18

CHAPTER 11.34 MOVING AND TEMPORARY STORAGE OF BUILDINGS AND STRUCTURES

ARTICLE 1 GENERAL

11.34.010 Scope.

This chapter applies to the moving and temporary storage of buildings and structures. (Prior Code § 71.201)

ARTICLE 2 MOVING

11.34.100 Permits required.

No person may move any building or structure which is to be placed, stored or temporarily located on any property within the City until that person has obtained a permit issued pursuant to Chapter 11.04 or a permit issued pursuant to this chapter. (Prior Code § 54.101)

11.34.110 Permit—Application.

A. An application for a permit required by this chapter must specify the following:

1. the kind of building or structure to be moved,

2. the approximate weight of the building, as nearly as may be ascertained,

3. the location of the building or structure,

4. the location to which and the route over or along which the building or structure is to be moved,

5. the number of sections in which the building or structure will be moved,

6. the type and number of conveyances upon which the building or structure is to be moved,

7. the total number of tire inches for each separate section to be moved, and

8. the time when such building, structure, or portion thereof, is proposed to be moved and within which such removal will be completed.

B. The applicant must attach to the application a copy of a valid building permit for the building or structure at its destination point, or in the case of intended storage, a copy of an appropriate conditional use permit or other evidence that storage at the destination point compliance with the zoning ordinance. (Amended during 1989 supplement; prior Code § 71.203)

11.34.120 Permit—Application—Changes by Director.

The Director may include any conditions in a permit issued pursuant to this chapter as the Director considers necessary for the protection of the highways proposed to be used to move the building or structure or to prevent undue interference with traffic or to avoid jeopardizing the safety of any persons using such highways. (Amended during 1992 supplement; amended during 1989 supplement; prior Code § 71.204)

11.34.130 Permit—Fee.

Any person applying for a permit required by this chapter must, at the time of making application for this permit, pay an issuance fee in an amount established by resolution of the City Council. (Ord. 245 § 1, 1990: prior Code § 71.204.1)

11.34.140 Permit—Posting on structure.

The moving contractor must affix and maintain the permit in a conspicuous place on the building or structure to be moved at all times while the building or structure is on the highway. (Prior Code § 71.205)

11.34.150 Permit—Need for copies.

If a building or structure is moved in more than one section, and more than one of section is moved at the same time, the moving contractor must affix and maintain a permit or a true copy of the permit in a conspicuous place on each section at all times while on the highway. True copies of a permit must be issued by the Director on payment by the applicant of a fee in an amount established by resolution of the City Council. (Amended during 1992 supplement; amended during 1989 supplement; prior Code § 71.206)

11.34.160 Permit—Extension.

Each permit issued becomes null and void on expiration of the permit unless the Director extends the permit term. The Director may extend the validity of any permit if the Director determines that moving the building or structure, or any portion thereof, is impracticable because of inclement weather, act of God, strikes, or other causes not within the control of the permittee. (Amended during 1992 supplement; amended during 1989 supplement; prior Code § 71.207)

11.34.170 Classification of buildings.

All buildings and structures are classified as follows:

A. Class A is any building or structure or any portion thereof, which is moved on a motor truck or other vehicle propelled by its own power;

B. Class B is any building or structure or any portion thereof, not of Class A which is not more than 16 feet wide;

C. Class C is any building or structure or any portion thereof, not of Class A which is more than 16 feet and not more than twenty-two feet wide.

D. Class D is any building or structure or any portion thereof, not of Class A which is more than 22 feet and not more than twenty-eight feet wide;

E. Class E is any building or structure or any portion thereof, not of Class A which is more than 22 feet and not more than twenty-eight feet in width;

F. Class F is any building or structure or any portion thereof, not of Class A which is more than 40 feet in width. (Prior Code § 71.208)

11.34.180 Deposits according to classification.

Every applicant for a permit must pay a fee or deposit in an amount established by resolution of the City Council.

11.34.190 General deposit in lieu of special deposits.

Instead of making the special deposits required by sections 11.34.180 and 11.34.235.A, the moving contractor may make and maintain a general deposit in the amount equal to the amount of the special deposit for the highest class of building or structure proposed to be moved. The general deposit will be used for the same purpose as special deposits. A moving contractor who maintains a general deposit sufficient to cover the amount of a deposit required for the removal of any building or structure sought to be moved, the moving contractor is not required to make a special deposit. (Amended during 1992 supplement; amended during 1989 supplement; prior Code § 71.212)

11.34.200 Additional deposit.

If the Director determines any special or general deposit is not sufficient to protect the rights of way, including any trees thereon, where a building or structure will be moved, the Director may require an additional deposit in the amount sufficient to protect such public interest. (Amended during 1992 supplement; amended during 1989 supplement; prior Code § 71.213)

11.34.205 Increase in deposit for higher classification.

Before any permittee moves any building, structure, or portion thereof, which is in a class higher than the class for which the moving contract made any general or special deposit, the moving contractor must increase the deposit in an amount sufficient to cover the class sought to be moved. (Amended during 1992 supplement; prior Code § 71.214)

11.34.210 Deductions from deposit.

The city will deduct the following from the deposit made or maintained by each permittee:

A. The permit issuance fee if that has not otherwise been paid;

B. The cost of the services and transportation of any inspector appointed pursuant to Section 11.34.265;

C. The cost of any repairs required by moving the building or structure;

D. The cost of all tree trimming done or caused to be done by the Director which is made necessary to move the building or structure specified in the permit, including all trimming after moving the building or structure to correct trimming done when the structure was moved. (Amended during 1989 supplement; prior Code § 71.215)

11.34.215 Refund or deficiency deposit.

A. The remainder of any deposit, if any, will be refunded to the person making the deposit, or to that person's assigns.

B. If the deposit is not sufficient to pay all fees and deductions provided for in this chapter, the permittee must, upon demand, pay an amount sufficient to fully cover the deficiency. If the permittee fails to pay any amount required by this chapter, the City refuse to issue any further permits under this chapter and may recover all amounts due by any means legally available. (Amended during 1992 supplement; amended during 1989 supplement; prior Code § 71.216)

11.34.220 Billing in lieu of deductions.

If a moving contractor makes and maintains a general deposit pursuant to this chapter, the deductions provided for in Section 11.34.210 need not be made. Instead, the Director may bill the moving contractor for the amount due city under the provisions of this chapter. If, 15 days after any bill has been sent, the moving contractor does not pay the same in full, then the Director may deduct the amount due from the contractor's general deposit and sections 11.34.210 and 11.34.215 apply. (Amended during 1989 supplement; prior Code § 71.217)

11.34.225 Permit limitations.

A permit granted under this chapter does not authorize, license, or allow any person, except the surveyor, to trim, prune, cut or deface in any manner any tree upon any grounds or property belonging to the City or upon any road, street or highway. (Prior Code § 71.222)

11.34.230 Required equipment.

When required by the Director, a moving contractor must place boards or planks, of adequate width and strength to carry the load without being broken, under each dolly or wheel used to move the building or structure. The boards or planks must serve as a runway for the dolly or wheel while moving a building or structure along any portion of a highway which has a surface other than natural soil. The moving contractor must prevent the dolly or wheel from revolving on or resting on such surface, except on such board, plank, or runway. (Amended during 1989 supplement; prior Code § 71.219)

11.34.235 Tree trimming requirements.

A. Before any permit is issued, in addition to any deposit required by Section 11.34.180, the moving contractor must deposit with the Director an amount that covers the cost of necessary tree trimming, pursuant to Subsection B of this section.

B. If examination of the application or route to be traversed discloses that the moving will require the trimming of trees on city property or right of way, the City will estimate the cost of such trimming, as follows:

1. At the time the structure is moved to facilitate the moving thereof;

2. Subsequent to the moving of the structure to correct previous trimming done when the structure was moved.

C. At the request of a moving contractor who has an unrevoked permit pursuant to this chapter, the Director will trim such trees as it is necessary to trim, and where it will not harm the trees, to the extent required to move the structure to the location specified in the permit. (Amended during 1989 supplement; prior Code §§ 71.210, 71.211, 71.223)

11.34.240 Warning lights.

A. The moving contractor must display red warning lights at all times between sunset and sunrise on any building or structure located on a highway pursuant to the chapter. The warning lights must be displayed as follows:

1. Not more than six feet (6’) above the road at each corner of the building or structure; and

2. On all sides and projections of the building or structure at intervals not exceeding five feet (5’).

(Amended during 1989 supplement; prior Code 71.221)

11.34.245 Permit for structures exceeding permissible weights.

A. Except as otherwise provided in this section, no permit may be issued to move any building or structure if the weight of such building or structure, plus the weight of the vehicle or other equipment, exceeds the weight permitted by the Vehicle Code.

B. Notwithstanding Subsection A, if the Director determines that it is impossible or impracticable to keep within such weight limits due to the size, shape or physical characteristics of the building or structure or portion thereof to be moved, or of the highway over which such building or structure is to be moved, the Director may issue a permit as follows:

1. To move a building or structure on a vehicle where every wheel is equipped with rubber tires and the total weight of the building or structure and vehicle does not exceed sixty thousand pounds;

2. To move a building or structure on a vehicle where every wheel is equipped with pneumatic tires. (Amended during 1989 supplement; prior Code § 71.224)

11.34.250 Permit for specific equipment.

A. The Director may issue a permit authorizing an applicant to operate or move specific pieces of mobile mechanical equipment, vehicles, or emergency public utility equipment for good cause. Any such permit must be include the following conditions:

1. Be limited to specified highways or a specified area of the City that the Directors determines will protect the highways and the traveling public;;

2. Specifically describe the highways or the area of the City to which it is limited.

3. Not release the permittee from liability for damage to the highways or to person or property;

4. Be issued for a specific period of time designated, not exceeding one year;

5. Be subject to such other conditions as the Director deems necessary to protect the highways and the traveling public.

B. The application for a permit pursuant to this section must be made on a form provided by the Director. The application must be accompanied by a payment of a fee established by resolution of the City Council. (Ord. 245 § 2, 1990; amended during 1989 supplement; prior Code § 71.225)

11.34.255 Insurance in lieu of bond.

In lieu of the surety bond specified in Section 11.34.250, the Director may accept a certificate of insurance certifying that the applicant for the permit has an insurance policy satisfactory to the Director, which includes a signed endorsement for oversize-overweight vehicle satisfactory to the Director. (Amended during 1989 supplement; prior Code § 71.226)

11.34.260 Charge for damage to highway.

The Director may restore, or cause to be restored, every highway damaged by the moving of any building or structure. The moving contractor who caused such damage must pay the costs of the repair or restoration. (Amended during 1989 supplement; prior Code § 71.220)

11.34.265 Supervision by inspector.

The Director may supervise or cause or require supervision of the moving of any building or structure. The permittee must pay the City all costs the City incurs to supervise or provide supervision pursuant to this section. (Amended during 1989 supplement; prior Code § 71.218)

ARTICLE 3 STORAGE

11.34.300 Storage—Site approval.

It is unlawful for any person to permanently or temporarily store any building or structure on any property in the City unless the property has been approved by the City Council as a site for such storage pursuant to the zoning code or this chapter. (Prior Code § 54.201)

11.34.310 Storage—Site approval requirements.

A. A person seeking to permanently or temporarily store a building or structure on property not zoned for such storage must submit an application to the City Council. Before approving a site for use as a storage yard for any building or structure, the City Council must determine:

1. That the storage of unused and unoccupied structures on such site will not create a fire hazard;

2. That the character of the area or neighborhood within the site is such that the storage of unused and unoccupied structures on the site will not constitute an attractive nuisance to children in the area;

3. That the storage of unused and unoccupied structures on the site will not create a breeding space for vermin that would be injurious to the public health;

4. That the storage of unused and unoccupied structures on the site will create a shelter for criminal or immoral acts.

B. In approving a site for use as a temporary or permanent storage yard, the City Council may impose such reasonable conditions as may be necessary to insure that the use of the property will not create any of the hazards to public health, safety or welfare. (Prior Code § 54.202)

11.34.320 Storage—Permit issuance—Bond required.

A. After a property is approved by the City Council or in the zoning code for permanent or temporary storage of a structure or building, the Director may issue a permit authorizing a building or structure to be moved to such property; but only after the person applying for the permit provides the City with a bond in the amount established by resolution of the City Council, and in no case less than five thousand dollars, for each such storage yard or temporary location.

B. The bond required by this section must be executed by the person applying for the permit pursuant to this section and by a surety company authorized to do business in the state of California. The bond must be joint and several as to liability, inure to the benefit of the City, and be conditioned upon the removal of all such buildings and structures from the storage yard or temporary location within a period of one year after the date of issuance of the permit. The bond must be filed with the Director before the permit is issued. No building or structure moved onto a storage yard or temporary location may be used or occupied at such storage yard or temporary location. (Prior Code § 54.203)

EXHIBIT 19

CHAPTER 11.36 FLOOD DAMAGE PREVENTION

11.36.010 Statutory authorization.

The legislature of the state of California has in California Government Code sections 65302, 65560, 65800 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (Ord. 307 § 2, 1993)

11.36.020 Findings of fact.

A. The flood areas of the City 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.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

C. The base flood discharge used for the San Diego River should be at least 45,000 cubic feet per second because of the following:

1. Two peak discharges have already occurred which are substantially in excess of 33,000 cubic feet per second, which is the base flood discharge for the most recently published flood insurance rate map;

2. The county recognizes the 100 year discharge should currently be in the order of at least 40,000 cubic feet per second;

3. The California Department of Transportation (CALTRANS) has for several years used the maximum discharge of record as the basis for the hydraulic design of its bridges;

4. The Corps of Engineers has estimated that the base flood discharge would be approximately 45,000 cubic feet per second under so called ultimate conditions of development. (Ord. 411, 2000; Ord. 307 § 2, 1993)

11.36.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize the public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;

B. To minimize expenditure of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future blight areas;

G. To ensure that potential buyers are notified that property is an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 307 § 2, 1993)

11.36.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling, filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 307 § 2, 1993)

11.36.050 Definitions.

Unless specifically defined in this section, words or phrases used in this chapter will be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter or a request for a variance.

“Area of Special Flood Hazard.” See “special flood hazard area.”

"Base flood" means the flood having a one percent chance of being equaled or exceed any given year. Also called the "one-hundred-year flood."

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"County" means the county of San Diego.

"Development" means any constructed change to improved or unimproved real estate, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"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 is completed, including but not limited to, the installation of utilities, construction of streets, and either final site grading or pouring of concrete pads.

"Expansion" when used in reference 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 the final site grading or the pouring of concrete pads.

"Flood" or "flooding" means a general temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of floodwaters;

B. The unusual and rapid accumulation of runoff of surface waters from any source; and/or

C. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

"Flood boundary and floodway map (FHFM)" means the official map on which the Federal Insurance and Mitigation Administration has delineated both the areas of flood hazard and the floodway.

"Flood insurance rate map (FIRM)" means the official map dated June 15, 1984, as subsequently amended, on which the Federal Emergency Management Agency or Federal Insurance and Mitigation Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report, dated December 15, 1983 as

subsequently amended and provided by the Federal Emergency Management Agency that includes flood profiles, the flood insurance rate map (FIRM), the flood boundary 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 definition of "flooding.")

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinances, grading ordinances and erosion control ordinances) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce and eliminate flood damage to real estate or improved real estate, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway is delineated on the flood boundary floodway map.

"Hazard mitigation plan" means a plan that incorporates a process, whereby the potential of future loss due to flooding can be minimized by planning and implementing alternatives to floodplain management community-wide.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, 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 that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

"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 connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, the term 'manufactured home' does not include park trailers, travel trailers, and other similar vehicles.

"Manufactured home park or subdivision" means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or for sale.

"Mean sea level" means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

"New construction" means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this chapter.

"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 is completed on or after the effective date of the requirements in this chapter, including but not limited to the installation of utilities, construction of streets, and either final site grading or pouring of concrete pads.

"One hundred-year flood" or "100-year flood" means a flood which has a one percent annual probability of being equaled or exceeded. It is identical to the 'base flood,' which will be the term used throughout this chapter.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;

2. 400 square feet or fewer when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"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 chapter, or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

"Special flood hazard area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as ZONE A, A0 Al-30, AE, A99, VE, V or AH.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. 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 dwellings or not part of the main structure.

"State" means the state of California.

"Structure" means a walled and roofed building or manufactured home that is principally above-ground.

"Substantial improvement" means any repair, reconstruction, or improvement to a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

A. Before the improvement or repair is started; or

B. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, 'substantial improvement' is considered to occur when the first alteration of any walls, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

This term does not, however, include either:

A. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

B. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided. (Ord. 411, 2000; Ord. 307 § 2, 1993)

11.36.060 Lands to which this chapter applies.

This chapter applies to all areas of special flood hazards within the jurisdiction of the City. (Ord. 307 § 2, 1993)

11.36.070 Basis for establishing areas of special flood hazard.

The engineering analysis entitled 'San Diego River Flood Study,' dated July 8, 1992, by BSI Consultants, Inc., based on Table 11.36.070A, is adopted by reference and declared to be a part of this chapter, as well as the FIRM dated June 15, 1984, as amended, and the Flood Insurance

Study dated December 15, 1983, as amended. The flood studies are on file at the City Engineer's office. The flood studies are the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the floodplain administrator.

TABLE 11.36.070(A)
City of Santee
Flood Insurance Study
Amended 100-Year Peak Discharge

TABLE 1
SUMMARY OF DISCHARGES

Flooding Source and Location	Drainage Area (Square Miles)	Peak Discharges (Cubic Feet per Second): 10-Year*	Peak Discharges (Cubic Feet per Second): 50-Year*	Peak Discharges (Cubic Feet per Second): 100-Year	Peak Discharges (Cubic Feet per Second): 500-Year*
San Diego River Mission Dam	1	5,500	19,000	50,000	112,000
0.7 Mile Downstream from Sycamore Creek	1	5,000	17,000	49,000	112,000
At Confluence with Forester Creek	369.0	4,500	16,000	48,000	112,000
0.2 Mile Upstream of Cuyamaca Street	1	3,800	15,000	46,000	108,000
At Cottonwood Avenue Forester Creek—Carlton Hills	1	3,500	14,000	45,000	105,000
Boulevard Overflow At Mission Gorge Road	N/A	N/A	2,400	3,900**	10,000

[1] Data Not Available
* Revisions under study for 10, 50 and 500-year peak discharges
** Revisions under study for 100-year peak discharge

(Ord. 307 § 2, 1993)

11.36.080 Compliance.

No structure or land may hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements including violations of conditions and safeguards established in connection with conditions, constitutes a misdemeanor. Nothing in this chapter prevents the City Council from taking such lawful action as necessary to prevent or remedy any violation. (Ord. 307 § 2, 1993)

11.36.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions prevails. (Ord. 307 § 2, 1993)

11.36.100 Interpretation.

In the interpretation and application of this chapter, all provisions are:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit or repeal any other powers granted under state statutes. (Ord. 307 § 2, 1993)

11.36.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by constructed or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter does not create liability on the part of the City, any officer or employee thereof, the State of California, or the Federal Insurance and Mitigation Administration, for any flood damages that result reliant on this chapter or any administrative decision lawfully made thereunder. (Ord. 307 § 2, 1993)

11.36.120 Establishment of development permit.

A development permit must be obtained before construction or development begins within any area of special flood hazard established in Section 11.36.070. Application for a development permit must be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Proposed elevation in relation to mean sea level, of the lowest habitable floor (including basement) of all structures;

B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;

C. All appropriate certifications listed in Section 11.36.140(C);

D. Developer must file statement with the county recorder's office that the development which has occurred within existing areas of special flood hazard, as identified in Section 11.36.070, will have significantly higher rates for flood insurance, for future property owners within the development, than the rates for developments outside the special flood hazard zone;

E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 411, 2000; Ord. 307 § 2, 1993)

11.36.130 Designation of floodplain administrator.

The Director of development services is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 411, 2000; Ord. 307 § 2, 1993)

11.36.140 Duties and responsibilities of the administrator.

The duties and responsibilities of the administrator include, but are not limited to:

A. Permit Review.

1. Review of all development permits to determine that the permit requirements of this chapter have been satisfied;

2. Review of all permits to determine that the site is reasonably safe from flooding;

3. All other required state and federal permits have been obtained;

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. 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 1 foot at any point within the City; and

5. All Letters of Map Revision (LOMR's) 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 (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 11.36.070, the Director is authorized to obtain, review, and reasonably utilize the best base flood data available from any legally authorized source: federal, state, or other; such as high water mark(s), floods of record, or private engineering reports, in order to administer Section 11.36.150 and provide the developer with an estimated base flood elevation. Any such information must be submitted to the City for adoption.

1. Single parcels will be required to elevate the lowest floor of any residential structure to no less than two feet above natural grade when base flood data does not exist. Nonresidential structures may elevate or floodproof to meet this standard.

2. Multiple parcels (five or more) will be required to have all proposals establish the one-hundred-year base flood elevation before consideration of the preliminary plan for development. The Director may, at his/her discretion, require standards exceeding those identified in Section 11.36.180.

C. Information to be Obtained and Maintained. The administrator is directed to obtain and maintain for public inspection and make available as needed for flood insurance policies:

1. The certification required in Sections 11.36.150(C), 11.36.180(B), 11.36.180(E) and 11.36.190(A); and

2. Certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the structure's lowest horizontal member is required at the point where the footings are set and slab poured. Failure to submit elevation certification constitutes cause to issue a stop-work order for the project. As-built plans certifying the elevation of the lowest adjacent grade area also required.

3. If fill is used to elevate a structure above the base flood elevation, the permit holder may wish to apply for a letter of map amendment (LOMA), as set forth in Section 11.36.230.

D. Alteration of Watercourses. It is the responsibility of the floodplain administrator to:

1. Notify adjacent communities and the State Department of Water Resources prior to any alteration or relocation of a watercourse, and, within 6 months of information becoming available or project completion, whichever is first, submit or assure that a permit applicant submits technical or scientific data to the Federal Emergency Management Agency for a Letter of Map Revision;

2. It is required that the flood-carrying capacity of the altered or relocated portion of such watercourse be maintained by the community.

E. Determinations. The administrator will provide interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where

there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary must be given a reasonable opportunity to appeal the interpretation as provided in sections 11.36.210 and 11.36.220.

F. Maintenance of Flood Protection Measures. The maintenance of any and all flood protection measures (levees, dikes, dams or reservoirs) will be required of the jurisdiction where such measures provide protection. If these measures are privately owned, an operation or maintenance plan will be required of the owner to be on file with the Director. The community is required to acknowledge all maintenance plans by the adoption of such plans by ordinance.

G. Hazard Mitigation Plan. The local agency or board responsible for reviewing all proposals for new development must weigh all requests for future floodplain development against the community's general plan. Consideration of the following elements is required before approval:

1. Determination of whether or not a proposed development is in or affects a known floodplain;

2. Inform the public of the proposed activity;

3. Determine if there is a practicable alternative or site for the proposed activity;

4. Identify impact of the activity of the floodplain;

5. Provide a plan to mitigate the impact of the activity with provisions in Subsection (A)(4) of this section.

H. Violation. Take action to remedy violations of this chapter as specified in Section 11.36.080. (Ord. 411, 2001; Ord. 307 § 2, 1993)

11.36.150 Standards of construction.

In all areas of special flood hazard, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements must be anchored to prevent flotation, collapse or lateral movement of the structure;

2. All manufactured homes must meet the anchoring standards of Section 11.36.190(A).

B. Construction Materials and Methods.

1. All new construction and substantial improvements must be constructed with materials and utility equipment resistant to flood damage;

2. All new construction and substantial improvements must use methods and practices that minimize flood damage;

3. All elements that function as a part of the structure, such as furnace, hot water heater, air conditioner, etc., must be elevated to or above the base flood elevation;

4. All new construction and substantial improvements must be constructed 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.

5. Within Zones AH or AO there must be adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. New construction and substantial improvement of any structure elevate the lowest floor, including basement floor, to the highest elevation required as follows:

   (a) To the height required by the Residential Building Code;

   (b) In AE, AH, A1-30 Zones, to or above the base flood elevation;

   (c) In an AO Zone, 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 2 feet above the highest adjacent grade if no depth number is specified;

   (d) In an A Zone, without BFE's specified on the FIRM, to or above the base flood elevation as determined by the floodplain administrator.

   (e) Notification of compliance must be recorded as set forth in Section 11.36.140(C).

2. Nonresidential construction must either be elevated in conformance with subdivision 1 or 2 of this Subsection or:

   (a) Together with attendant utility and sanitary facilities, be floodproofed to the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water; and

   (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

   (c) Be certified by a registered professional engineer or architect that the standards of this Subsection are satisfied. Such certification must be provided to the official set forth in Section 11.36.140(C)(1).

   Examples of floodproofing include, but are not limited to:

   (a) Installation of watertight doors, bulkheads, and shutters;

(b) Reinforcement of walls to resist water pressure;

(c) Use of paints, membranes, or mortars to reduce seepage through walls;

(d) Addition of mass or weight to structure to resist flotation;

(e) Armour protection of all fill materials from scour and/or erosion;

3. Manufactured homes must meet the above standards and also the standards in Section 11.36.190.

4. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or exceed the following minimum criteria:

(a) Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided. The bottom of all openings must be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

(b) Be certified to comply with a local floodproofing standard approved by the Federal Insurance and Mitigation Administration. (Ord. 307 § 2, 1993)

11.36.160 Standards for storage of materials and equipment.

A. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

B. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning. (Ord. 307 § 2, 1993)

11.36.170 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into floodwaters.

B. On-site waste disposal systems must be located to avoid impairment to them or contamination from them during flooding. (Ord. 307 § 2, 1993)

11.36.180 Standards for subdivisions.

A. All preliminary subdivision proposals must identify the flood hazard area and the elevation of the base flood.

B. All final subdivision plans will provide the elevation of proposed structure(s), pads, and adjacent grade. if the site is filled above the base flood, the final pad and first floor elevation must be certified by a registered professional engineer or surveyor and provided to the official as set forth in Section 11.36.l40(C)(l).

C. All subdivision proposals must be consistent with the need to minimize flood damage.

D. All subdivision proposals must have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

E. All subdivision proposals must have adequate drainage provided to reduce exposure to flood damage. The developer must provide a certification of compliance. (Ord. 307 § 2, 1993)

11.36.190 Standards for mobile manufactured homes and manufactured home parks and subdivisions.

A. All new manufactured homes, additions to manufactured homes, and manufactured homes that are substantially improved must be set on permanent foundation so that the lowest floor is elevated to or above the base flood elevation and securely anchored to a permanent foundation to resist flotation collapse, or lateral movement. As set forth in Section l5.52.140(C)(l), certification meeting the standards above is required of the installer or state agency responsible for regulating the placement, installation, and anchoring of individual manufactured home units.

B. The following standards are required for:

1. Manufactured homes not placed in manufactured home parks or subdivisions;

2. New manufactured home parks or subdivisions;

3. Expansions to existing manufactured home parks or subdivisions; and,

4. Repair, reconstruction, or improvements to existing manufactured home parks or subdivisions that equals or exceeds 50% of the value of the streets, utilities, and pads before the repair, reconstruction or improvement commenced.

    (a) Adequate surface drainage and access for a hauler must be provided.

    (b) All manufactured homes must be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the manufactured home is at least one foot above the base flood level. If elevated on pilings:

        (i) The lots must be large enough to permit; and

(ii) The pilings must be placed in stable soil no more than ten feet apart; and

(iii) Reinforcement must be provided for pilings more than six feet above ground level.

C. No manufactured home may be placed in a floodway, except in an existing manufactured home park or existing manufactured home subdivision.

D. No manufactured home may be placed in a coastal high hazard area, except in an existing manufactured home park or an existing manufactured home subdivision.

E. Certification of compliance is required of the developer responsible for the plan or state agency responsible for regulating manufactured home placement. (Ord. 307 § 2, 1993)

11.36.195 Recreational vehicles.

A. Any recreational vehicle placed on sites within Zones A1–30, AH, and AE on the City's FIRM must either:

1. Be on the site for fewer than 180 consecutive days,

2. Be fully licensed and ready for highway use, or

3. Meet the permit requirements of Section 11.36.120 and the elevation and anchoring requirements for "manufactured homes" in Section 11.36.190.

11.36.200 Floodways.

Located within areas of special flood hazard established in Section 11.36.070, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided which demonstrates that encroachments must not result in any increase in flood elevation during the occurrence of the base flood discharge;

B. If no floodway is identified, the permit holder must provide an engineering study for the project area that establishes a setback where no encroachment of any new development will be allowed that would increase the water surface elevation of the base flood plus one foot or establish a setback from the stream bank equal to five times the width of the stream at the top of the bank, whichever is greater. (Ord. 307 § 2, 1993)

11.36.210 Variance procedures—Appeal board.

A. The City Council, acting as the appeal board hears and decides appeals and requests for variances from the requirements of this chapter.

B. The City Council hears and decides appeals when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator regarding this chapter.

C. Those aggrieved by the decision of the City Council, or any taxpayer, may appeal such decision to the appropriate judiciary body.

D. In passing upon such applications, the City Council considers all technical evaluations, all relevant factors, standards, etc., specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed uses that are not subject to flooding or erosion damage;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations, for the proposed uses that are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

11. The 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 system, and streets and bridges.

E. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subdivisions 1 through 11 of Subsection D of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

F. Upon consideration of the factors of Subsection D of this section and the purpose of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.

G. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance and Mitigation Administration, Federal Emergency Management Agency. (Ord. 411, 2000; Ord. 307 § 2, 1993)

11.36.220 Conditions for variances.

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

B. Variances may not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances may only be issued upon:

1. A showing of good and sufficient cause such as renovation, rehabilitation, or reconstruction. Variances requested for economic considerations, aesthetics, or because variances have been used in the past, are not good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization to the public, or conflict with existing local laws or ordinances.

E. Any applicant to whom a variance is granted must be given written notice over the signature of a community official that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage, and such construction below the base flood level increases risks to life and property. A copy of the notice must be recorded by the floodplain administrator in the office of the San Diego county recorder and must be recorded in a manner so that it appears in the chain of title of the affected parcel of land. (Ord. 411, 2000; Ord. 307 § 2, 1993)

11.36.230 Letter of map amendment.

There are two methods of appeal that exempt a structure from the purchase of flood insurance; both must be supported by the items listed in this action:

A. Appeal to Elevation Requirements.

1. An actual stamped copy of the recorded plat map of the property showing official recordation and proper citation, or a photocopy of property's legal description (e.g., lot, block and plot number, etc.);

2. A copy of the flood hazard boundary map (FHBM) and/or flood insurance rate map (FIRM). Both must identify the location of the property;

3. A certification by a registered professional engineer or land surveyor or verification by the community Building Official stating:

   (a) The type of structure,

   (b) The elevation of the lowest finished grade adjacent to the structure,

   (c) The elevation of the bottom of the lowest floor beam.

B. Appeal of Location.

1. An actual stamped copy of the recorded plat map of the property showing official recordation and proper citation, or a photocopy of property's legal description (e.g., lot, block, and plot number, etc.);

2. A copy of the flood hazard boundary map (FHBM) and/or flood insurance rate map (FIRM). Both must identify the location of the property as not within Zone A or V;

3. Verification by local Building Official as to the property's location. (Ord. 307 § 2, 1993)

11.36.240 Severability.

This chapter and the various parts thereof are hereby declared to be severable. If any section of this chapter is declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision does not affect the validity of the chapter as a whole or any portion thereof other than the provision declared to be unconstitutional or invalid.

EXHIBIT 20

CHAPTER 11.38 DRAINAGE AND WATERCOURSES

11.38.010 Purpose of provisions.

The purpose of this chapter is to protect persons and property against flood hazards by augmenting the regulations imposed by Chapter 11.36 of this code. In case of conflict between the regulations imposed by this chapter and any other provision of law or of this code, the more stringent regulation applies. (Prior Code § 88.100)

11.38.020 Definitions.

In this chapter:

A. "Board" means the board of supervisors of the county.

B. "Council" means the City Council of the City of Santee.

C. "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of or damage to life, health, property or essential public services. "Emergency" includes such occurrences as fire, flood, earthquake or other soil or geologic movements, as well as such occurrences as riot, accident or sabotage, or projects undertaken, carried out or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed pursuant to Chapter 7 of Division 1, Title 2 of the Government Code.

D. "Federal Insurance and Mitigation Administrator" means that administrator designated by the Secretary of the United States Department of Housing and Urban Development.

E. "Floodplain" means a land area in and adjoining a river, stream, watercourse, ocean, bay or lake, which is likely to be flooded.

F. "Floodplain fringe" means all that land lying within the one-hundred-year floodplain that is not within a floodway, where a floodway has been defined.

G. "Floodway" means the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood. The selection of the floodway must be based on the principle that the area chosen for the floodway must be designed to carry the waters of the one-hundred-year flood, without increasing the water surface elevation of that flood more than one foot at any one point.

H. "Maintenance" means cleaning, removing obstructions, and repair of existing facilities. Obstructions include vegetation, shrubs, trees, tree stumps, limbs and foliage, debris, trash, rubbish, waste matter, deposits of dirt, silt, sand or rock, walls, structures, building

materials, or any other material which may impede, impair, restrict or divert the flow of water from its natural course.

I. "One-hundred-year flood" means a flood estimated to occur on an average of once in one hundred years (one percent probability of occurrence each year) which is determined from an analysis of historical flood and rainfall records.

J. "Stream improvements" means a complete system of approved drainage or flood control facilities constructed in accordance with the San Diego County Flood Control District Design Procedure Manual approved by the county board of supervisors on May 19, 1970, and filed with the clerk of the board of supervisors as Document Number 427201 and as amended by the board of supervisors on July 8, 1975 and filed with the clerk of the board of supervisors as Document Number 506917, and constructed in accordance with San Diego County Standards adopted by the board of supervisors April 1, 1960, and filed with the clerk of the board of supervisors as Document Number 357917, and any update or revision to these standards.

K. "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either (1) before the improvement is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

L. "Watercourse" means any watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, arroyo or wash in which waters flow in a definite direction or course, either continuously or intermittently, and any area adjacent thereto subject to inundation from a one-hundred-year flood. (Amended during 1989 supplement; prior Code § 88.101)

11.38.030 Unlawful activities designated.

It is unlawful for any person do or commit or cause to be done or committed, any of the following acts:

A. Deposit any material of any kind in a watercourse which may impair or impede the flow of water therein, so as to adversely affect adjoining property;

B. Plant any vegetation (other than grasses or annual crops) within a watercourse which may impair, impede or divert the flow of water in such watercourse;

C. Commit any act or in any easement dedicated, granted or reserved for flood control or drainage purposes which will impair the use of such easement for such purposes;

D. Within a floodplain where a floodplain designator or a flood channel designator has, under the zoning ordinance, been applied by the board, or within a floodplain as delineated on approved maps issued by the Federal Insurance and Mitigation Administrator:

1. Construct new or substantial improvements of residential structures unless the lowest floor (including basement) is elevated to or above the level of the one-hundred-year flood;

2. Construct new or substantial improvements of nonresidential structures, unless the lowest floor (including basement) is elevated to or above the level of the one-hundred-year flood, or the structure including attendant utility and sanitary facilities, is floodproofed up to the level of the one-hundred-year flood. (Prior Code § 88.102)

11.38.040 Permit—Required for certain activities.

No person may do or commit, or cause to be done or committed, any of the following described acts without first obtaining a written permit from the Director:

A. Impair, impede or accelerate the flow of water in a watercourse;

B. Alter the surface of the land, by construction, excavation, embankment or otherwise, so as to reduce the capacity of a watercourse;

C. Construct, alter or remove any flood control or stormwater drainage structure, facility or channel of or in a watercourse;

D. Construct or place any structure in, upon or across a watercourse; or

E. Within a floodway, as shown on San Diego County Flood Plain Maps, place fill or encroachments that would increase the flood level or impair its ability to carry and discharge the waters resulting from the one-hundred-year flood. Permits may be issued where the effect of the fill or encroachment on flood heights is fully offset by stream improvements. (Prior Code § 88.103)

11.38.050 Acts not regulated.

A. Sections 11.38.030 and 11.38.040 do not prohibit any act lawfully done pursuant to Chapter 11.40 or Chapter or Chapter 8.04 of this code;

B. Sections 11.38.030 and 11.38.040 do not apply where the drainage area above the point of act is less than one square mile, unless one of the following conditions exists:

1. The watercourse within such drainage area has been improved and is operated and maintained by a public agency; or

2. Development in the area upstream has concentrated or channeled the flow so as to create flood hazard to downstream property.

C. Sections 11.38.030 and 11.38.040 do not apply to work performed by organization components of the federal government, the state of California, or their contractors. Sections 11.38.030 and 11.38.040 do apply to the county of San Diego.

D. Sections 11.38.030 and 11.38.040 do not apply to acts of the owner or the watercourse in the routine maintenance thereof, provided such acts do not impair, impede or divert the flow of water in such watercourse.

E. Sections 11.38.030 and 11.38.040 do not apply to acts of persons engaged in farming, ranching or other agricultural pursuits, or natural resource extraction operations performed pursuant to a special use permit, provided such acts are normally and routinely associated with such pursuits, and provided, further, that such acts do not substantially impair, impede or divert the flow of water in the watercourse.

F. Section 11.38.030 does not prohibit repair, reconstruction or improvement to existing residential and nonresidential structures within the floodplain, provided such repair, reconstruction or improvement:

1. Is not a substantial improvement;

2. Is designed (modified) and anchored to prevent flotation, collapse or lateral movement of the structure;

3. Uses construction materials and utility equipment that are resistant to flood damage; and

4. Uses construction methods and practices that will minimize flood damage.

G. Sections 11.38.030 and 11.38.040 do not prohibit the construction of parking facilities within the floodplain fringe area below the one-hundred-year flood level, provided:

1. The parking facility will service a nonresidential building;

2. The structure is open and will not impede the flow of floodwaters. (Prior Code § 88.104)

11.38.060 Permit—Application—Information required.

When an application for a watercourse permit is referred to the City Council pursuant to Sections 11.38.130 or 11.38.180 of this chapter, the City clerk must not place the matter on the council agenda for consideration until the applicant has furnished to the clerk a written statement disclosing the following information:

A. The names of all persons having an interest in the application, as well as the names of all persons having any ownership interest in the property involved;

B. If any person identified pursuant to Subsection A of this section is a corporation or partnership, the names of all persons owning more than ten percent of the shares in the corporation, or owning any partnership interest in the partnership;

C. If any person identified pursuant to Subsection A of this section is a nonprofit organization or a trust, the names of any person serving as Director of the nonprofit organization, or a trustee or beneficiary or trustor of the trust. (Prior Code § 88.112)

11.38.070 Permit—Application—Separate required when—Plans and data.

A. A separate application for a permit must be made for each act listed in Section 11.38.030, except that only one application need be made for two or more such acts which are done on the same or contiguous parcels or lots and which are part of a unified plan of development or improvement.

B. Plans and specifications and estimated value of work must be submitted with each such application, unless waived by the Director for small work. Such plans and specifications must be prepared or approved, and signed, by a civil engineer, unless (1) waived by the Director; or (2) the plans are prepared and/or approved by an agency of the federal or state government. The plans must show all information or data required by the Director, including but not limited to a soil investigation report. (Prior Code § 88.202)

11.38.080 Permit—Filing fee and deposit.

Before a permit is issued, an applicant must pay the Director the fee and deposit established by this section unless the plans have been prepared and/or approved by an agency of the federal or state or city government, in which case the fee and deposit are waived if installation is supervised by an agency of the federal or state or city government.

A. Filing Fee. A filing fee in the amount established by resolution of the City Council must be paid at the time application is made for a permit.

B. Deposit. A deposit must be made in addition to the filing fee, to cover plan checking, environmental review, processing of easement documents, administration, and inspection of the work. This deposit is to cover the actual cost incurred by the City, as estimated by the Director. If the actual cost of checking, review, processing, administration and inspection is less than the deposit, the unused balance of the deposit must be refunded in the same manner as provided by law for the repayment of trust moneys. If any deposit is insufficient to pay all the actual costs of checking, review, processing, administration and inspection, the permittee, upon demand of the Director, must pay to such Director an amount deemed sufficient by the Director to complete the work in process. If the permittee fails or refuses to pay such amount upon demand, the Director may refuse issuance of a watercourse permit until the amount is paid in full, or, if a permit is already issued, the work will be considered incomplete and the permit revoked in accordance with the procedures set forth in Section 11.38.210. (Amended during 1989 supplement; prior Code § 88.203)

11.38.090 Permit—Bond requirements.

A. A permit must not be issued where the value of the work is estimated to be three thousand dollars or more, unless the permittee first posts with the Director a bond executed by the permittee and a corporate surety authorized to do business in this state as a surety. The bond must be in a form approved by the City Attorney and in an amount of 30% of the estimated value of the work authorized by the permit, except that the Director may waive all or part of the amount to the extent that he or she determines that the hazard or danger created by the work does not justify the full amount. The bond must include penalty provisions for failure to complete the work on schedule.

B. In lieu of a surety bond, the applicant may file with the City a cash bond or an instrument of credit approved by the City Attorney in an amount equal to that which would be required for the surety bond. Every bond and instrument of credit must include, and every cash deposit must be made on, the conditions that the permittee must:

1. Comply with all applicable laws, ordinances and provisions of this code;

2. Comply with all terms and conditions of the permit, to the satisfaction of the Director; and

3. Complete all work contemplated under the permit within the time limit therein specified or, if no time limit is therein specified, then within the time limit specified in this chapter.

C. Each bond, instrument of credit and cash deposit must be made on and subject to the condition that no change, extension of time, alteration or addition to the terms of the permit or to the work contemplated thereunder, or the plans and specifications submitted in connection with the same, may in any way affect the obligation of the surety on the bond, instrument of credit or cash deposit and, further, that the surety waives notice on any such change, extension of time, alteration or addition.

D. Each bond and instrument of credit must remain in effect until the completion of the work to the satisfaction of the Director.

E. In the event of failure to complete the work or failure to comply with all terms and conditions of the permit, the Director may order such work as in his or her opinion is necessary to eliminate any dangerous condition, and to leave the site in a safe condition, or may order that the work authorized by the permit be completed to a safe condition, to the Director's satisfaction. The permittee, and the surety on the bond or the person issuing the instrument of credit or making the cash deposit, must continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the City in causing any and all such work to be done. In case of a cash deposit, any unused portion thereof must be refunded to the person posting the same following completion of the work.

F. If the permit so provides, there may be a partial acceptance of the work by the Director from time to time, and a concomitant partial release of the surety. (Amended during 1989 supplement; prior Code § 88.306)

11.38.100 Permit—Application—Referral for review.

Prior to the issuance of any watercourse permit for construction of any drainage or flood control structure, the Director must cause the application to be reviewed for consistency with the City's general plan; provided, however, such application need not be reviewed if any of the following conditions are met:

A. A city board, commission or officer having final authority for project approval has determined that the project, which included the proposed work, is consistent with the general plan; or

B. The proposed work is pursuant to a tentative map of subdivision which has been approved or conditionally approved. (Prior Code § 88.109)

11.38.110 Permit—Application—Environmental review.

Prior to the issuance of any watercourse permit, the Director must ensure the application is reviewed for its effect upon the environment; provided, however, such application need not be reviewed if the proposed work is pursuant to a tentative map of subdivision which has been approved or conditionally approved on or before April 4, 1973. (Amended during 1989 supplement; prior Code § 88.106)

11.38.120 Permit issuance—Projects determined to have no significant effect.

If the Director determines that the proposed work will not have a significant effect upon the environment, the Director will inform the applicant and may issue the watercourse permit without requiring an environmental impact report pursuant to the California Environmental Quality Act or the National Environmental Policy Act. (Amended during 1989 supplement; prior Code § 88.107)

11.38.130 Permit issuance—Projects determined to have significant effect.

If the Director determines that the proposed work could have a significant effect upon the environment, the watercourse permit must not be issued unless and until the City Council authorizes such issuance following the adoption of an environmental impact report prepared pursuant to the California Environmental Quality Act and city rules and procedures adopted pursuant thereto. (Amended during 1989 supplement; prior Code § 88.108)

11.38.140 Permit issuance—Work consistent with general plan.

If the Director determines that the proposed work is consistent with the City's general plan, the Director will inform the applicant and may issue the watercourse permit. (Amended during 1989 supplement; prior Code § 88.110)

11.38.150 Permit—Issuance conditions and liability limitations.

The Director is authorized to include any conditions on a permits issued pursuant to this chapter in order to ensure compliance with this chapter and any other law. In case of conflict between the

regulations imposed by this chapter and any other provision of law or of this code, the more stringent regulation will govern. Neither the issuance of a permit nor compliance with the conditions in the permit or this chapter relieve any person from any responsibility otherwise imposed by law for damage to person or property. (Prior Code § 88.201)

11.38.160 Permit—Issuance—Additional conditions.

After the applicant has paid the required fees and complied with all conditions precedent, the Director must issue the permit unless the work proposed would significantly restrict the carrying capacity of a watercourse or would create an unreasonable hazard of flood or inundation to persons or property; provided, however, that the Director must issue the permit, subject to conditions specifically set forth in the permit, if the Director determines that by doing so no such restriction of carrying capacity or unreasonable hazard will be created. (Prior Code § 88.300)

11.38.170 Other permits may be required.

A permit issued pursuant to this chapter does not relieve the permittee of the responsibility for securing the required permits for work to be done which is regulated by any other provision of this code, any city ordinance, or federal or state law. (Prior Code § 88.204)

11.38.180 Permit—Denial conditions.

If the Director determines that the proposed work is not consistent with the general plan, the Director must inform the applicant and the City Council. The watercourse permit must not be issued unless and until the council authorizes such issuance following a review of the permit application and making a finding that the proposed drainage or flood control structure is consistent with the general plan. (Amended during 1989 supplement; prior Code § 88.111)

11.38.190 Permit—Period of validity—Extensions—Completion of work.

A. The permittee must complete the work authorized by the permit within the time specified in the permit or make written request to the Director for an extension of time. The Director must grant an extension of time to complete the work if, in the Director's opinion, such extension is warranted and would not create an unreasonable hazard of flood or inundation to persons or property.

B. The permittee must notify the Director in writing of completion of the work authorized, and no work will be considered completed until approved in writing by the Director following such written notification. The Director may cause inspections of the work to be made periodically during the course thereof, and may make a final inspection following the completion of the work; the permittee must cooperate with the Director in making such inspections. (Prior Code § 88.303)

11.38.200 Permit—Not transferable.

A permit issued pursuant to this chapter is not transferable from property to property for any reason or in any manner whatsoever. (Prior Code § 88.305)

11.38.210 Permit—Revocation authority and procedure.

A. The City Council may revoke any permit granted under the provisions of this chapter if any of the following conditions exist:

1. the permit was obtained by fraud, or that one or more of the conditions upon which the permit was granted have been violated;

2. the permittee fails or refuses to correct a deficiency or a hazard upon the receipt of written notice and within the time specified in such notices;

3. the permittee fails or refuses to perform any of the work required or fails or refuses to conform with any of the standards established by a special use permit.

A request that the council revoke such watercourse permit may be made by anyCity Officer; the request for revocation must be in writing, and must set forth the grounds upon which revocation is sought.

B. If a permit is revoked, no further work may be done upon that site except the correction of hazards, and the completion of any work required by the permittee's agreement. Every agreement and every security required by this chapter must remain in full force and effect notwithstanding any such revocation.

C. Any hearing held pursuant to this chapter must be a public hearing. A request for revocation must be directed to the City clerk, who will fix a time and place for the hearing to be published once in a newspaper of general circulation published in the City. The City Clerk must also notify the permittee of the time and place set for the hearing. Any interested person may appear at the hearing and present evidence. At the conclusion of a hearing on a request for revocation, the City Council may deny the request for revocation, grant the request for revocation, or modify existing conditions of or add new conditions to such permit. The decision of the City Council is final. (Prior Code § 88.205)

11.38.220 Permit—Modifications by City Council.

A. The City Council may modify any permit granted under the provisions of this chapter if the council determines that the modification is in the interest of public health, safety or welfare. A request that the City Council modify a watercourse permit may be made by any City Officer; the request for modification must be in writing, and must set forth the grounds upon which modification is sought.

B. If the permit is modified by the City Council, all further work done upon that site must be consistent with the modified permit. Every agreement remains in full force and effect, notwithstanding any such modification.

C. Any hearing held pursuant to this chapter must be a public hearing. A request for modification must be directed to the City clerk, who must fix a time and place for the hearing, to be published once in a newspaper of general circulation published in the City of Santee. The City Clerk must also notify the permittee of the time and place set for the hearing. Any interested

person may appear at the hearing and present evidence. At the conclusion of a hearing on a request for modification, the council may deny the request for modification or grant the request for modification by modifying existing conditions or adding new conditions to the permit. The decision of the City Council is final. (Prior Code § 88.206)

11.38.230 Emergency permit—Grant by Director.

Notwithstanding any provision of any city ordinance, the Director may grant an emergency watercourse permit for the removal of up to 2,000 cubic yards of silt, sand and debris. A permit may be granted for such periods of time as the Director deems to be reasonable and necessary or advisable under the circumstances. Such permit for emergency work, as defined in Section 11.38.020, may be granted to the owner of private property or the authorized agent of the owner. (Prior Code § 88.105)

11.38.240 Emergency permit—Grant by City Council.

Notwithstanding any provision of any city ordinance, the City Council, after first finding that an emergency exists on public or private property, may grant an emergency watercourse permit for the removal of silt, sand and debris in excess of 2,000 cubic yards when the applicant has fulfilled all the conditions which, in the opinion of the Director, are required to insure the health, safety and welfare of the affected persons or the protection of the affected properties, and the work shown is in accordance with the City plans and specifications. (Prior Code § 88.105.1)

11.38.250 Commencement of work—Extensions of time.

The permittee must begin the work authorized by the permit within 60 days after the date of issuance, unless a different date for commencement of work is set forth in the permit. The permittee must notify the Director at least 24 hours prior to the commencement of work. If the work is not commenced as required, then the permit becomes void; provided, however, that if prior to or within 30 days after the date established for commencement of work the permittee makes written request to the Director for an extension of time, setting forth the reasons for the required extension, the Director may grant additional time if, in the Director's opinion, such an extension is warranted. (Prior Code § 88.301)

11.38.260 Supervision of work.

All work authorized pursuant to this chapter must be performed under the supervision and coordination of a civil engineer, unless waived by the Director for small projects (or minor work), or the work is supervised by an agency of the federal or state government. (Prior Code § 88.302)

11.38.270 Changes to work—Restrictions.

No changes may be made in the location, dimensions, materials or character of the work authorized in a permit, except upon written authorization of the Director, unless such change relates to work being performed pursuant to plans prepared or approved by an agency of the federal or state government, and such change has been approved by such agency. (Prior Code § 88.304)

11.38.280 Watercourse maintenance duties—Work performed by city when.

The property owner is responsible for the timely maintenance of any watercourse on the owner's property. Failure to maintain a watercourse in a safe and unobstructed condition is hereby declared to be a violation of this section and a public nuisance. The Director may abate such nuisance in accordance with the nuisance abatement procedures in Title 1; provided, however, that the Director may require the property owner to abate the nuisance in any timeframe the Director requires. (Prior Code § 88.113)

11.38.290 Appeals—From permit denial or conditions.

Any person aggrieved by the denial of a permit pursuant to this chapter, or by the imposition of a condition on such permit, may appeal to the City Council. (Prior Code § 88.400)

11.38.300 Appeal—Conditions for approval.

A. The City Council will not grant a permit or modify or delete a permit condition, as sought for by the appeal, unless the appellant demonstrates all of the following to be true:

1. That the applicant would suffer substantial injury or detriment by the refusal to grant the permit or modify or delete the conditions;

2. That no other method of obtaining the desired results is more reasonable or less likely to be dangerous than that proposed by the applicant; and

3. That the granting of the permit or the modifying or deleting of conditions would not be materially detrimental to the public interest, safety, health and welfare, would not significantly restrict the carrying capacity of a watercourse, and would not create an unreasonable hazard of flood or inundation to persons or property.

B. The permit may be granted, or the condition complained of deleted or modified, if the requirements of Subsections (A)(1), (A)(2) and (A)(3) of this section can be satisfied by the imposition of reasonable conditions. (Prior Code § 88.401)

11.38.310 Public nuisance—Activities designated.

A violation of Section 11.38.030 or 11.38.040 is hereby declared to be a public nuisance subject to the nuisance abatement procedures in title 1. (Prior Code § 88.500)

EXHIBIT 21

CHAPTER 11.40 EXCAVATION AND GRADING

ARTICLE 1 GENERAL PROVISIONS

11.40.010 Title.

This chapter is known as the City's grading ordinance. (Ord. 234 § 1, 1989)

11.40.020 Purpose.

This chapter:

A. establishes minimum requirements for grading, excavating and filling of land;

B. provides for the issuance of permits for grading, excavating and filling of land;

C. provides for the enforcement of its provisions;

D. supplements the subdivision and zoning code of the City; and

E. must be read and construed as an integral part of the subdivision and zoning codes regulations and the land development patterns and controls established thereby. (Ord. 234 § 1, 1989)

11.40.030 Intent.

A. The intent of the City Council in adopting the grading code is to protect life and property, promote the general welfare, enhance and improve the physical environment of the community, and preserve and protect the natural scenic character of the City. In administering these provisions, the following goals are established:

1. Ensure that future development of land occurs in the manner most compatible with surrounding natural areas to have the least adverse effect upon other persons, land, or the general public;

2. Ensure that soil will not be stripped and removed from lands leaving barren, unsightly, unproductive land subject to erosion, subsidence and faulty drainage;

3. Encourage design and development of building sites to provide the maximum in safety and human enjoyment, while adapting development to and taking advantage of the natural terrain; and minimizing adverse visual impacts caused by major land form modifications;

4. Encourage and direct special attention toward retaining natural plantings and maximum number of existing trees;

5. Ensure that the objectives and policies of the adopted general plan for the City are met and that the grading guidelines expressed therein are maintained. (Ord. 234 § 1, 1989)

11.40.040 Provisions separate from other requirements.

A. Nothing in this chapter precludes the inclusion of any condition, provision or requirement concerning the grading of land in any zoning permit, subdivision approval, waiver, review or other approval issued or approved pursuant to city ordinances.

B. Nothing in this chapter precludes the requirement for the owner or applicant to obtain any other permit or approval required by the City Engineer or by law from any public or private party or agency.

C. Nothing in this chapter changes the requirements of any other provision of this code requiring permits, fees or other charges, or any provisions concerning the granting of franchises by any other person, body or agency. (Ord. 234 § 1, 1989)

11.40.050 Definitions.

A. In this chapter:

1. "Approval" means a written professional opinion by the responsible principal of record concerning the satisfactory progress and completion of the work under his or her purview unless it specifically refers to the City Engineer.

2. "Approved plans" means the most current grading plans which bear the signature or stamp of approval of the City Engineer.

3. "Archaeologist" means a person who does scientific study of material remains of past human life and activity.

4. "As-graded" means the surface and subsurface conditions and configuration upon completion of grading.

5. "Bedrock" means in-place solid rock.

6. "Bench" means a relatively level step excavated into earth material on which fill is to be placed.

7. "Borrow" means earth material acquired from an off-site location for use in grading on a site.

8. "Borrow pit" means premises from which soil, sand, gravel, decomposed granite or rock are removed for any purpose.

9. “Borrow pitting” means excavation created by the surface mining of rock, unconsolidated geological deposits, or soil to provide material (borrow) for fill elsewhere.

10. “Building pad” means that portion of an embankment and/or excavation contained within an area bounded by a line five feet outside the foundation footing for a building.

11. “Building site” means that portion of an embankment and/or excavation containing the building pad(s) and lying within an area bounded by the top of slopes and/or toe of slopes within the lot or parcel.

12. “Certify” or “certification” means a signed written statement that the specific inspections and tests required have been performed and that the works comply with the applicable requirements of this chapter, the plans and the permit.

13. “Civil engineer” means a professional engineer registered in the state to practice in the field of civil engineering.

14. “Civil engineering” means the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials for evaluation, design and construction of civil works for the beneficial uses of the population.

15. “Clearing” and “brushing” means the removal of vegetation (grass, brush, trees and similar plant types) above the natural surface of the ground.

16. “Compaction” means densification of a soil or rock fill by mechanical or other acceptable procedures.

17. “Contour grading” means grading which creates, or results in, land surfaces which reflect the pre-graded natural terrain or that simulates natural terrain, i.e., rounded non-planar surfaces and rounded, non-angular intersections between surfaces.

18. “Contractor” means a contractor licensed by the state to do work under this chapter. A contractor may be authorized to act for a property owner in doing such work.

19. “Design and development standards” means the standards published by the City for land development activities, which standards may be published in a single document, or a combination of documents, and may be updated as needed to comply with industry practice or changes in the law.

20. “Earth material” means any rock, natural soil, or fill and/or any combination thereof.

21. “Embankment” or “fill” is any act by which earth, land, gravel, rock, or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location and the condition resulting therefrom.

22. Engineer, Private. “Private engineer” means a civil engineer registered by the state. A private engineer may be authorized to act for a property owner in doing work covered by this chapter.

23. “Engineering geologic report” means a report prepared under the supervision of an engineering geologist providing a geological map of a site, information on geologic measurements and exploration performed on the site and surrounding area and, providing recommendations for remedial measures necessary to provide a geologically stable site for its intended use.

24. “Engineering geologist” means a certified engineering geologist, registered by the state to practice engineering geology.

25. “Engineering geology” means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil work.

26. “Erosion” means the process by which the ground surface is worn away by the action of water or wind.

27. “Erosion control system” means any combination of desilting facilities, retarding basins, and erosion protection, including effective planting and the maintenance thereof, to protect adjacent private property, watercourses, public facilities and receiving waters from the deposition of sediment or dust.

28. “Expansive soil” means any soil with an expansion index greater than twenty, as determined by the Expansive Soil Index Tests (UBC Std. 29-32).

29. “Exploration” or “prospecting” means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent or quantity of minerals present.

30. “Excavation” or “cut” means any earth, sand, gravel, rock or other similar material which is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed by people and the conditions resulting therefrom.

31. “Fault” means a fracture in the earth’s crust along which movement has occurred. An active fault is one that exhibits separation in historic time or along which separation of Holocene deposits can be demonstrated. If Holocene deposits are not offset, but numerous epicenters have been recorded on or in close proximity to the fault, a classification of active may be used.

32. Fill, Nonstructural. “Nonstructural fill” means any embankment on which no soil testing was performed or no compaction reports or other soil reports were prepared or submitted.

33. “Geologic hazard” means any geologic feature capable of producing structural damage or physical injury. Geologic hazards include:

(a) Landslides and potential slope instabilities resulting from bedding faults, weak claystone beds, and oversteepened slopes;

(b) Deposits potentially subject to liquefaction, seismically-induced settlement, severe ground shaking, surface rupture, debris flows, or rock falls resulting from fault activity;

(c) Deposits subject to seepage conditions or high groundwater table.

34. “Geotechnical report” means a report which contains all appropriate soil engineering, geologic, geohydrologic, and seismic information, evaluation, recommendations and findings. This type of report combines both engineering geology and soil engineering reports.

35. “Grade” means the elevation and cross-sections established for the finished surface. All grades must be based upon the official datum of the City.

36. “Grading” means any excavating or filling or combination thereof.

37. “Grading permit” means a permit issued pursuant to this chapter.

38. “Grubbing” means the removal of roots and stumps.

39. “Key” means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

40. “Land development” means making excavations and embankments on private property and the construction of slopes, drainage structures, fences and other facilities incidental thereto.

41. “Landscape architect” means a landscape architect, registered by the state, who performs professional work in physical land planning and integrated land development, including the design of landscape planting programs.

42. “Landslide” means the downward and outward movement of soil, sand, gravel, rock or fill or a combination thereof.

43. “Mined lands” includes the surface, subsurface and groundwater of an area in which surface mining operations will be, are being or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

44. “Minerals” are any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to aggregate, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

45. “Mining waste” includes the residuals of soil, rock, mineral, liquid, vegetation, equipment, machines, tools or other material or property directly resulting from or displaced by, surface mining operations.

46. “Natural terrain” means the lay of the land prior to any grading.

47. “On-site construction” means those earth material moving activities (such as excavation, grading, compaction, and the creation of fills and embankments) which are required to prepare a site for construction of structures, landscaping, or other land improvements if resultant excavations, fills, grades, or embankments are beneficially modified by such construction of structures, landscaping or other land improvements. Excavations, fills, grades or embankments that of themselves constitute engineered works such as dams, road cuts, fills, catchment basins, or levees are not considered to be surface mining operations. Earth material moving activities in areas either on or off-site where the results are modified by construction of structures, landscaping or other land improvements, and that do not of themselves consist of land improvements, and that do not of themselves consist of engineered works are deemed to be surface mining operations unless exempted under the Surface Mining and Reclamation Act.

48. “Operator” means any person who is engaged in grading operations him or herself, or who contracts with others to conduct operations on his or her behalf.

49. “Overburden” means soil, rock or other materials that lie above a natural deposit or in between deposits, before or after their removal.

50. “Owner” means any person, agency, firm or corporation having a legal, possessory or equitable interest in a given piece of real property.

51. “Paleontologist” means a person who holds an advanced degree, who is affiliated with a recognized institution such as a museum or university and who is actively engaged in the research of prehistoric life through the study of plant and animal fossils.

52. “Paving” means all paving related operations such as surfacing, resurfacing, curbs, gutters, sidewalks, and ramps or as otherwise described within the City’s Best Management Practices Design Manual, Priority Development Categories.

53. “Permittee” means any person to whom a permit is issued pursuant to this chapter.

54. “Planning Director” means the Director of development services or a duly authorized representative.

55. "Preliminary soil engineering report," also referred to as "preliminary geotechnical investigation report" means a report prepared under the responsible supervision of a soil engineer which includes preliminary information concerning engineering properties of soil and rock on a site prior to grading, describing locations of these materials and providing recommendations for preparation of the site for its intended use.

56. "Premises" means contiguous property in the same ownership.

57. "Property owner" means the owner, subdivider or developer of real property which will be benefited by the proposed land development work.

58. Property, Public. "Public property" means property owned in fee by the City, or dedicated for public use.

59. "Public interest slope" means any manufactured slope which meets any one of the following criteria:

    (a) A vertical height in excess of fifteen feet;

    (b) A vertical height in excess of five feet located on the exterior of a subdivision and exposed to view from any point outside the subdivision;

    (c) A vertical height in excess of five feet which will be visible after completion of the buildings to be placed on the subject graded area from any circulation element road, from any existing or proposed public buildings, public facility, or publicly used property, from any private property two streets or more away from the slope in question or from any private homes existing at the time of creation of the slope;

    (d) Any slope in the hillside overlay zone.

60. "Public rights-of-way" means public easements or dedications for streets, alleys, drainageways and/or other uses.

61. "Publicly used property" means property that is used frequently by persons other than the residents and/or owners.

62. "Reclamation" means the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health and safety, and is consistent with the general plan, zoning ordinance and applicable specific plans. The process may extend to affected land and surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

63. “Relative compaction” means the in-place dry density (determined by ASTM D1556, or other City Engineer approved equal) expressed as a percentage of the maximum dry density (determined by ASTM D1557, or other City Engineer approved equal).

64. “Retaining wall” means a wall designed to resist the lateral displacement of soil or other materials.

65. “Rough grading” means the condition where ground surface approximately conforms to the design grade, generally within 0.1 feet, and all compaction of fills and embankments have been performed to the specifications required by the soil engineer.

66. “Slope” means the inclined exposed surface of a fill, excavation of natural terrain.

67. “Soil” means earth material of whatever origin, overlying bedrock and may include the decomposed zone of bedrock which can be readily excavated by mechanical equipment.

68. “Soil engineer” means a registered civil engineer who holds a valid authorization to use the title “soil engineer” as provided in Section 6736.1 of the California Business and Professions Code. The terms “geotechnical engineer,” “soils engineer” and “soil and foundation engineer” are deemed to be synonymous with the term “soil engineer.”

69. “Soil engineering” means the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

70. “Soil engineering report” means a report prepared under the responsible supervision of a soil engineer which includes information on site preparation, slope heights and gradients, compaction of fills placed, placement of rock, treatment of expansive soils, providing recommendations for structural design and approving the site for its intended use.

71. “Stockpile” means a temporary, uncompacted fill or embankment placed by artificial means, which is designated or intended to be moved, or relocated at a later date.

72. “Subdivider” means a person, firm, corporation, partnership or association who causes land to be divided into one or more lots or parcels for him or herself or others as defined by those sections of the Government Code known as the Subdivision Map Act.

73. “Substantial conformance” means grading that conforms to Section 11.40.390 of this chapter.

74. "Suitable material" means any soil or earth material which, under the criteria of this chapter or under the criteria of an approved geotechnical report, is suitable for use as fill or for other intended purposes.

75. "Surface mining operations" means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to:

    (a) Borrow pitting, streambed skimming, segregation, and stockpiling of mined materials;

    (b) In-place distillation, retorting or leaching;

    (c) The production and disposal of mining wastes;

    (d) Prospecting and exploratory activities.

76. "Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

77. "Unsuitable materials" means any soil or earth material having properties or characteristics which, under the criteria of this chapter or under the criteria contained in any approved geotechnical report, make it unsuitable for use as fill or for any other intended use. These properties or characteristics include, but are not limited to, organic content of the material exceeding three percent, rock diameters exceeding eight inches, the presence of concrete or asphalt, or the presence of expansive soils within three feet of finish grade of any area intended or designed as a location for a building. (Ord. 234 § 1, 1989)

ARTICLE 2. PERMITS AND FEES

11.40.100 Land development work—Permit required.

A. Except as exempted in Section 11.40.105, it is unlawful for any person to do any grading or allow any grading on their property unless the person or owner has a valid grading permit issued by the City Engineer authorizing such grading.

B. An owner is presumed to have allowed grading which has been done on property occupied by him/her or is under his or her dominion and control. This presumption is a presumption affecting the burden of producing evidence.

C. A separate grading permit is required for each legal parcel, non-contiguous site, development, or each separate subdivision final map for which grading is to be performed.

D. A grading permit is required for all grading done for the growing of agricultural plants or raising agricultural animals.

E. A grading permit is required for the construction of any retaining wall on or within five (5) feet of any property line. (Ord. 234 § 1, 1989)

11.40.105 Designated exceptions.

The following grading activities are exempt from the requirement to obtain a grading permit under the provisions of this chapter:

A. Depositing materials in any disposal area operated by or licensed by the City or the county.

B. Grading which meets all of the following limitations:

1. Is on a single legal lot or contiguous ownership,

2. Involves the movement of not more than 200 cubic yards of earth,

3. The cut in the cut area and/or the fill in the fill area, at their deepest points, do not exceed a depth of five feet in vertical depth measured from the original ground,

4. The fill is not intended to support structures,

5. The finished cut and/or fill slopes are not steeper than two horizontal to one vertical (2:1),

6. The finished grading does not alter the drainage patterns either upstream or downstream from the grading,

7. None of the fill is placed on existing ground having a slope steeper than five horizontal to one vertical (5:1), which is a 20% slope,

8. None of the grading is closer than five feet to adjacent parcel, and

9. The finished slopes are protected from erosion and the downstream properties are protected from siltation resulting from the grading.

C. Any of the following, if authorized by a valid building permit approved and issued by the planning Director and provided that any embankment constructed with the excess material from the excavation is disposed of under an approved grading permit or on-site without creating embankments more than five feet in unsupported height:

1. Excavation below finish grade for basements;

2. Footings or foundations for buildings, manufactured homes, retaining walls or other structures;

3. Swimming pools, septic tanks, leach lines, or other subsurface structures or facilities.

D. Exploratory excavations under the direction of a soil engineer, archaeologist, paleontologist or engineering geologist. Such excavations must be properly backfilled and compacted or otherwise restored.

E. When approved by the City Engineer, excavation for the sole purpose of recompaction as specified or recommended by an approved soils report.

F. Grading for which inspection is provided by the City and which is done by a developer or contractor pursuant to city-approved improvement plans within public rights-of-way and adjacent slope rights areas independent of adjacent land development work, or grading done pursuant to a permit for excavation in public streets.

G. Except as provided in the following Subsections, clearing and brushing when directed by the fire chief to mitigate a fire hazard, with the concurrence of the planning Director that such clearing and brushing will not cause significant damage to any rare, endangered or protected species of plant or wildlife or cause any significant damage to any habitat of any rare, endangered or protected species of wildlife. The exemptions in this section do not apply to clearing, grubbing, brushing or grading when:

1. Grading will occur in or physically impact designated or dedicated open space or environmentally sensitive areas designated in the general plan or shown on any approved specific plan;

2. Grading will occur in any waterway or wetland, stream, river, channel, pond, lake, marsh, bog, lagoon, vernal pool or riparian habitat;

3. Grading will occur in any floodway or floodplain as shown on the San Diego County flood plain maps or on city revised maps;

4. Grading will occur in any officially mapped area in high geologic risk zone (Zone “C” and “D”) as defined by the geotechnical/seismic study for the general plan;

5. Grading will occur in the hillside overlay district; or

6. Grading will occur in any other sensitive areas such as archaeological sites, historical sites or burial grounds.

H. Paving related activity disturbing less than 5,000 square feet. (Ord. 234 § 1, 1989)

11.40.110 Permit applications.

A. The owner, or owner’s authorized agent, of any property that requires a grading permit under this chapter must sign and submit a grading permit application on a form approved by the City Engineer.

B. A separate grading permit application is required for each grading permit.

C. A complete grading permit must include following items, unless otherwise waived or specified by the City Engineer, or this chapter:

1. Grading plan pursuant to Section 11.40.120;

2. Separate plot plan pursuant to Section 11.40.125;

3. Preliminary soil engineering report pursuant to Section 11.40.130;

4. Landscape and irrigation plans (may be submitted with the second plan check submittal) pursuant to Section 11.40.135;

5. Erosion control plans, if required by Section 11.40.140;

6. Drainage study;

7. Haul route, including source of borrow or disposal;

8. Grading plan check fee pursuant to Sections 11.40.215 and 11.40.220;

9. Soil engineering report review fee pursuant to Section 11.40.225;

10. Deposit for independent third party review of soil report, if required, pursuant to Section 11.40.225;

11. Inspection fees (may be paid at any time prior to issuance of permit) pursuant to Section 11.40.230;

12. Proof of legal lot (may be waived byCity Engineer if grading is pursuant to an approved tentative map or zoning permit);

13. Computer graphics of existing and graded conditions, and/or other displays;

14. Plans, specifications and other supplemental data, as specified in this chapter, the design and development manual and the subdivision ordinance.

D. A complete grading permit application must be submitted for city review and approval along with the following items:

1. Paving Plan Paving demonstrating that the paving will not alter the existing drainage conditions of the site, redirect drainage onto another property where it did not previously occur, or will comply with all City requirements related to alterations of drainage conditions.

2. Grading Plans

3. Storm Water Intake Form

4. Priority Development or Standard Development Storm Water Quality Management Plan (as determined by completing the Storm Water Intake Form)

5. Schedule for work

6. Best Management Practices Plan Sheet

7. Engineer's Estimate

E. The City Engineer may require additional data or information, eliminate, or modify any of the above requirements, including those items in Section 11.40.115.

F. Any change in application requirements or applicable fees that is effective before a grading permit is issued applies to any pending application for a grading permit under the following conditions:

1. A change of policy or direction by the City Council;

2. A change in the applicable laws, including the grading ordinance or fee schedule approved by the City Council;

3. Discovery that the plans, application, or fees violate or do not meet existing laws, ordinances, or policies or conform to the requirements of other permits or approvals, such as zoning permits or subdivision maps;

4. Discovery of any design defect, soil or geologic hazard, or any other fact or item which, if left unchanged, could cause damage, harm or hazard to public or private properties, or to life, limb or the general public's safety or welfare.

If, as a result of discoveries described in subdivisions 3 and 4 of this Subsection, changes are directed, the application expiration date will be extended for thirty days, or for such other time as the City Engineer grants to accomplish all required changes.

G. The time limits set out in this section apply to all grading plans and applications. (Ord. 234 § 1, 1989)

11.40.115 Additional information.

In addition to the application requirements of Section 11.40.110, the City Engineer may require submission of any or all of the following items as part of a grading permit application:

A. Special erosion control plans, including landscape and irrigation plans, erosion and sediment control plans, and stormwater pollution prevention plans;

B. Hydrology and hydraulic reports;

C. Application for environmental initial study (AEIS);

D. Geotechnical reports on seismicity and geology;

E. Letters of permission from adjacent owners or easement holders to grade off-site or on easements;

F. Right of entry;

G. Waiver and release to divert or concentrate drainage affecting downstream off-site property;

H. Easement and flowage rights documents.

Recommendations included in such reports and plans accepted by the City Engineer become part of and are incorporated into the grading plan, landscape and irrigation plan and the land development specifications. (Ord. 234 § 1, 1989)

11.40.120 Grading and paving plan requirements.

A. Grading and paving plans required by this chapter must be prepared and submitted with the grading permit application in accordance with the design and development standards approved by the City Engineer and available from the department of development services.

B. All grading and paving plans must be signed by a registered civil engineer and by the soil engineer. The City Engineer may waive this requirement when the proposed grading or paving is on a single lot or parcel not proposed for further subdivision and, in the opinion of the City Engineer, the proposed grading entails no hazard to any adjacent property, does not necessitate construction of extensive drainage structures or erosion control facilities, and does not interfere in any way with existing natural or improved drainage courses or channels.

C. In addition to any other grounds for stopping work provided by law or set forth in this code, the City Engineer may stop work and require amendment or change of approved grading, paving, erosion control or landscape and irrigation plans for any of the following reasons:

1. Extension or renewal of the grading permits;

2. Changes have been made in the actual work which are not reflected on the approved plans;

3. The scope or quantity of grading or paving has been changed;

4. Construction, traffic, drainage, soil, geologic, public safety or environmental problems not considered, known, or evident at the time of permit issuance or plan approval become evident. (Ord. 234 § 1, 1989)

11.40.125 Plot plans.

Each separate plot plan required by this chapter must show the location of the land development boundaries, lot lines, public and private rights-of-way lines, and precise grading information

required by the City's design and development standards. A print of the approved tentative map or tentative parcel map showing the required information may be submitted in lieu of a plot plan. (Ord. 234 § 1, 1989)

11.40.130 Preliminary soil engineering and geology reports.

A. Three copies of a preliminary soils engineering report required by this chapter must be submitted with the application for a grading permit. Each soil engineering report must be prepared by a soil engineer and contain all information applicable to the project in accordance with generally accepted geotechnical engineering practice. The preliminary soil engineering report must include the following, at a minimum:

1. Information and data regarding the nature, distribution, and the physical and chemical properties of existing soils;

2. Location of faults as defined by a registered geologist or certified engineering geologist;

3. Conclusions as to the adequacy of the site for the proposed grading;

4. Recommendations for general and corrective grading procedures;

5. Foundation design criteria;

6. Slope gradient, height and benching, or terracing recommendations;

7. The potential for groundwater and seepage conditions and procedures for mitigation of the groundwater-related problems;

8. For all slopes in the Friars Formation, regardless of the slope ratio, a slope stability analyses and a written statement indicating acceptable slope stability;

9. Other recommendations, as necessary, commensurate with the project grading and development.

B. The soil engineer and engineering geologist should refer to Safety Element of the Santee General Plan and any modification, amendment, or reissuance in preparing the reports required by this section.

C. Recommendations contained in the approved reports become part of and are incorporated into the grading plans and specifications and become conditions of the grading permit.

D. Preliminary geological investigations and reports are required for all land development projects designated as Group I or Group II, except those Group II projects located in Zone "A" as shown on Figure 8-3, Seismic Hazards and Study Areas Map, (for which a geological reconnaissance will be required), as outlined in Table 8.1 of the City general plan. This requirement may be extended to adjacent properties where known or reasonably inferred

instability may adversely affect the property. The preliminary geological investigation report must include the following at a minimum:

1. A comprehensive description of the site topography and geology including, where necessary, a geology map;

2. A statement as to the adequacy of the proposed development from an engineering geologic standpoint;

3. A statement as to the extent that known or reasonably inferred stability on adjacent properties may adversely affect the project;

4. A description of the field investigation and findings;

5. Conclusions regarding the effects geologic conditions will have on the proposed development;

6. Specific recommendations for plan modification, corrective grading and/or special techniques and systems to facilitate a safe and stable development;

7. Provide other recommendations, as necessary, commensurate with the project grading and development.

E. The preliminary geological investigation report may be combined with the preliminary soils engineering report.

F. A seismicity study and report is required for all land development projects designated as Group I and for those designated as Group II and located in Zone "C" shown on Figure 8-3, Seismic Hazards and Study Areas Map, of the City general plan. The report must be prepared by an engineering geologist or a soil engineer with expertise in earthquake technology and its application to buildings and other civil engineering works. The seismic report may be combined with the soil and geologic investigation reports. (Ord. 234 § 1, 1989)

11.40.135 Landscape and irrigation plans.

A. Landscaping and irrigation facilities are required for all public interest slopes, all graded slopes higher than three feet, and all graded areas determined by the City Engineer to be susceptible to erosion within all residential, commercial and industrial development, subdivisions, borrow areas, disposal areas, and other graded areas. The City Engineer may waive or amend this requirement, if such waiver or amendment does not conflict with a subdivision or zoning permit. Landscape and irrigation plans and specifications must maximize the use of drought resistant plants and provide for water conservation measures throughout the planting, irrigation and maintenance plans and specifications.

B. The landscape and irrigation plan required by this chapter must be prepared and signed by a landscape architect, unless this requirement is waived by the City Engineer, if such waiver or amendment would not be in conflict with a subdivision or zoning permit. The required

landscape and irrigation plan must be submitted with the second check of the grading plans and is subject to the review and approval of the City Engineer.

C. The landscape and irrigation plan must conform to the City's design and development standards and be presented on a duplicate mylar of the grading plans and include specifications for preparing existing soils or applying topsoil amendments to the slopes to encourage vigorous growth.

D. Landscape and irrigation plans must comply with Chapter 13.36 of the Santee Municipal Code. (Ord. 491 § 5, 2009; Ord. 234 § 1, 1989)

11.40.140 Erosion control plans.

When required by Chapter 9.06 or when the City Engineer determines that an erosion control system is required on a site, an applicant for a grading permit must submit plans for an erosion control system in accordance with the City's design and development standards and submitted for the review and approval of the City Engineer. The approved erosion control plans become part of the grading plans and a condition of issuance of the grading permit. (Ord. 234 § 1, 1989)

11.40.145 Application coordination—Multi-departmental cooperation.

When the nature of work proposed in a grading permit application falls within the requirements of, or affects the operation of, any other department of the City, the City Engineer must obtain and consider the recommendations of applicable city departments in determining the disposition of the application. (Ord. 234 § 1, 1989)

11.40.150 Grading for building construction.

A. Before a building permit can be issued for land development work incidental to or in connection with the construction of a building or structure, the property owner must complete the following:

1. apply for and obtain a grading permit;

2. complete the grading phase of the land development work;

3. submit a soils report, including, relative compaction of the pads and verification of pad elevations;

4. request, two working days prior to the inspection, and pass inspection of the grading work, if required pursuant to subdivision B.

B. The City Engineer may require a field inspection of the completed grade with representatives of appropriate city departments, the permittee, civil engineer, and soil engineer before the issuance of a building permit.

C. The planning Director will not certify the completion of the building where land development work has been done until a grading permit is obtained and certified as complete. (Ord. 234 § 1, 1989)

11.40.155 Early subdivision grading.

Grading of a subdivision is not permitted prior to approval of the final map unless specifically approved as a condition of the tentative map. If early subdivision grading is approved as a condition of the tentative map, the subdivider must obtain a grading permit pursuant to the requirements of this chapter; provided that the application for a grading permit must be accompanied by detailed plans and specifications based upon the approved tentative map in conformity with the provisions of sections 11.40.110 through 11.40.140 of this chapter, and by a schedule and estimate based upon the plans and specifications. (Ord. 234 § 1, 1989)

11.40.160 Environmental review.

A. Except as otherwise provided in this chapter, every application for a grading permit is subject to environmental review by the planning Director to determine whether the grading, if carried out as proposed, could have a significant impact on the environment. If the Director determines that the grading may have a significant impact on the environment, the Director may require the applicant to prepare environmental studies or an initial study.

B. The environmental review required by subdivision A is not required if any of the following conditions are met:

1. The City Council, planning commission, orCity Officer having final authority for project approval, has approved a negative declaration or certified an environmental impact report which considered the proposed grading or has determined that the project which included the proposed grading, would not have a significant effect upon the environment; or

2. The proposed grading is on land which at no point has a slope steeper than ten percent, and the average cut in the cut area does not exceed five feet, and there is no cut in excess of ten feet (for purposes of the ten foot requirement, the cut or fill measurement must be taken vertically at the deepest point of the cut or fill to the natural ground surface), unless the conditions identified in Subsection B of this section apply.

C. Subdivisions 1 and 2 of Subsection B notwithstanding, if, in the opinion of the City Engineer or the planning Director, there are unusual conditions with respect to the property for which an application is filed which renders an environmental review desirable or necessary, the City Engineer will refer the application to the planning Director for the determination. Such unusual conditions include, but are not limited to, grading activity on land included in:

1. Watercourses;

2. Wetlands;

3. Scenic corridor zones or other areas officially designated by the federal government, state governments, or the City general plan as scenic areas;

4. Areas of severe geologic hazard as identified in the general plan;

5. Riparian habitats;

6. Hillside areas as defined in the hillside overlay district shown on the City zoning map;

7. Areas with significant cultural resources as identified in the general plan;

8. Areas containing significant biological resources as identified in the general plan. (Ord. 234 § 1, 1989)

11.40.165 Right of entry—Indemnification of city.

Prior to receiving a grading permit, the owner of the site to be graded and the contractor, if any, must grant the City a right of entry into the site to inspect and to correct grading not performed in compliance with the terms and conditions of the permit. The owner and the contractor must also agree to indemnify the City for any claims or damages which may result from the City's entry onto the property including from any corrective action taken pursuant to such right of entry. The right of entry and indemnification required by this section must be in a form approved by the City Attorney. (Ord. 234 § 1, 1989)

11.40.170 Restriction on permit issuance—Excessive grades.

A. Except as provided in subdivision B, it is unlawful, and no grading permit may be issued, for any person to grade on natural grades or slopes that exceed 25% gradient through a vertical rise of more than twenty-five feet, unless specifically approved by the City Council.

B. The following are exempt from the prohibition in subdivision A of this section:

1. the movement of earth for small projects such as custom lots, individual building foundations, and driveways approved by the planning Director,

2. the movement of earth for local roads or trenches to mitigate a geologic hazard to adjacent property, and

3. the movement of earth necessary for the construction of access or fire roads, as approved by the City Engineer. (Ord. 234 § 1, 1989)

11.40.175 Nonstructural fills.

A. Except for temporary stockpiles, nonstructural (uncompacted) fills are prohibited unless specifically authorized by the City Engineer and planning Director.

B. Applications for grading permits involving nonstructural fills must be accompanied by an agreement for development of nonstructural fills signed by the property owner and containing the following provisions:

1. The development work must be designated as nonstructural fill and must be constructed in accordance with grading plans approved by the City Engineer;

2. The owner acknowledges that as a nonstructural fill, the site is not eligible for a building permit until, subject to the review and approval of the City Engineer, a soils investigation report, additional geotechnical reports in accordance with Section 11.40.130, and any other pertinent information as deemed necessary by the City Engineer, have been submitted and approved by the City;

3. The land development work must be done and maintained in a safe, sanitary and non-nuisance condition at the sole cost, risk and responsibility of the owner and the owner's successors in interest, who must hold the City harmless with respect thereto;

4. Other provisions that, in the opinion of the City Attorney and the City Engineer, afford protection to the property owner and the City

C. The agreement for nonstructural fills must be presented to the City Council for approval, and if approved, the agreement or notice of the agreement must be recorded in the office of the county recorder. The notice must remain in effect until release of the agreement is filed by the City Engineer. If the county recorder refuses to record notice of the agreement against the property, such agreement becomes void. (Ord. 234 § 1, 1989)

11.40.180 Borrow pits—Zoning permit required—Exceptions.

A. When borrow or waste material is to be removed from or deposited on a land development site, no grading permit for the land development site will be issued unless a zoning permit has been issued for the operation of a borrow pit on the borrow pit site, a legally nonconforming borrow pit is being operated on the borrow site, or the removal comes within one or more of the following exceptions:

1. Where such removal is to complete, within one year after beginning such removal, the grading of land in accordance with a grading plan for any of the following, provided that the grading plan has been approved by the City Engineer as being reasonably necessary and incidental to the development and improvement of the premises, building or structure:

   (a) for a subdivision of such land established by the filing of a final subdivision map;

   (b) for the division of such land created pursuant to a parcel map filed in accordance with Title 12 of this code;

   (c) for the preparation of a site for a building or structure;

(d) a grading plan approved by the planning Director and City Engineer as being reasonably necessary and incidental to the use of the premises in accordance with a zoning permit issued pursuant to Title 13 of this code;

2. Where such removal is incidental to the operation of a mine authorized pursuant to Article VI of this chapter; or

3. Where such removal does not exceed five hundred cubic yards;

4. Where the City Engineer and planning Director concur that the proposed grading is reasonably necessary to provide material exclusively for a specific city project authorized by the City Council; or

5. Where such removal is necessary to repair flood damage in accordance with an emergency watercourse permit issued by the Director. (Ord. 234 § 1, 1989)

11.40.185 Drainage easements required.

A. Prior to issuance of a grading permit for land development activities that involve installation of improvements to public or private watercourses or otherwise impact such watercourses, the applicant must satisfy the following:

1. For all public watercourses, the applicant must grant or cause to be granted to the City a drainage easement in accordance with the design and development standards;

2. For all private watercourses where the continuous functioning of the drainageway is essential to the protection and use of multiple properties, the applicant must:

(a) record or cause to be recorded a covenant, maintenance agreement, and/or deed restriction which establishes the owner of each lot as responsible for maintenance of the drainageway(s);

(b) acquire and record permanent off-site drainage easements, to the satisfaction of the City Engineer.

B. Prior to issuance of a grading permit for land development activities that do not involve installation of improvements to public or private watercourses, but which, in the opinion of the City Engineer, must be kept open and clear for natural storm water runoff, the applicant must grant a flowage easement to the City on a form approved by the City Attorney. (Ord. 234 § 1, 1989)

11.40.190 Permit applications—Expiration and extension.

Except as otherwise provided in this chapter, any grading permit application for which a valid grading permit has not been issued expires 180 days after the City receives the application, at which time the application and plans, whether or not the grading plans have been approved and signed by the City Engineer, are invalid. (Ord. 234 § 1, 1989)

11.40.195 Issuance of permits.

The City Engineer is authorized to issue grading permits for land development work that complies with the requirements of this chapter. A grading permit includes the conditions, plans and specifications set forth in any plans or other documents required by this chapter. (Ord. 234 § 1, 1989)

11.40.200 Denial of permits.

The City Engineer is not authorized to issue a grading permit in the following cases:

A. Hazardous Grading. The City Engineer is not authorized to issue a grading permit in any case where the City Engineer finds or infers that the work proposed by the applicant will:

1. Damage any private or public property; or

2. Expose any property to landslide or geologic hazard; or

3. Adversely interfere with existing drainage courses or patterns; or

4. Cause erosion which could result in the depositing of mud, silt or debris on any public or private street or way; or

5. Create any hazard to person or property.

B. Geological Hazard. The City Engineer is not authorized to issue a grading permit if, in the opinion of the City Engineer, the land area for which grading is proposed is subject to geological hazard and no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to person or property.

C. Flood Hazard. The City Engineer is not authorized to issue a grading permit if, in the opinion of the City Engineer, the proposed grading would adversely affect the flow of runoff or would alter runoff to the detriment of upstream, downstream or adjacent properties.

D. Subdivision or Zoning Permits. The City Engineer is not authorized to issue a grading permit if the purpose of the proposed grading, as stated in the application or as determined by the City Engineer and planning Director, is to prepare the land for subdivision or for some use for which a zoning permit is required, unless and until a subdivision map or a zoning permit has been approved or conditionally approved, and the subdivision map or zoning permit is not threatened with expiration:

E. Other Reasons. The City Engineer is not authorized to issue a grading permit in the following cases:

1. if the City Council prohibits issuance of a grading permit;

2. if prohibited a duly enacted moratorium, court order, injunction, or other legal order;

3. if the applicant or owner has failed to comply with the provisions of this code;

4. if the work proposed is not consistent with any element of the City general plan, any specific plan, land use ordinance or regulation, zoning ordinance regulation or permit, or subdivision map;

5. if the application proposes land development which is not in the interest of the public health, safety, or general welfare, or

6. if the application proposes land development which does not constitute a reasonable use of land as indicated by the existing zoning or an approved land use plan. (Ord. 234 § 1, 1989)

11.40.205 Appeals.

An applicant may appeal the City Engineer's denial of, or the conditions of approval of, an application for a grading permit to the City Council in accordance with Chapter 1.14. In addition, the planning Director must notify the owners of record, interested persons signing the appeal, and owners of adjacent land identified by the City Engineer as being affected by the proposed grading. (Ord. 234 § 1, 1989)

11.40.210 Permit expiration, extension and cancellation.

A. Validity. Unless a grading permit is canceled or expires by limitations as set forth in this section, a grading permit expires on the date specified on the permit, which date may be a maximum of one year after the date of issuance. All work authorized in a grading permit must be completed before the grading permit expires.

B. Expiration by limitation. Grading permits expire by limitation and become null and void if the work authorized by the permit is not commenced and diligently pursued within one hundred eighty (180) days after the date of permit issuance, or if work authorized by the permit is stopped, suspended or abandoned for a period of one hundred eighty (180) days. For purposes of this section, work authorized by a grading permit is "diligently pursued" when it is of a magnitude, frequency, or complexity as to require the regular services of the permittee's soil engineer and/or civil engineer or other professionals, and is inspected at regular intervals by the City.

C. Extensions. A permittee may submit a written request, prior to expiration of a grading permit, for an extension of the expiration date of a grading permit. On receipt of a timely request, the City Engineer is authorized to extend the expiration date of a grading permit, as follows:

1. the City Engineer may extend the period in which the permittee must complete the work authorized by the grading permit for up to one (1) year if the authorized work is timely commenced and diligently pursued but is not completed within the permit period;

2. the City Engineer may extend the period in which the permittee must commence and diligently pursue work, for one hundred eighty (180) days, provided the permittee demonstrates that circumstances beyond the permittee's control prevent commencement of the approved work.

If work is not commenced, diligently pursued, or completed, within the extension period specified in this section, then the permit expires and is null and void.

D. Cancellation. The City Engineer may cancel a permit or may require the plans to be amended in the interest of public health, safety and welfare or under any of the following conditions:

1. Upon the request of the permittee;

2. When the facts are not as presented by the permittee in the application;

3. When work, as constructed or as proposed to be constructed, creates a hazard to public health, safety and welfare;

4. When facts are revealed during grading requiring modifications to achieve desired results. (Ord. 234 § 1, 1989)

11.40.215 Fee schedule—Generally.

A. An applicant for a grading permit must pay all fees required by this chapter and established by resolution of the City Council to the Director of finance. The City Engineer is not authorized to issue any permit authorizing land development until the Director of finance receives the fees required by this chapter.

B. The City Engineer may require the payment of additional fees for any of the following reasons:

1. Extension or renewal of the grading permit;

2. Enlargement of the scope or quantity of grading or any change which increases the need for inspection or administration of the project;

3. Additional soil or geotechnical review by a third party of any modified grading.(Ord. 234 § 1, 1989)

11.40.220 Plan check and permit fees.

A. Before the City Engineer is authorized to accept an application and grading and/or landscape and irrigation plans and specifications for checking, the applicant must pay a plan check fee in the amount established by resolution of the City Council.

B. Unless otherwise specified by resolution of the City Council, the plan check fee for a grading permit authorizing additional work under a valid permit is the difference between

the plan check fee paid for the original permit and the fee required for the entire project. (Ord. 234 § 1, 1989)

11.40.225 Preliminary soils engineering report review fee.

Before the City Engineer is authorized to accept a preliminary soils engineering report for review, the applicant must pay a report review fee for each individual report submitted for review in an amount established by resolution of the City Council. Additional deposits may be required for independent review of the soil engineering report. (Ord. 234 § 1, 1989)

11.40.230 Inspection fees.

Before the City Engineer is authorized to issue a grading permit, the applicant must pay in inspection fee in an amount established by resolution of the City Council to cover the City's expenses, costs, and overhead for field inspection, office engineering, and administration of the work performed, including landscape and irrigation work. (Ord. 234 § 1, 1989)

11.40.235 Work commenced before permit issuance—Fee.

A. In addition to any penalty for violation of this code and in addition to the fees required in this chapter, a separate fee, in an amount established by resolution of the City Council, but in no case less than $500, is required for any work commenced prior to obtaining a permit required by this chapter.

B. Payment of such fee does not relieve any person from any liability for failing to comply with this chapter. The fee prescribed in this section is not a penalty but defrays the expense of enforcement of the provisions of this chapter and may be assessed for each violation cited. (Ord. 234 § 1, 1989)

11.40.240 Fee exemptions.

The City Engineer is authorized to issue grading permits without collecting all or part of the fees required by this chapter when the work is approved and inspected by a county, state or federal agency. (Ord. 234 § 1, 1989)

11.40.245 Refunds.

A. The Director of finance is not authorized to refund fees collected pursuant to this chapter, in whole or in part, except as provided in this section.

1. Plan check fees. Plan check fees may be refunded, less any city expenses, including overhead incurred, upon the applicant's request, provided no plan checking has commenced. No refund of plan check fees is authorized after issuance of a permit.

2. Report review fees. Prior to review of a report, any fees paid for report review are refundable, less a handling charge, upon the applicant's request, provided the

permit has expired, or is withdrawn, or if the project does not warrant preparation of a soil engineering report.

3. Inspection fees. Grading inspection fees may be refunded, less a handling charge and city expenses, at any time prior to the start of the work authorized by the permit, upon the applicant's request, provided the grading permit has expired or has been withdrawn.

B. Notwithstanding subdivision A, no refund is authorized

1. if the applicant or permittee has any outstanding debts owed to the City, or if corrective work remains to be done on the grading work itself.

2. if a request for refund is submitted to the City more than one year after the date of payment of the fee sought to be refunded;

3. if the total refundable amount, after deduction of city costs as provided in this section is less than twenty-five dollars. (Ord. 234 § 1, 1989)

ARTICLE 3 DESIGN STANDARDS

11.40.300 Design responsibilities.

The applicant for a grading permit required by this chapter must comply with or cause the following requirements to be met:

A. Civil Engineer. The civil engineer who prepared the grading and paving plans must:

1. incorporate the applicable recommendations from the soil engineering and geology reports and anyCity Engineer approved alternative concept grading plan into the grading plan;

2. Establish line and grade for the grading and drainage improvements;

3. act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor and the City Engineer;

4. prepare plan revisions, and, when work is complete, submit as-graded drawings incorporating all changes and/or additions made during construction.

5. prior to the release of building permits for any given lot or lots, submit a written statement as evidence that rough grading for land development has been completed within standard tolerances in accordance with the approved plans and that all embankments and cut slopes and pad sizes are as shown on the approved plans.

B. Landscape Architect. The landscape architect who designed the landscape and irrigation plans must:

1. incorporate applicable recommendations from the soils engineering reports along with appropriate measures related to soil engineering into the landscape and irrigation plans;

2. prepare plan revisions, including securing approval from the City Engineer prior to installation, and

3. submit as-graded drawings incorporating all changes and/or additions made during construction;

4. if requested by the City Engineer, prepare alternative concept contour grading plans for review and approval by the City Engineer.

5. Design all ground cover to provide 100% coverage within nine months after planting, or provide additional landscaping to meet this standard.

C. Soil Engineer. The soil engineer who prepares the soil engineering report(s) required by this chapter must

1. perform the preliminary soils engineering investigation;

2. prepare the preliminary soils engineering report;

3. determine the suitability of soils during grading;

4. provide preliminary pavement recommendations;

5. provide compaction inspection and testing;

6. prepare the final soils engineering report;

7. sign the grading plan to certify that the grading plan complies with the soils and geotechnical recommendations of the preliminary soils engineering report. (Ord. 234 § 1, 1989)

11.40.310 Setbacks.

A. Setbacks and other restrictions specified by this section are minimums. The City Engineer may increase the minimums. The City Engineer may consider any recommendations regarding these minimums from the civil engineer, soil engineer or engineering geologist, and may consider whether modifications are necessary for safety and stability, to prevent damage to adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage. Where a requirement elsewhere in this code conflicts with the minimums in this section, the more restrictive requirement governs.

B. Minimum setback requirements:

1. Retaining walls may be used to reduce the required setbacks when approved by the City Engineer.

2. The tops and toes of slopes must be set back from the outer boundaries of the permit area, including from slope rights areas and easements, in accordance with the appropriate setback diagram shown in the City's design and development standards.

3. Setbacks between graded slopes (cut or fill) and structures must be provided in accordance with the appropriate setback diagram shown in the City's design and development standards.

4. Lot lines between private lots must be placed at the tops of slopes along the line of vertical curvature between the building site and the slope rounding whenever practicable. Lot lines between private lots and school sites, park sites and other similar public facilities must be placed so that the slopes remain in private ownership, wherever possible and practicable.

5. A usable side yard of at least five feet from any building wall must be provided to the toe and top of a slope, unless waived by the City Engineer.

C. No provision in this section may be construed to allow less than the required setback for berms and drainage, unless an approved drainage device is used to reduce these requirements. (Ord. 234 § 1, 1989)

11.40.320 Cuts.

A. Cut slopes must be no steeper than two horizontal to one vertical (2:1), unless the applicant demonstrates to the satisfaction of the City Engineer and planning Director that the project would be substantially improved with steeper cut slopes, but in no case will cut slopes be steeper than 1.5:1.

B. Requests for approval of cut slopes steeper than 2:1 must be accompanied by a geotechnical report that establishes such slopes will be stable and by a landscape architect report that establishes such slopes can be adequately landscaped.

C. The City Engineer may require slopes flatter than 2:1 in order to achieve the stated design and landscaping purposes of the City.

D. Unless specifically approved by the City Council or planning commission, a cut must not exceed a vertical height of forty feet. In approving cut slopes higher than forty feet, the City Council considers the following:

1. The lack of feasible alternative grading designs which result in slopes of 40 feet or less and the furtherance of general plan goals and objectives by the proposed development; or

2. Overriding benefits to the City from the development proposal.

E. Slopes in the Friars Formation are governed by Section 11.40.130(A). (Ord. 234 § 1, 1989)

11.40.330 Fills.

A. Fill slopes must be no steeper than two horizontal to one vertical (2:1), exclusive of benches and terraces. The City Engineer may require slopes flatter than 2:1 in order to achieve the stated design and landscaping purposes of the City.

B. Unless specifically approved by the City Council or planning commission, fill must not exceed a vertical height of forty feet. In approving fill slopes higher than forty feet, the City Council considers the following:

1. The lack of feasible alternative grading designs which result in slopes of 40 feet or less and the furtherance of general plan goals and objectives by the proposed development; or

2. Overriding benefits to the City from the development proposal.

C. The soils engineer must provide a slope stability analyses with the soil engineering reports for all fill slopes exceeding 40 feet in height, where authorized by the City Council or planning commission, regardless of the slope ratio. The soil engineer must provide a written statement approving the slope stability. In addition, the soil engineer must recommend alternative methods of construction or compaction requirements necessary for stability.

D. Slopes in the Friars Formation are governed by Section 11.40.130(A). (Ord. 234 § 1, 1989)

11.40.340 Terraces.

All slopes exceeding 40 feet in vertical height must establish drainage terraces at least six feet wide at not more than thirty foot vertical intervals on all cut or fill slopes to control surface drainage and debris. Where only one terrace is required, it must be at mid-height. Access must be provided to permit proper cleaning and maintenance. Drainage terraces must be improved with a paved swale or ditch at least one foot deep, with a minimum grade of two percent and wide enough to carry the one-hundred-year storm runoff arriving at the terrace. (Ord. 234 § 1, 1989)

11.40.350 Berms.

Unless waived by the City Engineer, a compacted earthen berm must be constructed at the top, or along the line of vertical curvature, of all slopes steeper than 5:1. The berm must conform to the slope and be a minimum of one-half foot high and two feet wide. The City Engineer may require larger berms if necessary to achieve the stated design purposes of the City. (Ord. 234 § 1, 1989)

11.40.360 Stormwater runoff.

Stormwater runoff from lots or adjacent properties must not be carried over cut or fill slopes steeper than 5:1. Such runoff must be addressed as required by the City's design and

development standards. Surface runoff must not be permitted to flow from one residential lot to another without approval from the Director. (Ord. 234 § 1, 1989)

11.40.370 Subsurface drainage.

A. Cut and fill slopes must have subsurface drainage as necessary for stability and as recommended by the soil engineer and/or the engineering geologist.

B. All canyon fills and buttress fills must have subdrains, unless waived by the City Engineer, based upon the information provided by the engineering geologist and/or the soil engineer indicating that they are not necessary and recommending against them. (Ord. 234 § 1, 1989)

11.40.380 Contour grading—Public interest slopes.

A. All public interest slopes must be rounded into existing terrain to produce a contoured and smooth transition from cut or fill faces to natural ground and abutting cut or fill surfaces. All public interest slopes must be contour graded and landscaped pursuant to a landscape plan prepared by a landscape architect and approved by the City Engineer. The contours of the finished slope must either approximate the natural contours to the satisfaction of the City Engineer or the slope gradient must vary from 2:1 to 2.5:1, moving through one complete cycle (i.e. from 2:1 to 2.5:1 and back to 2:1) adjacent to each lot line, or every 100 feet of slope, whichever is greater. The brows or tops of slopes may be straight to match the lot lines and facilitate placement of lot fences.

B. Criteria for Slope Rounding. Slope tops (brows) must be rounded between the building site and the slope surface to form a vertical parabolic curve with a length of vertical curve.

C. The following table must be used as a guideline for slope rounding.

Vertical Height of Slope	Length of Vertical Curve
5′ to 10′	10′
10′ to 15′	14′
More than 15′	18′

D. Slope rounding is not required along property lines where fences, walls or other separations are placed.

E. Intersections of graded surfaces must be rounded in the horizontal plane with a circular or elliptical curve using the following table for guidelines.

Deflection Angle Between Intersecting	Tangent Distance	External Distance

Surfaces or Between Tangents of Intersection Surfaces		
Less than 30°	14′	2′
30º to 60°	21′	5′
More than 60º	29′	8′

F. The landscape architect may propose and the City Engineer may approve alternative concept contour grading schemes which are, in the opinion of the City Engineer, equal to or better than the above criteria. (Ord. 234 § 1, 1989)

11.40.390 Grading—Standards for substantial conformance.

A. Grading will be considered in substantial conformance if the pad elevations and slope heights shown on the approved grading plan are within plus or minus one foot of the elevations shown on the tentative map or approved conceptual grading plans.

B. The City Engineer and the planning Director have discretion to permit up to a four foot variation if they determine that the change will not adversely affect views, drainage and usable yard areas, and the change is needed to create a better design. (Ord. 234 § 1, 1989)

ARTICLE 4 PERFORMANCE SECURITY

11.40.400 Required security.

A. The City Engineer is not authorized to issue a grading permit unless the applicant for the grading permit posts security with the City comprised of a cash deposit, surety bond, or a combination of cash deposit and corporate surety bond. An instrument of credit or other security satisfactory to the City Attorney, which pledges the performance of the work, may be submitted in lieu of the surety bond. Surety bonds and other instruments of credit must be issued by an entity authorized to do business in the state of California. An irrevocable standby letter of credit issued by a financial institution subject to regulation by the state or federal government may be posted in lieu of the surety bond, instrument of credit or other security.

B. The security required by this section must insure installation of required structures, drains, landscaping, irrigation and other improvements shown on the grading plans. Such funds are trust funds for the purposes of satisfying the cost of correcting any deficiency, hazard or injury created by the work or lack of maintenance thereof.

C. The security required by this section must be in the form approved by the City Attorney. The total amount of the security must be equal to 30% of the estimated cost of the grading work authorized by the permit plus an additional sum equal to 100% of the estimated cost for the construction of drainage structures or facilities, including standard terrace drains, slope planting, irrigation system, erosion control devices, retaining walls and similar facilities authorized by the grading permit.

D. The City Engineer will estimate the cost of the work after reviewing the civil engineer's estimates. If the City Engineer determines that the size, complexity and scope of the work does not justify the full amount of the security, the City Engineer may waive all or part of the amount to the extent that there is no hazard or danger. If the scope of work increases, or new conditions are discovered after grading commences, the City Engineer may increase the amount of security required. (Ord. 234 § 1, 1989)

11.40.410 Cash deposit requirements.

A cash deposit provided as security required by this chapter must meet the following requirements:

A. be equal to 20% of the calculated security, as approved by the City Engineer. Interest will not be paid on cash deposits;

B. not be less than one thousand dollars or more than twenty thousand dollars. In instances where 20% of the appraised calculated security exceeds twenty thousand dollars, that remaining portion of the security in excess of twenty thousand dollars must be combined with the remaining 80% of the approved security in the form of a corporate surety bond, or other security authorized by Section 11.40.400;

C. be used to satisfy all of the following:

1. the cost of correcting any deficiency, hazard or injury created by the work in violation of the terms and conditions of the grading permit and in violation of the provisions of this chapter or any other applicable law or ordinance;

2. for maintenance, cleanup or repair of any public or private street or easement, or for the maintenance, upkeep or installation of debris basins, erosion control devices, etc.

3. use of the cash deposit or a portion thereof does not limit or release the obligation of the permittee or surety to satisfy the cost of correcting any deficiency, hazard or injury created by the work or to maintain the same in safe condition. If the amount of the cash deposit is insufficient to satisfy the cost in full, the surety is liable to satisfy the remainder of the cost in excess of the cash deposit to the extent that the remainder does not exceed the full penalty amount of the bond. In addition, if suit is brought upon the surety by the City and judgment is recovered, the surety must pay all costs incurred by the City in such suit, including a reasonable attorney's fee to be fixed by the court. (Ord. 234 § 1, 1989)

11.40.420 Erosion control security requirements.

When plans for an erosion control system are required as part of the grading permit pursuant to Section 11.40.140, the applicant must furnish security in connection with an agreement to perform erosion control work.

The amount of security must be 100% of the cost estimate for the work shown on the erosion control plan, subject to the approval of the City Engineer. Section 11.40.400 governs the types of securities acceptable by the City.

In addition to the required security for erosion control work, the applicant must provide a cash deposit for emergency erosion control work and emergency cleanup in the amount established by resolution of City Council, but in no case less than five thousand dollars. (Ord. 234 § 1, 1989)

11.40.430 Required terms and conditions of securities.

A. Every surety bond and instrument of credit must include and every cash deposit and letter of credit must be made on the conditions that the permittee:

1. Complies with all provisions of this chapter, applicable laws and other ordinances;

2. Complies with all the terms and conditions of the grading permit to the satisfaction of the City Engineer;

3. Completes all of the work contemplated under the grading permit within the time limit specified in the grading permit, or if no time limit is so specified, the time limit specified in this chapter, or by any extension of time authorized by the City Engineer. Any extension authorized by the City Engineer must not release the owner or the surety on the bond or person issuing the instrument of credit;

4. Each security must remain in effect until the completion of the work to the satisfaction of the City Engineer. (Ord. 234 § 1, 1989)

11.40.440 Use of securities for work done by city.

A. If a permittee fails to complete the work authorized in a grading permit or fails to comply with all conditions and terms of the grading permit, the City Engineer may complete or cause the completion of any work necessary to correct deficiencies or eliminate dangerous conditions and leave the site in safe, stable and nuisance-free condition or may order the work authorized by the permit to be completed to a safe, stable and nuisance-free condition. In such cases, the permittee, the surety executing a bond, and the person issuing the instrument of credit, letter of credit or making a cash deposit required by this chapter continue to be firmly bound under a continuing obligation to pay all necessary costs and expenses that may be incurred or expended by the City in causing any and all such work to be done. (Ord. 234 § 1, 1989)

11.40.450 Release of securities.

A. Cash deposits, bonds, or other security will be released on request in writing by the permittee when work is complete and approved by the City Engineer.

B. No security otherwise required by this chapter is required from the state, or any of its political subdivisions or any governmental agency. However, a contractor working for the state or any of its political subdivisions or any governmental agency must present a security for performance unless proof is submitted, satisfactory to the City Attorney, that the work is covered by a separate and similar security inuring to the benefit of the state or agency. (Ord. 234 § 1, 1989)

ARTICLE 5 GRADING AND PAVING OPERATIONS

11.40.500 Work authorized by permit.

A grading permit authorizes only the work described or illustrated on the application for the permit, or in the plans and specifications approved by the City Engineer. The authorized work must be done in accordance with all conditions imposed by the City Engineer and with the requirements of this chapter. Conditions imposed by the City Engineer must be shown on the grading plans under the heading "General Notes." (Ord. 234 § 1, 1989)

11.40.505 Responsibility of permittee.

A. The permittee must:

1. know the conditions and restrictions placed on the grading permit, the requirements of this chapter, and the requirements in any approved report(s);

2. insure that all contractors, subcontractors, employees, agents and consultants are knowledgeable of the same, and insure that they carry out the authorized work in accordance with the approved plans and specifications and with the requirements of the permit and this chapter;

3. maintain in an obvious and accessible location on the site, a copy of the permit and grading plans bearing the approval of the City Engineer. (Ord. 234 § 1, 1989)

11.40.510 Contractor qualifications.

Every person doing land development must meet such qualifications the City Engineer determines are necessary to protect the public interest. The City Engineer may require an application for qualification which must contain all information necessary to determine the person's qualifications to do the land development. At a minimum, all land development work must be performed by a contractor licensed by the state to perform the types of work required by the permit. (Ord. 234 § 1, 1989)

11.40.515 Time of grading and paving operations.

A. The permittee must comply with the City's design and development standard regarding the conduct of grading operations. At a minimum, these standards include, but are not limited to the following:

1. All grading and paving operations, including the warming up, repair, arrival, departure or running of trucks, earthmoving equipment, construction equipment and any other associated grading equipment must occur only between seven a.m. and six p.m. Monday through Friday. Earthmoving or grading operations must not be conducted on Saturdays, Sundays or holidays recognized by the City without the written permission of the City Engineer.

2. Grading and paving are not permitted between October 1st and the following April 1st on any site when the City Engineer determines that erosion, mudflow or sediment discharge from grading may adversely affect downstream properties, drainage courses, storm drains, streets, easements, or public or private facilities or improvements unless an erosion control system approved by the City Engineer has been implemented on the site to the satisfaction of the City Engineer. (Ord. 234 § 1, 1989)

11.40.520 Transfer of responsibilities.

A. If the civil engineer, soil engineer, engineering geologist, landscape architect, testing agency, or grading contractor of record change during the course of work authorized by a grading permit, the work must stop until:

1. The owner submits a letter of notification verifying the change of the responsible professional; and

2. The new responsible professional certifies in writing that the professional has reviewed all prior reports and/or plans (specified by date and title) and work performed by the prior responsible professional, and that the new responsible professional concurs with the findings, conclusions and recommendations and is satisfied with the work performed. The responsible professional's certification include a statement assuming all responsibility for work in that professional's purview as of a specified date.

B. Except for subdivision C, any exceptions to subdivisions 1 and 2 of Subsection A of this section must be approved by the City Engineer.

C. Where clearly indicated that the firm, not the individual professional, is the contracting party, the designated engineer, architect or geologist may be reassigned and another individual of comparable professional accreditation within the firm may assume responsibility, without complying with the requirements of subdivisions 1 and 2 of Subsection A of this section. (Ord. 234 § 1, 1989)

11.40.525 Construction of fills.

A. Preparation of Ground. The ground surface of an area to be filled must be prepared to receive fill in accordance with the following:

1. Removing vegetation, noncomplying fill, topsoil and other unsuitable materials;

2. Scarifying to a depth of one foot to provide a bond with the new fill;

3. Where existing slopes exceed five feet in height and/or are steeper than 5:1, benching into sound bedrock or other competent material as determined by the soil engineer and approved by the City Engineer. The lowermost bench beneath the toe of a fill slope on natural ground must be a minimum ten feet wide and at least three feet into dense formational materials. The ground surface below the toe

of the fill must be prepared for sheet flow runoff, or a paved drain must be provided.

4. Where fill is to be placed over an existing cut slope, the bench under the toe of the new fill must be at least 15 feet wide and must be approved by the soil engineer and/or engineering geologist as a suitable foundation for fill.

B. Expansive Soils. Whenever expansive soils are encountered within three feet of the finish grade of any area intended or designed as a location for a building, the permittee must ensure compliance with the following:

1. Remove expansive soil to a minimum depth of three feet below finish grade and replace the expansive soil with properly compacted, non-expansive soil;

2. If sufficient non-expansive material to replace expansive soil is not readily available on-site, the City Engineer may waive or reduce the requirement for removal and replacement of the expansive soils reported on the project, subject to the written recommendation from the soil engineer for the design of footings, foundations, slabs, and other load bearing features, or for other special procedures which will alleviate any problem created by the remaining expansive soils.

C. Fill Material. Fill material must comply with the following:

1. Organic material must not be included in fills;

2. Except as outlined in this Subsection, rock and similar irreducible materials with a maximum dimension greater than eight inches must not be buried or placed in fills.

3. The City Engineer may permit placement of rock with a dimension greater than eight inches when the soil engineer properly devises a method of placement, continuously inspects placement, and approves the soil stability and competency, and the following conditions are also met:

(a) Prior to issuance of the grading permit, potential rock disposal area(s) are delineated on the grading plan;

(b) Rock sizes greater than eight inches in maximum dimension are at least six feet or more below grade, measured vertically, and ten feet measured horizontally from slope faces, and must be two feet or more below the bottom of any utility pipeline.

(i) When the design of the development or covenants and restrictions provide assurance that no structure or utilities will be placed on a precisely definable area, these dimensions may be reduced with the approval of the City Engineer;

(c) Rocks greater than eight inches must be completely surrounded by soils. Nesting of rocks is prohibited.

4. All fill slopes must be overfilled to a distance from finished slope face that will allow compaction equipment to operate freely within the zone of the finished slope, and then cut back to the finish grade to expose the compacted core. Alternate methods may be recommended by the soil engineer and approved by the City Engineer. In such instances, the grading contractor must provide detailed specifications for the method of placement and compaction of the soil within a distance of an equipment width from the slope face.

D. Buttress/Stabilization Fills. The must set forth any recommendations for buttress fills or stabilization fills in a report by the soils engineer or certified engineering geologist. The report must set forth the soil or geologic factors necessitating the buttress/stabilization fill, stability calculations based on both static and pseudostatic conditions (pseudostatic loads need not normally be analyzed when bedding planes are flatter than twelve degrees from the horizontal), laboratory test data on which the calculations are based, the buttress/stabilization fill, a scaled section of the buttress/stabilization fill, and recommendations with details of subdrain requirements.

E. Utility Line Backfill. Backfills for on-site utility line trenches, such as water, sewer, gas, and electrical services must be compacted and tested in accordance with Section 11.40.725. Alternate materials and methods may be used for utility line backfills if the material specification and method of placement are recommended by the soil engineer and approved by the City Engineer prior to backfilling. The final utility line backfill report must include a statement of compliance by the soil engineer that the tested backfill is suitable for the intended use. (Ord. 234 § 1, 1989)

11.40.530 Safety precautions.

A. If, at any stage of work, the City Engineer determines that authorized grading is likely to endanger any public or private property, result in the deposition of debris on any public way, or interfere with any existing drainage course, the City Engineer may specify and require reasonable safety precautions to avoid the danger. Failure to comply with the City Engineer's direction is a violation of this section.

B. When directed by the City Engineer pursuant to this section, the permittee must remove any soil and debris deposited on adjacent and downstream public or private property, repair any damage resulting from that permittee's grading operations, and control erosion and siltation through the use of temporary or permanent siltation basins, energy dissipators, or other measures as field conditions warrant, whether or not such measures are a part of approved plans. Costs associated with any work outlined in this section are the permittee's responsibility. (Ord. 234 § 1, 1989)

11.40.535 Public protection from hazards.

During grading operations, the permittee, contractor, and owner must take all necessary measures to eliminate any hazard resulting from the work to the public in its normal use of

public property or right-of-way. Any fences or barricades installed must separate the public from the hazard as long as the hazard exists, must be approved by the City Engineer, and must be properly constructed and maintained. (Ord. 234 § 1, 1989)

11.40.540 Public facilities within public rights-of-way.

A. Except as otherwise provided in a secured agreement for land development pursuant to Section 16.28.030, the following provisions apply when a city facility within a public right of way has been damaged or has failed as a result of the construction or existence of the owner's land development work during the progress of such work:

1. The owner of property subject to this chapter must pay the City for all costs of placing, repairing, replacing or maintaining the City-owned facility;

2. The costs of placing, replacing or maintaining the City-owned facility includes the cost of obtaining an alternate easement if necessary;

3. The City Engineer must notify the property owner of such damage or failure in accordance with Section 1.08.030, after which, the City may withhold certification of the completion of a building or other permitted work until the damaged or failed facility is restored. (Ord. 234 § 1, 1989)

11.40.545 Protection of adjacent property.

A. Each property owner is entitled to the lateral and adjacent support of that property from the adjoining land.

B. It is unlawful to excavate on land so close to the property line as to endanger any adjoining public street, sidewalk, alley or other public or private property without supporting and protecting such property from settling, cracking and other damage which might result.

C. Notwithstanding the minimum standards set forth in this chapter, each property owner must prevent damage to adjacent property when making excavations by undertaking the following:

1. Before making an excavation greater than ten feet wide within ten feet of a property line, the property owner or lessee must give reasonable notice to the owner or owners of land abutting the property lines affected by the excavation. The notice must state the depth of the proposed excavation and when the excavation will begin;

2. In making any excavation, use reasonable care, skill and precautions to ensure that the soil of adjoining property will not cave in or settle to the detriment of any building or other structure which may be thereon;

3. Ensure that land development work does not physically prevent the use of existing legal or physical and usable access to any parcel (in the opinion of the City Engineer). (Ord. 234 § 1, 1989)

11.40.550 Maintenance of protective devices.

The owner of any property on which a fill or excavation has been made pursuant to a grading permit granted under the provisions of this chapter, or any other person or agent in control of such property must maintain the following in good condition and repair: all retaining walls, cribbing, drainage structures, protective devices, and plantings shown in the approved plans and specifications or in the as-graded drawings or as required by the grading permit. Facilities dedicated for use by the public and accepted for such use by a public agency are excepted from this requirement. (Ord. 234 § 1, 1989)

11.40.555 Protection of utilities.

A. During grading operations the permittee must prevent damage to any public utilities or services within the limits of grading and along any routes of travel of equipment.

B. Before starting any excavation work, the permittee must contact Underground Service Alert, Incorporated and coordinate the proposed excavation with all interested utility companies, districts and agencies. (Ord. 234 § 1, 1989)

11.40.560 Debris on public streets.

The permittee must ensure that all grading operations comply with the Vehicle Code and that no soil or debris is deposited on the public streets by any means, including but not limited to, spills from truck beds or tracking by haul vehicles. The permittee must remove any materials spilled, dumped, or deposited on a public street as a result of permittee's grading operations.

In addition to any other remedies available for noncompliance with this requirement, the City Engineer may require a cash deposit or security to insure the cleanup of public streets.

11.40.565 Dust control.

The permittee must control dust created by grading operations or activities at all times. (Ord. 234 § 1, 1989)

11.40.570 Preservation of existing monuments.

The permittee must show all existing survey monuments on the grading plan and submit evidence indicating that arrangements have been made to preserve or relocate existing monuments to the City Engineer prior to issuance of a grading permit. (Ord. 234 § 1, 1989)

11.40.575 Archaeological or paleontological resources.

If any archaeological or paleontological resources are discovered during grading operations, the permittee must immediately cease all grading operations and notify the City Engineer of the discovery. Grading operations must not recommence until the permittee has received written authority from the City Engineer to do so. (Ord. 234 § 1, 1989)

ARTICLE 6 SURFACE MINING AND RECLAMATION

11.40.600 Purpose and intent.

A. This article is adopted pursuant to the California Surface Mining and Reclamation Act of 1975, Chapter 9, of the Public Resources Code and amendments thereto.

B. The City recognizes that the extraction of minerals is essential to the continued economic well-being of the City and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

C. The City also recognizes that surface mining takes place in diverse areas where the geologic, topographic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

D. The purpose and intent of this article is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code sections 2710 et seq.), as amended, hereinafter referred to as "SMARA," Public Resources Code (PRC) Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as "state regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.), to ensure that:

1. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses;

2. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment;

3. Residual hazards to the public health and safety are eliminated. (Ord. 390, 1999)

11.40.605 Incorporation by reference.

The provisions of SMARA (PRC Section 2710 et seq.), PRC Section 2207, and state regulations CCR Section 3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this article by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this article are more restrictive than correlative state provisions, this article prevails. (Ord. 390, 1999)

11.40.610 Scope.

A. Except as otherwise provided, the provisions of this article apply to all lands within the City, public and private.

B. Except as provided in this article, no person is authorized to conduct surface mining operations unless the City approves a zoning permit, reclamation plan, and financial assurances for reclamation.

C. This article does not apply to the following activities, subject to the above-referenced exceptions:

1. Minor excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster;

2. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

   (a) All required permits for the construction, landscaping, or related land improvements have been approved by the City in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act ("CEQA," Public Resources Code, Division 13, Section 21000 et seq.);

   (b) The City's approval of the construction project included consideration of the on-site excavation and on-site earthmoving activities pursuant to CEQA;

   (c) The approved construction project is consistent with the general plan, applicable specific plan or zoning of the site;

   (d) Surplus materials must not be exported from the site unless and until actual construction work has commenced and must cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

3. Operation of a plant site used for mineral processing, including associated on-site structures, equipment, machines, tools, or other materials, including the on-site stockpiling and on-site recovery of mined materials, subject to all of the following conditions:

   (a) The plant site is located on lands within a zoning category intended for the specific use and all other required City permits and approvals have been obtained;

   (b) None of the minerals being processed are being extracted on-site;

(c) All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred on-site after January 1, 1976.

4. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location and the total surface area disturbed is less than one acre.

5. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.

6. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

7. The immediate excavation or grading of lands affected by a natural disaster for the purpose of restoring those lands to their prior condition.

8. The immediate removal of material deposited by a flood onto lands being farmed for the purpose of restoring those lands to their prior condition.

D. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the City, including but not limited to, the application of CEQA, the requirement of zoning permit approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. (Ord. 390, 1999)

11.40.615 Vested rights.

No person or corporation who obtained a vested right to conduct surface mining operations prior to January 1, 1976, is required to secure a zoning permit so long as the vested right continues in accordance with Section 13.04.110 and as long as no substantial changes have been made in the operation except in accordance with SMARA, state regulations, and this Article. However, where a person or corporation with vested rights has continued surface mining in the same area subsequent to January 1, 1976, they must obtain City approval of a reclamation plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre-and post-Act mining, the reclamation plan must include reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976). (Ord. 390, 1999)

11.40.620 Applications and reviews.

A. Any person, except as provided in Section 2776 of the California Surface Mining and Reclamation Act of 1975, who proposes to engage in surface mining operations as defined in this chapter must, prior to the commencement of such operations, obtain:

1. A zoning permit;

2. A permit to mine; and

3. Approval of a reclamation plan, in accordance with the provisions set forth in this article and as further provided in the California Surface Mining and Reclamation Act of 1975. A fee, as established for the permitted uses in the consolidated fee schedule, must be paid to the City at the time of filing.

B. Applications for a zoning permit or reclamation plan for surface mining or land reclamation projects must be made on forms provided by the department of development services. Said application must be filed in accordance with this article and procedures as established by the Director. The reclamation plan applications require, at a minimum, each of the elements required by SMARA (Sections 2772-2773) and state regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, as established at the discretion of the Director. All applications for a zoning permit for surface mining must be made, considered and granted or denied pursuant to Section 13.06.030. Such applications must be accompanied by data or information required by the Director. All plans and specifications for the grading of the property must be prepared by a registered civil engineer, sealed and signed in accordance with the Business and Professions Code.

C. Applications must include all required environmental review forms and information prescribed by the Director.

D. Within 30 days after acceptance of an application for a zoning permit for surface mining operations and/or a reclamation plan as complete, the department of development services must notify the State Department of Conservation of the filing of the application. Whenever mining operations are proposed in the one-hundred-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the department of development services must also notify the State Department of Transportation that the application has been received.

E. The department of development services will process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the City's environmental review guidelines.

F. Upon completion of the environmental review procedure and filing of all documents required by the Director, consideration of the zoning permit approval and reclamation plan for the proposed surface mine will be scheduled for public hearing before the City Council, and pursuant to the requirements of SMARA.

G. Prior to final approval of a reclamation plan, financial assurances (as provided in this article), or any amendments to the reclamation plan or existing financial assurances, the department of development services must submit the plan, financial assurance, or amendments to the State Department of Conservation for review. City council may conceptually approve the reclamation plan and financial assurance before submittal to the State Department of Conservation. If a zoning permit is being processed concurrently with the reclamation plan, City

Council may also conceptually approve the zoning permit. However, City Council may defer action on the zoning permit until taking final action on the reclamation plan and financial assurances. If necessary to comply with permit processing deadlines, the City Council may conditionally approve the zoning permit with the condition that the City Council will not issue the zoning permit for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the reclamation plan and financial assurances. The State Department of Conservation has 30 days to review and comment on the reclamation plan and 45 days to review and comment on the financial assurance. The department of development services must prepare a written response to the state's comments containing the following, and submit a proposed response to the State Department of Conservation at least 30 days before approval of the reclamation plan, plan amendment, or financial assurance:

1. describing the disposition of the major issues raised by the state's comments;

2. describing whether the City proposes to adopt the state's comments to the reclamation plan, plan amendment, or financial assurance,

3. specifying, in detail, why the City proposes not to adopt the comments, if the City proposes not to adopt the state's comments;

4. proving notice of the time, place, and date of the hearing or meeting at which the reclamation plan, plan amendment, or financial assurance is scheduled to be approved by the City.

The Director must send copies of any comments received and response prepared to the applicant.

H. The City Council will then take action to approve, conditionally approve, or deny the zoning permit and/or reclamation plan, and to approve the financial assurances pursuant to PRC Section 2770(d). The Director must send the State Department of Conservation the final response to the state's comments within 30 days after approval of the reclamation plan, plan amendment, or financial assurance.

I. By July 1st of each year, the department of development services must submit to the State Department of Conservation for each active or idle surface mining operation:

1. A copy of any permit or reclamation plan amendments, as applicable;

2. A statement that there have been no changes during the previous year, as applicable;

3. The date of each surface mining operation's last inspection;

4. The date of each surface mining operation's last financial assurance review pursuant to PRC 2773.1 for each operation.

J. Where any requirement of the reclamation plan conflicts with any requirement of the approved zoning permit, the Director and the City Engineer will determine which requirement applies. (Ord. 390, 1999)

11.40.625 Standards for reclamation.

A. All reclamation plans must comply with the provisions of SMARA (Section 2772 and Section 2773) and state regulations (CCR Section 3500-3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments to previously approved reclamation plans, must also comply with the requirements for reclamation performance standards (CCR Section 3700-3713).

B. The City may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of City performance standards.

C. Reclamation activities must be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the City. Each phase of reclamation must be specifically described in the reclamation plan and include:

1. The beginning and expected ending dates for each phase;

2. All reclamation activities required;

3. Criteria for measuring completion of specific reclamation activities; and

4. Estimated costs for completion of each phase of reclamation. (Ord. 390, 1999)

11.40.630 Financial assurances.

A. To ensure reclamation will proceed in accordance with the approved reclamation plan, the City requires as a condition of approval security for the faithful performance of the reclamation. The applicant may pose security in the form of a surety bond, cash deposit, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the City Attorney and the State Mining and Geology Board as specified in state regulations, and which the City reasonably determines is adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances must be made payable to the City of Santee, the State Department of Conservation, and such other regulatory agencies the City deems necessary.

B. Financial assurances are required to ensure compliance with the reclamation plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability, erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

C. Cost estimates for the financial assurance must be submitted to the department of development services for review and approval prior to the operator securing financial assurances. The department of development services will forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it will be assumed that the cost estimates are adequate. The City has the discretion to approve the financial assurance if it meets the requirements of this article, SMARA, and state regulations.

D. The amount of the financial assurance must be based upon 100% of the estimated cost of reclamation plus a ten percent contingency for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, all new lands to be disturbed by surface mining activities in the upcoming year and areas not successfully reclaimed pursuant to the approved reclamation plan. The estimate must also include any maintenance of reclaimed areas as may be required. Cost estimates must be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Director. The estimated amount of the financial assurance must be based on an analysis of physical activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with establishing revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan must be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee.

E. In addition to the amount specified in Subsection D of this section, the security instrument must provide that in the event suit is brought by the City and judgment recovered, the surety or financial institution must pay, in addition to the sum specified, all costs incurred by the City in such suit including a reasonable attorney’s fee to be fixed by the court.

F. In projecting the costs of financial assurances, it must be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the City or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

G. The financial assurances must remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed, including any required maintenance and establishment period. Upon completion of the surface mining and reclamation of mined lands in accordance with the approved reclamation plan, including maintenance and establishment periods, all financial assurances will be released, otherwise they must remain in full force and effect.

H. The city will annually review amount of financial assurances required of a surface mining operation for any one year to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances must include estimates to cover reclamation for

existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

I. When requested, revised estimates for the financial assurances must be submitted to the Director at the time of filing of the mine operator' s annual mining operation report. The estimate must cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. (Ord. 390, 1999)

11.40.635 Findings for approval.

A. Zoning Permit Approvals. In addition to any other findings required by the City code, zoning permit approvals for surface mining operations must include a finding that the project complies with the provisions of SMARA and state regulations.

B. Reclamation Plans. For reclamation plans, the following findings are required:

1. That the reclamation plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions;

2. That the reclamation plan complies with applicable requirements of State regulations (CCR Sections 3500-3505, and Sections 3700-3713).

3. That the reclamation plan and potential use of reclaimed land pursuant to the plan are consistent with the City's general plan and any applicable specific plans, resource plan or element.

4. That the reclamation plan has been reviewed pursuant to CEQA and the City's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.

5. That the reclamation plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the general plan and applicable specific plan or resource plan. (Ord. 390, 1999)

11.40.640 Modifications.

A. An approved reclamation plan or any conditions thereof may be revised or modified in the same manner provided for a new zoning permit including the requirement for environmental impact review. All proposed modifications of an approved reclamation plan must be consistent with Section 13.06.030.

B. Minor amendments to the reclamation plan may be approved by the Director pursuant to Section 13.04.060 where the Director determines that such approval will not result in a substantial change in the finished appearance of the mining site land form, will not increase the impacts on adjacent property, and is otherwise consistent with the intent of this chapter and the State Surface Mining and Reclamation Act.

C. Notwithstanding the provisions of Section 13.06.030 relative to any modification or revocation of a zoning permit, the City Engineer may modify or add conditions relative to the conduct of grading for the same reasons as specified for grading permits in Article V of this chapter. (Ord. 390, 1999)

11.40.645 Agreements with city required—Borrow pits and quarries.

A. No surface mining may be conducted pursuant to a zoning permit or pursuant to vested nonconforming rights unless, before beginning grading, an agreement has been entered into allowing city employees to enter the property to correct any landscaping or irrigation system deficiencies, any unsafe conditions, or breach of provisions of the zoning permit and/or reclamation plan. The agreement must specifically authorize the City employees or any person authorized by the agreement to enter the property at any reasonable times for inspection or for the purpose of correcting any unsafe conditions resulting from the breach of any provision of the zoning permit or reclamation plan. The agreement must be executed by the permittee, the owner of the property and by holders, except government entities, of any lien upon the property which could ripen into a fee. The permittee must provide acceptable evidence of title showing all existing legal and equitable interests in the property. The City Engineer is authorized to execute and accept the agreement on behalf of the City. The agreement must be recorded before grading begins pursuant to a zoning permit or reclamation plan.

B. The agreement required by this section must be secured pursuant to Section 11.40.630 to assure compliance with the agreement. (Ord. 390, 1999)

11.40.650 Public records.

To the fullest extent authorized by law, reclamation plans, reports, applications and other documents submitted pursuant to this article are public records. An applicant for a permit required by this article may identify information it considers proprietary information. The city will notify the applicant of a request for any information which the applicant marks as proprietary and provide the applicant an opportunity to agree to defend and indemnify the City against any liability or claims, to the satisfaction of the City Attorney, that may arise as a result of withholding such information. The release of public records will be governed by the Public Records Act. Proprietary information will be made available to persons when authorized by the mine operator and by the mine owner in accordance with Section 2778 of the California Surface Mining and Reclamation Act of 1975. (Ord. 390, 1999)

11.40.655 Interim management plans.

A. Within 90 days after a surface mining operation becomes idle, the operator must submit to the department of development services a proposed interim management plan (IMP). The proposed IMP must fully comply with the requirements of SMARA, including but not limited to all zoning permit conditions, and must provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP must be submitted on forms prescribed by the department of development services, and will be processed as an amendment to the reclamation plan. IMPs are not considered a project for the purposes of environmental review.

B. Financial assurances for idle operations must be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP. All financial assurances must conform to Section 11.40.630.

C. Upon receipt of a complete proposed IMP, the City will forward the IMP to the State Department of Conservation for review at least 30 days prior to approval by the City.

D. Within 60 days after receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the City will review and approve or deny the IMP in accordance with this chapter. The operator has 30 days, or a longer period mutually agreed upon by the operator and the Director, to submit a revised IMP. The City will approve or deny the revised IMP within 60 days of receipt.

E. The IMP may remain in effect for a period not to exceed five years, at which time the City may renew the IMP for another period not to exceed five years and for another five-year period at the expiration of the first 5-year renewal period if the City finds that the surface mining operation has complied fully with the IMP, or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan. (Ord. 390, 1999)

11.40.660 Inspections.

A. As a condition of each zoning permit or reclamation plan, the departments of development services will conduct an inspection of the surface mining operation and reclamation activities within six months after receipt of the mine operator's annual report. Inspection will be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous twelve months, or other qualified specialists, as may be determined by the Director. All inspections must be conducted using a form approved and provided by the State Mining and Geology Board. The department of development services will notify the State Department of Conservation within 30 days of completion of the inspection that said inspection has been conducted, and forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator is solely responsible for the reasonable cost of such inspection.

11.40.665 Successors in interest.

A. The applicant submitting the reclamation plan and financial assurances must execute an agreement in a form acceptable to the City Attorney accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan and conditions of their zoning permit. The applicant must cause the agreement or a notice or memorandum of the agreement to be recorded in the office of the county recorder and submit a copy of the recorded document to the office of the City clerk.

B. Whenever any surface mining operation or portion of an operation subject to this chapter is sold, assigned, conveyed, exchanged or otherwise transferred, the applicant will not be relieved of their obligations under the agreement until such time as their successor in interest executes a replacement agreement and posts substitute securities agreeing to be bound by the provisions of the reclamation plan and conditions of their zoning permit. (Ord. 390, 1999)

11.40.670 Liability and responsibilities of permittee.

Neither the issuance of a zoning permit or reclamation plan under the provisions of this article, nor the compliance with any provisions or conditions thereof, relieve any person from any liability or responsibility resulting from grading operations as specified elsewhere in this chapter. (Ord. 390, 1999)

11.40.675 Enforcement of provisions.

The Director is authorized to enforce this article. (Ord. 390, 1999)

11.40.680 Violations.

If the Director determines that an operator is not complying the terms and conditions of this chapter, the zoning permit or reclamation plan, the Director is authorized to initiate administrative remedies authorized by this code, and by SMARA, including but not limited to PRC 2774.1. The Director may notify the operator of any deficiency. The operator must remedy all deficiencies in the notice within a reasonable time, not to exceed 30 days. If more than 30 days is needed to remedy the noticed violation, the operator may enter into a stipulated order to comply, pursuant to PRC 2774.1, with notice sent to the State Department of Conservation. If, at the end of this period of time the zoning permit or reclamation plan is still not being followed and completed as approved, the Director may pursue any enforcement actions available, including but not limited to those actions specified in PRC 2774.1 and in this code. Failure to comply with the terms or conditions of a reclamation plan is a violation of the zoning permit and a public nuisance. (Ord. 390, 1999)

11.40.685 Appeals.

Any person aggrieved by an act or determination of the City administrators in the exercise of the authority granted in this article has the right to appeal that decision pursuant to Chapter 1.14.

ARTICLE 7 SUPERVISION, TESTING, INSPECTION AND ENFORCEMENT

11.40.700 City Engineer—Authority.

A. The City Engineer is authorized to this article, except as otherwise provided.

B. The City Engineer may establish and implement special inspection requirements and augment resources or expertise as necessary to properly inspect a particular grading project. The permittee who benefits from these special requirements or augmentations must pay the cost of those requirements or augmentations.

C. Before approving any land development work requiring grading plans and specifications, the City Engineer may inspect the site to determine that the plans and specifications are current and reflect existing conditions.

D. After receiving a grading permit, but before any land development work involving grading, brushing or clearing, the permittee must attend a pregrading meeting. Prior to pouring curbs and gutters or placement of base materials, a permittee must attend a prepaving meeting held on the site. The permittee must notify the City Engineer at least two working days prior to the meetings and must notify all principals responsible for grading and paving related operations.

E. The City Engineer is authorized to inspect land development projects at intervals necessary to determine that adequate inspection and testing is being exercised.

F. The City Engineer is authorized to inspect all work done in connection with land development to insure compliance with the provisions of this chapter.

G. The City Engineer is authorized to stop land development being done without a permit until a permit has been obtained, to impose conditions on a permit issued for such work, to require the correction or removal of such work, and to take any other enforcement action authorized by this code or law.

11.40.705 Liability of city.

Neither the issuance of a permit pursuant to this chapter nor the compliance with this chapter or any conditions imposed pursuant to this chapter relieve any person from any responsibility for damage to persons or property otherwise imposed by law, nor impose any liability on the City for damage to persons or property.

11.40.710 Supervised or regular grading—Observation required.

A. All grading, except grading for a borrow pit, in excess of 5,000 cubic yards must be performed under the general observation of and coordination of the civil engineer who prepared or signed the grading plans and is designated “supervised grading.”

B. Grading not supervised in accordance with this section is designated “regular grading.”

C. For grading of 5,000 cubic yards or less, the permittee may elect to have the grading performed as either supervised grading or regular grading. (Ord. 234 § 1, 1989)

11.40.715 Regular grading and paving requirements.

A. The City Engineer is authorized to cause or require regular grading and paving work to be inspected to the extent deemed necessary and is authorized to require inspection of excavations, fills, and compaction control by a soil engineer.

B. The City Engineer is authorized to require inspections by the soil engineer to sufficient to assure the City Engineer that the soil engineer has adequately considered all geologic conditions.

C. The soil engineer must file a report with the City Engineer assuring the compaction and acceptability of all fills. Where potentially expansive soils are present at either cut or fill grade, the soil engineer must provide written recommendations regarding treatment given or to be given to such soils. (Ord. 234 § 1, 1989)

11.40.720 Supervised grading requirements.

A. For supervised grading, the permittee must ensure that the civil engineer supervising the grading also supervises and coordinates all field surveys, setting of grade stakes in conformance with the plans, and site inspection during grading operations to assure that the site is graded in accordance with the permit.

B. The City Engineer is authorized to require a permittee to provide soils reports and geology reports as part of an application for or conditions of a grading permit. In addition to the copies filed with the City Engineer, the permittee must send copies of such reports to the civil engineer supervising the grading.

C. The permittee must ensure that the soil engineer conducts tests and inspections necessary to assure that the recommendations in the preliminary soils engineering report and paving report incorporated in the grading plan, specifications, or the permit are followed and complies with the requirements of Section 11.40.725. (Ord. 234 § 1, 1989)

11.40.725 Soil engineer—Observation and testing responsibilities.

A. General. The soil engineer must ensure the following:

1. the ground is properly prepared to receive fills,

2. proper compaction,

3. finish slopes are properly stabilized,

4. buttress fills, where required, are properly designed,

5. data supplied by the engineering geologist is incorporated into the soils reports;

6. during grading, submit to the permittee and City Engineer copies of all analyses, compaction data, soil engineering and engineering geology recommendations and reports;

7. the standards established in this section are met.

B. When preliminary soils engineering reports are not required, the City Engineer may require inspection and approval by the soil engineer. The soil engineer's responsibility in these cases includes, but is not limited to, approval of cleared areas and benches to receive fill, the compaction and testing of fills and their inspection and approval. The soil engineer must submit a statement that all embankments have been compacted to a minimum of 90% relative compaction or an alternative compaction percentage approved by the City Engineer. Prior to the release of building permits for any given lot or lots, the soil engineer must submit a compaction report to the satisfaction of the City Engineer as evidence that rough grading has been compacted in accordance with the approved preliminary soils engineering report.

C. Density Testing. The soils engineer must ensure field density testing is completed in accordance with the following:

1. All fills must be compacted to a minimum of 90% relative compaction unless the City Engineer approved a lesser density.

2. Field density tests must be performed in accordance with ASTM D1556, or as revised (sand cone test), or equivalent, approved by the City Engineer.

3. Notwithstanding any alternative field density test approved by the City Engineer, at least 25% of the total tests must be by ASTM D1556 to verify the accuracy of the equivalent method.

4. The location of field density tests must comply with the following:

   (a) Field density tests must be distributed within the fill or fill slope surface so that representative results are obtained;

   (b) At least 20% of the required field density tests must be located within three feet of the final slope location and at least one density test must be taken within the outer twelve inches of finished slope face for every 5,000 square feet of slope area;

5. Field density tests must be performed on the basis of at least one test for 1,000 cubic yards of compacted fill and at least one test for each two feet of fill thickness.

6. Additional field density testing must occur in areas of critical nature or special emphasis. Where lower density and very high potential expansion characteristics exist, as determined by the soil engineer, lesser compaction may be granted by the City Engineer upon justification and recommendation by the soil engineer.

D. The soil engineer must test for expansive soils for each building pad within three feet of the finish grade of any land development intended or designed as a location for a building. (Ord. 234 § 1, 1989)

11.40.730 Engineering geologist—Responsibilities.

The engineering geologist is responsible for professional inspection and approval of the stability of cut slopes with respect to geological matters and the need for subdrains or other groundwater drainage devices. The engineering geologist must report all findings to the soil engineer for engineering analysis. (Ord. 234 § 1, 1989)

11.40.735 Required inspections.

The permittee must request an inspection by the City Engineer for each item of work listed in this section at the time or stage indicated below. The permittee must request the inspection at least one day before the desired inspection is to occur.

A. Excavation and Fill.

1. Canyon cleanout: after all brush and unsuitable material have been removed and an acceptable base has been exposed, but before any fill is placed;

2. Toe bench and key: after the natural ground or bedrock is exposed and prepared to receive fill, but before fill is placed;

3. Over-excavation: after the area has been excavated but before fill is placed;

4. Excavation: after the excavation is started, but before the vertical depth of the excavation exceeds ten feet, and every ten foot interval thereafter;

5. Fill: after the fill has started, but before the vertical height of the fill exceeds ten feet and every ten foot interval thereafter.

B. Concrete or Gunite Drainage Devices.

1. Cross gutter:

   (a) Subgrade: after the subgrade is prepared and required reinforcement placed,

   (b) Concrete: during concrete placement;

2. Curb and gutter (private property):

   (a) Subgrade: after subgrade is made, forms in place, with required reinforcement,

   (b) Concrete: during concrete placement;

3. Terrace drains, down drains, brow ditches and all over-paved drainage devices:

(a) Subgrade: after grade is made but prior to placement of welded wire mesh or reinforcing steel,

(b) Reinforcement: after thickness control wire and reinforcing steel or welded wire are in place,

(c) Concrete: during concrete or gunite placement.

C. Drainage Devices other than Concrete or Gunite.

1. Subdrains:

(a) After excavation but prior to placement of filter material and pipe. The subdrain pipe and filter material must be on-site for inspection,

(b) After filter material and subdrain have been placed but prior to covering with backfill;

2. Storm Drains and Inlets:

(a) After placement of storm drains, but prior to covering with backfill,

(b) After placement of inlet forms but prior to pouring concrete;

3. Earth swales: prior to rough grading approval.

D. Rough Grading. An inspection must be made when all rough grading is complete and after the City Engineer has reviewed and approved the required reports and the civil engineer has submitted the written report required by Section 11.40.740 indicating substantial conformance to line and grade.

A building permit will not be issued until rough grading has been approved and receipt of the reports required by Section 11.40.740.

E. Irrigation.

1. Pipe Lines and Control Valves. During installation of main and lateral lines, inspections must be made to assure continuous support of all pipe, properly assembled fittings and valve installation, as well as proper backfill procedures.

2. Coverage Test. When the irrigation system is completed, a coverage test must be performed in the presence of the City Engineer or appointed inspector.

F. Planting.

1. General Soil Preparation. After the finish grade has been established and appropriate drainage is accomplished, incorporation of amendments must be

inspected. Amendment material must be approved prior to import. Material invoices and/or licensed weighmaster's certificates may be required.

2. Plant Pit Preparation. During the preparation of all plant pits, inspections must confirm standard procedures are followed to maximize the promotion of healthy root development. Material invoices may be required.

3. Staking and/or Guying Procedures. After completion of planting, removal of all nursery stakes, and proper staking and/or guying practices. Inspection of procedures will confirm compliance.

G. Erosion Control Facilities (Rainy season: October 1st through April 1st).

1. After excavation of desilting basins but prior to fill placement, prefabricated devices are to be available on-site for inspection;

2. After fill placement for desilting basins but prior to placement of concrete or other non-erosive materials;

3. After completion of an erosion control system in accordance with an approved erosion control plan and the requirements of the City Engineer.

H. Final Inspection. The permittee must request a final inspection by the City when all work, including installation of all drainage structures, irrigation, slope planting and other protective devices, has been completed and all written professional approvals, certifications and the required reports and as-graded drawings have been submitted. (Ord. 234 § 1, 1989)

11.40.740 Completion of work.

A. Final Reports. After completion of the rough grading work or when land development work under the grading permit is completed, but before to approval of the grading or land development work and before release of grading securities or issuance of a notice of completion or certificate of use and occupancy:

1. The permittee must cause the responsible civil engineer to submit to the City Engineer:

(a) An as-graded version of the grading plan (as-graded drawings) prepared, signed and dated by the responsible civil engineer. The as-graded drawings must include the following:

(i) original and "as-graded" ground surface elevations, pad elevations, slope ratios and elevations;

(ii) locations of all surface and subsurface drainage facilities;

(iii) location and scaled sections of all buttress/stabilization fills, subdrains; and

(iv) general location and depth of all areas of removal of unsuitable soil;

(v) landscape and irrigation sheets of the grading plan showing the as-built landscape and irrigation works. The civil engineer must work directly with the landscape architect to complete these as-built drawing sheets.

(b) Prior to issuance of a building permit, a written statement (rough grading report) signed by the civil engineer reporting that the site is rough graded in conformance with the approved grading plan, as modified or amended by any construction changes approved by the City Engineer, and which specifically states the following items were performed under the civil engineer's supervision, and are shown correctly on the as-graded drawings:

(i) Staking of line and grade for all engineered drainage devices and retaining walls (rough and final grading),

(ii) Staking of property corners for proper building and slope location (rough grading),

(iii) Location of permanent walls or structures on property corners or property lines,

(iv) Location and slope ratio of all manufactured slopes,

(v) Construction of earthen berms and positive building pad drainage.

2. The permittee must cause the soil engineer to submit to the City Engineer:

(a) A final soils engineering report prepared by the soil engineer. The final soils engineering report must include the following:

(i) type of field testing performed,

(ii) compaction reports,

(iii) suitability of utility trench and retaining wall backfill,

(iv) summaries of field and laboratory tests and other substantiating data,

(v) comments on any changes made during grading and their effect on the recommendations made in the preliminary soils engineering report,

(vi) identification of each field density test, located on a plan or map, the elevation of the test, and the test method of obtaining the in-place density described (either ASTM D1556-78 or the approved equal must be noted);

(b) Written approval of the adequacy of the site for the intended use as affected by geologic factors, a statement of compliance to finish slope heights and gradients, and when required by the City Engineer, an as-graded geologic map;

(c) The utility line backfill report required by Section 11.40.525;

(d) A final geological report or certification by a certified engineering geologist indicating that all geologic problems identified in the engineering geological report have been addressed.

B. Notification of Completion. The permittee must notify the City Engineer when the grading operation is ready for final inspection. The City Engineer is not authorized to provide final approval until all work is completed, including but limited to the following:

1. all drainage facilities and their protective devices are installed;

2. irrigation systems are installed and required plantings are established,

3. all erosion control measures are installed in accordance with the final approved grading plan and the as-graded drawings,

4. required reports and statements of compliance are submitted. (Ord. 234 § 1, 1989)

11.40.745 Notification of noncompliance.

If, in the course of fulfilling responsibility under this chapter, the City Engineer, the soil engineer, the engineering geologist, or the testing agency finds that the land development work is not being performed in accordance with approved plans, specifications or this chapter, the discrepancies must be reported immediately in writing to the grading contractor, the owner, the permittee, and the City Engineer recommendations for corrective measures must be submitted for approval by the City Engineer. (Ord. 234 § 1, 1989)

11.40.750 Stopping and correction of work.

A. The City Engineer is authorized to temporarily suspend all land development or grading work and to suspend a grading permit by issuing a written stop work order in accordance with this chapter, which will remain in effect until the hazard or condition is corrected to the satisfaction of the City Engineer, whenever:

1. field conditions present an immediate hazard or danger to life or property;

2. work is being done in a hazardous manner;

3. land development or grading work does not comply with the terms of a grading permit, the approved plans or conditions, or this code;

4. the soil or other conditions are not as stated on the grading permit;

5. the work being done under a grading permit issued for a subdivision or zoning permit is contrary or conflicting with any approved changes and/or modifications made to the originally approved or conditionally approved tentative map or zoning permit subsequent to the issuance of the grading permit;

6. there is lack of supervision of the grading operation, lack of engineering control, lack of soil engineering control or lack of dust or air pollution control;

7. archaeological or paleontological artifacts or resources are discovered; or

8. violations of the Storm Water Management Ordinance;

9. for any other reason which in the City Engineer's opinion, presents a threat to the public safety or welfare immediately, or in the future, or which may cause unstable earth conditions.

B. The owner must furnish any additional information, investigations and reports necessary to resolve the stop work order conditions. The owner must pay for all work associated with furnishing these items, as well as any additional staff time in resolving the stop work order conditions. (Ord. 234 § 1, 1989)

C. The City Engineer may authorize work subject to a stop work order to resume when the City Engineer determines that conditions which required the stop order are remedied or alleviated. (Ord. 234 § 1, 1989)

11.40.755 Revocation of permits.

A. In addition to any other grounds for revocation of a permit provided in this code, the City Engineer may revoke any permit granted under the provisions of this chapter pursuant to the procedures set forth in Chapters 1.08 and 1.14 if the City Engineer determines any of the following:

1. that the permit was obtained by fraud,

2. that one or more of the conditions upon which the permit was granted have been violated,

3. that the permittee failed or refused to correct a deficiency or hazard upon the receipt of written notice and within the time specified in such notice, or

4. that the permittee fails or refuses to perform any of the work required, or fails or refuses to conform with any of the conditions or standards established for any subdivision, zoning permit or other approval granted by the City, or

5. that the permittee fails to correct any hazard or condition identified by the notice of revocation.

B. If a permit is revoked, no further work subject to the revoked permit may be done except to correct hazards and to complete any work authorized by the City Engineer or City Council. Every agreement and every security required by this chapter must remain in full force and effect notwithstanding any revocation. (Ord. 234 § 1, 1989)

11.40.760 Denial of further permits.

In addition to any other remedy available for noncompliance with the requirements of this chapter, the City Engineer is authorized to deny issuance of any further permits involving development and use of the property where the violation occurred for up to three years.

EXHIBIT 22

CHAPTER 11.42 IMPROVEMENTS REIMBURSEMENT

11.42.010 Purpose.

The purpose of this chapter is to provide a procedure for reimbursing a developer for public and private off-site improvements to streets which are not on the circulation element of the general plan and to drainage facilities which are not on the City master drainage facilities fee map, when such improvements are made as a condition of development. (Ord. 214 § 3, 1988)

11.42.020 Definitions.

In this chapter:

A. "Administrative cost" means expenses and services provided by the City in the management of the reimbursement agreement.

B. "Agreement" means an agreement to reimburse a developer for construction or extension of improvements that benefit another's property.

C. "Benefit area" means the area of benefit approved by the City Council that would be assessed for the cost of the public and private improvement.

D. "Developer" means an individual, a firm or any legal entity altering land, constructing buildings, or both.

E. "Engineering report" means the reimbursement report prepared by a state licensed civil engineer selected by the City, outlining the benefited area and proposed reimbursement payments.

F. "Estimated construction cost" means the estimated cost of construction as outlined in the engineering report and approved by the City Engineer.

G. "Improvements" means drainage systems and public and private streets and related appurtenances constructed to city standards.

H. "Property owner" means an individual, firm or any legal entity shown on the assessor's records as having control of the real property.

I. "Reimbursement payment" means the payment to the developer who paid for the initial construction of the improvement.

J. "Trust fund" means an account established for the deposit of the reimbursement funds during the life of the reimbursement agreement. (Ord. 214 § 3, 1988)

11.42.030 Pre-construction requirements.

A developer required to construct improvements must provide the City with a completed and signed reimbursement agreement to the satisfaction of the City Attorney. The signed agreement must be submitted at the same time as the standard agreement and bonding for the construction of the improvements, along with a deposit to cover the City's costs to review, process and approve the agreement. (Ord. 214 § 3, 1988)

11.42.040 Form and content of agreement.

The reimbursement agreement must satisfy the following

A. Be prepared to the satisfaction of the City Attorney;

B. Be prepared with the assistance of a state licensed civil engineer and contain the following:

1. a legal description of all benefiting properties. The area of benefit must include all parcels of land, or parts thereof, within the City which may be served by the improvements;

2. a detailed plat drawn at an engineering scale on legal-size paper showing the precise locations of all improvements and complete dimensions (including frontage) of all benefiting property;

3. a reimbursement schedule that includes a list of all benefiting properties with current tax assessor's parcel number, owner's name, property's street address, acreage of benefiting parcels and a benefit charge. The amount of the benefit charge assigned to each benefiting parcel is subject to the approval of the City Council. The benefit charge assigned to each parcel must bear a reasonable relationship to the benefit conferred upon that parcel by the improvements and must bear simple interest at the rate of five percent per annum on the unpaid balance;

4. a detailed estimated cost of the design and construction of the improvements;

5. the terms, conditions, and covenants of reimbursement and a trust agreement consistent with the requirements of this chapter. (Ord. 214 § 3, 1988)

C. Be consistent with the requirements of this chapter;

11.42.050 Notice and hearing.

After a reimbursement agreement is approved by the City Attorney, it must be approved by City Council at a public hearing. At least ten days before the hearing, the City clerk must notify the owner, or owners, of the land within the benefited area of the public hearing. The developer must provide address labels for all benefitting properties and pay all fees necessary for notice of the public hearing. (Ord. 214 § 3, 1988)

11.42.060 Decision of City Council.

A. After the hearing provided for in Section 11.42.050, the City Council will consider and determine the following:

1. the feasibility and necessity of the improvements;

2. whether the improvements will be in the best interest of the City;

3. whether to approve, conditionally approve, or deny the reimbursement agreement;

4. the amount to be reimbursed through the reimbursement agreement and

5. the allocation of reimbursement payments among the benefiting parcels. (Ord. 214 § 3, 1988)

11.42.070 Payment for reimbursement.

The reimbursement agreement must provide for reimbursement to applicant as follows:

A. The benefit charge as follows:

1. The amount received by the City as a benefit charge, if any, collected by the City from the owners of benefiting parcels for the privilege of using the improvements, less the administrative costs set forth in Section 11.42.080. The benefit charge for a parcel will be collected by the City as a condition of approval of any development of the benefited parcel, provided the imposition of such condition is reasonably related to such development.

2. The benefit charge for each parcel of land within the benefited area will be determined upon the Directors' report using standard assessment district formulas, as that report may be approved by the City Council.

3. The City Council retains the right to determine, in its sole discretion, both the total cost of the improvements and the benefit charge for each parcel.

B. The developer is entitled to receive the reimbursement provided in this section until all payments as specified in the reimbursement agreement are repaid. When the applicant has received full reimbursement, the applicant will be entitled to no further reimbursements arising out of benefit charges which might be paid to the City. All payments thereafter accruing become the property of the City.

C. All reimbursement funds will be deposited to a trust fund. The right of the developer to payments from the trust fund is personal and do not run with and may not be assigned with, the lands owned by the developer.

D. Payments will be made at such times as are convenient to the City, but in no event, less often than annually if the City has received any benefit charges.

E. Payment to the developer will include the interest collected from a benefited owner assessed against the benefit charge at a rate of five percent per year in simple interest. (Ord. 270 § 2, 1991; Ord. 214 § 3, 1988)

11.42.080 Administrative costs—Assessment.

An administrative charge of five percent will be assessed on all reimbursement payments to cover administrative costs incurred by the City. (Ord. 214 § 3, 1988)

11.42.090 Responsibility for required information.

The developer applying for reimbursement is solely responsible for all information needed to process the reimbursement agreement. Any errors or inaccuracies may constitute grounds for the denial of the developer's application. (Ord. 214 § 3, 1988)

11.42.100 Recordation of agreements.

The developer must file the agreement, or a notice or memorandum of agreement, with the county recorder following full execution of the agreement by all parties. (Ord. 214 § 3, 1988)

EXHIBIT 23

CHAPTER 11.44 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

11.44.010 Uniform Code for the Abatement of Dangerous Buildings adoption by reference.

The city adopts as its dangerous building code the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings as published by the International Conference of Building Officials.

11.44.020 Penalties

Any person who violates or fails to comply with Chapter 6 of the Uniform Code for the Abatement of Dangerous Buildings or any final order of the Building Official or the board of appeals made pursuant to this chapter is guilty of a misdemeanor and may be punished by a fine or imprisonment as set forth in title 1 of this code.

EXHIBIT 24

CHAPTER 11.48 HISTORICAL LANDMARKS

11.48.010 Purpose.

The City Council declares that recognizing, preserving, enhancing, perpetuating, and using structures, natural features, sites and areas within the City that have historic, architectural, archaeological, cultural or aesthetic significance is in the interest of the health, economic prosperity, cultural enrichment and general welfare of the people. The purposes of this chapter are to:

A. Safeguard the heritage of the City by providing for the protection of landmarks representing significant elements of its history;

B. Enhance the visual character of the City by encouraging and regulating the compatibility of architectural styles within landmark districts reflecting unique and established architectural traditions;

C. Foster public appreciation of and civic pride in the beauty of the City and the accomplishments of its past;

D. Strengthen the economy of the City by protecting and enhancing the City's attractions to residents, tourists and visitors;

E. Promote the private and public use of landmarks and landmark districts for the education, prosperity and general welfare of the people;

F. Stabilize and improve property values within the City. (Ord. 135, § 22.22.010, 1984)

11.48.020 Definitions.

In this chapter:

A. "Adobe" means unburnt, sun-dried, clay brick; or a building made of adobe bricks.

B. "Alteration" means any exterior change or modification. For the purposes of this chapter, alteration of any landmark or of any property located within a landmark district includes, but is not limited to, exterior changes to or modification of structure, architectural details or visual characteristics, such as paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

C. “Archaeological” means anything pertaining to the scientific study of the life and culture of earlier peoples by excavation of sites and relics.

D. “Architectural” means anything pertaining to the science, art or profession of designing and constructing buildings.

E. “Committee” means the Santee Historical Society.

F. “County assessor” means the tax assessor of the county of San Diego.

G. “Cultural” means anything pertaining to the concepts, habits, skills, arts, instruments, institutions, etc. of a given people in a given period.

H. “Elevations” means the flat scale orthographic projected drawings of all exterior vertical surfaces of a building.

I. “Facade” means the front of a building or the part of a building facing a street, courtyard, etc.

J. “Landmark” means any structures, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark under the provisions of this chapter.

K. “Landmark district” means any area of the City containing a number of structures, natural features or sites having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark district under the provisions of this chapter.

L. “Natural feature” means any tree, plant life or geological element.

M. “Owner” means any person, association, partnership, firm, corporation or public entity appearing as the holder of title to any property on the last assessment roll of the county assessor.

N. “Preservation easement” means any interest held by the public in any structures, natural feature, site or area not owned by the public and restricting its use, alteration, relocation or demolition for the purpose of preservation.

O. “Site plan” means any flat scale drawing of the place where something is, is to be, or was located.

P. “Structure” means any building or any other manmade object affixed on or under the ground.

Q. “Structure of merit” means any structure not designated as a landmark but deserving official recognition as having historic, architectural, archaeological, cultural or aesthetic significance and designated as a structure of merit under the provisions of this chapter. (Ord. 135, § 22.22.020, 1984)

11.48.030 Criteria for designation of landmarks.

In considering a proposal to recommend to the City Council any structure, natural feature, site or area for designation as a landmark, the committee must evaluate the following criteria:

A. Its character, interest or value as a significant part of the heritage of the City, the state, or the nation;

B. Its location as a site of a significant historic event;

C. Its identification with a person or persons who significantly contributed to the culture and development of the City, the state, or the nation;

D. Its exemplification of a particular architectural style or way of life important to the City, the state, or the nation;

E. Its exemplification of the best remaining architectural type in a neighborhood;

F. Its identification as the creation, design or work of a person or persons whose effort has significantly influenced the heritage of the City, the state, or the nation;

G. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials or craftsmanship;

H. Its relationship to any other landmark if its preservation is essential to the integrity of that landmark;

I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;

J. Its potential of yielding significant information of archaeological interest;

K. Its integrity as a natural environment that strongly contributes to the well-being of the people of the City, the state, or the nation. (Ord. 135, § 22.22.040, 1984)

11.48.040 Procedure for designation of landmark.

The procedure for designation of any landmark is as follows:

A. Upon its own initiative or upon the application of any person or entity, the committee may recommend to the City Council the designation as a landmark of any structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance.

B. The City Council may adopt a resolution of intention to consider recommendation of the property for designation as a landmark.

C. Thereafter, any environmental assessment required by any applicable federal, state, or local laws or regulations must be completed.

D. No later than thirty-five days after the date of such resolution or completion of environmental assessment, whichever is later, the City Council must conduct a public hearing on the proposal, and provide a reasonable opportunity for any interested party to be heard.

E. The City Council must adopt a resolution to recommend designation of the property as a landmark, or to deny such recommendation, no later than the next regularly scheduled meeting following the public hearing. The resolution must be reduced to writing and contain specific findings by the City Council.

F. Upon designation of a landmark, the City clerk must cause such designation to be recorded in the office of the recorder of the county. (Ord. 135, § 22.22.050, 1984)

11.48.050 Existing landmarks.

Any property designated by the City Council as of special interest as historic landmark must not be demolished or relocated, except as provided for landmarks under Section 11.48.070. Upon designation as landmarks under Section 11.48.040, said properties must then become subject to all of the provisions of this chapter pertaining to landmarks. (Ord. 135, § 22.22.060, 1984)

11.48.060 Repair and maintenance of landmarks and structures of merit.

The owner of a landmark must maintain or cause the landmark to be maintained in good repair and to preserve it against decay and deterioration. Nothing in this chapter prohibits ordinary and necessary maintenance and repair of a landmark. (Ord. 135, § 22.22.070, 1984)

11.48.070 Demolition, relocation or alteration of landmark.

A. Prohibition—Exceptions. It is unlawful for any person to alter the exterior, relocate, or demolish a landmark, except under the following conditions:

1. Exterior alterations to a landmark for the purpose of restoring to its original appearance, or to substantially aid its preservation or enhancement, must not be made without the prior written approval of the City Council.

2. Relocation of a landmark to substantially aid its preservation or enhancement must not be made without the prior written approval of the City Council.

3. In the event that a landmark is damaged by earthquake, fire or act of God, and cannot with reasonable cost and with reasonable diligence be repaired and restored, such a landmark may be demolished with the prior written approval of the City Council.

B. Proposed Landmarks. It is unlawful for any person to alter the exterior, relocate, or demolish any structure, natural feature, site, or area proposed for designation as a landmark after adoption by the City Council of a resolution of intention, as provided in Section 11.48.040, unless and until such proposal is denied recommendation by the committee, or is denied designation as a landmark by the City Council.

C. Issuance of Permits. Any application to the City for a permit to alter the exterior, relocate, or demolish any landmark, together with plans, elevations and site plans therefor, must be referred to the City Council for consideration. No permit to alter the exterior, relocate, or demolish any such landmark will be issued without the prior written approval of the City Council. (Ord. 135, § 15.60.080, 1984)

11.48.080 Landmarks—Building permits.

Any application for a permit to construct or alter the exterior any structure designated as a landmark pursuant to this district, together with plans, elevations and site plans, must be referred to the City Council for review. A permit must not be issued without the prior written approval of the City Council. The City Council must not approve issuance of such permit unless the plans conform to the provisions of this chapter. Any application for a permit must be considered and either approved or disapproved by the City Council at its next regularly scheduled meeting for which an agenda has not been finalized after completion of any required environmental assessment, but may be continued to the next regular meeting. In the absence of timely oral or written objection by the applicant, the City Council may continue consideration of application to subsequent meetings. (Ord. 135, § 22.22.110, 1984)

11.48.090 Publicly owned property.

A. Unless the City Council determines it is unnecessary, alteration, construction, or relocation of City-owned designated landmarks and structures of merit are subject to sections 11.48.060 and 11.48.070.

B. Any structure, natural feature, site or area owned or leased by any public entity and designated as a landmark or structure of merit is not subject to the provisions of sections 11.48.060, 11.48.070.

11.48.100 Preservation easements.

The city may acquire easements restricting the use, alteration, relocation, or demolition of designated landmarks or structures of merit. (Ord. 135, § 22.22.130, 1984)

ORDINANCE NO. 565

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, RESTATING, AMENDING, AND RECODIFYING TITLE 12 OF THE SANTEE MUNICIPAL CODE RELATING TO SUBDIVISION OF LAND, DEVELOPMENT FEES AND DEDICATIONS

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify its ordinances. Government Code section 50022.9 authorizes a city to adopt county codes by reference;

WHEREAS, in Ordinance 1, adopted as the first act of the City of Santee ("City") on December 2, 1980, the City temporarily adopted all county ordinances of the County of San Diego as its municipal code (the "Santee Municipal Code");

WHEREAS, in Ordinances 14 and 18, the City extended the validity of the county ordinances to provide additional time for the City to adopt its own ordinances;

WHEREAS, the City has not adopted a comprehensive code of ordinances, but has amended the county's ordinances in a piecemeal fashion more than 300 times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the City Council of the City of Santee held a series of public meetings to consider proposed restatement, amendment, and recodification issues for each title of the Santee Municipal Code as follows:

March 8, 2017	Titles 1 and 2
September 6, 2017	Titles 3 and 5
February 14, 2018	Titles 6, 8, and 9
March 28, 2018	Titles 12 and 13
August 8, 2018	Title 10
September 26, 2018	Titles 6, 15, and 16
November 14, 2018	Title 17

WHEREAS, the City desires to restate without substantive revision, amend, and recodify the ordinances codified in the Santee Municipal Code;

WHEREAS, the amendments to the Santee Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance;

WHEREAS, the descriptions included in the council agenda statement, staff report, and minutes contain the findings of the City Council in support of this Ordinance and serve as evidence of the City Council's intention in adopting this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. **Existing Law Continued**. The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance;

2.1.3. The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance;

2.1.4. Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance, resolution, or regulation;

2.1.5. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the Santee Municipal Code;

2.1.6. Santee Municipal Code sections cited on signs, forms, notices, or other materials within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in the new Santee Municipal Code for purposes of notice and enforcement.

2.2. **Exclusions from code**. Every ordinance governing the following subject matter is not affected by the adoption of this Ordinance:

2.2.1. Alteration of city boundaries;

2.2.2. Contracts to which the city is a party;

2.2.3. Elections to which the city is a party;

2.2.4. Fixing the rate and making a levy of city taxes;

2.2.5. Granting, altering or withdrawing a franchise;

2.2.6. Land use classifications of specific property;

2.2.7. Naming roads and streets.

2.3. **References to Prior Ordinances Apply to All Amendments.** Whenever a reference is made to this code as the "Santee Municipal Code" or to any portion thereof, or to any ordinance of the City of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.4. **Title, Chapter, and Headings**. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

2.5. **References to Specific Ordinances and Code Sections**. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Santee Municipal Code. Renumbering and relabeling of existing ordinance, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.6. **Effect of Ordinance on Past Actions**, **Obligations and Irregularities**. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict

therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the City, do not revive any rights repealed or extinguished by any prior ordinance of the City which is repealed by this Ordinance.

2.7. **Effect of Ordinance on Period of Limitation**. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.8. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Title 12 “Subdivision of Land, Development Fees and Dedications” of the Santee Municipal Code is hereby restated and amended as follows:

3.1. Chapter 12.02 “General Provisions” is restated and amended as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.2. Chapter 12.04 “Definitions” is restated and amended as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.3. Chapter 12.06 “Required Maps” is restated and amended as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.4. Chapter 12.08 “Tentative Maps – Procedures” is restated and amended as set forth in Exhibit 4 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.5. Chapter 12.10 “Vesting Tentative Maps” is restated and amended as set forth in Exhibit 5 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.6. Chapter 12.12 “Final Maps – Procedures” is restated and amended as set forth in Exhibit 6 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.7. Chapter 12.14 “Additional Requirements” is restated without substantive amendment as set forth in Exhibit 7 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.8. Chapter 12.16 “Bonding and Improvement Security” is restated without substantive amendment as set forth in Exhibit 8 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.9. Chapter 12.18 “Merger of Parcels” is restated without substantive amendment as set forth in Exhibit 9 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.10. Chapter 12.20 “Boundary Adjustment” is restated without substantive amendment as set forth in Exhibit 10 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.11. Chapter 12.22 “Enforcement” is restated and amended as set forth in Exhibit 11 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.12. Chapter 12.30 “Development Fees and Dedication” is restated and amended as set forth in Exhibit 12 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.13. Chapter 12.32 “Dedications and Improvements” is restated and amended as set forth in Exhibit 13 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.14. Chapter 12.40 “Park Lands Dedication” is restated and amended as set forth in Exhibit 14 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.15. Chapter 12.42 “Development Projects – Displacement of Sports Fields” is restated and amended as set forth in Exhibit 15 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.16. Chapter 12.50 “Dedications of Land and Fees for School Districts” is restated and amended as set forth in Exhibit 16 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code,

§ 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has "the potential for causing a significant effect on the environment." (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." (*Ibid*.) Here, the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 5. Codification. The City has adopted the "City of Santee Municipal Code Editorial Guidelines," and, except as otherwise provided herein, authorizes Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinance to the guidelines. In the event a substantive conflict arises on the basis of the changes authorized by this Section, the language adopted by this Ordinance prevails. The City Clerk is authorized to provide certified copies and notice of this Ordinance or any part of this Ordinance required or advised by the law or any regulation.

SECTION 6. Parentheticals. Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the Santee Municipal Code.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Santee 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 section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary or 1/4 page advertisement of the same to be published as required by law.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 22 day of May 2019, and thereafter ADOPTED at a Regular Meeting of the City Council held on this 26 day of June 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____
JOHN MINTO, MAYOR

ATTEST:

_____
ANNETTE ORTIZ, CITY CLERK

EXHIBIT 1

TITLE 12 SUBDIVISION OF LAND, DEVELOPMENT FEES, AND DEDICATIONS

DIVISION 1. SUBDIVISION OF LAND

CHAPTER 12.02 GENERAL PROVISIONS

12.02.010 Citation and authority.

This division is adopted to supplement the Subdivision Map Act (Title 7; Division 2, California Government Code) and may be cited as the subdivision ordinance. (Ord. 91, 1983)

12.02.020 Purpose.

A. The purposes of this division are:

1. to regulate and control the division of land in the City and to supplement the provisions of the Subdivision Map Act and survey data of subdivisions;

2. to regulate and control the form and content of subdivision maps and parcel maps, and the procedures to be followed in securing the approval of the City regarding such maps.

B. To accomplish this purpose, the regulations outlined in this division are determined to be necessary for the preservation of the public health, safety, and general welfare.

C. Any reference herein to the Subdivision Map Act, or a specific section thereof, refers to the Subdivision Map Act, as most currently amended. (Ord. 91, 1983)

12.02.030 Conformance with general plans, specific plans and other regulations.

No land may be divided or developed for any purpose except in conformity with this division and with the general plan, any specific plan, and regulatory ordinance of the City. (Ord. 91, 1983)

EXHIBIT 2

CHAPTER 12.04 DEFINITIONS

12.04.010 Generally.

Words used in this division that are defined in the Subdivision Map Act and Civil Code but not specifically defined in this chapter have the same meaning as is given to them in the Subdivision Map Act and Civil Code. Whenever the following words are used in this division, they will have the meaning ascribed to them in this chapter. (Ord. 91, 1983)

12.04.020 Definitions.

A. "Bicycle path" means any right-of-way designed with a hard surface, usually of asphalt concrete or similar materials, and being of sufficient width to allow for safe bicycle travel.

B. "Certificate of compliance" means a document describing a unit of real property and stating that the division thereof complies with applicable provisions of the Subdivision Map Act and this division.

C. "City Engineer" means the person holding the title of City Engineer or the Senior Registered Civil Engineer in the Department of Development Services, or any subsequent title for the department that reviews subdivision maps.

D. "Common interest development" means any of the following: (a) a community apartment project; (b) a condominium project; (c) a planned development; or (d) a stock cooperative per Section 4100 of the California Civil Code.

E. "Condominium project" means a means a real property development consisting of condominiums as defined in Section 4125 of the California Civil Code.

F. "Director" means the director of development services.

G. "Division of land" means any parcel or contiguous parcels of land, improved or unimproved, which are divided for the purpose of transfer of title, sale, lease, or financing, whether immediate or future, into two or more parcels. Division of land includes a common interest development.

H. "Filing" means the submittal of all such documents, statements, maps, plans, or other data deemed necessary by the City for the application for the tentative map, review of the final maps or plans, or the appeal process. Acceptance of a tentative map is not complete until all required documents deemed necessary have been received by the City.

I. "Improvement" means such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and

acceptance of the final map thereof. “Improvement” also refers to such other specific improvements or types of improvements, the installation of which either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the general plan required by the City code or any specific plan adopted pursuant to the City code.

J. “Merger” means the joining of two or more contiguous parcels of land under one ownership into one parcel.

K. “Owner” means the individual, firm, partnership, or corporation having controlling interest in land sought to be divided, or an agent thereof, duly authorized to commence proceedings.

L. “Planned development” means a real property development other than a community apartment project, a condominium project, or a stock cooperative, as defined by Section 4175 of the California Civil Code.

M. “Stock cooperative” means a real property development as defined in Section 4190 of California Civil Code.

N. “Subdivider” means an individual, firm, association, syndicate, copartnership, corporation, trust, or any other legal entity commencing proceedings under this division to effect a division of land hereunder for such subdivider or for another, except that employees and consultants of such individuals or legal entities, acting in such capacity, are not “subdividers.”

O. “Subdivision” means the same as “division of land” (see Subsection D of this section).

P. “Subdivision committee” means the same as “subdivision review committee” and consists of at least the following officers or their duly authorized representatives: director, City Engineer or Senior Civil Engineer, and Fire Marshal.

Q. “Tentative map” means a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it, and need not be based upon an accurate or detailed final survey of the property.

R. “Vesting tentative map” means a map for a subdivision that has printed conspicuously on its face the words “Vesting Tentative Map” at the time it is filed in accordance with the proceedings established in Chapter 12.10. “Vesting tentative parcel map” means a vesting tentative map prepared in conjunction with a parcel map. This definition includes nonresidential subdivisions. (Ord. 438 § 2, 2003; amended during 1989 supplement; Ord. 168 § 3, 1986; Ord. 91, 1983)

EXHIBIT 3

CHAPTER 12.06 REQUIRED MAPS

12.06.010 Generally.

This chapter governs when a tentative map and final map and a tentative parcel map and parcel map are necessary. (Ord. 438 § 2, 2003)

12.06.020 Final maps.

A. A tentative and final map are required for all divisions of land when the director determines that such land may be developed into five or more parcels, five or more condominiums, a community apartment project containing five or more parcels, a stock cooperative containing five or more dwelling units, or a planned development consisting of five or more dwelling units or parcels, except where:

1. The land before division contains fewer than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required;

2. Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway;

3. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development and which has approval as to street alignments and widths; or

4. Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

B. If any of the above conditions are met, a parcel map is required as described in Section 12.06.030. (Ord. 438 § 2, 2003; Ord. 91, 1983)

12.06.030 Parcel maps.

A. A tentative parcel map and a parcel map are required for all divisions of land as described in subsections A(1) through (4) of Section 12.06.020 and for all divisions which create four or fewer parcels and for which a final map is not required by the Subdivision Map Act, except where:

1. The Subdivision Map Act does not require a parcel map;

2. The parcel map is waived by the director pursuant to this division; or

3. An adjustment plat between two or more adjacent parcels is proposed pursuant to Chapter 12.20.

B. Nothing precludes the director from requiring a final map where a parcel map is required by this division or by the Subdivision Map Act. (Ord. 438 § 2, 2003; Ord. 91, 1983)

12.06.040 Waiver of parcel map procedure.

A. A subdivider may request waiver of the requirement that a parcel map be prepared, by submitting to the director a written request for the waiver which complies with following:

1. Includes a tentative parcel map;

2. Includes sufficient information to enable the director or on appeal by City Council to make required findings consistent with this title;

3. Demonstrates that the proposed division of land complies with the requirements of this title and the Subdivision Map Act as to area, improvement and design, flood water drainage and stormwater control, sanitary disposal facilities, water supply availability, appropriate improved public roads and environmental protection.

B. The requirement that a parcel map be prepared and recorded may be waived by the director, or on appeal by the City Council, if any of the following findings are made:

1. The property to be divided consists of a division wherein each resulting parcel contains a gross area of 40 acres or more, or each of which is a quarter-quarter section or larger; provided, however, that the requirement that each resulting parcel contain a gross area of 40 acres or more or be a quarter-quarter section or larger may be modified to the extent that no such parcel is smaller than 20 acres in gross area and the average gross area of all resulting parcels equals 40 acres or more; or

2. The property is a division of real property or interests therein created by probate, eminent domain procedures, partition, or other civil judgments or decrees; or

3. The property to be divided as a result of conveyance of land, or interest therein, to a public agency for a public purpose, such as school sites, public building sites, or rights-of-way for streets, sewers, utilities, drainage, etc.

C. In any case where waiver of a parcel map is granted, the subdivider must file a certificate of compliance with the County Recorder’s office. (Ord. 438 § 2, 2003; Ord. 186 § 3, 1987)

Section 12.06.050 Finding.

A. A map required by this Division may only be approved if the City Council makes the following findings:

1. That the map is consistent with the City's General Plan and any relevant specific plan(s);

2. Whether the site is identified as a Residential Inventory site in the current Housing Element of the City's General Plan and whether the density of the proposed development is consistent with the projections of the Residential Inventory;

3. That the design or improvement of the proposed subdivision is consistent with the City's General Plan;

4. That the site is physically suitable for the proposed type of development;

5. That the site is physically suitable for the proposed density of development;

6. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat;

7. That the design of the subdivision or type of improvements are not likely to cause serious public health problems;

8. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision or that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public;

9. That the design of a subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

EXHIBIT 4

CHAPTER 12.08 TENTATIVE MAPS—PROCEDURES

12.08.010 Form, content, and accompanying material.

A. Each tentative map must show and contain the following information:

1. Name, address, telephone number and signature of subdivider, owner or owners, and registered civil engineer or licensed surveyor;

2. Sufficient legal description of the land as to define the boundaries of the proposed subdivision and assessor's book, page and parcel number;

3. North point, scale and a small scale location and vicinity map;

4. Space for the tentative map number and name (to be assigned by the director);

5. Name and number of any adjacent subdivisions and parcel maps must be identified. When possible, the lot pattern of the adjacent subdivisions must be shown where it is contiguous to the tentative map;

6. The locations, names and existing widths of all highways, streets, or ways within 100 feet of the exterior boundary of the proposed subdivision;

7. The widths, approximate grades and curve radii of all new highways, streets or ways within the proposed subdivision with street names designated by letter (A, B, C, etc.);

8. The widths and approximate locations of all existing or proposed easements, including rights-of-way, whether public or private, recorded or unrecorded;

9. All buildings and traveled ways within the proposed subdivision or within 100 feet of the exterior boundaries thereof. Buildings and trees must be identified and located approximately on the map and indicated whether to be removed or remain;

10. The proposed lot layout, approximate dimensions of each lot, minimum area of each lot in square footage, area of each lot over one acre in size and the approximate finish grade of the building site pads;

11. All lots must be numbered in consecutive order. Each separate tentative map should start with Lot No. 1;

12. Statements of the total gross and net acreage as defined in the zoning ordinance, minimum lot sizes, and the total number of lots proposed;

13. Lines of inundation of all one-hundred-year floodplains. Locations of all areas subject to storm water overflow and the locations, widths and directions of flow of all watercourses;

14. Adequate topography with contour intervals of not more than two feet if the general slope of the land is less than ten percent and five feet for all other areas within the proposed subdivision and 100 feet beyond the subdivision boundaries, with the tentative map design superimposed, together with a note indicating the source of the data used. If deemed appropriate, the director may require different contour intervals;

15. The improvements the subdivider proposes to construct and install, including typical cross sections of street and drainage improvements;

16. Existing and proposed zoning for the subject property and existing zoning on the adjacent properties;

17. Land use designation of the subject and adjacent property as shown on the City's general plan or applicable specific plan;

18. The location of existing wells, cesspools, sewers, culverts, drain pipes, underground structures, or sand, gravel, or other excavations within 200 feet of any portion of the subdivision noting thereon whether or not they are to be abandoned, removed, or remain in operation;

19. The location of all streets, existing or contained on adjacent approved tentative maps, where such streets intersect the boundary of the subdivision or where such streets intersect another street that forms a boundary or subdivision;

20. A layout of adjoining unsubdivided property in sufficient detail to show the effect of proposed streets that may intersect such property;

21. The location of any previously filled areas within the subdivision;

22. Proposed direction of flow and rate of grade of street drainage;

23. Statement of the present use and the proposed use or uses of the property;

24. The tentative map must clearly indicate the proposal for handling of stormwaters. In the event that such information cannot satisfactorily be shown on the tentative map, the map must be accompanied by whatever supplemental maps or written reports are necessary to show the proposal;

25. Grading must be shown on the tentative map for construction or installation of all improvements to serve the subdivision and feasible grading for the creation of building sites on each lot together with driveway access thereto. Both the proposed grades and the existing topographic contours must be shown on the map. If the subdivider does not intend to grade the building sites, a statement to

that effect must be placed on the tentative map. However, feasible grading for building sites must be shown on the tentative map unless the director determines this to be unnecessary;

26. If the tentative map is for a common interest development, one of the following statements must be added to the first page of the map:

    (a) This is a map of a residential/ commercial/industrial condominium project as defined in Section 4125 of the State of California Civil Code;

    (b) This is a map of a residential/commercial/industrial planned project as defined in Section 4175 of the State of California Civil Code.

    (c) This is a map of a residential/commercial/industrial stock cooperative project as defined in Section 4190 of the State of California Civil Code.

27. The director may waive any of the foregoing tentative map requirements whenever the division of land does not necessitate compliance with these requirements or when other circumstances justify such waiver;

28. The tentative map must clearly show the method of sewage disposal. In the event this information cannot satisfactorily be shown on the tentative map, the map must be accompanied by whatever supplemental maps or written reports are necessary to show the proposal. Any existing subsurface septic systems must be shown on the map with a note whether such septic system will remain.

B. The following supplemental drawings, statements, and data must accompany the tentative map:

1. If the subdivider plans to develop the site in phases, then the proposed sequence of construction must be provided;

2. A statement consenting to the submission of the tentative map by the party holding a proprietary interest in the parcel or parcels comprising the division of land;

3. A preliminary title report;

4. A geologic and/or soils report, unless waived in writing by the City Engineer. Geologic and soils reports must be in accordance with data found in the geotechnical/seismic study prepared for the City general plan update by Geocon, Inc., dated October 31, 2002. Copies of this report are on file with the City Department of Development Services for review;

5. A flood hazard report, prepared by a California registered civil engineer, if required by the City Engineer;

6. A statement as to the availability of water and sewer service. In specific areas where sewer mains are not readily available, the City Council may approve the use of septic tanks that comply with San Diego County, Department of Environmental Health's Local Agency Management Plan for Onsite Wastewater Treatment Systems. The use of septic tanks may only be approved following receipt of a soils report stating that the specific soils are acceptable for such and approval by the county health officer;

7. An application for Environmental Initial Study (AEIS) must be submitted along with the initial submittal of each tentative map unless one of the following conditions applies:

   (a) The subdivision is part of an ongoing project for which an Environmental Impact Report has already been approved and the director determines the previous EIR adequately covers the tentative map, or

   (b) The subdivision is categorically exempt from the environmental review procedures pursuant to Section 15101 Class I(k) of the State Guidelines for Implementation of the California Environmental Quality Act because it is a division of existing multiple-family units into condominiums;

8. If the subdivision is located within a zone allowing residential development, the subdivider must provide letters from both the elementary and high school districts indicating the availability of schools for the future residents of the subdivision;

9. Any other data or reports as deemed necessary by the director or the City Engineer;

10. The director may waive any of the foregoing when such is not necessitated by the nature of the division of land.

C. All tentative maps must further conform to any rules and regulations for submittal of tentative maps as specified by the director. (Ord. 438 § 2, 2003; Ord. 186 § 3, 1987; Ord. 98 § 1, 1983; Ord. 91, 1983)

12.08.020 Residential condominium conversion.

If the map is for conversion of existing residential development into condominiums, community apartments, or a stock cooperative, the following apply:

A. Application. The conversion of an existing residential development to a condominium, community apartment, or stock cooperative, requires a tentative map for five or more units or a tentative parcel map for four or fewer units. An existing residential development is defined as a residential development that has received a certificate of final occupancy. The tentative map or tentative parcel map must indicate all sublots including commonly held sublots. The requirement for a tentative parcel map and a parcel map or a tentative and final map must apply to the conversion of a mobilehome park to a tenant owned condominium ownership interest unless specifically waived pursuant to Section 12.08.030. In addition, if a tentative and

final map are not required for a mobilehome park conversion to tenant owned condominium ownership pursuant to Section 66428.1 of the state Government Code (Subdivision Map Act), or amendments thereto, the applicant may at the applicant's option file a tentative parcel map and parcel map or a tentative map and a final map.

B. Submittals. All tentative maps and tentative parcel maps involving conversion to condominiums, community apartments, or a stock cooperative, including mobile home parks unless specifically waived pursuant to the provisions of this chapter, must be accompanied by the following:

1. An application for a tentative map or tentative parcel map, along with the information required for processing and application fees, must be filed with the development services department;

2. Evidence, satisfactory to the director, including a statement by the subdivider and copies of letters, that each tenant or prospective tenant has been given notice of the proposed conversion pursuant to Sections 66452.17 through 66452.19 of the state Government Code (Subdivision Map Act) or amendments thereto;

3. Name and address of each tenant or prospective tenant of each dwelling unit within the project on mailing labels (two sets) and envelopes with postage adequate to mail the staff report on the conversion to the tenants as required pursuant to Section 66452.3 of the state Government Code (Subdivision Map Act) or amendments thereto;

4. A report prepared to the satisfaction of the director that indicates the effect the conversion would have on the availability of existing multi-family rental housing for lower income residents in the City;

5. A physical inventory report prepared by a licensed mechanical or structural engineer, a licensed architect, or a licensed general building contractor that includes the estimated remaining useful life and replacement costs of roofs, driveways, foundation, plumbing, electrical, heating, air conditioning, and other mechanical and structural systems, and any current building code deficiencies;

6. A copy of all CC&R's on the project; and

7. An application for a development review permit, along with the information required for processing pursuant to Chapter 13.08 or revisions thereto, must be filed with the development services department.

C. Standards for Conversion. All tentative maps and tentative parcel maps involving conversion to condominiums of an existing residential development must be conditioned to:

1. Meet current zoning requirements contained in Title 13 of this code unless the requirements are waived or modified pursuant to Subsection F of this section. In addition, the conversion of existing legal nonconforming multi-family residential development to a condominium, community apartment, or stock cooperative is

exempt from compliance with setbacks, density, height, coverage, area of landscaping, and building separation standards, provided no increase in density is proposed and the underlying zone is residential. Improvements required as conditions of approval for the conversion of such legal nonconforming structures are not limited by the provisions of Section 13.04.110; and

2. Provide at a minimum, the following with regard to building and fire codes unless these standards are waived or modified pursuant to Subsection F of this section:

(a) Any polybutylene plumbing piping must be replaced with copper piping complying with the current edition of the California Plumbing Code or equivalent model code as mandated by the state of California;

(b) Guardrails must be added and/or modified to comply with the current edition of the California Building Code as mandated by the state of California. Both guardrail height and intermediate rails or ornamental pattern of guardrails must be made to comply;

(c) Stairway handrails must be added and/or modified to comply with the current edition of the California Building Code as mandated by the state of California; Exception: Handrails located between 30 inches and 34 inches above the nosing of treads and landings installed in accordance with the code in effect at the time of construction may be allowed to remain.

(d) Any dilapidated or unsafe stairways must be rebuilt to current California Building Code requirements. Stairways that are in good condition may remain provided they comply with the code in effect at the time of their construction and they have a minimum run of nine inches and a maximum rise of eight inches and a minimum width of 30 inches;

(e) All separation walls and floor ceiling assemblies between units must provide an airborne sound insulation equal to that required to meet a sound transmission class (STC) of 50 (45 if field tested). All separation floor-ceiling assemblies between separate units must provide impact sound insulation equal to that required to meet an impact insulation class (IIC) of 50 (45 if field tested). Buildings that have plans and permits on file with the City showing compliance with the above requirements will not require field testing. All others will require field testing in accordance with Title 24, California Building Code, Appendix Chapter 35 as mandated by the state of California;

(f) All electrical wiring serving 15 ampere and 20 ampere circuits with No. 14 AWG or No. 12 AWG size wire must be of copper. Any existing aluminum wiring in these sizes must be replaced with copper;

(g) All 125-volt, single phase, 15- and 20-ampere receptacles installed in bathrooms, within six feet of a kitchen sink or outdoors where there is

direct grade level access to a dwelling unit and to the receptacles must have ground-fault circuit-interrupter protection;

(h) Draftstops complying with the Uniform Building Code as mandated by the state of California must be installed above and in line with the walls separating individual dwelling units from each other and from other uses;

(i) Any alterations or repairs (i.e., installation of sound attenuation materials) to the walls separating individual units from each other and from other uses that involve the replacement of wall surfacing materials (drywall, plaster or wood paneling) must be made using only materials approved for one-hour fire resistive construction;

(j) Ultra low flow toilets and shower heads must be provided;

(k) Smoke detectors and carbon monoxide detectors must be installed in accordance with the California Building Code. Smoke detectors within bedrooms must include a visual notification device to notify hearing impaired occupants;

(l) Each unit in the building or complex must be retrofitted for fire sprinklers, unless the applicant for conversion demonstrates to the satisfaction of the City Council that the costs of retrofitting a specific building or complex would be significantly higher than average costs of retrofitting or would cause unusual structural defects or similar problems;

(m) Basements and every bedroom must have at least one operable window or door approved for emergency escape or rescue. Windows provided for emergency escape or rescue must comply with minimum sill height and opening size requirements in the prevailing building code.

(n) Individual electric and/or gas meters must be provided for each unit; and

(o) Additional health and safety upgrades determined necessary by the City.

3. The project must include interior and exterior improvements as may be required by the City Council for approval of the conversion. Required interior and exterior improvements may include, but are not limited to: new paint, new roofs, new window treatments, added wainscot materials, trellises, added wall or window articulation, and other similar improvements. The following building components or systems must be replaced if they have been identified as having five years or less of remaining life in the physical inventory report: roof coverings, exterior wall and floor coverings and finishes, water systems, water heating systems, metal drain piping systems, and cooling and heating mechanical systems.

4. The project must provide adequate public and/or private facilities to serve the development with respect to streets, lighting, fire protection, water, sewer,

drainage and flood protection unless waived or modified pursuant to Subsection F of this section;

5. All tenant notification and information must be provided, as required by the Subdivision Map Act;

6. Each tenant of an apartment which the owner intends to convert to a condominium who receives a notice of intent to convert pursuant to Section 66452.18 of the Subdivision Map Act, and who is still a tenant in the apartment building at the time the City approves the conversion pursuant to this chapter must be entitled to receive a sum equal to three months' rent, based on the current area "fair market rent" for apartment size based on the number of bedrooms, as established by the U.S. Department of Housing and Urban Development. The appropriate sum under this Subsection must be paid by the subdivider as defined by the apartment lease agreement no later than the date on which the thirty- or sixty-day notice to vacate, as applicable under the Subdivision Map Act, is served to the tenant. The subdivider must provide notice to the tenant of his/ her right to receive assistance under this Subsection pursuant to the tenant notice requirements of this chapter and of the Subdivision Map Act.

7. The physical inventory report must reasonably ensure the City of the project's long term financial viability;

8. The project must comply with current disability requirements to the satisfaction of the director;

9. A notice of conditions must be recorded which discloses the conditions of the project and applicable zoning regulations. All waivers or modifications of standards pursuant to Subsection F of this section must be disclosed in the notice of conditions. The form and the content of the notice must be to the satisfaction of the director; and

10. CC&R's must be submitted to the director of the development services department for approval by the City attorney and the director of the development services department, and recorded prior to final map or parcel map. A recorded copy must be provided to the development services department. The provisions of the CC&R's must include the following:

    (a) The statement that the City has the right, but not the obligation, to provide for the maintenance of all open space, recreational facilities and improvements if the homeowners' association fails to perform its maintenance obligations. In such cases where maintenance is provided by the City, cost for such services must be assessed to the homeowners' association and will become a lien upon the property and/or each lot, as appropriate;

    (b) Disclosure of assessment districts;

(c) Disclosure of soil conditions as deemed appropriate by the director and the City attorney;

(d) Disclosure of waiver or modification of standards made pursuant to Subsection F of this section.

D. Conditions of Approval. The city may, in the resolution granting approval, impose such conditions as deemed necessary to make the findings contained in subsections E and/or F of this section.

E. Findings. In addition to the findings required pursuant to Section 66427.1 of the State Government Code (Subdivision Map Act), or amendments thereto, the following findings must be made in the approval of a conversion of an existing residential development to condominiums, community apartments, planned developments, or a stock cooperative:

1. That the conversion of the residential project is desirable and consistent with the goals and objectives of the housing element of the general plan, in that approval of the conversion will not result in the loss of lower income multifamily housing stock in the City, and that it would not result in exceeding a limit on conversion of existing apartment units to condominiums, where such limit is the number equal to 50% of the yearly average of apartment units constructed in the City in the previous two fiscal years;

2. That the conversion is consistent with the goals and objectives of the general plan;

3. That the site and project are physically suitable for conversion and that the project incorporates desirable features which create a pleasant, attractive environment for ownership living;

4. That the proposed development meets the intent and specific standards and criteria prescribed in all applicable sections of the municipal code, the land development manual, and the public works standards of the City unless the requirements are waived or modified pursuant to Subsection F of this section;

5. That the proposed development meets the intent and specific standards and criteria of the Uniform Fire Code unless the requirements are waived or modified pursuant to Subsection F of this section.

F. Waiver or Modification of Standards. Due to the nature of retrofitting existing buildings to conform to all current zoning requirements and all current state and city laws and regulations for new building construction, it may be impractical or undesirable to require complete conformance to all of the conversion requirements contained in Subsection C of this section. A waiver or modification of the standards required for a conversion may be granted if all of the following findings are made:

1. That the waiver or modification does not compromise the health, safety or welfare of the buyers of the project or the general public;

2. That the waiver or modification is necessary because of special and unusual circumstances applicable to the building(s) or property; and

3. That the waiver or modification does not compromise the quality of the project under consideration for home ownership. (Ord. 464 §§ 1—5, 2007; Ord. 438 § 2, 2003; Ord. 332 § 2, 1995; Ord 91, 1983)

12.08.030 Waiver of tentative and final map for mobilehome park conversions.

A. Other provisions of this chapter notwithstanding, the City Council may, by resolution, waive the requirement for a tentative and final map for a single parcel subdivision for the conversion of an existing mobilehome park to condominiums. Prior to granting such a waiver, the City Council must make the following findings:

1. The proposed subdivision will not result in the displacement from the subject mobilehome park of tenants and/or owners of mobilehomes then located within the subject mobilehome park who do not purchase the condominium unit where the mobilehome which they own or within which they reside is located;

2. The subdivision complies with such requirements at the time of construction of the mobilehome park in effect as may have been established by the Subdivision Map Act or this chapter pertaining to area, improvement and design, flood water drainage and storm water control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Subdivision Map Act or this chapter.

B. The City Council, may in the resolution granting waiver hereunder, impose such conditions as the City Council deems necessary to enable the City Council to make the aforementioned findings. The subdivider requesting a waiver as provided for herein must make application therefor (accompanied by all material the subdivider deems relevant to the findings required under subsections (A)(1) and (2) of this section), to the director who will then schedule the request for hearing on the appropriate agenda for the next available City Council meeting.

C. Upon the grant of a waiver as provided for under this section, the City Engineer must prepare a certificate of compliance or conditional certificate of compliance, as appropriate, for recordation in the office of the County Recorder for the purpose of documenting the approval of the subdivision. The City Engineer must not record or release for recordation a conditional certificate of compliance prepared pursuant to this section unless and until the owner or owners of the property to be subdivided have entered into an agreement with the City to provide for the satisfactory completion of all conditions of the certificate of compliance. (Ord. 290 § 1, 1992)

12.08.040 Submittal fees.

The tentative map and fee, along with the information required for processing, must be filed with the Department of Development Services. Filing fees are prescribed by resolution of the City Council. (Ord. 438 § 2, 2003; Ord. 91, 1983)

12.08.060 Tentative parcel map waiver.

The director may waive the requirement for a tentative parcel map for non-residential subdivisions. (Ord. 438 § 2, 2003)

12.08.050 Reports and recommendations.

The Department of Development Services is authorized and directed to distribute copies of the tentative map and where appropriate, required written statements to each department and affected agency and to request a report regarding same. The director is directed to assemble the comments from the various officials and agencies into the staff report for the project. (Ord. 438 § 2, 2003; Ord. 91, 1983)

12.08.070 Tentative map and tentative parcel map review and approval.

A. The processing of a tentative map or a tentative parcel map is subject to all the provisions of this chapter, except those specifically waived by the director. Tentative maps and tentative parcel maps for all residential subdivisions and for all nonresidential subdivisions which do not have prior discretionary approval must be scheduled for a public hearing before City Council within the time limits provided by law, unless an extension of time is mutually agreed upon by the subdivider and the director. Notice of the hearing must be given pursuant to Section 66451.3 of the Subdivision Map Act, and ten days' mailed notice of the hearing must be given to the subdivider and to all property owners within 300 feet of said subdivision. City Council will approve, conditionally approve or disapprove the map. The decision of the City Council is final.

B. The processing of a tentative map or a tentative parcel map for an existing nonresidential development which has prior discretionary approval of a development review permit or a conditional use permit may be administratively approved by the director. The tentative map and tentative parcel map approval must be scheduled for an administrative public hearing within the time limits provided by law, unless an extension of time is mutually agreed upon by the subdivider and the director. Notice of the hearing must be given pursuant to Section 66451.3 of the Subdivision Map Act, and ten days' mailed notice of the hearing must be given to the subdivider and to all property owners within 300 feet of said subdivision. The director may approve, conditionally approve, or disapprove a tentative map or tentative parcel map and state the same in a written report provided to the subdivider following the administrative public hearing.

C. The processing of a tentative parcel map that does not create additional lots may be administratively approved by the director. The tentative parcel map approval must be scheduled for an administrative public hearing within the time limits provided by law, unless an extension of time is mutually agreed upon by the subdivider and the director. Notice of the hearing must be given pursuant to Section 66451.3 of the Subdivision Map Act, and ten days' mailed notice of the hearing must be given to the subdivider and to all property owners within 300 feet of said subdivision. The director may approve, conditionally approve, or disapprove the tentative parcel map and state the same in a written report provided to the subdivider following the public hearing.

D. The decision of the director with regard to subsections B and C of this section is final unless appealed to the City Council within ten days after the director's decision. Nothing in this section precludes the director from referring a tentative map or tentative parcel map directly to City Council for approval when in the opinion of the director such action is warranted.

E. Upon the filing of an appeal of the director's decision and processing fee, as prescribed by resolution of the City Council, unless such fee is waived by the director, the director will schedule a hearing on the matter at the next regular meeting of the City Council, except that such a hearing need not be scheduled sooner than 15 days following the filing of the appeal. (Ord. 438 § 2, 2003)

12.08.080 Time limits.

The time limits for acting and reporting on tentative maps may be extended by mutual consent of the subdivider and the director. (Ord. 438 § 2, 2003; Ord. 91, 1983)

12.08.090 Expirations.

A. Approved or conditionally approved tentative maps and tentative parcel maps expire 36 months after the date of approval or conditional approval unless a time extension is granted by the director.

B. A subdivider may request a time extension by application to the Department of Development Services. Such application must be filed within 90 days prior to the expiration date of the tentative map or tentative parcel map. All requests for a time extension must be accompanied by a processing fee as prescribed by resolution by the City Council. (Ord. 438 § 2, 2003)

EXHIBIT 5

CHAPTER 12.10 VESTING TENTATIVE MAPS

12.10.010 Citation and authority.

This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the state of California (hereinafter referred to as the "Vesting Tentative Map Statute"), and may be cited as the "Vesting Tentative Map Ordinance." (Ord. 168 § 2, 1986)

12.10.020 Purpose and intent.

It is the purpose of this chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Ordinance. Except as otherwise set forth in the provisions of this chapter, the provisions of the Subdivision Ordinance apply to the Vesting Tentative Map Ordinance. (Ord. 168 § 2, 1986)

12.10.030 Consistency with general plan required.

No land may be subdivided pursuant to a vesting tentative map for any purpose which is inconsistent with the general plan or any applicable specific plan, or not permitted by the Zoning Ordinance or other applicable provisions of the Municipal Code. (Ord. 168 § 2, 1986)

12.10.040 Applicability.

A. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Subdivision Ordinance, requires the filing of a tentative map or tentative parcel map, a vesting tentative map or vesting tentative parcel map may instead be filed, in accordance with the provisions of this chapter.

B. If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map or vesting tentative parcel map will not be prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction. (Ord. 168 § 2, 1986)

12.10.050 Filing and processing.

A. Except as provided in Subsection B of this section, a vesting tentative map or vesting tentative parcel map must be filed in the same form and have the same contents, accompanying data and reports, and must be processed in the same manner as set forth in Chapter 12.08 for a tentative map or Chapter 12.06 for a tentative parcel map except, at the time a vesting tentative map or vesting tentative parcel map is filed, it must have printed conspicuously on its face the words "Vesting Tentative Map" or "Vesting Tentative Parcel Map."

B. In addition to the other information required by this chapter to be shown on or provided with a tentative map or tentative parcel map, a vesting tentative map or vesting

tentative parcel map must show or be accompanied by the following information in a form satisfactory to the director:

1. The height, bulk, and location of proposed buildings and other features for which the subdivider wants to acquire vested rights;

2. The design and specifications for all public facilities including, but not limited to, on-site and off-site sewer, water, drainage, roads, and other improvements. The subdivider must submit detailed geological, drainage, flood control, storm water management, soils, traffic, or other reports deemed necessary by the director to permit a complete review of the design and improvements for the subdivision;

3. Grading plans showing existing and proposed finished grades at two-foot intervals; provided the Director may require lesser intervals if it is determined that lesser intervals are necessary to display the proposed grading in sufficient detail to permit approval of such final grading plans;

4. Detailed landscape plans;

5. Environmental information sufficient to permit assessment of the environmental effects of the proposed subdivision, including but not limited to cumulative and long-term effects.

6. A plan showing proposed phasing of final maps, and phasing for construction. (Amended during 1989 supplement; Ord. 168 § 2, 1986)

C. The subdivider shall only acquire vested rights for features that the subdivider provides sufficient information about to allow the Director to determine whether the vested rights shall be granted.

12.10.060 Fees.

Upon filing a vesting tentative map or vesting tentative parcel map, an additional fee as established by City Council resolution must be paid for processing a vesting tentative map or vesting tentative parcel map. (Ord. 168 § 2, 1986)

12.10.070 Expiration.

The approval or conditional approval of a vesting tentative map or vesting tentative parcel map expires at the end of the same time period, and is subject to the same extensions, established by the Subdivision Ordinance for the expiration of the approval or conditional approval of a tentative parcel map or tentative map. (Ord. 168 § 2, 1986)

12.10.080 Vesting on approval of vesting tentative map.

A. The approval or conditional approval of a vesting tentative map or vesting tentative parcel map confers a right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the date the City has determined that the

application is complete as described in Section 66474.2 of the Government Code. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map or vesting tentative parcel map confers a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the application for the vesting tentative map or vesting tentative parcel map was deemed complete. The City Council resolves any disputes regarding whether a development substantially complies with the approved or conditionally approved map, or with the ordinances, policies or standards described in this subsection.

B. Notwithstanding Subsection A of this section, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;

2. The condition or denial is required, in order to comply with state or federal law.

C. The rights conferred by a vesting tentative map or vesting tentative parcel map expire if a final map or parcel map is not approved and recorded prior to the expiration of the vesting tentative map or the vesting tentative parcel map, as provided in Section 12.10.070.

D. Upon the filing of a final map or parcel map for a vesting tentative map or vesting tentative parcel map, the rights conferred by Subsection A of this section continue for one year. Where several final maps or parcel maps are recorded on various phases of a project covered by a single vesting tentative map or vesting tentative parcel map, this period begins for each phase when the final map or parcel map for that phase is recorded.

E. The time period set forth in Subsection D of this section may be automatically extended by any time used for processing a complete application for a grading permit or development review permit if such processing exceeds 30 days from the date a complete application is accepted.

F. A subdivider may apply to the City Council for a one-year extension of the rights conferred by Subsection D at any time before the time period set forth in Subsection D expires. An extension may be granted only if the council finds that the map still complies with the requirements of this chapter. The City Council may approve, conditionally approve, or deny an extension in its sole discretion.

G. If the subdivider submits a complete application for a building permit during the periods of time set forth in subsections D through F, the rights referred to therein continue until the expiration of that building permit or any extension of that permit.

H. Upon the expiration of the time limits specified in subsections A, D, E, F or G, all rights conferred by this section cease and the project will be considered as the same as any subdivision which was not processed pursuant to this chapter.

I. Notwithstanding Subsection A of this section, the amount of any fees which are required to be paid either as a condition of the map approval or by operation of any law will be

determined by the application of the law or policy in effect at the time the fee is paid. The amounts of the fees are not vested upon approval of the vesting tentative map or vesting tentative parcel map. (Ord. 168 § 2, 1986)

EXHIBIT 6

CHAPTER 12.12 FINAL MAPS—PROCEDURES

12.12.010 Generally.

After a tentative map or tentative parcel map is approved as provided for within the subdivision ordinance, the subdivider may cause a final map or parcel map to be prepared by a registered California Civil Engineer or a licensed California land surveyor in accordance with a completed survey of the subdivision and in full compliance with the Subdivision Map Act and all ordinances of the City. (Ord. 438 § 2, 2003; Ord. 186 § 3, 1987)

12.12.020 Form, content, and accompanying material.

A. Each final map or parcel map must be prepared in accordance with the following:

1. It must be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on polyester base film or in a format acceptable to the director. Certificates, affidavits, and acknowledgements may be legibly stamped or printed upon the map with opaque ink. The ink surface must be coated with a suitable substance to assure permanent legibility;

2. The size of each sheet must be 18 inches by 26 inches;

3. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of one inch;

4. The scale of the map must be large enough to show all details clearly and not less than 100 feet to the inch;

5. Each sheet must be numbered, the relation of one sheet to another clearly shown, and the number of sheets used must be set forth on each sheet;

6. The final map or parcel map number and name, scale, north point, and sheet number must be shown on each sheet of the map;

7. The exterior boundary line of the land included within the subdivision must be indicated by a distinctive symbol;

8. The title sheet of each final map or parcel map must contain a title satisfactory to the City Engineer consisting of the number, name or other designation of the subdivision together with the words: “In the City of Santee” or “Partly within the City of Santee and partly in another City or the County.” Below the title must be a subtitle consisting of a general description of all property being subdivided, by reference to subdivisions or to section surveys. Referenced subdivision must be spelled out and worded identically with original records, with complete references to proper recording information or map numbers. The title sheet must show, in addition, the basis of bearings, the number of lots, and the acreage of the

subdivision, a soils report note, and monument notes or alternately this information may be shown on the Procedure of Survey at the discretion of the City Engineer. Maps filed for the purpose of reverting subdivided land to acreage must be conspicuously marked “The Purpose of this Map is Reversion to Acreage.” Maps filed for the purpose of a condominium must be conspicuously marked “For Condominium Purposes.”

9. Each parcel must be numbered in consecutive order;

10. Sufficient linear, angular and radial data must be shown to determine the bearings and lengths of monument lines, street centerlines, and boundary lines of the subdivision and of the boundary lines of every lot and parcel which is a part thereof. Length, radius, and total central angle or radial bearings on all curves must be shown;

11. The location and description of all existing and proposed monuments must be shown;

12. Whenever the City Engineer has established the centerline of a street or alley, such data must be considered in making the surveys and in preparing the final subdivision or parcel map, and all monuments found must be indicated and proper references made to field books or maps of public record relating to the monuments. If the points were reset by ties, that fact must be stated;

13. The final map or parcel map must show city boundaries crossing or adjoining the subdivision. The boundaries must be clearly designated and tied in to the subdivision boundary;

14. The final map or parcel map must show the centerline data, width and side lines of all easements to which the lots are subject. Easements must be clearly labeled and identified with respect to the use for which intended and if already of record, proper reference to the records must be shown. Public easements must be dedicated and so indicated in the certificate of dedication. When the subdivider presents the map to the City, the subdivider must also present certificates executed by public utility companies authorized to serve in the area of the subdivision, certifying that satisfactory provisions have been executed and delivered to the certifying companies for recording. Easements for public utility companies must be designated on the final map or parcel map as “Easements for Public Utilities” or other language satisfactory to the director and city attorney and must be reserved for the use and benefit of, and the conveyance to the several public utility companies which are authorized to serve in the subdivision;

15. The following certificates and acknowledgements must appear on the title sheet of the final map or parcel map:

    (a) Owner’s certificate signed and acknowledged by all parties having record title interest thereof in the completed subdivision exceptions as provided by the Subdivision Map Act, including dedications and offers of

dedication, if any, which must by their terms, not be revocable without city consent in the event the final map or parcel map is approved;

(b) Engineer's or surveyor's certificate;

(c) City engineer's certificate of approval;

(d) City clerk's certificate of approval by City Council and acceptance of offer of dedication;

(e) Such other affidavits, certificates, acknowledgements, endorsements, and notary seals as required;

16. The following statement, documents, and other data must be filed with the final map or parcel map:

(a) A guarantee of title certifying that the signature of all persons whose consent is necessary to pass a clear title to the land being subdivided and all acknowledgements thereto, appear and are correctly shown on the proper certificates, and are properly shown on the map; both as to consents for the making thereof and the affidavit of dedication,

(b) The plans, profiles, cross-sections, specifications, and applicable permits to the satisfaction of the City Engineer for the construction and installation of all required improvements,

(c) All protective covenants, conditions, restrictions, or affirmative obligations in the form in which the same are to be recorded, as approved by the City attorney and in the case of private maintenance agreements this must allow the City the authority but not the obligation to assume maintenance of the property and assess the full cost including overhead costs, therefor as a lien against the property, if the property is not adequately maintained per the agreement,

(d) A nonrefundable filing fee as prescribed by resolution of the City Council,

(e) Deeds for easements of rights-of-way or other dedications that have not been dedicated on the final map or parcel map. Written evidence acceptable to the City attorney in the form of rights-of-entry or permanent easements across private property outside the subdivision, permitting or granting access to perform necessary construction work and permitting maintenance of the facility,

(f) If the map is for the creation of a subdivision by conversion of residential real property into condominiums, community apartments, or a stock cooperative, including mobile home parks, the subdivider must file such documents with the Department of Development Services that assure

compliance with conversion of residential property requirements of the Subdivision Map Act and all applicable city codes and ordinances,

(g) All other data required by law or by the conditions of approval of the tentative subdivision or parcel map, including plans, reports, agreements, permits, fees, securities, or other requirements;

17. If as a condition of approval of the tentative parcel map, the subdivider has been required to construct or install certain improvements, which have not been completed at the time of approval of the final parcel map, a certificate indicating the improvement requirements must be affixed to the map. (Ord. 438 § 2, 2003; Ord. 98 §§ 2, 3, 4, 1983; Ord. 91, 1983)

12.12.030 Review submittal.

For purposes of filing a final map or parcel map, the subdivider must submit three, or more if required by the City Engineer, prints of the map to the City Engineer for reviewing. The City Engineer will review the map and one print will be returned to the subdivider or his or her engineer showing modifications thereon, if any. The remaining prints will be retained for departmental purposes. The City Engineer will request additional prints for each review submittal. When the map is found to be complete, an original with copies will be requested by the City Engineer. The final map or parcel map will be certified by the City Engineer. (Ord. 438 § 2, 2003; Ord. 91, 1983)

12.12.040 Filing of maps.

Pursuant to Section 66457 of the Subdivision Map Act the effective date for filing a final map or parcel map conforming to the approved or conditionally approved tentative map, if any, is the date the map has been found to be technically correct, in compliance with the Subdivision Map Act and local ordinances and all required certificates or statements on the map have been signed and where necessary, acknowledged. All maps must be filed with the director for processing for approval. (Ord. 438 § 2, 2003)

12.12.050 Approval.

After receipt of the final map or parcel map, the City Council, or City Engineer for parcel maps, must act upon the map within the time and in the manner prescribed by Sections 66457, 66458 and 66463 of the Subdivision Map Act, as it currently exists or may be amended. The City Council, or City Engineer for parcel maps, may accept, conditionally accept subject to improvement, or reject any dedications or offers of dedication that are made by certificate on the map. (Ord. 186 § 3, 1987)

EXHIBIT 7

CHAPTER 12.14 ADDITIONAL REQUIREMENTS

12.14.010 Soils report.

A. Every subdivision for which a final subdivision or parcel map is required must submit to the City Engineer a soils report, prepared by a California registered civil engineer, based on adequate test borings. The City Engineer may waive the soils report requirement if the City Engineer finds that sufficient knowledge exists as to the soils qualities of the subdivision.

B. If the soils report indicates the presence of expansive soils or other soils problems which, if not corrected would lead to structural defects, the City Engineer may require a soils investigation of each lot or parcel in the subdivision to be performed by a civil engineer, registered in the state of California. The soils investigation report must recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problem exists.

C. The subdivision or any portion thereof where such problems exist may be approved if the City Engineer determines that the recommended corrective action is likely to prevent structural damage to each structure to be constructed and that the issuance of any building permit will be conditioned to include this recommended corrective action prior to the construction of each structure involved. (Ord. 91, 1983)

12.14.020 Monuments.

At the time of making the survey for all final subdivision or parcel maps, a registered civil engineer or licensed surveyor must set sufficient durable monuments to conform with the standards of the Subdivision Map Act and requirements established by the City Engineer, as follows:

A. Boundary Monuments. The exterior boundary of the subdivision must be monumented with permanent monuments not smaller than two inch iron pipes at least 24 inches long set at each corner, at intermediate points along the boundary not more than 1,000 feet apart, and at the beginning and end points of all curves; provided, if any existing record and identified monument meeting the foregoing requirements is found at any such corner or point, such monument may be used in lieu of a new monument.

B. Lot Corner Monuments. All lot corners, except when coincident with exterior boundary corner, must be monumented with permanent monuments of one of the following types: (i) Three-fourth inch diameter iron pipe at least 18 inches long, (ii) One-half inch diameter steel rod at least 18 inches long, (iii) Lead plug and copper identification disks set in concrete sidewalk or curbs.

C. Such additional monuments to mark the limiting lines of streets as the City Engineer may require.

D. All other monuments set or proposed to be set must be as indicated on the final map.

E. All monuments and their installation must conform to the City standards.

F. Where monument setting is deferred after a final subdivision or parcel map is filed, such monuments must be set within 30 days after the completion of the required improvements. The engineer must notify the City Engineer that all monuments have been exposed and are available for inspection. The monuments must be inspected and found to be satisfactory by the City Engineer before the improvements are accepted. (Ord. 91, 1983)

12.14.030 Energy conservation.

The design of a subdivision must provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision as required by Section 66473.1 of the Subdivision Map Act. In the design of a subdivision, consideration must be given to climate, contour, and configuration of the parcel to be divided. Examples of passive or natural heating opportunities in subdivision design, include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure or orientation to take advantage of shade or prevailing breezes. (Ord. 91, 1983)

12.14.040 Standards of design.

The City Engineer is authorized and directed to prepare a manual setting forth the standards of design for public improvements within the City. This manual must set forth the detail of design and design criteria such that engineers providing services for subdividers may readily incorporate such standards by reference to the standards or the standards of other agencies; however, where such references are used, the City Engineer must maintain in his or her office at least three copies of the reference for the inspection by the subdivider’s engineer. These standards must be reviewed by the City Council. (Ord. 91, 1983)

EXHIBIT 8

CHAPTER 12.16 BONDING AND IMPROVEMENT SECURITY

12.16.010 Improvement agreement.

Before the City Council approves a final subdivision or parcel map, the subdivider must enter into an agreement with the City to complete all improvement work to the satisfaction of the City Engineer within a specified time and that if the subdivider fails to complete such work, the City may complete the same and recover the full cost and expense for the work from the subdivider. The agreement must also allow the City to inspect all improvements. The subdivider must pay a fee set by resolution of the City Council the cost of such inspection. (Ord. 91, 1983)

12.16.020 Subdivision improvement security.

To guarantee the performance of any action or agreement with regard to the proposed subdivision, the subdivider must provide security as follows:

A. A faithful performance security for the purpose of subdivision improvement set at an amount determined by the City Engineer equal to 100% of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the act or agreement.

B. A labor and materials security furnished as an additional amount determined by the City Engineer equal to 50% of the total estimated cost of the improvement, or the performance of the required act, securing payment to the contractor, such contractor's subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvement or the performance of the required act;

C. The monumentation agreements must be accomplished by a faithful performance security in a sum equal to the cost of setting such monuments, guaranteeing the faithful performance of all such work of setting monuments and furnishing notes. (Amended during 1989 supplement; Ord. 91, 1983)

12.16.030 Improvement security release.

A. The City Engineer is authorized and directed to release ninety percent (90%) of the faithful performance subdivision improvement security after the subdivider completes and the City accepts the work required under the agreement. The remaining ten percent of the faithful performance subdivision improvement security must continue in effect for a period of one year after completion and acceptance of said work, at which time, the City Engineer will release the remaining security.

B. Before releasing the faithful performance subdivision improvement security, the City Engineer must ensure that all actions or improvements affecting other departments or agencies have been properly completed to the satisfactions of such departments or agencies, including, but not limited to the director of planning and community development, and agencies handling water, sewer, electricity, gas, and street lighting. The City Engineer must then

recommend release of the security to the City Clerk. The City Clerk then provides a written communication to the subdivider and the maker of the bond or holder of the surety.

12.16.040 Forms of security.

A. Every bond required by this chapter must be furnished by a surety company authorized to conduct business in the state of California and must be in a form acceptable to the City attorney, and for bonds larger than $100,000, reviewed and accepted by the City Council.

B. In lieu of any faithful performance bond required by this division, the subdivider may deposit with the City cash or acceptable equivalent equal to the required amount of such bond or security for the faithful performance. No separate labor and material bond is required when cash surety is used; however, an amount equal to the required labor and material bond will not be released until six months after completion and acceptance of the improvements and then such release will be less any unsettled claims.

C. Other forms of security will be permitted when approved by the City attorney. These may include letters of credit, assignment bank or savings and loan pass book accounts, and completion of proceedings under one of the state assessment district acts. (Ord. 91, 1983)

EXHIBIT 9

CHAPTER 12.18 MERGER OF PARCELS

12.18.010 Merger of contiguous parcels.

Whenever two or more contiguous parcels or units of land which have been legally created under the provisions of this division or code are held by the same owner, such parcels, or units must be merged where any of the following conditions exist:

A. One of the parcels or units of land does not conform to the current standards for minimum parcel size to permit development under the City zoning ordinance and at least one of the parcels is not occupied by a building; provided, however, that merger must occur only to the extent necessary to establish lots conforming to the current standards for minimum parcel area and dimensions and after a public hearing has been held pursuant to Section 12.18.040; or

B. The owner constructs structures or buildings on, over, or across existing parcel lines between contiguous parcels or units of land and develops such parcels or units as a single unit; provided, however, that merger must occur only to those parcels, or units which are developed as a single unit. (Ord. 91, 1983)

12.18.020 Treatment of lots after merger.

After merger has occurred with respect to any contiguous parcels or units of land under this chapter, such parcels, or units of land will be treated as a single parcel under the provisions of this code. (Ord. 91, 1983)

12.18.030 Contiguity.

Property is considered as contiguous parcels or units of land only if such parcels or units of land are adjoining, even if such parcels, or units of land are separated by roads, streets, alleys, railroad rights-of-way, or other features deemed to be similar by the director. (Ord. 91, 1983)

12.18.040 Opportunity for hearing.

A. Whenever the director believes that real property should be merged pursuant to this division, or that real property has merged pursuant to the Subdivision Map Act, the director must prepare a notice of merger for recordation subject to the following conditions:

1. At least 30 days before recording the notice of merger, the director must provide the owner of the parcels to be affected by the merger with written notice of the intention to record the notice of merger;

2. The notification of the intention to record the notice of merger must specify a time, date, and place at which the owner may present evidence to the director of why such notice should not be recorded;

3. The director must also provide the owner with a copy of the notice of merger;

4. The notice of merger must describe the real property, specify the names of the record owners, certify that the property has merged pursuant to the Subdivision Map Act, and specify the reasons for merger.

B. This section is not applicable to lots for which a certificate of compliance has been issued or which were created by a recorded map or a map filed with the county according to procedures in effect at the time the lots were created. (Ord. 91, 1983)

12.18.050 Notice to the County Recorder.

Whenever the director determines that real property has merged pursuant to this chapter, the director is authorized and directed to cause a notice of merger, specifying the name(s) of the record owner(s) and particularly describing the real property affected by the merger, to be filed with the County Recorder. (Ord. 91, 1983)

EXHIBIT 10

CHAPTER 12.20 BOUNDARY ADJUSTMENT

12.20.010 Submittal.

A. Any person(s) desiring to adjust the boundaries between two or more existing parcels by taking land from one parcel and adding it to an adjacent parcel without creating any new parcel must submit an application for a boundary adjustment with the Department of Development Services. The application must include information required by the director and a fee established by resolution of the City Council.

B. The application must be accompanied by the following:

1. a reproducible adjustment plat on polyester base film, eight and one-half inches by 11 inches or 11 inches by 17 inches in size, and in a form prescribed by the director,

2. the signature of the owner(s) of the property involved, and

3. a title report.

C. The director must refer a copy of the proposed adjustment plat to the City Engineer and may refer copies of such plat to the other departments and public agencies for review and comment thereon. (Ord. 91, 1983)

12.20.020 Approval.

A. Within 30 days after the director accepts an application for a boundary adjustment plat as complete, the director is authorized and directed to approve or conditionally approve such plat if the boundary adjustment plat does not result in any of the following:

1. Create any new parcels;

2. Include any parcels created illegally;

3. Impair any existing access or create a need for new access to any adjacent parcels;

4. Impair any existing easements or create a need for any new easements serving adjacent parcels;

5. Require substantial alteration of any existing improvements or create a need for any new improvements;

6. Adjust the boundary between lots or parcels for which a covenant of improvement requirements has been recorded and all required improvements stated therein have not been completed unless the director determines the proposed boundary adjustment will not significantly affect said covenant of improvement requirements;

7. Cause the revised parcels to violate provisions of the general plan, zoning ordinance or building code;

8. Impair the ability of each revised parcel to be served by a sewer or septic system as determined by the City Engineer.

B. The director may impose such conditions of approval to be satisfied prior to recording the adjustment plat as the director finds necessary to insure that the boundary adjustments involved are in full compliance with this code.

C. In any case, where an adjustment plat is approved, the director must file a certificate of compliance with the County Recorder's office. (Ord. 91, 1983)

12.20.030 Appeal.

If the applicant is dissatisfied with any action taken by the director, the decision may be appealed to the City Council by filing such an appeal and fee as established by resolution of the City Council within 15 days after the date of mailing the notice of the action taken by the director. (Ord. 91, 1983)

EXHIBIT 11

CHAPTER 12.22 ENFORCEMENT

12.22.010 Generally.

It is unlawful for any person, principal, agent or otherwise to sell, lease, finance, or transfer title to any portion of any subdivision or parcel of land in the City, for which a final parcel map, a final subdivision map or a certificate of compliance is required pursuant to the Subdivision Map Act or this division, unless a final parcel map, final subdivision map or certificate of compliance in full compliance with the Subdivision Map Act and this division has been filed with the County Recorder's office. (Ord. 91, 1983)

12.22.020 Notice of violations.

A. Notice of intention to record notice of violation. Whenever the director has knowledge that real property has been divided, or has resulted from a division, in violation of the provisions of the Subdivision Map Act or this division, as they existed at the time of the division, the director must send, by certified mail, a notice of intention to record a notice of violation to the then current owner of record of the property. The notice of intentional must describe the real property in detail, name the owners of the real property, and state that the owner will be given an opportunity to present evidence to the director regarding why the notice should not be recorded. The notice must specify a time, date, and place for the meeting. The notice must also contain a description of the violations and an explanation as to why the subject parcel is not lawful under subdivision (a) or (b) of Section 66412.6 of the Subdivision Map Act.

B. Hearing on notice of intention. The hearing on the notice of intention to record a notice of violation must take place no sooner than 30 days and no later than 60 days from date of mailing. If, within 15 days after receipt of the notice, the owner of the real property fails to inform the local agency of his or her objection to recording the notice of violation, the director may record the notice of violation with the County Recorder.

1. If, after the owner has presented evidence, the director determines that there has been no violation, the director must mail a clearance letter to the then current owner of record.

2. If, after the owner has presented evidence, the director determines that the property has been illegally divided, the director must record the notice of violation with the County Recorder. The notice of violation, when recorded, is deemed to be constructive notice of the violation to all successors in interest in such property. (Ord. 91, 1983)

12.22.030 Development approvals.

No agency or city department may issue any permit or grant any approval necessary to develop any real property if that property has been divided or has resulted from a division in violation of the Subdivision Map Act or this division as they existed at the time of the division, unless the director finds that the development of the property is not contrary to the public health

or safety and a certificate of compliance is issued pursuant to the provisions of Section 12.22.040. The authority to deny such a permit or such approval applies whether the applicant was the owner of record of the property at the time of the violation, or whether the applicant is either the current owner of record or a vendee of the current owner of record pursuant to a contract of sale of the property with or without actual or constructive knowledge of the violation at the time of acquisition of interest in the property. (Ord. 91, 1983)

12.22.040 Certificate of compliance.

A. Any person owning real property may request the issuance of a certificate of compliance stating that such real property (or any division thereof) complies with the provisions of the Subdivision Map Act and this division. Such request must be filed with the director and be accompanied by a fee, as adopted by resolution of the City Council, and such information as may be prescribed by the director.

B. The director must, within 50 days after receipt of a complete, written request, make a determination that such real property complies with the applicable provisions of the Subdivision Map Act and this division or that such real property does not comply with such provisions, and must so notify the owner thereof setting forth the particulars of such compliance or noncompliance.

C. If the subject real property is found to be in compliance with the Subdivision Map Act and this division enacted pursuant thereto, the director must cause a certificate of compliance relative to such real property to be filed for record with the County Recorder. If, however, the subject real property is found not to be in compliance with the provisions, the director may impose such conditions as would have been applicable to the division of the property at the time the applicant acquired the interest in the property as a condition to granting a certificate of compliance. Upon satisfaction of the conditions necessary to fulfill compliance, the director must then cause a certificate of compliance relative to such real property to be filed for record with the County Recorder. (Amended during 1989 supplement; Ord. 91, 1983)

12.22.050 Appeals.

Any person dissatisfied with any action of the director pursuant to this division may appeal to the City Council by filing such an appeal and fee, as established by resolution of the City Council, within 15 days after the mailing of the notice of action. (Ord. 91, 1983)

EXHIBIT 12

DIVISION 2. DEVELOPMENT FEES AND DEDICATIONS

CHAPTER 12.30 DEVELOPMENT IMPACT FEES

12.30.010 Title.

This chapter is known as the "Development Impact Fees and Dedication Ordinance" and may be cited as such. (Ord. 449 § 1, 2005)

12.30.020 Purpose and findings.

The City Council finds that:

A. The purpose of this chapter is to establish provisions for assessing and collecting fees as a condition of approval of a final map or as a condition of issuing a building permit.

B. The purpose of the fees established by this chapter is to impose upon new development the costs of constructing public facilities which are reasonably related to the impacts of the new development. New development in Santee will require the construction of new public facilities, including, without limitation, drainage improvements, traffic improvements, traffic signals, public park facilities, community facilities and other public improvements, public services and community amenities. The City Council finds that it is in the interest of the public's health, safety and welfare for new development to pay the costs of constructing the public facilities reasonably related to the impacts of the new development.

C. The fees established by this chapter must be used for those purposes identified in Section 12.30.040 of this chapter.

D. The City Council finds that there is a reasonable relationship between the use of the fees established by this chapter and the types of development on which the fees are imposed. The public facilities, drainage improvements, traffic improvements, and traffic signals for which the fees are collected are reasonably related to the types of development to which they apply.

E. The City Council finds that there is a reasonable relationship between the need for the public facilities and the type of development projects to which the fees apply. The public facilities, drainage improvements, traffic improvements and traffic signals that the fees are to be used for, are needed because of the impacts caused by the type of development projects to which they apply.

F. The City Council finds that there is a reasonable relationship between the amount of the fees and the costs of the public facility or portions of the public facility attributable to the development on which the fees are imposed. (Ord. 449 § 1, 2005)

12.30.030 Definitions.

For the purpose of this chapter, the following words have the following meaning:

"Area of benefit" means, for each individual fee, all land lying within the boundaries of the City. A metes and bounds description of the Santee special drainage area is contained in the description of the Santee Incorporation boundaries as described in Document Nos. 81-052979 and 1991-0133708, Official Records of the San Diego County Recorder, and incorporated by reference. Any area annexed to the City after the effective date of the ordinance codified in this chapter will automatically become a part of the area of benefit for development impact fees.

"Building permit" means a permit required by and issued pursuant to the Uniform Building Code as adopted by the City.

"Developer" means a person, agency or entity that constructs or is required to construct all or any part of a public facility as part of the approval of a development permit or building permit.

"Development permit" means a tentative map, tentative parcel map, development review permit or conditional use permit.

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons.

"Installation" means design, administration of construction contracts and actual construction.

"Multifamily residential property" means property which, under the current city land use plan or any specific plan, is designated as R-7, R-14, R-22 or R-30 or equivalent.

"Off-site facility" means a public facility improvement located outside the property limits of any parcel which is being considered for development.

"On-site facility" means a public facility improvement located inside the property limits of any parcel which is being considered for development.

"Property limits" means the parcel or parcels that are being considered for development, including the centerline of any adjacent public right-of-way.

"Public facility" means drainage, traffic signal, circulation element street, or building public improvements constructed by the City with city funds.

"RTCIP" means the Regional Transportation Congestion Improvement Program as established by the San Diego Association of Governments.

"Regional Arterial System" (RAS) means the network of arterials that provide critical links for the region as defined in San Diego Association of Governments (SANDAG) latest adopted Regional Transportation Plan (RTP).

"Residential property" means property which, under the current city land use plan or any specific plan, is designated as residential use.

"Single-family residential property" means property which, under the current city land use plan or any specific plan, is designated as HL, R-1, R-1A or R-2 or equivalent.

"Underdeveloped property" means property within the Santee special drainage area that will experience significant increases in impermeable surface when developed to the full potential allowed by the zoning ordinance.

"Undeveloped property" means property within the Santee special drainage area with no appreciable existing constructed impermeable surface. (Ord. 495 § 6, 2010; Ord. 479 § 2, 2008; Ord. 449 § 1, 2005)

12.30.040 Development impact fees.

A. "Public facilities benefit fee" is for installation of passive and active park facilities and 65,000 square feet of community buildings.

B. "Drainage fee" is for the installation of needed drainage improvements identified from the City's latest master drainage facility study.

C. "Traffic signal fee" is for the installation of needed traffic signals identified from the City's traffic signal needs list.

D. "Traffic mitigation fee" is for the installation of needed improvements identified from the City's general plan circulation element.

E. "RTCIP mitigation fee" is for improvements to the Regional Arterial System. (Ord. 479 § 2, 2008; Ord. 449 § 1, 2005)

12.30.050 Fee rates.

A. The City Council, by resolution, establishes each development impact fee rate, based upon the estimated or actual cost at the time of the adoption of the resolution, for public facilities.

B. Pursuant to City Council resolution establishing each development impact fee rate, the director of development services must calculate the total fees to be paid by any applicant or developer. The director's decision is subject to the appeal process set forth in Section 12.30.090 of this chapter.

C. The development impact fees, exclusive of the RTCIP mitigation fee, are automatically adjusted for inflation on July 1 of each year. The inflation adjustment is two percent or based on the previous calendar years increase in the San Diego Consumer Price Index (CPI-U: All Items) as published by the Bureau of Labor Statistics, whichever is higher.

D. Pursuant to the TransNet Extension Ordinance, RTCIP mitigation fees are automatically adjusted for inflation on July 1 of each year. The inflation adjustment will be two percent or based on the Caltrans highway construction cost index, whichever is higher. (Ord. 479 § 2, 2008; Ord. 449 § 1, 2005)

12.30.060 Payment of fees.

A. All developers must pay the applicable development impact fees to the City prior to issuance of the building permit for the purpose of defraying the actual or estimated cost of the installation of any public facilities.

B. The applicable development impact fees may be reduced by an amount equal to the outstanding balance of any reimbursement agreement entered into prior to the time that the fees become due and payable pursuant to Sections 12.30.100 and 12.30.110 of this chapter. If the outstanding balance of the reimbursement agreement exceeds the applicable fees, the agreement is automatically reduced by the amount of the fees and the fees will be waived. If the fees exceed the outstanding balance of the agreement, the reduced fees must be paid prior to the issuance of a permit.

C. A credit may be given to all developers who have, as a condition of project approval, constructed public facilities in lieu of the payment of development impact fees. The credit will be the cost of the facilities constructed. For purposes of this chapter, the installation cost is the actual cost of constructing the improvements as determined from certified invoices from the contractor except that this cost must not exceed the estimated price as established by the director. No facility construction for which a reimbursement agreement has been issued is eligible for credit. (Ord. 449 § 1, 2005)

12.30.070 Use of fees.

A. All public facility benefit fees, drainage fees, RTCIP mitigation fees, traffic signal fees and traffic mitigation fees collected pursuant to this chapter must be placed into separate accounts for each fee type. All such revenue must be expended solely for land acquisition, construction or engineering necessary for the installation of the public facility, or reimbursement for land acquisition, construction or engineering of the public facility.

B. For each fee account, a special revolving fund must be established for the purpose of making reimbursements (see Section 12.30.110 of this chapter) for improvements to off-site facilities. Each revolving fund must be established by depositing 25% of the total fees collected each year with a maximum accumulation of 100,000 dollars.

C. The City Council may from time to time change by resolution the percentage of the development impact fees collected that is to be deposited in each public facilities revolving fund.

D. All revenue for the RTCIP mitigation fees must be expended solely on improvements to the Regional Arterial System. (Ord. 479 § 2, 2008; Ord. 449 § 1, 2005)

12.30.080 Exceptions.

Notwithstanding the provisions of this chapter, payment of development impact fees are not required for:

A. The use, alteration or enlargement of an existing nonresidential building or structure on the same lot or parcel of land, provided the total useable building floor area, as determined by the director, of all such alteration, enlargement or construction completed within any consecutive three-year period does not exceed 1,000 square feet;

B. The use, alteration or enlargement of the building is not such as to change its classification of occupancy as defined by the Uniform Building Code;

C. The following accessory buildings and structures: private garages, children's playhouses, radio and television receiving antennas, shops and other buildings which are accessory to one-family or two-family dwellings;

D. The alteration or enlargement on an existing multifamily structure or the erection of one or more buildings or structures accessory thereto, or both, on the same lot or parcel of land, provided the additional number of dwelling units, as determined by the director, is not increased;

E. The amount of development which has occurred on a site if it has been previously developed. (Ord. 449 § 1, 2005)

12.30.090 Appeal.

A. Notwithstanding any other provision of this chapter, any person responsible for payment of development impact fees or dedications has the right, upon payment of an appropriate fee established by resolution of the City Council, to appeal to the City Council the director's determination of the amount of development impact fees to be paid or the type of facility to be constructed.

B. An appeal may only be heard if filed with the City within 90 days after imposition of the development impact fees.

C. The City Council has the authority to:

1. Change the amount of development impact fees when it finds that the amount so established is incorrect or inequitable in the specific case; and/or

2. Change the size and/or location of a facility or portion thereof.

D. Any such changes must be in conformity with the spirit and intent of the development impact fee and dedication ordinance adopted by council.

E. The appellant has the burden of establishing the basis for the appeal and facts to support the appellant's appeal. The director makes a recommendation to the City Council. Any decision by the City Council is final. (Ord. 449 § 1, 2005)

12.30.100 Construction credits.

Where, as a requirement of the project, the developer constructs all or a portion of an off-site public facility, the construction cost for that portion beyond local benefit will be credited against the development impact fee to be paid for that type of facility. For purposes of this chapter, the construction cost is the actual cost of constructing the improvements as determined from certified invoices from the contractor, except that this cost must not exceed the estimated price as established by the City Engineer. (Ord. 449 § 1, 2005)

12.30.110 Reimbursement.

A. If a developer constructs an off-site public facility or a portion thereof, the developer may be eligible for reimbursement from the revolving fund of that type of facility. Reimbursement for construction of all off-site public facilities is the full amount allowed by Section 12.30.120 of this chapter.

B. If a public facility is improved off-site on undeveloped or underdeveloped property, the developer may pursue private reimbursement in accordance with Chapter 11.42 Improvements Reimbursement.

C. Off-site facilities that are not part of the respective development impact fee programs are not eligible for reimbursement by those respective fees.

D. No reimbursement is allowed for the construction of any on-site facilities, with the exception of public park facilities and community buildings.

E. If the amount in a specific public facility's revolving fund is insufficient to fully reimburse eligible developers, the City will enter into a reimbursement agreement with the developer. The reimbursement agreement will be entered into when the City has determined that the developer has made a complete submittal of all invoices necessary to substantiate costs to be reimbursed. Reimbursement will be made only as fees are collected with the development of property within the City. Although the revolving fund of each facility type will have a limit of 100,000 dollars, up to 25% of any fees collected following the operative date of the reimbursement agreement will be available for reimbursement. No developer may receive reimbursement until all developers who have previously executed reimbursement agreements are fully reimbursed (except for credit against fees as allowed in Section 12.30.060(C) of this chapter). (Ord. 449 § 1, 2005)

12.30.120 Cost allowance for reimbursement agreements.

For the purpose of reimbursement pursuant to Section 12.30.110 of this chapter, the cost of construction for public facilities or any portion of these facilities is the actual cost as certified by the developer and verified by the City, or the estimated cost computed in accordance with the schedule of construction allowances as approved by the City, whichever is less. The estimated cost will be based upon the length, size and type of facility actually constructed. (Ord. 449 § 1, 2005)

12.30.130 Scheduling installation.

This chapter must not be construed to mean that public facilities, for which a fee(s) has been paid, will be installed immediately. Installation will be programmed when conditions warrant and balance of funding is available. (Ord. 449 § 1, 2005)

12.30.140 Compliance with state law.

In carrying out the provisions of this chapter, the City complies with the terms and requirements of California Government Code Sections 66000 through 66022. (Ord. 449 § 1, 2005)

12.30.150 Determination of fees—Public facilities.

A. The public facilities benefit fee for single-family residential property is the product of the actual number of dwelling units and the fee rate (dollars per dwelling unit) for the respective land uses of HL, R-1, R-1A and R-2.

B. The public facilities benefit fee for multifamily residential property is the product of the actual number of dwelling units and the fee rate (dollars per dwelling unit) for the respective land uses of R-7, R-14, R-22 and R-30. (Ord. 495 § 6, 2010; Ord. 449 § 1, 2005)

12.30.160 Determination of fees—Drainage.

A. The drainage fee for single-family residential property is the product of the actual number of dwelling units and the fee rate (dollars per dwelling unit) for the respective land uses of HL, R-1, R-1A and R-2 in the Santee area of benefit.

B. The drainage fee for multifamily residential property is the product of the actual number of dwelling units and the fee rate (dollars per dwelling unit) for the respective land uses of R-7, R-14, R-22 and R-30 in the Santee area of benefit.

C. The drainage fee for property with land uses other than single-family or multifamily residential property in the Santee area of benefit is the product of the total square footage, divided by 1,000, of impermeable surface to be constructed, including, but not limited to, roof area of structures, parking lots, driveways, patios, streets, and sidewalks, and the fee rate (dollars per 1,000 square foot unit) for the respective land uses.

D. In the case of modification, expansion, or reconstruction of an existing structure, except for single-family residential property, the number of acres of impermeable surface is equal to the acreage of new impermeable surface to be constructed. If the total aggregate amount of new impermeable surface during any three-year period is less than 1,000 square feet, then the fee is zero. No fee will be charged for modifications to single-family residential properties. (Ord. 495 § 6, 2010; Ord. 449 § 1, 2005)

12.30.170 Land use changes.

Differences in drainage facility requirements that are a result of a change in the City general plan are reviewed by the City Council. If determined by the City Council that the total

facilities cost and the basis of cost allocation have been significantly altered, the City Council may make revisions in accordance with the changes in the general plan. (Ord. 449 § 1, 2005)

12.30.180 Determination of fees—Traffic signal.

A. The traffic signal fee for single-family residential property is the product of the actual number of dwelling units and the fee rate (dollars per dwelling unit) for the respective land uses of HL, R-1, R-1A and R-2 in the Santee area of benefit.

B. The traffic signal fee for multifamily residential property is the product of the actual number of dwelling units and the fee rate (dollars per dwelling unit) for the respective land uses of R-7, R-14, R-22 and R-30 in the Santee area of benefit.

C. The traffic signal fee for property with land uses other than single-family of multifamily residential property in the Santee area of benefit is the product of the total square footage of structures, divided by 1,000, and the fee rate (dollars per 1,000 square foot unit) for the respective land uses. (Ord. 495 § 6, 2010; Ord. 449 § 1, 2005)

12.30.190 Determination of fees—Traffic mitigation.

A. The traffic mitigation fee for single-family residential property is the product of the actual number of dwelling units and the fee rate (dollars per dwelling unit) for the respective land uses of HL, R-1, R-1A and R-2 in the Santee area of benefit.

B. The traffic mitigation fee for multifamily residential property is the product of the actual number of dwelling units and the fee rate (dollars per dwelling unit) for the respective land uses of R-7, R-14, R-22 and R-30 in the Santee area of benefit.

C. The traffic mitigation fee for property with land uses other than single-family or multifamily residential property in the Santee area of benefit is the product of the total square footage of structures, divided by 1,000, and the fee rate (dollars per 1,000 square foot unit) for the respective land uses. (Ord. 495 § 6, 2010; Ord. 449 § 1, 2005)

12.30.200 Determination of fees.

A. The RTCIP mitigation fee for single-family residential property the product of the actual number of dwelling units and the fee rate (dollars per dwelling unit) for the respective land uses of HL, R-1, R-1-A and R-2 in the Santee area of benefit.

B. The RTCIP mitigation fee for multifamily residential property is the product of the actual number of dwelling units and the fee rate (dollars per dwelling unit) for the respective land uses of R-7, R-14, R-22, and R-30 zones in the Santee area of benefit. (Ord. 479 § 2, 2008)

EXHIBIT 13

CHAPTER 12.32 DEDICATIONS AND IMPROVEMENTS

12.32.010 General requirements.

The standards and requirements in this division and as adopted by resolution of the City Council, apply to all final, subdivision and parcel maps unless otherwise indicated by this division, or unless expressly waived by the City Council. Additional requirements may be recommended to the City Council by the director or the City Engineer as prescribed in Chapter 12.14. (Ord. 91, 1983)

12.32.020 Dedications.

The subdivider must make an irrevocable offer of dedication for public use:

A. All streets, highways, alleys, ways, easements, rights-of-way, and parcels of land shown on the final subdivision or parcel map and intended for public use by appropriate certificate on the title page. All irrevocable offers of dedication must also be shown by appropriate certificate on the title page.

B. Vehicular access rights from any parcel to any highway or street when required by the conditions of approval of the tentative subdivision or parcel map. Such rights must be offered for dedication by appropriate certificate on the title sheet, and a note stating: “Vehicular Access Rights Dedicated to the City of Santee” or other language acceptable to the director and city attorney must be lettered along the highway or street adjacent to the parcels affected on the final map.

C. All streets, highways, alleys, ways, easements, rights-of-way, and other public improvements offered for dedication must be designed, developed, and improved according to the standards of the City and to the satisfaction of the City Engineer.

D. Any public and private utility easements required by the various utilities or the City must be shown on the final subdivision or parcel map and dedicated to the appropriate agency by separate document.

E. All drainage easements when:

1. Storm drains are necessary for the general use of lot or parcel owners in the subdivision and such storm drains are not to be installed in the streets, alleys, or ways of such subdivision. In such cases, the subdivider must offer to dedicate upon the final subdivision or parcel map the necessary rights-of-way for such facility plus access thereto;

2. Property being subdivided, or any portion thereof, is situated in the path of the natural drainage from adjoining property and no street, alley, or way within the subdivision is planned to provide for the drainage of such adjoining property. In

such cases, the subdivider must offer to dedicate drainage and access easements adequate to provide for the ultimate future drainage of the adjoining property.

F. Land for local transit facilities such as bus turnouts, benches, shelters, loading pads which benefit the residents of the subdivision if the subdivision will contain a minimum of 200 dwelling units or will be at least 100 acres in size. This requirement does not apply to condominium projects, community apartment projects, or stock cooperatives which are conversions of an existing apartment building.

G. Land for bicycle / pedestrian paths for the use and safety of residents of the subdivision, if the subdivision will contain a minimum of fifty (50) dwelling units.

H. Land for the construction of schools necessary to assure residents of the subdivision have adequate public school service, pursuant to Section 66478 of the Subdivision Map Act and Division 1 of this Title. Such dedication must be to the applicable school district.

I. Reservation of land for parks, recreational facilities, fire stations, libraries, or other public uses subject to the provisions of Section 66479 through Section 66482 of the Subdivision Map Act. (Ord. 91, 1983)

12.32.030 Improvements.

A. The city may require the construction of reasonable on and off-site improvements for the parcels being created pursuant to the provisions of Section 66411.1 of the Subdivision Map Act.

B. The subdivider, prior to approval of the final subdivision or parcel map by the City Council, must make or enter into an agreement with the City to make all improvements prescribed on the approved tentative subdivision or parcel map and as a condition of approval of the tentative subdivision or parcel map. The agreement to make the subdivision improvements must be guaranteed by the posting of appropriate security. Plans, profiles and specifications of proposed improvements must be submitted to the City Engineer for review, accompanied by a checking fee as set by resolution of the City Council. The improvement plans must be approved by the City Engineer prior to the approval of the final subdivision or parcel map by the City Council.

C. The minimum improvements required of the subdivider for final subdivision and parcel maps are as follows:

1. Grading and improvement of public and private streets and alleys including surfacing, curbs, gutters, cross gutters, sidewalks, ornamental street lighting, street name signs and necessary barricades and safety devices;

2. Storm drainage and flood control facilities within and outside of the subdivision sufficient to carry storm runoff both tributary to and originating within the subdivision;

3. A public sewage system serving each lot of the subdivision, except a private sewer system may be designed and constructed to public sewer system standards for planned residential developments and condominiums subject to approval of the City Engineer, unless this requirement is waived by the director or City Council;

4. A water supply system providing an adequate supply of potable water to each lot and fire hydrant within the subdivision. The water supply system must be of the size and design prescribed by the water district subject to the approval of the City Engineer;

5. Fire hydrants and connections must be of the type and at locations specified by the fire chief;

6. Survey monuments;

7. Public utility distribution facilities including gas, electric, telephone and cable television necessary to serve each lot in the subdivision. All new and existing utility distribution facilities within the boundaries of the subdivision and within the half street abutting any new subdivision must be placed underground. Where the City Council, by resolution in the case of final subdivision maps or the City Engineer in the case of final parcel maps, determines this requirement to be impractical, the undergrounding improvement may be deferred and an in-lieu cash deposit collected by the City in an amount equal to the estimated cost of undergrounding of such utilities;

8. The subdivider may designate a portion of any unit or units of improved or unimproved land which is not divided for the purpose of sale, lease, or financing as a remainder parcel. The fulfillment of construction requirements or improvements for a designated remainder parcel may not be required immediately as provided in a written agreement between the subdivider and the City. Such agreement must specify the timing and extent of improvements through the remainder parcel.

9. The city may require that improvements installed by the subdivider for the benefit of the subdivision must contain supplemental size, capacity, or number for the benefit of property not within the subdivision, and that such improvements be dedicated to the public pursuant to Sections 66485 and 66486 of the Subdivision Map Act. (Ord. 186 § 3, 1987; Ord. 91, 1983)

12.32.040 Improvement standards and plans.

A. The design and improvements of subdivisions must be in accordance with the applicable sections of the zoning ordinance, the general plan, any specific plans adopted by the City and the requirements established by the City Engineer.

B. Improvement plans must be prepared by a California registered civil engineer and must be completed to the satisfaction of the City Engineer prior to acceptance of the final subdivision or parcel map. (Ord. 91, 1983)

12.32.050 Parks and recreation facilities.

Requirements. Pursuant to Division 2 of this Title and as a condition of approval of a final subdivision or a final parcel map for a residential subdivision, a subdivider must dedicate land for parks and recreation purposes, pay a fee in lieu thereof, or a combination of both, at the option of the City, as determined at the time of approval of the tentative map. The land dedication, or fee in lieu thereof, must be used for developing new or rehabilitating existing park and recreational purposes.

12.32.060 Private streets, alleys or ways.

A. Private streets, alleys, or ways will be permitted only when the welfare of the occupants of the subdivision will be better served and the public's welfare will not be impaired through such use or the improvements thereon. Such private street, alley, or way must not be offered for dedication and must be shown on the final subdivision or parcel map as parcels lettered alphabetically. All private streets, alleys, or ways must be designed, developed, and improved to the standards of the City and to the satisfaction of the City Engineer.

B. All such access ways must be governed by maintenance agreements or similar mechanism guaranteeing proper maintenance in perpetuity and must be approved by the City and be made a part of the property deed or other recorded document. (Ord. 91, 1983)

12.32.070 Exceptions.

A. The City Council may grant exceptions to the requirements or standards imposed by these regulations where consistent with, or not specifically prohibited by, the provisions of the Subdivision Map Act. In granting such exceptions or modifications, the City Council must make all of the following findings:

1. The property to be divided is of such size, shape, or is affected by such topographic conditions that it is impossible or impracticable in the particular case to conform fully to the subdivision requirements; and

2. The exception will not be detrimental to the public health, safety, or welfare, or be detrimental to the use of other properties in the vicinity; and

3. Granting of the exception is in accordance with the intent and purposes of this title, and is consistent with the general plan and with all applicable specific plans or other plans of the City.

B. The City Council must not base any of its decision on the basis of cost to the subdivider of strict or literal compliance with the regulations as a reason for granting an exception.

C. In granting any exceptions, the City Council must impose such conditions as are necessary to protect the public health, safety, or welfare and assure compliance with the general plan, all applicable specific plans, and with the intent and purpose of this title. (Ord. 186 § 3, 1987)

EXHIBIT 14

DIVISION 3 PARK LANDS AND SPORTS FIELDS

Chapter 12.40 PARK LANDS DEDICATION

12.40.010 Title.

This chapter is known as the park lands dedication ordinance and may be cited as such. (Ord. 26 § 1, 1981)

12.40.020 Definitions.

In this chapter:

A. "Development" means a subdivision, mobile home park or construction or installation of a dwelling. Development does not include:

1. Subdivisions created for industrial or commercial purposes;

2. Resort and recreational facilities for which occupancy is limited to 90 days for any person in any twelve-month period, or cabin or motel units which are not to be used as primary residences and which are to be constructed within and primarily to serve federal, state or county parks or forests;

3. Recreational trailer parks, temporary trailer parks, or travel trailer parks as those terms are defined in the Mobilehome Parks Act.

B. "Director" means the director of development services for the City of Santee.

C. "Dwelling" means a building or portion thereof used exclusively for residential purposes, including one-family, two-family, and multiple dwellings, and also means mobile home, and mobile home sites or spaces in mobile home parks.

D. "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, and includes an accessory dwelling as defined in Title 13.

E. "Family" has the same meaning set forth in the zoning code.

12.40.030 Applicability.

A. Except as otherwise provided, this chapter applies to all tentative maps of subdivision, all applications for special use permits filed with the director, and all building permits or other permits for development filed with the director. For major subdivisions to which this chapter applies, the required amount of land, or fees in lieu of land, is the amount prescribed by this chapter on the date on which the environmental impact initial study or draft environmental impact report was filed, together with required maps and fees for the subdivision; provided, that the tentative subdivision map is approved within two years after the date.

B. This chapter does not apply to the following:

1. any subdivisions containing fewer than five parcels; provided, however, that a condition may be placed on the approval of such a parcel map, that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee may be required to be paid by the owner of each parcel as a condition of the issuance of the permit;

2. commercial, industrial, or other nonresidential subdivision;

3. condominium stock cooperative projects consisting of the subdivision of airspace in an existing apartment building which is more than five years old and when no new dwelling units are added;

4. the replacement on the same parcel by the owner of a dwelling or dwelling destroyed by fire or other calamity, provided that the application for a building permit to replace such dwelling is filed with the director within six months after destruction of the dwelling.

(Ord. 73 § 1, 1983; Ord. 26 § 12, 1981)

12.40.040 Dedication or payment of fee required.

A. Except as otherwise provided in this chapter, the applicant for any development must, as a condition of approval of the development, dedicate land, pay fees in lieu of land, or a combination of both, pursuant to this chapter for the purpose of providing park or recreation facilities to serve future residents of such development:

B. Before receiving any building permit or other permit for development under the jurisdiction of the director, the applicant must pay fees prescribed in Section 12.40.070 or present a written statement from the director certifying that the requirements of this chapter have otherwise been satisfied with respect to the development for which permits are sought

C. In the event that subsequent development occurs with respect to property for which fees have been paid or land dedicated, additional fees or dedication are required only for additional lots or dwelling units which were not included in computing the prior fee or dedication requirements.

(Ord. 181 § 1, 1987; Ord. 26 § 3, 1981)

12.40.050 Filing procedures.

A. An applicant for a tentative subdivision map or other application for development approval, must, as a part of such filing, indicate a preference to either dedicate land for park or recreation purposes, pay a fee in lieu of land, or both. If the applicant prefers to dedicate land, the applicant must specify the land proposed to be dedicated.

B. To facilitate decisions regarding dedication of land, the developer must furnish a tabulation showing the number of dwelling units proposed to be constructed in each portion of the development. The director may waive the tabulation requirement at the director's sole discretion. (Ord. 26 § 4, 1981)

12.40.060 Dedication or payment—Criteria for determination.

A. Developments containing fifty or fewer parcels.

1. Except as otherwise provided in this section, only the payment of fees is required for developments containing fifty or fewer parcels, except that when a condominium project, stock cooperative, or community apartment project, as those terms are defined in Sections 4105, 4125, and 4190 of the Civil Code, exceed 50 dwelling units, dedication of land may be required, even though the number of parcels may be less than 50.

2. An applicant for a development containing fifty or fewer parcels may offer to dedicate land in lieu of paying fees, in which event the City Council may elect to accept the land or require the payment of fees, or a combination of both, and in making such election will consider the factors set forth in this section.

B. Developments containing more than fifty parcels. The City Council determines whether to require dedication of land, payment of a fee in lieu of land, or a combination of both, for developments containing more than fifty parcels. In making this determination, the City Council considers the following factors:

1. Conformity of lands offered for dedication with the recreation element of the general plan;

2. The topography, soils, soil stability, drainage, access, location and general utility of land in the development available for dedication;

3. The size and shape of the development and land available for dedication;

4. The amount, usability, and location of publicly owned property available for combination with dedicated lands in the formation of local park and recreation facilities;

5. The recreation facilities to be privately owned and maintained by future residents of the development. (Ord. 109, 1983; Ord. 26 § 5, 1981)

12.40.070 Dedication or payment—Amount.

A. The amount of land to be dedicated pursuant to this chapter must be based on the average occupancy rate per dwelling type and the ratio of dedication equivalent to five acres per 1,000 population according to the following table:

Dwelling Type	Square Feet to be Dedicated

	Per Unit
Single-family	740.5
Multi-family	675.2
Mobilehome	370.3

B. The amount of a fee in lieu of land to be paid pursuant to this chapter is set by resolution of the City Council and is based on the City wide average of land available for park purposes within the urbanized area of the City, plus the estimated cost for developing said land into usable parks. The fee is automatically adjusted for inflation on July 1 of each year. The inflation adjustment is two percent or based on the previous calendar years increase in the San Diego Consumer Price Index (CPI-U: All Items) as published by the Bureau of Labor Statistics, whichever is higher. The fees received under this chapter are deposited in the park in lieu fund and must be used for the purchase, development and/or rehabilitation of park and recreational facilities. (Ord. 222, 1989; Ord. 109, 1983; Ord. 26 § 6, 1981)

12.40.080 Dedication or payment—Time.

A. If the development in question is a subdivision and land is to be dedicated, approval of the tentative map will be conditioned on offering the land for dedication prior to approval of the final map.

B. If the development in question is a subdivision and fees alone are to be paid or fees are to be paid in combination with the dedication of land, approval of the tentative map will be conditioned on a requirement that the subdivider must deposit the fees with the City before receiving any building permits.

C. If the development in question is other than a subdivision, the land must be offered for dedication or the fee in lieu of land must be deposited with the director before issuance of a building permit, permit to construct a mobile home park, or if neither permit is required, prior to the issuance of any other permit that may be required to authorize the replacement, construction, or installation of a dwelling.

12.40.090 Refunds.

Any fee paid pursuant to the provisions of this chapter will not be refunded except under either of the following circumstances:

A. Timely withdrawal of application. On written application for a refund, after the application for approval of the development is timely withdrawn as follows:

1. for a subdivision, the withdrawal must occur prior to recording the final map, except as otherwise provided in subdivision B of this section;

2. for all other developments, the withdrawal must occur prior to the commencement of actual construction.

B. Credit or land dedication. An applicant for a building permit to construct a dwelling within a planned residential development or other subdivision for which a tentative map has been filed, and for which fees required by this chapter have been paid, may submit a written request for a refund of the amount deposited and the director is authorized to issue refund, in the following circumstances:

1. If the director determines to allow a credit to the applicant for private parks pursuant to Section 12.40.100, the director is authorized to refund the amount set forth in a verified copy of the action taken by the director authorizing such credit;

2. If the City Council elects to accept land in lieu of fees pursuant to Section 12.40.060, the director is authorized to refund the amount set forth in a verified copy of the action taken by the City Council accepting such land.

(Ord. 26 § 7.1, 1981)

12.40.100 Credit for private parks.

Where a development provides a private area for park and recreational purposes and such area is to be privately owned and maintained by the future owner(s) of the development, such area may be credited against up to 50% of the requirement of land dedication or fees payment, if the director determines that it is in the public interest to do so, and that all of the following standards either have been or will be met prior to approval of the final subdivision map:

A. That yards, court areas, setbacks, and other open areas, required to be maintained by the zoning and building ordinances and other regulations, will not be included in the computation of such private areas;

B. That the private ownership and maintenance of the area will be adequately provided for by recorded written agreement, covenants or restrictions;

C. That the use of the private area is restricted for park and recreational purposes by an open space easement or other instrument approved by the City attorney;

D. That the proposed private area is reasonably adaptable for use for park or recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location;

E. That the facilities proposed:

1. Are in substantial accordance with the provisions of the recreation element of the general plan, or adopted community or specific plans,

2. Are appropriate to the recreation needs of the future residents of the development, and

3. Will substitute for the park lands otherwise required to be dedicated in meeting the recreation needs of the residents. (Ord. 109, 1983; Ord. 26 § 8, 1981)

12.40.110 Credit for public parks.

A. When an applicant has dedicated a park to the public to serve a subdivision for which a tentative map was filed, the City Council may, pursuant to Sections 12.40.060 and 12.40.070, allow the following credits for such park:

1. A credit against up to 100% of the requirement for land dedication;

2. A credit against up to 100% of fee payment required by this chapter for building permits to construct dwellings on the subdivision lots served by the dedicated public park; or

3. A credit against fees required for such building permits for the value of improvements to such park installed or constructed by the applicant; provided that such credit must not exceed the value of improvements normally authorized by the City for similar parks. (Ord. 26 § 8.1, 1981)

12.40.120 Limitations on use.

The land and fees required pursuant to this chapter must be used only for the purpose of providing park or recreation facilities which are in accordance with the principles and standards contained in the recreation element of the general plan, and which will serve residents of a local park planning area as delineated in the recreation element which includes the development from which the fees were derived. (Ord. 26 § 9, 1981)

12.40.130 Commencement of park development.

Development of park or recreational facilities for which land has been dedicated or for which fees have been paid in lieu thereof will begin when the City Council determines that sufficient residential development has occurred so as to render the park or recreational facilities reasonably necessary. (Ord. 26 § 10, 1981)

12.40.140 Regulations.

The City Council may from time to time approve such regulations as it deems necessary to implement the provisions of this chapter. (Ord. 26 § 11, 1981)

EXHIBIT 15

CHAPTER 12.42 DEVELOPMENT PROJECTS—DISPLACEMENT OF SPORTS FIELDS

12.42.010 Sports fields defined.

"Sports fields," as used in this chapter, means and includes any and all property used, as of the date of the ordinance codified in this chapter, for baseball, softball, or soccer by one or more identifiable groups. "Sports fields" also includes those structures or improvements constructed or installed to facilitate use of the property for sports activities, such as lights, buildings or bleachers. (Ord. 175 § 1, 1986)

12.42.020 Public hearing required.

A. An applicant for a development project that displaces a sports field must, if feasible, provide for the relocation of the displaced sports field.

B. Prior to approving a development project that displaces a sports field, the City Council of the City must conduct a public hearing to determine arrangements for relocation of those facilities. (Ord. 175 § 2, 1986)

12.42.030 Notice of hearing.

A. The director must provide notice of the hearing by mail to the property owner, the proponent of the development project, and all organizations known to the City that have, within the 12 months prior to the hearing, used the sports facilities. Notice must also be posted at the site of the sports facilities.

B. Notice of the hearing must be mailed, posted and published in a newspaper of general circulation no less than ten days prior to the hearing. (Ord. 175 § 3, 1986)

12.42.040 Findings required.

At the close of the hearing and before approving a development project that displaces a sports field, the council must either:

A. Find that relocation of the sports fields is feasible and direct the appropriate actions be taken to accomplish such relocation; or

B. Find that relocation of the sports facilities is not feasible. (Ord. 175 § 4, 1986)

12.42.050 Criteria to determine feasibility.

In making its finding that relocation is feasible or infeasible, the council considers the following:

A. The geographical requirements placed on past users by their respective athletic charters;

B. The cost to relocate facilities should be borne by the developer, the property owner, and then, if necessary, by the City;

C. Improvements at relocated facilities should be equal to or better than facilities displaced. (Ord. 175 § 5, 1986)

EXHIBIT 16

DIVISION 4 SCHOOLS

CHAPTER 12.50 DEDICATIONS OF LAND AND FEES FOR SCHOOL DISTRICTS

ARTICLE 1. GENERAL PROVISIONS

12.50.100 Citation.

This chapter is known as the "school facilities dedication and fee ordinance." (Prior Code § 82.101)

12.50.110 Authority.

This chapter is adopted pursuant to the provisions of Chapter 4.7, commencing with § 65970, of Division 1 of Title 7 of the Government Code. (Prior Code § 82.102)

12.50.120 Purpose and intent.

This chapter is intended to implement the school facilities dedication and fees legislation in the City of Santee and to provide authority whereby the City, affected school districts and applicants for land development approvals may undertake such reasonable steps as are necessary to alleviate the overcrowding of school facilities. (Amended during 1989 supplement; prior Code § 82.104)

12.50.130 Regulations.

The City Council may from time to time, by resolution, issue regulations to provide for the administration of this chapter. (Amended during 1989 supplement; prior Code § 82.105)

12.50.140 Findings.

The City Council finds and declares as follows:

A. Adequate school facilities should be available for children residing in new residential developments.

B. Public and private residential developments may require the expansion of existing public schools or the construction of new school facilities.

C. In many areas of the City, the funds for the construction of new classroom facilities are not available when new development occurs, resulting in the overcrowding of existing schools.

D. New housing developments frequently cause conditions of overcrowding in existing school facilities which cannot be alleviated in a reasonable period of time without city involvement as provided for under existing state law.

E. That, for the above reasons, new and improved methods of financing for interim school facilities necessitated by new development are needed in the City of Santee. (Amended during 1989 supplement; prior Code § 82.106)

12.50.150 City of Santee general plan.

The City of Santee general plan provides for the location of public schools. Interim school facilities, whether temporary or permanent, to be constructed from fees paid or land dedicated, or both, must be consistent with the City general plan. (Amended during 1989 supplement; prior Code § 82.107)

12.50.160 Prior agreements.

Each decision-making body of the City will recognize any agreement existing prior to the operative date of this chapter between an applicant for a residential development and a school district and pertaining to the dedication of land and/or payment of fees for school facilities to serve the property which is the subject of the application, or any portion thereof, and consider that agreement as satisfying the requirements of this chapter. (Prior Code § 82.108)

12.50.170 Definitions

In this chapter:

"Conditions of overcrowding" means that the total enrollment of a school, including enrollment from proposed development, exceeds the capacity of such school as determined by the governing body of the school district. (Prior Code § 82.201)

"Decision-making body" means the City Council or the director. (Amended during 1989 supplement; prior Code § 82.202)

"Director" means the director of development services of the City. (Amended during 1989 supplement; prior Code § 82.202.5)

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons.

"Interim facilities" means:

A. Temporary classrooms not constructed with permanent foundation and defined as a structure containing one or more rooms, each of which is designed, intended and equipped for use as a place for formal instruction of pupils by a teacher in a school.

B. Temporary classroom toilet facilities not constructed with permanent foundations.

C. Reasonable site preparation and installation of temporary classrooms. (Prior Code § 82.203.5)

"Reasonable methods for mitigating conditions of overcrowding" include, but are not limited to, agreements between a subdivider or builder and the affected school district whereby temporary use buildings will be leased to or for the benefit of the school district or temporary use buildings owned by the school district will be used and agreements between the affected school district and other school districts whereby the affected school district agrees to lease or purchase surplus or underutilized school facilities from other school districts. (Prior Code § 82.204)

"Residential development" means

A. A project containing residential dwellings, including mobilehomes, of one or more units or a subdivision of land for the purpose of constructing one or more residential dwelling units. Residential development includes, but is not limited to:

1. A privately proposed amendment to the City of Santee general plan which would allow an increase in authorized residential density and where no further discretionary action for residential development need be taken by a decision-making body prior to application for a building permit;

2. A privately proposed specific plan or amendment to a specific plan which would allow an increase in authorized residential density;

3. A tentative or final subdivision map or parcel map or a time extension on such a tentative map;

4. A conditional use permit;

5. An ordinance rezoning property to a residential use or to a more intense residential use;

6. A building permit;

7. Any other discretionary permit for residential use.

B. Exemptions. A residential development is exempt from the requirements of this chapter when it consists only of any of the following:

1. Any modification or remodel of an existing legally-established dwelling unit where no additional dwelling units are created;

2. A condominium project converting an existing apartment building into a condominium where no new dwelling units are created;

3. Any rebuilding of a legally-established dwelling unit destroyed or damaged by fire, flood, explosion, act of God or other accident or catastrophe;

4. Any rebuilding of an historical building recognized, acknowledged and designated as such by the City;

5. The installation, siting or relocation of mobilehomes in then existing mobilehome parks;

6. Any dwelling constructed to replace a dwelling taken in an eminent domain proceeding, if both dwelling sites lie within the same school district. (Amended during 1989 supplement; prior Code §§ 82.205, 82.206)

ARTICLE 2. FINDINGS OF OVERCROWDED ATTENDANCE AREAS

12.50.200 School district findings.

The provisions of Section 12.50.220 are applicable to official actions taken on residential development applications by a decision-making body, if the governing body of a school district which has jurisdiction within the City of Santee makes a finding supported by clear and convincing evidence, and the City Council concurs in such finding, that:

A. Conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of educational programs, including the reasons for the existence of such conditions; and

B. All reasonable methods, within established school district policies, of mitigating conditions of overcrowding have been evaluated and no feasible method, as determined by the school district, for reducing such conditions exist, the governing body of the school district must notify the City Council. The notice of findings sent to the City must specify the mitigation measures considered by the school district. (Amended during 1989 supplement; prior Code § 82.301)

12.50.210 Notice of findings requirements.

Any notice of findings sent by a school district to the City Council must specify:

A. The findings listed in Section 12.50.200;

B. The mitigation measures and methods, including those listed in Section 12.50.170, considered by the school district and any determination made concerning them by the district. Other mitigation measures may include, but are not limited to:

1. Any other agreements entered into by the affected school district which would alleviate conditions of overcrowding caused by new residential development,

2. The use of relocatable structures, student transportation and/or school boundary realignments,

3. The use of available bond or state loan revenues, to the extent authorized by law,

4. The use of funds which could be available from the sale of surplus school district real property and funds available from other appropriate sources, as determined by the respective governing bodies of affected school districts;

C. The precise geographic boundaries of the overcrowded attendance area or areas;

D. Such other information as may be required by City Council regulation. (Amended during 1989 supplement; prior Code § 82.302)

12.50.220 Restriction on approval of residential development City Council findings.

Within any attendance area of a school district where it has been determined pursuant to Section 12.50.200 that conditions of overcrowding exist, no decision-making body may approve an application for a residential development within such area, unless such decision-making body makes one of the following findings:

A. That action will be taken pursuant to this chapter to provide dedications of land and/or fees to mitigate the conditions of overcrowding within that attendance area; or

B. That there are specific overriding fiscal, economic, social or environmental factors which in the judgment of the decision-making body would benefit the City, thereby justifying the approval of a residential development otherwise subject to the provision of this chapter. An agreement between the applicant for a residential development and the school district to mitigate conditions of overcrowding within that attendance area may be considered by a decision-making body as such an overriding factor. (Amended during 1989 supplement; prior Code § 82.303)

ARTICLE 3. REQUIREMENTS, STANDARDS AND PROCEDURES

12.50.300 Requirement of fees and/or dedications.

For the purpose of establishing an interim method of providing classroom facilities where overcrowding conditions exist as determined pursuant to Section 12.50.200, the City may require, as a condition to the approval of a residential development, the dedication of land, the payment of fees in lieu thereof, or a combination of both, as determined by a decision-making body during the hearings and other proceedings on specific residential development applications falling within its jurisdiction. Prior to imposing fees or dedications of land, the decision-making body acting on the application must make the following findings:

A. The City of Santee general plan provides for the location of public schools;

B. The land or fees, or both, transferred to a school district may be used only for the purpose of providing interim elementary, junior high, or high school classroom and related facilities as defined by the governing body of the district;

C. The location and amount of land to be dedicated or the amount of fees to be paid, or both, must bear a reasonable relationship and be limited to the needs of the community for interim elementary, junior high, or high school facilities and be reasonably related and limited to the need for schools caused by the development.

D. The facilities to be constructed, purchased, leased, or rented from such fees or the land to be dedicated or both are consistent with the City of Santee general plan. (Amended during 1989 supplement; prior Code § 82.401)

12.50.305 Necessity for establishment of fee standard.

Notwithstanding the provisions of Section 12.50.300, the issuance of a building permit may not be conditioned upon the payment of a fee pursuant to this division until a fee standard for the school district within which the property for the proposed building lies has been established and concurred in pursuant to Section 12.50.315. (Prior Code § 82.401.5)

12.50.310 Payment of fees in smaller subdivisions.

Only the payment of fees is required in subdivisions containing fifty parcels or fewer. (Prior Code § 82.402)

12.50.315 Standards for land dedication and fees.

Where a determination has been made pursuant to Section 12.50.200 that conditions of overcrowding exist, the governing board of each school district establishes the standards for the amount of dedicated land or fees to be required and provides the relevant standards and facts supporting them to the City Council. If the City Council concurs in such standards, each decision-making body must use those standards, until revised, in situations where dedications of land and/or fees are required as a condition to the approval of a residential development. Nothing in this chapter prevents the City Council from establishing and using standards other than those

established by the school district in the event the City Council is unable to concur in those transmitted by the district. (Amended during 1989 supplement; prior Code § 82.403)

12.50.320 Fees and land for interim facilities.

The fees for interim facilities and value of land to be dedicated must not exceed the amount necessary to pay five annual lease payments for the interim facilities. (Prior Code § 82.403.5)

12.50.325 Filing application for residential development.

When an applicant submits an application for a residential development located within an attendance area where the findings required by Section 12.50.200 have been made, the applicant must, as part of such filing, indicate whether it prefers to dedicate land for school facilities, to pay a fee in lieu thereof, or do a combination of these. If the applicant prefers to dedicate land, it must suggest the specific land. (Prior Code § 82.404)

12.50.330 Notification of school districts.

A. The director is authorized and directed to notify the affected school districts whenever the City receives an application for a residential development within an attendance area where the findings required by Section 12.50.200. With the exception of applications for building permits, such notification must be made no later than 30 days prior to consideration of the application by a decision-making body.

B. For the purpose of advising school districts within the City of Santee of proposed residential development which may affect them, the director is authorized and directed to notify a school district of any application not governed by Subsection A of this section submitted to the City for approval of any residential development within the jurisdiction of that district. (Amended during 1989 supplement; prior Code § 82.405)

12.50.335 Decision factors.

A. Upon receipt of the notification required by Section 12.50.330, the governing board of the affected school district must determine whether to require a dedication of land within the development, payment of a fee in lieu thereof, or a combination of both. The school district must then transmit the determination to the director for submission to the appropriate decision-making body for concurrence. If the decision-making body concurs in such determination it may at the time of its consideration of a residential development application impose such requirements. In their respective actions regarding this determination, the school district and the decision-making body must consider the following factors:

1. Whether lands offered for dedication will be consistent with the City of Santee general plan;

2. Whether the lands offered for dedication meet the criteria established at Education Code Section 39000, et seq.;

3. The topography, soils, soil stability, drainage, access, location and general utility of land in the development available for dedication;

4. Whether the location and amount of lands proposed to be dedicated or the amount of fees to be paid, or both, will bear a reasonable relationship and will be limited to the needs of the community for interim elementary or high school facilities and will be reasonably related and limited to the need for schools caused by the development;

5. If only a subdivision is proposed, whether it will contain fifty parcels or less.

B. Nothing in this chapter prevents a decision-making body from imposing requirements other than those transmitted by the school district in the event that a decision-making body is unable to concur in the district's determination hereunder. (Amended during 1989 supplement; prior Code § 82.406 (a))

12.50.340 Mitigation agreement.

When the governing board of a school district receives a notification required by Subsection A of Section 12.50.330, the governing board must notify the director, and provide a copy, of any agreement with the applicant to mitigate conditions of overcrowding within the attendance area covered by the application. (Prior Code § 82.406 (b))

12.50.345 Use of land or fees—School district schedule required.

After a decision-making body requires the dedication of land or the payment of fees, or both, the director must notify each school district affected thereby. The governing body of the school district must then submit a schedule specifying how it will use the land or fees, or both, to solve the conditions of overcrowding. The schedule must include the school sites to be used, the classroom facilities to be made available, and the times when such facilities will be available. In the event the governing body of the school district cannot meet the schedule, it must submit modifications to the City Council, and the reasons for the modifications. (Prior Code § 82.407)

12.50.350 Land dedication procedures.

When land is to be dedicated, it must be offered for dedication to the affected school district in substantially the same manner as prescribed in the subdivision code in Title 12 for streets and public easements. Dedicated land which subsequently is determined by the school district to be unsuitable for school purposes may be sold at the option of the school district. The funds derived therefrom must be used in accordance with this chapter. (Prior Code § 82.408)

12.50.355 Fee payment procedures.

A. If the payment of a fee is required, such payment or the pro rata amount thereof must be made to the director at the time a building permit within the residential development is approved and issued.

B. The amount of such fee will be determined by the fee standard in effect on the date of the payment of fees for an unexpired plan check or review.

C. When application is made for a new building permit following expiration of a previously issued building permit, the fee payment will not be required. (Prior Code § 82.409)

12.50.360 Fees held in trust.

Fees paid under this chapter will be held in trust by the City. Such fees plus accrued interest less a reasonable service and handling charge of no more than the accrued interest must be transferred within 30 days of payment to the school districts operating schools within the attendance area from which the fees were collected. (Prior Code § 82.410)

12.50.365 Refund of paid fees.

If a residential development approval is vacated or voided, and if the City or the affected school district still retains the land and/or fees, and if the applicant so requests, the City Council or the governing board of the school district must order the land and/or fees returned to the applicant. (Prior Code § 82.411)

12.50.370 Interim facilities in lieu of fees—Conditions.

In lieu of the payment of fees for interim facilities, the builder of a residential development may, at his or her option and at his or her expense, provide interim facilities, owned or controlled by such builder, at the place designated by the school district, and at the conclusion of the fifth school year the builder must, at the builder's expense, remove the interim facilities from such place. (Prior Code § 82.412)

12.50.375 Exceptions to fee payment or land dedication.

One year after receipt of an apportionment pursuant to the Leroy F. Greene State School Building Lease-Purchase Law of 1976 (commencing with Section 17000 of the Education Code), for the construction of a school, the City will not, pursuant to this chapter or pursuant to any other school facilities financing arrangement such district may have with builders of residential development, levy any fee or require the dedication of any land within the attendance area of the district. However, any time after receipt of the apportionment there may be a determination of overcrowding, if there is the further finding that:

A. During the period of construction additional overcrowding would occur from continued residential development; and

B. That any fee levied and any required dedication of land levied after the receipt of the construction apportionment can be used to avoid the additional overcrowding prior to the school being available for use by the school district. (Prior Code § 82.413 (part))

12.50.380 Return of unused fees or land.

Any amounts of fees collected or land dedicated after the receipt of the construction apportionment and not used to avoid overcrowding will be returned to the person who paid the fee or made the land dedication. Any school district receiving fees or dedications of land must advise the City immediately upon receipt of such apportionment. (Prior Code § 82.413 (part))

ARTICLE 4. USES AND LIMITATIONS OF USES OF LAND AND FEES

12.50.400 Use of land and fees.

All land or fees, or both, collected pursuant to this chapter and transferred to a school district may be used only by the district for the purpose of providing interim elementary, junior high or high school classroom and related facilities, whether temporary or permanent. (Prior Code § 82.501)

12.50.410 Agreement for fee distribution.

If two separate school districts operate schools in an attendance area which includes the City of Santee where the City Council has concurred that overcrowding conditions exist for both school districts, the City Council will enter into an agreement with the governing body of each school district for the purpose of determining the distribution of revenues from the fees levied pursuant to this chapter. Such agreements must be based upon the standards established pursuant to Section 12.50.315. (Amended during 1989 supplement; prior Code § 82.502)

12.50.420 Fee fund records and reports.

Any school district receiving funds pursuant to this chapter must maintain a separate account for any fees paid and file a report with the City Council on the balance in the account at the end of the previous fiscal year and the facilities leased, purchased, or constructed during the previous fiscal year. In addition, the report must specify which attendance areas, which include the City of Santee, will continue to be overcrowded when the fall term begins and where conditions of overcrowding will no longer exist. Such report must be filed by August 1st of each year and be filed more frequently at the request of the City Council. (Amended during 1989 supplement; prior Code § 82.503)

12.50.430 Termination of dedication and fee requirements.

When the City Council determines that conditions of overcrowding no longer exist in an attendance area which includes the City of Santee, decision-making bodies must cease levying any fee or requiring the dedication of any land for that area pursuant to this chapter. Action under this section does not affect the validity of conditions already imposed for levy of fees and dedications of land and such conditions remain binding. (Amended during 1989 supplement; prior Code § 82.504)

ORDINANCE NO. 566

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, RESTATING, AMENDING, AND RECODIFYING TITLE 13 OF THE SANTEE MUNICIPAL CODE RELATING TO ZONING

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify its ordinances. Government Code section 50022.9 authorizes a city to adopt county codes by reference;

WHEREAS, in Ordinance 1, adopted as the first act of the City of Santee ("City") on December 2, 1980, the City temporarily adopted all county ordinances of the County of San Diego as its municipal code (the "Santee Municipal Code");

WHEREAS, in Ordinances 14 and 18, the City extended the validity of the county ordinances to provide additional time for the City to adopt its own ordinances;

WHEREAS, the City has not adopted a comprehensive code of ordinances, but has amended the county's ordinances in a piecemeal fashion more than 300 times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the City Council of the City of Santee held a series of public meetings to consider proposed restatement, amendment, and recodification issues for each title of the Santee Municipal Code as follows:

March 8, 2017	Titles 1 and 2
September 6, 2017	Titles 3 and 5
February 14, 2018	Titles 6, 8, and 9
March 28, 2018	Titles 12 and 13
August 8, 2018	Title 10
September 26, 2018	Titles 6, 15, and 16
November 14, 2018	Title 17
April 24, 2019	All titles

WHEREAS, the City desires to restate without substantive revision, amend, and recodify the ordinances codified in the Santee Municipal Code;

WHEREAS, the amendments to the Santee Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance;

WHEREAS, the descriptions included in the council agenda statement, staff report, and minutes contain the findings of the City Council in support of this Ordinance and serve as evidence of the City Council's intention in adopting this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. **Existing Law Continued**. The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance;

2.1.3. The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance;

2.1.4. Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance, resolution, or regulation;

2.1.5. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the Santee Municipal Code;

2.1.6. Santee Municipal Code sections cited on signs, forms, notices, or other materials within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in

the new Santee Municipal Code for purposes of notice and enforcement.

2.2. **Exclusions from code**. Every ordinance governing the following subject matter is not affected by the adoption of this Ordinance:

2.2.1. Alteration of city boundaries;

2.2.2. Contracts to which the city is a party;

2.2.3. Elections to which the city is a party;

2.2.4. Fixing the rate and making a levy of city taxes;

2.2.5. Granting, altering or withdrawing a franchise;

2.2.6. Land use classifications of specific property;

2.2.7. Naming roads and streets.

2.3. **References to Prior Ordinances Apply to All Amendments.** Whenever a reference is made to this code as the "Santee Municipal Code" or to any portion thereof, or to any ordinance of the City of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.4. **Title, Chapter, and Headings**. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

2.5. **References to Specific Ordinances and Code Sections**. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Santee Municipal Code. Renumbering and relabeling of existing ordinance, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.6. **Effect of Ordinance on Past Actions**, **Obligations and Irregularities**. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such

adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the City, do not revive any rights repealed or extinguished by any prior ordinance of the City which is repealed by this Ordinance.

2.7. **Effect of Ordinance on Period of Limitation**. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.8. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Title 13 “Zoning” of the Santee Municipal Code is hereby restated and amended as follows:

3.1. Chapter 13.04 “Administration” is restated and amended as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.2. Chapter 13.06 “Permits” is restated and amended as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.3. Chapter 13.08 “Development Review” is restated and amended as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.4. Chapter 13.09 “Procedures and Requirements for Consideration of Development Agreements” is restated and amended as set forth in Exhibit 4 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.5. Chapter 13.10 “Residential Districts” is restated and amended as set forth in Exhibit 5 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.6. Chapter 13.12 “Commercial / Office Districts” is restated and amended as set forth in Exhibit 6 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.7. Chapter 13.14 “Industrial Districts” is restated and amended as set forth in Exhibit 7 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.8. Chapter 13.16 “Park / Open Space District” is restated and amended as set forth in Exhibit 8 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.9. Chapter 13.18 “Town Center District” is restated without substantive amendment as set forth in Exhibit 9 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.10. Chapter 13.19 “Planned Development District” is restated and amended as set forth in Exhibit 10 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.11. Chapter 13.21 “Residential Business District” is restated without substantive amendment as set forth in Exhibit 11 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.12. Chapter 13.22 “Overlay Districts” is restated without substantive amendment as set forth in Exhibit 12 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.13. Chapter 13.24 “Parking Regulations” is restated without substantive amendment as set forth in Exhibit 13 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.14. Chapter 13.26 “Density Bonus Program” is restated and amended as set forth in Exhibit 14 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.15. Chapter 13.28 “Adult Businesses” is restated and amended as set forth in Exhibit 15 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.16. Chapter 13.30 “General Development and Performance Standards” is restated without substantive amendment as set forth in Exhibit 16 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.17. Chapter 13.32 “Signs” is restated and amended as set forth in Exhibit 17 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.18. Chapter 13.34 “Wireless Telecommunications Facilities” is restated and amended as set forth in Exhibit 18 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.19. Chapter 13.36 “Landscape and Irrigation Regulations” is restated without substantive amendment as set forth in Exhibit 19 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has “the potential for causing a significant effect on the environment.” (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (*Ibid*.) Here, the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 5. Codification. The City has adopted the “City of Santee Municipal Code Editorial Guidelines,” and, except as otherwise provided herein, authorizes Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinance to the guidelines. In the event a substantive conflict arises on the basis of the changes authorized by this Section, the language adopted by this Ordinance prevails. The City Clerk is authorized to provide certified copies and notice of this Ordinance or any part of this Ordinance required or advised by the law or any regulation.

SECTION 6. Parentheticals. Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the Santee Municipal Code.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Santee 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 section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary or 1/4 page advertisement of the same to be published as required by law

INTRODUCED AND FIRST READ at a public hearing held at a Regular Meeting of the City Council of the City of Santee, California, on the 12 day of June 2019, and thereafter ADOPTED at a Regular Meeting of the City Council held on this 26 day of June 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____
JOHN MINTO, MAYOR

ATTEST:

_____
ANNETTE ORTIZ, CITY CLERK

EXHIBIT 1

TITLE 13 ZONING

CHAPTER 13.04 ADMINISTRATION

13.04.010 Purposes and general plan consistency.

A. Title. This title is known as the zoning ordinance of the City of Santee.

B. Adoption. This title is adopted pursuant to the authority granted to the City by Section 65800 et seq. of the Government Code of the state.

C. Purpose—Intent. These standards and guidelines for the City are established and adopted to protect and promote the public health, safety, morals, comfort, convenience, welfare; and more particularly:

1. To implement the goals and objectives of the general plan and to guide and manage the future growth of the City in accordance with such plan;

2. To protect the physical, social, and economic stability for residential, commercial, industrial, and other land uses within the City to assure its orderly and beneficial development;

3. To reduce hazards to the public resulting from the inappropriate location, use, or design of buildings, and other improvements;

4. To attain the physical, social, and economic advantages resulting from comprehensive and orderly land use and resource planning.

D. Consistency With the Land Use Element of the General Plan. No use of land or buildings is to be approved for processing under this title unless it is consistent with the land use element of the general plan. In any case where there is a conflict in regulation between this title and the land use element, the land use element prevails. A proposed use is consistent with the land use element when all of the following conditions exist:

1. The proposed use is allowed as a primary or secondary use in the land use element designation in which the use is located, as shown by the land use element map and as described in the text of the City's general plan.

2. The proposed use is in conformance with the programs and standards of the land use element.

3. The proposed use is to be established and maintained in a manner which is consistent with the land use element and all applicable standards contained therein. (Ord. 152, 1985)

13.04.020 Zoning districts.

A. In order to classify and regulate the use of the land, building and structures, and to establish minimum site development regulations and performance standards applicable to sites in the City, the City is hereby divided into the following districts:

District Title	Map Classification
Residential Districts	
Hillside/Limited Residential (0-1 du/gross ac)	HL
Low Density Residential (1-2 du/gross ac)	R-1
Low Density Residential (2-4 du/gross ac)	R-1A
Low-Medium Density Residential (2-5 du/gross ac)	R-2
Medium Density Residential (7-14 du/gross ac)	R-7
Medium-High Density Residential (14-22 du/gross ac)	R-14
High Density Residential (22-30 du/gross ac)	R-22
Urban Residential (30 du/gross ac)	R-30
Commercial/Office Districts	
Office & Professional	OP
Neighborhood Commercial	NC
General Commercial	GC
Industrial Districts	
Light Industrial	IL
General Industrial	IG
Other Districts	
Park/Open Space	P/OS
Town Center	TC
Residential Business	RB
Planned Development	PD

Overlay Districts	
Mobile Home Park	MHP
Hillside	H
Mixed Use	MU
Residential Business	RB

B. Adoption of Zoning District Base Map.

1. Boundaries of the zoning districts hereby established by this ordinance shall be shown on the zoning district map of the City. The zoning district map, together with all legends, symbols, notations, references, district boundaries and other information thereon, shall be a part of the ordinance and is adopted concurrently herewith.

2. The zoning district map and a record of all prior amendments thereto shall be kept on file with the City clerk, and shall constitute the original record. A copy of the currently effective district map shall also be kept on file with the Department. Changes in the boundaries of any district shall be made by ordinance pursuant to this chapter, and shall be reflected on the zoning district map.

C. Applicability.

1. The provisions of this title are declared to be in effect upon all properties included within the boundaries of each and every district established by this code.

2. Wherever a lot or site is divided by the boundary between districts, the regulations applicable with each district shall apply to each portion of the site situated in a separate district.

3. All lands now or hereafter included within the City, which lands are not included within a specified district shown on the zoning district map or not shown as predistrict to a specified district in accord with applicable provisions of this ordinance, shall be deemed within the open space district.

4. The following rules shall apply in the determination of boundaries of any district shown on the zoning district map:

   (a) Where boundaries are indicated as approximately following street and alley lines or other identifiable property or boundary lines, such lines shall be construed to be the district boundary. Where such boundaries are indicated as within street and alley lines, or within identifiable rights-of-way or creeks, the center line thereof shall be construed to be the district boundary.

(b) In unsubdivided property, where a district boundary divides a lot, the location of the district boundary, unless the same shall be indicated by dimensions, shall be determined by use of the scale appearing on the zoning district map.

(c) A symbol, or symbols, indicating the classification of the property on the zoning district map shall in each instance apply to the whole of the area within the zoning district boundaries.

(d) Where a public street, alley, or right-of-way is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to each half of such vacated or abandoned street, alley, or right-of-way.

5. Distances between structures, or between a structure and any property line, setback line, or other line or location prescribed by this zoning ordinance shall be measured to the exterior face of the nearest wall or vertical support of such structure.

6. Any structure for which a building permit has been issued under the provisions of earlier ordinances of the City, and which is in conflict with this ordinance, may be constructed in accordance with the plans and specifications upon which the permit was issued, provided such permit is valid at the time of beginning construction.

7. The following shall apply when a property has dual zones.

(a) The property may be developed in accordance with either zone's development, performance and maintenance standards, exclusively, or in combination with one another (i.e., mixed use).

(b) When a property is developed in accordance with dual zones, one of which is residential, the development, performance and maintenance standards for each use shall be applied to the portion of the property where that use is located. For example, when a development is comprised of a residential and commercial component, the residential standards would apply to the residential component, and the commercial standards would apply to the commercial component.

When a property is developed in accordance with dual zones, where both zones are non-residential, the least restrictive development, performance and maintenance standards shall apply. Notwithstanding the above, all uses shall be required to meet their respective parking requirements pursuant to Chapter 13.24.

(c) When both zones are non-residential, any use which is permitted in either zone shall be permitted. Any use which is conditionally permitted in either zone (and is not permitted in either zone), shall be conditionally permitted. In cases where a use requires a minor conditional use permit in one zone

and a major conditional use permit in the other zone, only a minor conditional use permit shall be required.

(d) In circumstances where it is unclear which development, performance or maintenance standards are to apply to a given dual zone development, such standards shall be determined by a development review permit, or a major or minor conditional use permit. (Ord. 495 § 1, 2010; Ord. 438 § 1, 2003)

13.04.030 Conflicts and clarifications.

The provisions of this code are not intended to interfere with or void any easements, covenants, or other existing agreements which are more restrictive than the provisions of this zoning ordinance.

A. Conflict With Other Regulations. Whenever the provisions of this code impose more restrictive regulations upon buildings or structures, or on the use of lands, or require larger open spaces, yards, or setbacks, or otherwise establish more restrictive regulations than are imposed or required by any other law, title, ordinance, code or regulation, the provisions of this code shall govern.

B. Clarification of Ambiguity. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, or if ambiguity exists with respect to matters of height, yard requirements, area requirements, or district boundaries as set forth herein, it shall be the duty of the Planning Commission to ascertain all pertinent facts and by resolution of record set forth the findings and interpretations.

C. Statutory Authority in Case of Conflicting Provisions. Nothing in this code shall be deemed to affect, annul or abrogate any other ordinances pertaining or applicable to the properties and areas affected by this code. In the event that a conflict does arise, the more restrictive code requirement shall apply. (Ord. 152, 1985)

13.04.040 Use determination.

A. Purpose and Initiation. In order to ensure that the zoning ordinance regulations will permit all similar uses in each district, the Planning Commission, upon its own initiative or upon written request shall determine whether a use not specifically listed as permitted, secondary, accessory or temporary use in any district shall be deemed a permitted use or conditional use in one or more districts on the basis of similarity to uses specifically listed. The procedures of this section shall not be substituted for the amendment procedure as a means of adding new uses to the list of permitted or conditional uses.

B. Application. Application for determination of similar uses shall be made in writing to the Director and shall include a detailed description of the proposed use and such other information as may be required by the Director to facilitate the determination.

C. Investigation and Report. The Director shall compare the proposed use characteristics with the general plan goals and objectives as well as the purposes of each of the

use districts and may determine if the proposed use should be a permitted or conditional use in any of the districts and shall make a report of his findings to the Planning Commission.

D. The Planning Commission shall base its decision upon meeting the following findings:

1. The use in question is of a similar intensity to other permitted or conditionally permitted uses in the same district.

2. The use in question meets the purpose and intent of the district in which it is proposed.

3. The use in question meets and conforms to the applicable goals and objectives of the general plan.

E. Determination. The determination of the Planning Commission by resolution shall be effective ten calendar days after the date of decision unless appealed to the City Council as prescribed in Section 13.04.070. (Ord. 152, 1985)

13.04.050 Amendments.

A. Purpose and Intent. This section establishes the procedures for amending district regulations and boundaries. The amendment process is necessary to provide consistency with the zoning ordinance with the general plan and state law, and to increase its effectiveness and clarity to implement the general plan goals and objectives.

B. Initiation.

1. A change in the boundaries of any district may be initiated by the owner or the authorized agent of the owner of property by filing an application for a district amendment as prescribed in this section. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents must join in filing the application.

2. A change in the boundaries of any district or a change in the regulations may be initiated by the consensus of the City Planning Commission or City Council.

C. Application.

1. Application of amendments shall be filed with the Department on a form prescribed by the Director.

2. The Director may require additional information if necessary to enable the Planning Commission to determine whether the change is consistent with the objectives of this code and the City's adopted general plan.

3. An application initiated by a property owner shall be accompanied by a fee established by the City Council.

D. Concurrent Applications. An application for an amendment may be filed concurrently with any other application(s) as deemed appropriate by the Director.

E. Public Hearing. The Planning Commission shall hold a public hearing on each application for a district boundary change or for a change in district regulations. The hearing shall be set and notice given as prescribed in Section 13.04.100.

F. Action by the Planning Commission. The Planning Commission shall state by resolution whether the change is consistent with the objectives of this code and with the general plan, and shall recommend to the City Council that the amendment be granted, denied or granted in modified form.

G. Alternative Classification in Lieu of Proposed Classification. When the Planning Commission determines, following a public hearing on a proposed district boundary amendment that a change to a district classification other than the proposed classification specified in the hearing notice is desirable, the Planning Commission may recommend an alternate classification. The commission must determine that the recommended alternative is more appropriate for the subject property and is consistent with the general plan and intent of the zoning ordinance. If it is more intense than the recommended alternative a new public hearing is required.

H. Pre-District.

1. For the purpose of establishing district regulations to become effective only upon annexation, property outside the corporate boundaries of the City, within the sphere of influence, may be classified within one or more districts in the same manner and subject to the same procedural requirements as prescribed for property within the City.

2. Upon passage of an ordinance establishing the applicable pre-district designation for property outside the City, the district map shall be revised to show the potential or "pre-district" classification to become effective upon annexation, and shall identify each district or districts applicable to such property with the label of "PRE-DISTRICT" in addition to such other map designation as may be applicable. (Ord. 152, 1985)

13.04.060 Revisions—Modifications.

A. Minor Revisions—Administrative. Minor revisions or modifications to approved site plans, conceptual grading plans, landscape plans, or development review plans may be approved by the Director. Minor revisions and modifications shall be defined as, and shall include the following:

1. Floor plan changes which do not substantially alter the site plan or building elevations;

2. Parking and circulation configurations which do not change the basic parking areas or circulation concept, such as relocating whole parking areas from one area

of the site to another or by adding or deleting circulation areas that could have potential impacts to adjacent or surrounding properties;

3. Outside building configurations which do not create a greater bulk, scale, or change in the line of sight;

4. Building placements which do not change the general location and layout of the site;

5. Grading alterations which do not change the basic concept, increase slopes, or building elevations, or change course of drainage which could adversely affect adjacent or surrounding properties;

6. Landscape modifications which do not alter the general concept or reduce the effect or amount originally intended;

7. Architectural changes which do not change the basic form and theme;

8. Exterior material or color changes which do not conflict with the original architectural form and theme, and which are consistent and compatible with the original materials and colors.

9. Modifications to conditions of approval if the Director determines the request is consistent with the intent of the original approval.

In addition to the above guidelines, the Director must determine that the circumstances, standards, ordinances, conditions and findings applicable at the time of the original approval still remain valid.

B. Major Revisions. Revisions or modifications to site plans, grading plans, landscape plans, or architectural plans which are not considered minor as described in the previous section shall be considered major revisions. Major revisions shall be processed through the same approval procedure and authority which granted the original approval. The applicant requesting such revisions shall be required to supply any necessary plans, as deemed appropriate by the Director, and pay necessary fees to cover the review procedure. The decision of the approval authority shall be final unless appealed in accordance with Section 13.04.070. (Ord. 314 § 2, 1993; Ord. 152, 1985)

13.04.070 Appeals.

Appeals of any actions of the Director or Planning Commission, as outlined in this section, may be made by any person in the manner described below. While an appeal is pending, the establishment of any affected structure or use is to be held in abeyance. In hearing such an appeal, the appeal body (Planning Commission) may affirm in part, or reverse the previous determination which is the subject of appeal, provided that an appeal is not to be granted only when the relief sought should otherwise be granted through variance or amendment of this title or of the land use element of the general plan.

A. Administrative Decision. Appeals based on decisions by the Director may be filed by an aggrieved party with the Planning Commission. Except as otherwise provided in this title, such appeal is to be filed with the secretary of the Planning Commission in writing within ten calendar days of the date of the written decision. The Planning Commission may consider the matter and may affirm or reverse wholly or partly, the action which is in question.

B. Planning Commission Decision. Appeal of a Planning Commission decision or interpretation of the provisions of this title including consistency with the land use element of the general plan may be made by filing a written notice of appeal with the City Clerk within ten calendar days of the date of the written decision. The City Council will consider the matter and may affirm or reverse wholly or partly the action which is in question. (Ord. 152, 1985)

13.04.080 Approval to extend with the land or applicant.

Any approval such as an approved site plan, grading plan, landscape plan or development review plan, shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies. (Amended during 1989 supplement; Ord. 152, 1985)

13.04.090 Lapse of approval and extensions.

A. Lapse of Approvals. Approvals for development review, conditional use permits, minor conditional use permits, variances and minor deviations shall lapse and become void three years from the approval date, unless a different expiration date is specifically established as a condition of approval and unless one of the following actions occur:

1. A building permit is issued in accordance with the approved entitlement and construction is commenced and diligently pursued toward completion; or,

2. A certificate of occupancy is issued; or,

3. A final map or parcel map has been recorded and a building permit application has been submitted.

B. Extensions. An extension may be issued for lapse of approval for projects described in the previous subsection. Approvals originally granted by the Director may be extended by the Director. Approvals by the Planning Commission may only be extended by the Planning Commission, unless the Director has been given express authority to approve an extension request. An extension may be granted for up to two years and shall not exceed a total of five years from the original date of approval. All requests for extensions should be filed with the Director 60 days prior to the expiration date. The Director or Planning Commission may extend the approval of a project if they find that there have been no significant changes in the land use element, zoning ordinance, or character of the area within which the project is located, that would cause the approved project to become inconsistent or nonconforming. Also, the granting of an extension should not be detrimental to the public health, safety, or welfare, or materially injurious to property or improvements in the vicinity. (Ord. 438 § 1, 2003; Ord. 152, 1985)

13.04.100 Public hearings and notifications.

A. General. A public hearing shall be held prior to action by the Planning Commission in any of the following cases:

1. Any change in the text of this title and/or the general plan;

2. Any change in the district map;

3. As specifically required by state law (i.e., tentative tract and parcel map, conditional use permits, variances);

4. As determined necessary or desirable by the Planning Commission and/or council upon the adoption of a resolution setting the time and place for a public hearing.

B. Authority to Notice Hearings. The Director is authorized to advertise and to notice a public hearing as provided in this section for the Planning Commission and the City clerk for the council when required by this title or when such hearing is considered desirable or necessary in order to carry out the purpose of this title.

C. Notice of Hearing. The Director shall cause notice of the date, time and place of the public hearing on the project to be given in the following manner:

1. Notice of public hearing shall be mailed or delivered at least ten days prior to the hearing to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant;

2. Notice of public hearing shall be mailed or delivered at least ten days prior to the hearing to all owners of property, as shown on the latest equalized assessment roll, within 300 feet of the real property that is the subject of the hearing;

3. Notice of public hearing shall be published in at least one newspaper of general circulation within the City at least ten days prior to the hearing;

4. If an error in any of these procedures occurs, the public hearing shall be continued and renotification shall take place.

D. Other Notice Requirements. Notices required by this section shall be in addition to any other or different notice required by other provisions of this code or by state law; provided, however, that nothing therein shall require separate notices to be given if the same notice will satisfy the requirements of this section and any other applicable section of this code or state law.

E. Continuance of Hearings. Any public hearing may be continued from time to time by the body or official conducting the hearing, subject to limitations provided by law, and in such case no further notice need be given. (Ord. 314 § 2, 1993; Ord. 152, 1985)

13.04.110 Nonconforming uses and structures.

A. Purpose. This section is intended to limit the number and extent on nonconforming uses by regulating their enlargement, their reestablishment after abandonment, and the alteration or restoration after destruction of the structures they occupy. In addition, this section is intended to limit the number and extent of nonconforming structures by prohibiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this code.

B. Determination. The Director is authorized to determine, based on evidence the Director deems sufficient, whether any use is nonconforming within the requirements of this section. Any person affected by a decision of the Director may request a public hearing on the determination in accordance with Section 13.04.100.

C. Continuation and Maintenance.

1. A use lawfully occupying a structure or a site, that does not conform with the use regulations or the site area regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued, except as otherwise limited in this section.

2. A structure, lawfully occupying a site, that does not conform with the standards for front, side or rear yard setbacks, height of structures, lot coverage, distances between structures, and parking facilities for the district in which the structure is located, shall be deemed to be a nonconforming structure and may be used and maintained, except as otherwise limited in this section.

3. Maintenance and repairs may be performed on a nonconforming use or structure.

D. Alterations and Additions to Nonconforming Uses and Structures.

1. No nonconforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site or any other structure or site which it did not occupy at the time it became a nonconforming use occupying a structure or site, except as permitted in Subsection F of this section.

2. No nonconforming structure shall be altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front, side, or rear setbacks, height of structures, lot coverage, distances between structures and parking facilities as prescribed in the regulations for the district in which the structure is located, except as permitted in Subsection F of this section.

E. Discontinuation of Nonconforming Use. Whenever a nonconforming use has been changed to a conforming use or has been discontinued for a continuous period of 180 days or more, the nonconforming use shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located. Discontinuation shall include termination of a use regardless of intent to resume the use.

F. Restoration of a Damaged Structure.

1. Whenever a structure which does not comply with the standards for front, side, or rear setbacks, height of structures, lot coverage, distances between structures and parking facilities as prescribed in the regulations for the district in which the structure is located, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity, to the extent of 50% or less, the structure may be restored and the nonconforming use may be resumed, provided that restoration is started within one year and diligently pursued to completion. When the destruction exceeds 50% or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located and the nonconforming use shall not be resumed, except as permitted in this section.

2. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the building official and shall be based on the minimum cost of construction in compliance with the building code.

G. Expansion or Restoration of Nonconforming Uses and Structures. A request for expansion or restoration of a nonconforming use or structure may be granted subject to the approval of a conditional use permit by the Planning Commission. An expansion or restoration of a nonconforming single-family residence may be granted by the Director subject to approval of a minor conditional use permit. The approval authority may grant the request, grant the request with modification, or deny the request. The approval authority may require as a condition of a use permit that a specific termination date be set for the use and/or structure which is being expanded or restored. Before granting a conditional use permit or a minor conditional use permit for the expansion or restoration of a nonconforming use or structure, the approval authority shall make the following findings:

1. That strict or literal interpretation and enforcement of the specified regulations within this section would result in practical difficulty or unnecessary hardship.

2. That the granting of the conditional use permit or minor conditional use permit will not significantly extend the expected life of the use or structure.

3. That the granting of the conditional use permit or minor conditional use permit will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. (Ord. 438 § 1, 2003; Ord. 190 § 1, 1987; amended during 1989 supplement; Ord. 152, 1985)

13.04.120 Enforcement and penalties.

Violations of this title are subject to all enforcement provisions in Title 1, and the Director has all authority to undertake all actions authorized in Title 1.

13.04.140 Definitions.

A. Purposes. The purpose of this section is to promote consistency and precision in application and interpretation of the development regulations on this title. The meaning and construction of words and phrases defined in this section shall apply throughout this title, except where the context and usage of such words or phrases clearly indicates a different meaning or construction intended in that particular case.

B. Definitions.

"Abutting" means having lot lines or zone boundaries in common.

"Accessory dwelling unit" means a residential dwelling unit that is detached from, attached to, or located within the living area of a primary dwelling unit that provides independent living facilities for one or more persons, and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code section 17958.1, and a manufactured home, as defined in California Health and Safety Code section 18007.

"Acreage, gross" means total land area of a parcel, or parcels, at time of applications for development.

"Acreage, net" means total land area of parcel or parcels minus land area which will be required for public dedication at time of application for development.

"Addition" means any construction, which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area.

"Agent" means any person showing written verification that he or she is acting for, and with the knowledge and consent of, a property owner.

"Agricultural Employee Housing" means employee housing as defined by Sections 17008, 17021.5, and 17021.6 of the Health and Safety Code.

"Agriculture" means the use of land for farming, including dairy farms and grazing of large animals, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and including accessory activities but not limited to storage, harvesting, feeding, or maintenance of equipment, excluding stockyards, slaughtering or commercial food processing.

"Alley" means a public thoroughfare, not exceeding 30 feet in width for the use of pedestrians and/or vehicles, producing only a secondary means of access to the abutting property.

"Alteration" means any constructions or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

"Ambulance services" means provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.

"Amusement device" means any machine, device, or apparatus of which the operation or use is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disk, slug or key into any slot, crevice or other opening or by the payment of any fee or fees, for the use as a game, contest or amusement of any description, or which may be used for any such game, contest or amusement, and the use or possession of which is not prohibited by any law of the state of California. This definition shall not include jukeboxes, telephone devices or machines that sell merchandise.

"Animal" is defined as follows:

1. "Exotic or wild animal" means any animal not normally domesticated in the U.S. such as, but not limited to, a reptile, fox, raccoon or similar animal, including predatory or poisonous animals.

2. "Fowl" includes chickens, hens, turkeys, ducks, geese, game birds, and other animals similar in size, weight, or appearance.

3. "Household pet" means any animal customarily permitted and kept in a dwelling and kept only for the company or pleasure provided to the occupants of the dwelling, to include dogs, cats, parakeets, tropical fish, and hamsters or other similar domesticated animal.

4. "Large animal" means any equine or bovine animal, or other animal similar in size, weight, or appearance, including, but not limited to, a horse, pony, mule, donkey, cow, or ox.

5. "Small animal" means a miniature potbelly pig, a goat or lamb, or other animal similar in size, weight, or appearance.

6. "Rodent" includes rabbits and chinchillas and other animals similar in size, weight, or appearance.

"Animal care facility" means a use providing grooming, housing, medical care, or other services to animals, including veterinary services, animal hospitals, overnight or short-term boarding ancillary to veterinary care, indoor or outdoor kennels, grooming and similar services.

"Antique" means any collectible, object of art, bric-a-brac, curio, household furniture or furnishing offered for sale upon the basis, express or implied, that the value of the property, in whole or substantial part, is derived from its age or from its historical associations.

"Antique shop" means any place of business engaged in the business of buying and selling, trading or accepting for sale on consignment antiques.

"Apartment, community" means community apartment as defined in Section 4105 of the Civil Code.

"Applicant" means a person who requests in writing the approval of a lease, permit, license, certificate, or other entitlement for use from one or more public agencies.

"Application" means the form and information submitted by an applicant. The form and information is to be used to determine whether to approve or deny permits or other entitlement for use.

"Approval" means the issuance or commitment of issuance by a public agency of each lease, permit, license, certificate, or other entitlement for which an application was accepted as complete. The exact date of approval of any development project is determined by each public agency according to its rules, regulations, and ordinances, consistent with this code.

"Arcade" means any establishment containing more than five amusement devices. This definition shall not apply to businesses with amusement devices that are accessory to the principal use of the site or commercial recreational premises such as bowling alleys, billiard parlors, skating rinks or similar recreational uses, where an arcade is part of the primary use.

"Art and craft shows and exhibits (outdoor)" means the temporary outdoor sale or display of artwork or items assembled by hand allowed pursuant to Section 13.06.070(C)(2) of this title.

"Automatic controller" means a mechanical or solid state timer, capable of operating valve stations to set the days and length of time of a water application.

"Automobile repair, major" means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame, or fender repair and overall painting.

"Automobile repair, minor" means upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons of capacity but not including other operations named under "automobile repair major."

"Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of five or more motor vehicles which for a period exceeding 30 days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

"Basement" means a portion of a building partly or wholly underground and having more than one-half of its height below the average level of the adjoining ground.

"Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollution to surface and groundwater. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In the case of municipal stormwater permits, BMPs are typically used in place of numeric effluent limits.

"Biological habitat preserve" means any area which is designated and accepted by a federal, state or local agency as a permanent or temporary sanctuary, reserve or protected area for biological species of any kind.

"Block" means the area of land bounded by streets, highways or railroad right-of-ways, except alleys.

"Boarding house" means a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under one or more separate rental agreements, leases or subleases, either written or oral, whether or not an owner, agent or rental manager is in residence. For purposes of this definition, a boarding house is a business or commercial endeavor which does not constitute a single household unit as defined in this section. Boarding house shall not include a congregate care facility or a group care facility as defined in this section.

"Body piercing" means the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, the piercing of a lip, tongue, nose or eyebrow. Body piercing does not include the piercing of an ear.

"Building" means any structure built for the support, shelter or enclosure of persons, animals, fowl, chattels or personal property of any kind.

"Building, completely enclosed" means a building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrances and exit doors.

"Building height" means the vertical distance, excluding foundations or understructures, between the average finished ground surface adjacent to the structure and to the highest point of the structure, excluding architectural features and appurtenances such as, but not limited to, chimneys, antennas, elevator, solar equipment structures, and similar mechanical equipment.

"Building, historic" means a building listed individually on the National Register of Historic Places, or by a state or county agency charged with the recognition or preservation of historic structures, or by resolution of the City Council as having significant local or regional historical importance and value to the community.

"Building, main" means a building within which is conducted the principal use permitted on the lot, as provided by this title.

"Building official" means the head of the building division of the City and shall include his or her deputies.

"Building site" means a lot, or contiguous lots of land in single, multiple, or joint ownership (exclusive of all rights-of-way and all easements, except open space easements, that prohibit the surface use of the property by its owner, which provides the area and open spaces required by this ordinance for construction of a building or buildings, and which abuts a public or private street or alley, or easement determined by the Director to be adequate for the purpose of access.

"Caretaker's residence" means a dwelling unit accessory to a principal use on a site and intended for occupancy on the same site, as a caretaker, security guard, servant, or similar position generally requiring residence on the site.

"Carport" means a permanent roofed structure used or intended to be used for automobile shelter and storage.

"Catering establishment" means a place for the preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. Excluded from this definition is mobile catering trucks (see "Fleet storage").

"Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

"Check or anti-drain valve" means a valve located under a sprinkler head to hold water in the system so it minimizes drainage from the lower elevation sprinkler head.

"Church" means a use located in a permanent building and providing regular or organized religious worship and religious education incidental thereto, but excluding a private educational facility. A property tax exemption obtained pursuant to the Constitution of the State of California and of the Revenue of Taxation Code of the State of California shall constitute prima facie evidence that such use is a church as defined herein.

"City" means the City of Santee.

"Club" means a nonprofit association of persons, whether incorporated or unincorporated, organized to pursue common goals, interests or activities, but not including a group organized solely or primarily to render a service customarily carried on as a business.

"Columbarium" means a sepulchral chamber with niches for holding cinerary urns.
"Commission" means the Planning Commission of the City.

"Composting" has the same meaning as that term is defined in Division 30, Part 1 of the Public Resources Code.

"Conceptual development plan" means a site plan which indicates conceptual ideas for such things as, but not limited to, building placement, circulation/access, drainage/grading, buffers, stormwater facilities, and landscaping.

"Condominiums" means condominiums as defined in Section 4125 of the Civil Code: An estate of real property consisting of an undivided interest in common areas, together with a separate right of ownership in space.

"Congregate care facility" means a residential development serving seven or more persons, whether related or unrelated, licensed by the state Department of Social Services which is comprehensively planned, designed and managed, to include facilities and common space that maximize the residents' potential for independent living. The facility may be occupied by the

elderly or handicapped persons or households as defined in Health and Safety Code Sections 50067 and 50072 or successor statute. Services that are provided or made available shall relate to the medical, nutritional, social, recreational, housekeeping and personal needs of the residents and shall be provided or made available at a level necessary to assist the residents to function independently. "Direct services" means medical care, meals, housekeeping services, transportation services and planned recreational and social activities which shall be provided to the residents directly by the management of the congregate housing. "Support services" are social services, daycare services and in-home services which the management of the congregate housing shall assist the residents in obtaining, at the residents' request.

"Contractor" means establishments or places of business primarily engaged in construction activities with only incidental storage of materials, indoors only, and incidental parking of vehicles as an accessory use to a permitted use on the same premises. Excluded are building materials yards, equipment sales/rental yards and contractors yards.

"Contractor's yard" means a use providing for the outdoor storage, sales, rental or distribution of vehicles, equipment or supplies or for the dispatching of service vehicles used in construction activities. Typical uses include building contractor's yard, heavy equipment sales or rental yard or similar use.

"Convalescent facility" means a use providing bed care and in-patient services for persons requiring regular medical attention, and persons aged or infirm unable to care for themselves, excluding surgical or emergency medical services.

"Convenience market" means a place for the retail sales of food, beverage and small convenience items typically found in establishments with long or late hours of operation. This definition excludes delicatessens and other specialty food shops having a sizeable assortment of fresh fruits and vegetables, and fresh-cut meat.

"Conversion" means the creation of separate ownership of existing real property together with a separate interest in space of residential, industrial, or commercial buildings thereon.

"Council" means the City Council of Santee.

"County" means the county of San Diego.

"Court" means an open, unoccupied space, other than a yard, unobstructed from ground to sky on the same lot with a building or buildings and which is bounded on two or more sides by the walls of a building.

"Crematorium" means a mortuary where corpses are cremated.

"Dairy" means any premises where milk is produced for sale or distribution and where three or more cows or goats are in lactation.

"Dance hall" means any room, place, or space, except a private residence or home, where dancing is carried on or permitted.

"Dance floor" means a defined floor area located within a business establishment designed for the purpose of dancing by patrons of the establishment.

"Day care center" means a private establishment for day time care of children where tuition, fees, or other forms of compensation for the care of the children is charged, including nursery schools, preschools and similar facilities. Excluded from this definition are small family day care homes and large family day care homes.

"Day care, family" means regularly provided care, protection and supervision of fourteen or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away.

"Day care home, large family" has the same definition as Health & Safety Code Section 1597.465 as that section may be amended from time to time. It currently means a home licensed by the state that provides family day care to nine to fourteen children, including children who reside at the home.

"Day care home, small family" has the same definition as Health & Safety Code Section 1597.44 as that section may be amended from time to time. It currently means a home licensed by the state that provides family day care to eight or fewer children, including children who reside at the home.

"Decibel" abbreviated to "dB," means a unit for describing the amplitude of sound.

"Dedication, offered" means that portion of land which is irrevocably offered to the City for future public rights-of-way which has no prospective future date for; construction to city standards, and/or notice of completion.

"Density" means the number of dwelling units per gross acre.

"Department" means the Department of Development Services.

"Design" means: (a) street alignments, grades and widths; (b) drainage and sanitary facilities and utilities, including alignments and grades thereof; (c) location and size of all required easements and rights-of-way; (d) fire roads and fire breaks; (e) lot size and configuration; (f) traffic access; (g) grading; (h) land to be dedicated for park or recreational purposes; and (i) such other specific requirements in the plan and configuration of the entire project as may be necessary or convenient to insure conformity to or implementation of the general plan or any adopted specific plan.

"Detention facilities" means publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.

"Development" means any physical development including, but not limited to, residences, commercial or industrial facilities, civic buildings, hospitals, schools, airports or similar facilities.

"Development, multifamily residential" means a development where the number of dwelling units on one lot is more than one or where dwelling units are attached. Such development includes condominiums, townhomes, apartments and similar types of development.

"Development project" means new development or redevelopment with land disturbing activities, structural development, including construction or installation of a building or structure, the creation of impervious surfaces, public agency projects, and land subdivision.

"Development, single-family residential" means a development where each dwelling unit is situated on a separate lot and where each dwelling is detached. Some areas of the development may be held in common by all the residents, however, in no case is clustering of units permitted.

"Director" means the Director of Development Services of the City and includes his or her deputies.

"Distribution" means a use engaged primarily in distribution of manufactured products, supplies, and equipment, including incidental storage and sales activities, but excluding bulk storage of materials which are flammable or explosive.

"District, base" means a specifically delineated district in the City within which regulations and requirements uniformly govern the use, placement, spacing and size of land and building.

"District, dual" means when there exists two base districts on a single parcel.

"Driveway" means a permanently surfaced area providing direct access for vehicles between a street and a permitted off-street parking or loading area.

"Dwelling, attached" means a dwelling unit attached to two or more dwelling units by common vertical walls.

"Dwelling, detached" means a dwelling, which is not attached to any other dwellings, by any means.

"Dwelling, multiple family" means a building designed and used as a residence for two or more families living independently of each other.

"Dwelling, semidetached" means a dwelling, which is only partially attached to one or more single-family dwellings.

"Dwelling, single-family" means a building designed and used to house not more than one family including all domestic employees of such family.

"Dwelling, single room occupancy" means a building providing single-room units for one or more persons with or without shared kitchen and bath facilities, including efficiency units per Health and Safety Code Section 17958.1.

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons.

"Easement" means a grant of one or more of the property rights by the property owner for the use by the public, a corporation or another person or entity.

"Eave" means the projecting lower edges of a roof overhanging the wall of a building.

"Educational facility" means a school, offering instruction in the several branches of learning and study required to be taught by the Education Code of the state. This definition includes elementary and high schools, as well as colleges and universities.

"Effective precipitation or usable rainfall" means the portion of total precipitation that is used by the plants. Precipitation is not a reliable source of water, but can contribute to some degree towards the water needs of the landscape.

"Elevation" means:

1. A vertical distance above or below a fixed reference level.

2. A flat scale drawing of the front, rear, or side of a building or structure.

"Emergency shelter" has the same meaning as defined in subdivision (e) of Section 50801 of the State Health and Safety Code.

"Enclosed" means a covered space fully surrounded by walls, including windows, doors, and similar openings or architectural features.

"Energy system, alternative" means application of any technology, the conservation of energy, or the use of solar, biomass, wind, geothermal, hydroelectricity under 25 megawatts, or any other source of energy, the efficient use of which will reduce the use of fossil and nuclear fuels.

"Engineer, city" means the City engineer of the City and shall include his or her deputies.

"Environmental impact report (EIR)" means a detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 21100 of the California Environmental Quality Act, and may mean either a draft or a final EIR.

"Equipment sales/rental yard" means the sale, primarily retail, and/or rental from the premises of light equipment such as lawnmowers, forklifts, rototillers and similar small equipment.

"Facade" means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

"Family" means one or more individuals living together as a single household unit. The term family shall include "group care facilities, limited" for six or fewer mentally disabled,

mentally disordered or otherwise handicapped persons regardless of whether they are living together as a single household unit, but shall not include any other living group that is not living together as a single household unit.

"Farmer's market" means the outdoor display and sale of produce and other agricultural products such as, but not limited to fruits, vegetables, nuts, honey, eggs, herbs, flowers, and plants.

"Fence" means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

"Financial service" means a use providing financial services to individuals, firms, or other entities. The term financial service includes banks, savings and loan institutions, loan and lending activities and similar services.

"Fleet storage" means storage or parking of one or more vehicles used regularly in business operations where the parking of vehicles constitutes the principal use on the site. Examples of fleet storage include, but are not limited to, taxi fleets, mobile catering trucks, moving van fleets or delivery truck fleets. Excluded are sales/rentals of vehicles.

"Floor area, gross" means the sum of the gross horizontal areas of average floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking space, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

"Floor area, net" means the total of all floor areas of a building, excluding stair wells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

"Frontage" means the side of a lot abutting a street, the front lot line, except the side of a corner lot.

"Garage, private" means an accessory building or an accessory portion of the main building designed and/or used for the shelter or storage of vehicles of the occupants of the main building.

"Garage, public" means a building, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

"Garbage" means animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

"Glare" means the effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

"Grade" means:

1. The lowest horizontal elevation of the finished surface of the ground, paving, or sidewalk at a point where height is to be measured;

2. The degree of rise or descent of a sloping surface.

"Grade, finished" means the final elevation of the ground surface after development.

"Grade, natural" means the elevation of the ground surface in its natural state, before man-made alterations.

"Grading" means any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

"Grading, contour" means a grading concept designed to result in earthforms and contours which resemble natural terrain characteristics, with generally curving, nonlinear slope banks having variations in the slope ratios of the horizontal and vertical curves.

"Greenbelt" means an open area which may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

"Group care facility, general" means shared living quarters (without separate kitchen or bathroom facilities for each room or unit) for seven or more persons with physical or mental impairments that substantially limit one or more of such person's major life activities when such persons are not living together as a single household unit. This classification includes but is not limited to, group homes, sober living environments, recovery facilities, and establishments providing nonmedical care for persons in need of personal services, supervision, protection or assistance essential for sustaining the activities of daily living facility, including resident services for persons handicapped or disabled, undergoing rehabilitation, or otherwise in need of care and supervision. This definition shall not include state-licensed residential care facilities, as that term is defined in this section, whether accessory or nonaccessory, emergency shelters, transitional housing, lodging units or boardinghouses.

"Group care facility, limited" means shared living quarters (without separate kitchen and bathroom facilities for each room or unit) for six or fewer persons with physical or mental impairments that substantially limit one or more of such person's major life activities. This classification also includes, but is not limited to, group homes, sober living environments, recovery facilities, and establishments providing nonmedical care for persons in need of personal services, supervision, protection or assistance essential for sustaining the activities of daily living, but shall not include state-licensed residential care facilities, as that term is defined in this section, whether accessory or nonaccessory, emergency shelters, transitional housing, lodging units or boardinghouses.

"Guest room" means a room which is designed and/or used by one or more guests for sleeping purposes, but in which no provisions are made for cooking.

"Hazardous waste treatment facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for handling, treating, storing or disposing of hazardous waste. Does not include household hazardous waste collection facilities.

"Height" means the vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure.

"Heliport" means pads and facilities enabling takeoffs and landings by helicopter.

"Hertz" means a unit of measurement of frequency, numerically equal to cycles per second.

"Home improvement center" means a retail service engaged in providing retail sale, rental, service, or related repair and installation of home improvement products, including building materials, paint and wallpaper, carpeting and floor covering, decorating, heating, air conditioning, electrical, plumbing, and mechanical equipment, roofing supplies, yard and garden supplies, home appliances and similar home improvement products.

"Home occupation" means any occupation or profession conducted or carried on entirely within a dwelling by the occupants thereof which is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof and does not adversely affect other uses in the zone of which it is a part. Home occupations shall be evaluated in accordance with the provisions and criterion contained in Section 13.06.060 of this title.

"Homeowners association" means a private organization composed of residents within a project who own in common certain property and shall be responsible for the maintenance and management of certain commonly owned property.

"Hospital" means a facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an inpatient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees or visitors.

"Hotel" means any structure, or portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, including any hotel, inn, tourist home or house, motel, studio hotel, lodging house, rooming house, apartment house, dormitory, mobile home, motor home, travel trailer or house trailer at a fixed location, or other similar structure or portion thereof.

Household Pet. See "Animal."

"Impermeable surface" means a surface that cannot be penetrated by water and includes, but is not limited to, impervious materials such as concrete or asphalt.

"Improvement" means any item which becomes part of, placed, upon, or is affixed to real estate.

"Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time in inches per hour.

"Junk" means any combustible or noncombustible nonputrescible waste, including, but not limited to trash, refuse, paper, glass, cans, bottles, rags, fabrics, bedding, ashes, trimmings from lawns, shrubbery or trees, except when used for mulch or like agricultural purposes, household refuse other than garbage, lumber, metal, plumbing fixtures, bricks, building stones, plaster, wire or like materials from the demolition, alteration or construction of buildings or structures, tires or inner tubes, auto aircraft or boat parts, plastic or metal parts or scraps, damaged or defective machinery, whether or not repairable, and damaged or defective toys, recreational equipment or household appliances or furnishings, whether or not repairable.

"Junkyard" means any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk.

"Kennel" means a facility, whether or not operated for profit, that keeps or maintains five or more dogs, cats, or other domesticated animals at least four months old. It includes a facility owned or operated by an animal welfare agency, but does not include an animal shelter operated or established by the City, an agency contracted by the City to provide animal control services, or to a veterinary hospital operated by a veterinarian licensed by the state. A kennel also includes a facility with the requisite five dogs that also keeps or maintains other animals. As used in this definition a "facility" means any combination of adjacent buildings, structures, enclosures or lots under common ownership or operated as one unit, to keep or maintain dogs or cats.

"Kitchen" means any room, all or any part of which is designed and/or used for cooking and the preparation of food.

"Landscaping" means an area devoted to or developed and maintained predominately with native or exotic plant materials including lawn, ground cover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surface (excluding driveways, parking, loading, or storage areas, and sculptural elements.

"Landscaping, drought tolerant" means plant materials whose water requirements are well suited to the climate of the region and which require minimal water once they are established.

"Land use" means a description of how land (real estate) is occupied or utilized.

"Large collection facility" means a center for the acceptance by donation, redemption or purchase of recyclable materials from the public which may occupy an area of more than 500 square feet and may include permanent structures. This definition does not include solid waste recycling conducted in conjunction with a solid waste transfer facility.

"Liquor store" means any store designed and operated for the selling of alcoholic beverages with the selling of any other merchandise being accessory to the primary operation of selling liquor.

"Loading space" means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

"Lodging unit" means a room or group of rooms used or intended for use by overnight occupants as a single unit, whether on a transient or residential occupancy basis, located in a motel or dwelling unit providing lodging, whether or not meals are provided to such persons. Where designed or used for occupancy by more than two persons, each two persons capacity shall be deemed a separate lodging unit. For the purpose of determining residential density, each two lodging units shall be considered the equivalent of one dwelling unit.

"Lot" means any parcel of real property approved by a record of survey, plat, parcel map, subdivision map, or certificate of compliance, or any parcel legally created or established pursuant to the applicable zoning or subdivision regulations in effect prior to the effective date of application of this code to such parcel.

"Lot, corner" means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

"Lot coverage" means the amount (typically expressed in a percentage) of the area of a lot covered by buildings and, in certain circumstances, pavement, which is unavailable for landscaping, outside recreation and open space. Lot coverage calculations do not include open carports, porches, open patio covers, or other similar open structures.

"Lot, cul-de-sac" means a lot located on the turning end of a dead-end street.

"Lot, depth" means the horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line.

"Lot, flag" means a lot having access to a street by means of a private driveway, access easement, or parcel of land not meeting the requirements of this code for lot width. (See Diagram 13.04.140I.)

"Lot, interior" means a lot other than a corner lot.

"Lot, key" means the first interior lot to the rear of a reversed corner lot, the front line of which is a continuation of the side line of the reversed corner lot, exclusive of the width of an alley, and fronting on the street which intersects or intercepts the street upon which the corner lot fronts.

"Lot, reversed corner" means a corner lot having a side lot line which is substantially a continuation of the front lot line of a lot to its rear.

"Lot, substandard" means any lot which does not meet the minimum dimensions; the area of any easement which restricts the normal usage of the lot may be excluded.

"Lot, through" means a lot other than a corner lot abutting more than one street.

"Lot line" means a line bounding a lot.

"Lot line, front" means a lot line paralleling the street. On a corner lot, the shorter lot line abutting a street or the line designated as the front lot line by a subdivision or parcel map.

"Lot line, rear" means a lot line, not intersecting a front lot line, which is most distant from and most closely parallel to the front lot line. In the case of an irregularly shaped lot or a lot bounded by only three lot lines, a line within the lot having a length of ten feet, parallel to and most distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks, and other provisions of this ordinance.

"Lot line, side" means a lot line not a front or rear lot line.

"Lot line, street" means a lot line abutting a street.

"Lot width" means the horizontal distance between side lot lines, measured at the front setback line.

"Lounge, cocktail" means a use providing preparation and retail sale of alcoholic beverages, on a licensed "on sale" basis, for consumption on the premises, including taverns, bars, and similar uses.

"Low impact development (LID)" means a stormwater management and land development strategy that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions.

"Manufacturing" means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packing of such products, the incidental processing of extracted or raw materials, processes utilizing flammable or explosive materials (i.e., materials which ignite easily under normal manufacturing conditions), and processes which create hazardous or commonly recognized offensive conditions.

"Map act" means the Subdivision Map Act of the state.

"Map, contour" means a map that displays land elevations in graphic form.

"Mausoleum" means a large tomb, usually above ground.

"Maximum Extent Practicable (MEP)." As used in Titles 9 and 13 of the Santee Municipal Code, MEP means implementation of all Best Management Practices (BMPs) that are technically feasible (i.e., are likely to be effective), are not cost prohibitive, and adequately

reduce pollutant discharges from the MS4. MEP will generally require a combination of source control and treatment control BMPs that emphasizes pollution prevention and source control BMPs as the first line of defense, and utilizes treatment control BMPs as a second line of defense.

"Medical office" means a use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans licensed for such practice by the state.

"Merger" means the joining of two or more contiguous parcels of land under one ownership into one parcel.

"Micro-brewery" means a small-scale brewery operation that produces less than 15,000 barrels of beer per year, with on-site and/or off-site consumption, and with or without a pub or restaurant, as licensed by the California Department of Alcoholic Beverage Control.

"Mobilehome" means a moveable or transportable vehicle having no foundation other than jacks, piers, wheels, or skirting, designed as a permanent structure intended for occupancy and designed for subsequent or repeated relocation.

"Mobilehome park" means a residential facility arranged or equipped for the accommodation of two or more mobilehomes, with spaces for such mobilehomes available for rent, lease, or purchase, and providing utility services and other facilities either separately or in common to mobile home space therein.

"Mobilehome space" means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

"Mortuary" means a place where dead bodies are kept for burial or cremation and excludes crematoriums.

"Motel" means a commercial facility containing lodging units and dwelling units intended primarily for temporary occupancy, with not more than ten percent of the units having kitchen facilities and meeting the definition of a dwelling unit. The term "motel" shall include a hotel, motor hotel, tourist court, or similar use, but shall not include a mobilehome park.

"Mulch" means any material such as leaves, bark, straw or other materials left loose and applied to the soil surface to reduce evapotranspiration.

"Neighborhood center" means a shopping center which clusters essential retail goods and services to residents in the immediate vicinity of the center.

"Nightclub" means a place of entertainment, other than adult related, with or without accessory food and/or liquor sales, having a floor show and/or providing music and space for dancing. This definition shall also include dance halls.

"Nightclub, teenage" means a place, premises or establishment where entertainment, music and dancing, other than adult related, are available to persons between the ages of seventeen and twenty-one years of age in a supervised nightclub setting and includes the provision of food or nonalcoholic beverages as an accessory use.

"Noise" means any undesirable audible sound.

"Noise, ambient" means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

"Noise, basic level" means the acceptable noise level within a given district.

"Noise, impulsive" means a noise characterized by brief excursions of sound pressures whose peak levels are very much greater than the ambient noise level, such as might be produced by the impact of a pile driver, punch press or drop hammer, typically with one second or less duration.

"Noise, intrusive" means that alleged offensive noise which intrudes over and above the existing ambient noise at the receptor property.

"Noise, mobile source" means any noise source other than a fixed noise source.

"Noise, simple tone" or A pure tone noise means a noise characterized by the presence of a predominant frequency or frequencies such as might be produced by whistle or hum.

"Noise, zone" means any defined area or region of a generally consistent land use.

"Nonconforming" means a building, structure or portion thereof, or use of a building or land which does not conform to the regulations of this code and which lawfully existed at the time the regulations became effective through adoption, revision or amendment.

"Nonconforming lot" means a lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this code, but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements of the district.

"Nonconforming structure or building" means a structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to this code, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the district.

"Nonconforming use" means a use or activity which was lawful prior to the adoption, revision or amendment of this code, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the district.

"Nursery, landscape" means a retail service providing propagation and sale of plants, shrubs, trees, and similar products, related materials and services associated with installation,

maintenance, and improvements of yards, gardens, landscaped areas, outdoor living and recreation areas, and similar facilities.

"Office professional" means a use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar facilities.

"Open space, common" means open space within a project owned, designed, and set aside for use by all occupants of the project or by occupants of a designated portion of the project. Common open space is not dedicated to the public and is owned and maintained by a private organization made up of the open space users. Common open space includes common recreation facilities, open landscaped areas, and greenbelts, but excludes pavement or driveway areas, or parkway landscaping within public right-of-way.

"Open space, private" means that open space directly adjoining the units or building, which is intended for the private enjoyment of the occupants of the unit or building. Private open space shall in some manner be defined such that its boundaries are evident. Private open space includes private patios or balconies, and front, rear, or side yards on a lot designed for single family detached or attached housing.

"Open space, usable" means outdoor or unenclosed area on the ground, or on a roof, balcony, deck, porch, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, but excluding parking facilities, driveways, utility or service areas.

"Outdoor recreation facility" means recreation in which the activity is principally conducted outdoors. This term includes golf courses, race tracks, archery ranges, outdoor concert and performance entertainment, and similar uses. This does not include pools and recreation areas that are accessory to other permitted principal uses.

"Overhang" means:

1. The part of a roof or wall which extends beyond the facade of a lower wall;

2. The portion of a vehicle extending beyond the wheel stops or curb.

"Overlay district" means a district established by this title, which may be applied to a lot or portion thereof only in combination with a base district.

"Overspray" means the water, which is delivered beyond the landscaped area, wetting pavements, walks, structures or other nonlandscaped areas.

"Pad, building" means that area of a lot graded relatively flat, or to a minimum slope, for the purpose of accommodating a building and related outdoor space.

"Parapet" means the extension of the main walls of a building above the roof level.

"Parcel" means a lot or tract of land.

"Park and recreation facilities" means noncommercial parks, playgrounds, recreation facilities, and open spaces.

"Parking area" means any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

"Parking area, private" means a parking area for the private use of the owners or occupants of the lot on which the parking area is located.

"Parking area, public" means a parking area available to the public, with or without compensation, or used to accommodate clients, customers or employees.

"Parking lot" means an off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

"Parking space" means a space for the parking of a motor vehicle within a public or private parking area.

"Pawnshop" means any place engaged in the business of loaning money to any person, upon any personal property, personal security or purchasing personal property and reselling or agreeing to resell such articles to the vendor or other assignees at prices previously agreed upon.

"Performance standards" means a set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

"Perimeter" means the boundaries or borders of a lot, tract, or parcel of land.

"Permeable surface" means a surface that can be penetrated by water and includes, but is not limited to, pervious concrete, porous asphalt, unit pavers, granular materials, landscaping, or other similar material approved by the Director.

"Permit" means written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

"Permitted use" means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

"Phase" means any contiguous part or portion of a project which is developed as a unit in the same time period.

"Plan, general" means the general plan of the City of Santee, including all maps, reports, and related plan elements adopted by the City Council.

"Planned residential development" means planned development as defined in Chapter 1, Part 5, Division 4 of the Civil Code.

"Pony" means a horse measuring fourteen hands two inches or less at the withers.

"Pre-district" means the act of designating, in advance of annexation, the district to be applicable to a site upon subsequent annexation of that site to the City.

"Pre-fabricated structure" means any previously manufactured structure inspected and approved by the California State Housing and Community Development Department. Said structures must have a state identification tag, which specifies date of inspection and occupant load.

"Priority development project" means new development and significant redevelopment project categories listed in Section 13.42.030 of this code.

"Project" means the total development within the boundaries as defined on the development plan.

"Public buildings and facilities" means any building, office, site or other development operated by and under the control of any public agency, public utility, or special district.

"Quarry" means a place where rock, ore, stone and similar materials are excavated for sale or for off-tract use.

"Queue line" means an area for temporary parking and lining of motor vehicles while waiting a service or other activity.

"Reclaimed water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation as determined by the Padre Dam Municipal Water District. Not intended for human consumption.

"Recreation, commercial" means a use providing facilities for recreation; including indoor recreation uses such as theaters, bowling alleys, billiard parlors, skating arenas, and similar services, and outdoor uses such as golf, tennis, basketball, baseball, and similar services, operated on a private or for-profit basis, but excluding arcades.

"Recycling" means the process by which waste products are reduced to raw materials and transformed into new and often different products, including automobile recycling.

"Religious institution" means a seminary, retreat, monastery, conference center, or similar use for the conduct of religious activities, including accessory housing incidental thereto, but excluding a private educational facility.

"Repair" means the reconstruction or renewal of any park of an existing building for the purpose of its maintenance.

"Research and development" means a use engaged in study, testing, design, analysis, and experimental development of products, processes, or services, including incidental manufacturing of products or provision of services to others.

"Residential care facility, accessory" means twenty-four hour nonmedical care of six or fewer persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the state of California.

"Residential care facility, non-accessory" means twenty-four hour nonmedical care for seven or more persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California.

"Restaurant" means a use providing preparation and retail sale of food and beverages, including sandwich shops, ice cream parlors, and similar uses.

"Right-of-way" means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

"Room, recreation" means a single room in a main building or in an accessory building designed and/or used exclusively for recreational purposes by the occupants or guests of the premises.

"Rubbish" means all nonreusable waste or debris such as paper, cardboard, grass, tree or shrub trimmings, rugs, straw, clothing, wood or wood products, crockery, glass, rubber, metal, plastic, construction waste and debris, and other similar materials.

"Run off" means water which is not absorbed by the soil or landscape to which it is applied and flows from the area.

"Run with the land" means a covenant restriction to the use of land contained in a deed and binding on the present and all future owners of the property.

"San Diego County Municipal Storm Water Permit" means the current permit for operation of the City's municipal separate storm sewer system issued by the San Diego Regional Water Quality Control Board.

"School, business or trade" means a use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, educational facility, or commercial school.

"School, commercial" means a use providing facilities for instructional services in photography, fine arts, crafts, gymnastics, karate, dance, music, tutoring or other similar activity.

"Screened" means shielded, concealed, and effectively hidden from view by a person standing at ground level on an abutting site, or outside the area or subject to screening, by a fence, wall, hedge, berm, or similar architectural or landscape feature.

"Secondhand store or thrift shop" means any place engaged in the business of buying and selling, trading or accepting for sale on consignment secondhand property.

"Secondhand property" means personal property of which prior use has been made, including antiques.

"Service, automotive" means a use engaged in sale, rental, service, or major repair of new or used automobiles, trucks, trailers, boats, motorcycles, mopeds, recreational vehicles, or other similar vehicles, including tire recapping, painting, body and fender repair, and engine, transmission, air conditioning, and glass repair and replacement, and similar services.

"Service station" means an establishment offering the sale of gasoline, oil, minor automotive accessories, and minor repair services for the operation of motor vehicles, but not including painting, body work, steam cleaning, or major repairs.

"Service, takeout" means a feature or characteristic of eating and drinking services which encourage or allow, on a regular basis, consumption of food and beverages outside of a building, such as in outdoor seating areas where regular table service is not provided, in vehicles parked on the premises, or off the site.

"Setback" means a required, specified distance between a building or structure and a lot line or lines.

"Setback line" means a line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures and uses on the lot.

"Shopping center" means a group of commercial establishments, which includes ten or more tenant spaces, planned, developed, owned, or managed as a unit, with off-street parking provided on the site.

"Single household unit" means an interactive group of persons jointly occupying a single dwelling unit including the joint use of common areas and sharing household activities and responsibilities such as meals, chores, and expenses. A boarding house is not a single household unit unless the Director determines that sufficient evidence has been provided that the boarding house meets the definition of a single household unit set forth herein. For purposes of the definition of "Group care facilities, limited," a single household unit's members shall also be a nontransient group.

"Site area" means the net horizontal area included within the boundary lines of a site, not including the area within the established right-of-way of a public street, future public street, or railroad, or any other area dedicated or to be dedicated for a public use.

"Site plan" means a plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses and the exact manner of development proposed for a specific parcel of land.

"Slope" means the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

"Small collection facility" means a center for the acceptance by donation, redemption or purchase of recyclable materials from the public which does not exceed 500 square feet in area and can include: mobile units, bulk reverse vending machines and unattended containers placed for the donation of recyclable materials.

"Solar access" means a property owners' right to have sunlight shine on his or her property. "Sprinkler head" means a device, which sprays water through a nozzle.

"Stable, commercial" means a stable for horses, mules or ponies, which are rented, used or boarded on a commercial basis far compensation.

"Stable, private" means an accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not rented, used or boarded on a commercial basis for compensation.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of any floor next above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

"Story, half" means a story with at least two of its opposite sides meeting a sloping roof, not more than two feet above the floor of such story.

"Street" means any public or private thoroughfare with a width of 20 feet or more, which affords a primary means of access to abutting property.

"Street line" means the boundary line between a street and abutting property.

"Street, peripheral" means an existing street whose right-of-way is contiguous to the exterior boundary of the subdivision.

"Street, private" means a street in private ownership, not dedicated as public street, which provides the principal means of vehicular access to a property and not to be construed to mean driveways, alleys, or parking areas.

"Street, public" means a street owned and maintained by the City, the county, or the state. The term includes streets offered for dedication which have been improved, or for which a bonded improvement agreement is in effect.

"Structural alterations" means any change in the supporting members of a structure such as the bearing walls or partitions, columns, beams or girders.

"Structure, attached residential accessory" means a subordinate, non-habitable structure that is incidental and attached to the main dwelling on the same lot. Attached residential accessory structures would include, but not be limited to, garages, carports, unenclosed covered patios, pergolas, workshops, and storage structures.

"Structure, auxiliary" means a subordinate building or structure which is incidental and not attached to the main building or use on the same lot. If an auxiliary building is attached to the main building or if the roof is a continuation of the main building roof, the auxiliary building shall be considered an addition to the main building.

"Structure, detached residential accessory" means a subordinate, non-habitable structure that is incidental and not attached to the main dwelling on the same lot. Detached residential accessory structures would include, but not be limited to, garages, carports, unenclosed covered patios, pergolas, workshops, sheds, gazebos, cabanas, and storage structures.

"Structure, habitable" means a structure for living, sleeping, and/or cooking.

"Structure, non-habitable" means a structure not for living, sleeping, and/or cooking. Non-habitable structures would include, but not be limited to, garages, carports, unenclosed covered patios, pergolas, workshops, sheds, gazebos, cabanas, and storage structures.

"Structure, temporary" means a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

"Subdivider" means a person, firm, corporation, partnership, or associate who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or for others; except that employees and consultants of such persons or entities, acting in such capacity, are not "Subdividers."

"Subdivision" means the division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

"Subdivision, custom lot" means a subdivision which creates parcels to be sold in an undeveloped state to individual owners for development of not more than four units per owner.

"Subdivision, tract" means a subdivision which creates five or more parcels to be developed as a whole by an owner or builder.

"Supportive housing" has the same meaning as defined in subdivision (b) of Section 50675.14 of the State Health and Safety Code.

"Tattoo parlor" means any place of business that engages in tattooing persons by any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or colors, by the aid of needles or instruments.

"Tobacco paraphernalia business" means an establishment that devotes more than a two foot by four foot (two feet in depth maximum) section of shelf space for equipment, products, and materials of any kind (excluding lighters and matches) which are intended or designed for the use of or with tobacco, and includes, but is not limited, to the following:

1. Kits intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of tobacco plant.

2. Kits intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing tobacco.

3. Isomerization devices intended for use or designed for use in increasing the potency of any species of tobacco plant.

4. Testing equipment intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of tobacco.

5. Scales and balances intended for use or designed for use in weighing or measuring tobacco.

6. Separation gins and sifters intended for use or designed for use in removing twigs, stems, seeds, or other foreign material form, or in otherwise cleaning or refining, tobacco.

7. Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in compounding tobacco substances or substances containing tobacco.

8. Envelopes, pouches, capsules, balloons, and other containers intended for use or designed for use in packaging small quantities of tobacco.

9. Containers and other objects intended for use or designed for use in storing or concealing tobacco.

10. Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing tobacco into the human body, such as the following:

11. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, or punctured metal bowls.

12. Water pipes.

13. Carburetion tubes and devices.

14. Smoking and carburetion masks.

15. Clips or other devices intended to hold burning material, such as a cigarette, that has become too small or too short to be held in the hand.

16. Chamber pipes.

17. Carburetor pipes.

18. Electric pipes.

19. Air-driven pipes.

20. Chillums.

21. Bongs.

22. Ice pipes or chillers.

Nothing in the definition of tobacco paraphernalia business is intended to nor shall be interpreted as legalizing or applying to any use otherwise prohibited by state or federal law, including, without limitation, California Penal Code Section 308 and Health and Safety Code Sections 11014.5, 11364, 11364.5 and 11364.7.

"Tot lot" means an improved and equipped play area for small children usually up to elementary school age.

"Townhouse" means a building subdivided into individual units such that each owner owns the structure and the land upon which the unit is located, plus a common interest in the land upon which the building is located.

"Transitional area" means an area which acts as a buffer between two land uses of different intensity.

"Transitional housing" has the same meaning as defined in subdivision (h) of Section 50675.2 of the State Health and Safety Code.

"Travel trailer" means a vehicle which is designed or used for human habitation and for travel or recreational purposes which does not at any time exceed eight feet in width and 40 feet in length and which may be moved upon a public highway without a special permit or chauffeur's license or both without violating any provisions of the California Vehicle Code.

"Truck terminal" means a lot, lot area or parcel of land used, designed or maintained for the purpose of storing, parking, refueling, repairing, dispatching, servicing or keeping motor trucks and associated equipment together with those facilities necessary to service, dispatch, store or maintain the aforementioned vehicles, their cargoes and crews.

"Turf" means a surface layer of earth containing mowed grass with its roots. Annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue and tall fescue are cool season grasses. Bermuda grass, Kikuyugrass, seashore paspalum, St. Augustine grass, zoysiagrass and buffalo grass are warm season grasses.

"University" or "college" means an educational institution of higher learning which offers general academic instruction as determined by the State Board of Education.

"Use" means the conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

"Use, accessory" means a use which is incidental to, and customarily associated with, a specified principal use, and which meets the applicable conditions set forth in this title.

"Use, change of" means the replacement of an existing use by a new use, or a change in the nature of an existing use, but not including a change of ownership, tenancy, name, or management where the previous nature of the use, line of business, or other function is substantially unchanged.

"Use, conditional" means a use, listed by the regulations of any particular district as a conditional use within that district and allowable therein, solely on a discretionary and conditional basis, subject to a conditional use permit or minor conditional use permit, and to all other regulations established by this code.

"Use, discontinued" means to cease or discontinue a use or activity, excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving a facility.

"Use, drive-in" means an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in the motor vehicles.

"Use, permitted" means a use listed by the regulation of any particular district as a permitted use within that district, and permitted therein as a matter of right when conducted in accord with the regulations established by this title.

"Use, principal" means a use which fulfills a primary function of household, establishment, institution, or other entity.

"Use, single-family" means the use of a site for only one dwelling unit.

"Use, temporary" means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

"Use, transitional" means a land use of an intermediate intensity between a more intensive and less intensive use.

"Value" or "valuation" means the estimated cost to replace a structure in kind, based on current replacement costs.

"Valve" means a device used to control the flow of water in the irrigation system.

"Variance" means permission to depart from the literal development requirements of the zoning ordinance.

"Vehicle" means a self-propelled device by which persons or property may be moved upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

"Vehicle, recreational" means a vehicle towed or self-propelled an its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term recreational vehicle shall include but shall not be

limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

"Vehicle storage/impound facility" means any lot, lot area, or parcel of land used, designed, or maintained for the specific purpose of storing, impounding, or keeping motor vehicles, but not including dismantling or wrecking activities.

"Wall, front" means the nearest wall of a building or other structure to the street upon which the building faces, but excluding cornices, canopies, eaves or any other architectural embellishments.

"Warehousing" means the use of a building or buildings primarily for the storage of goods of any type, but excluding bulk storage of materials which are flammable or explosive or which create hazardous or commonly recognized offensive conditions.

"Wholesaling" means the use engaged primarily in the selling of any type of goods for purpose of resale, including incidental storage and distribution.

"Yard" means an open space that lies between the principal or accessory building or buildings and the nearest lot line.

"Yard, corner side" means a side yard which faces a public street on a corner lot and extends from the front yard to the rear yard.

"Yard, front" means a yard extending the full width of the lot between the front lot line and a line parallel thereto and passing through the nearest point of the building; provided that, if a future street right-of-way has been established, such measurement shall be from the future street right-of-way line.

"Yard, rear" means a yard extending the full width of the lot between the rear lot line and a line parallel thereto. For through lots, if a future street right-of-way has been established, such measurement shall be from the future street right-of-way line.

"Yard, side" means a yard between the side lot line and a line parallel thereto and extending from the front yard to the rear yard.

"Zero lot line" means the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

"Zoning administrator" means the Director of the City and shall include his or her deputies. (Ord. 553 § 3, 2018; Ord. 546 § 3, 2017; Ord. 517 § 1, 2013; Ord. 495 § 1, 2010; Ord. 478 § 1, 2008; Ord. 469 §§ 1—4, 2007; Ord. 438 § 1, 2003; Ord. 434 § 2, 2003; Ord. 432 § 3, 2003; Ord. 431 § 3, 2003; Ord. 420 Exh. A, 2002; Ord. 401 § 2, 2001; Ord. 378 §§ 2, 3, 1998; Ord. 364 § 2, 1997; Ord. 295 § 2, 1993; Ord. 289 § 2 1992; Ord. 284 § 2, 1992; Ord. 281 § 3, 1992; Ord. 273, 1991; Ord. 265, 1991; Ord. 250, 1990; Ord. 227, 1989; Ord. 212, 1988; Ord. 210 § 1, 1988; Ord. 207 § 1, 1988; Ord. 201, 1988; Ord. 152, 1985)

EXHIBIT 2

CHAPTER 13.06 PERMITS

13.06.010 Purposes and general plan consistency.

This chapter contains the procedures and regulatory provisions necessary to administer this code in order to provide for land use consistency with the general plan, regulate uses which have the potential to adversely affect surrounding properties, promote a visually attractive community, and provide flexibility in standards and requirements when special circumstances exist. (Ord. 152, 1985)

13.06.020 Permit applications—Complete.

Any application for a permit or entitlement pursuant to this code, must be accepted as complete for processing by the Director in order to initiate the official review process. All required materials, information and fees as required by the Director shall be provided by the applicant before the application is complete for processing. (Ord. 152, 1985)

13.06.030 Conditional use permits and minor conditional use permits.

A. Purpose and Intent. The purpose of these regulations is to create flexibility necessary to achieve the objectives of the zoning ordinance and general plan. Selected uses in each district are allowed only subject to the granting of a conditional use permit or a minor conditional use permit, because of their unique site development requirements and operating characteristics, which require special consideration in order to operate in a man-ner compatible with surrounding uses. The conditional use permit and minor conditional use permit processes are intended to afford an opportunity for broad public review and evaluation of these requirements and characteristics, to provide adequate mitigation of any potentially adverse impacts, and to ensure that all site development regulations and performance standards are provided in accordance with the zoning ordinance.

B. Authority. The Planning Commission is authorized to grant conditional use permits and the Director is authorized to grant minor conditional use permits to achieve these purposes as prescribed in accordance with the procedures in this section and impose reasonable conditions. Conditions may include, but shall not be limited to, requirements for setbacks, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping, erosion control measures, and other improvements; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules or time limits for performance or completion; requirements for periodic review by the Planning Commission for conditional use permits, or the Director for minor conditional use permits, and such other conditions as the Planning Commission or the Director, as appropriate may deem necessary to ensure compatibility with surrounding uses, to preserve the public health, safety, and welfare, and to enable the Planning Commission or the Director, as appropriate to make the findings required by Subsection E of this section.

C. Application. An application for a conditional use permit or minor conditional use permit shall be filed with the department in a manner prescribed by the Director.

D. Public Hearing. The Planning Commission shall hold a public hearing on each application for a conditional use permit and the Director shall hold a public hearing on each application for a minor conditional use permit, unless the Director determines that review of the minor conditional use permit by the Planning Commission is warranted. The hearings shall be set and notice given as prescribed in Section 13.04.100.

E. Findings. Before approving a conditional use permit or minor conditional use permit, the Planning Commission or the Director, as appropriate, shall make certain findings that the circumstances prescribed below do apply. If the conditional use permit is for the purpose of permitting an expansion or restoration of a nonconforming use or structure, then only the findings in Section 13.04.110(F) must be made.

1. That the proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of the district in which the site is located.

2. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

3. That the proposed use complies with each of the applicable provisions of the zoning ordinance.

4. Regarding all properties designated as general commercial, neighborhood commercial or office professional: Development and redevelopment shall be comprehensively designed, entitled and developed whenever it is determined by the City that the permitting of incremental construction and uses may significantly inhibit or otherwise be detrimental to fulfilling the economic and development potential of the site. Any development review permit, conditional use permit or minor conditional use permit which is not consistent with this policy shall be denied.

F. Preexisting Conditional Use Permits.

1. A use legally established prior to the effective date of this code or prior to the effective date of subsequent amendments to the regulations or district boundaries which did not previously receive a conditional use permit or minor conditional use permit shall be deemed a preexisting conditional use. Such uses may continue in accordance with Section 13.04.110, and provided that the use is operated and maintained in compliance with the conditions prescribed at the time of its establishment, if any.

2. Alteration, expansion, or reconstruction of a building housing a preexisting conditional use shall comply with Section 13.04.110 regulating nonconforming uses, until such time that a conditional use permit or minor conditional use permit is granted as provided in this section.

G. Revisions or Modifications. Revisions or modifications to conditional use permits or minor conditional use permits can be requested by the applicant. Further, the Planning Commission may periodically review, modify or revoke a conditional use permit and the Director may periodically review, modify or revoke a minor conditional use permit.

1. Revisions or Modifications by Applicant. A revision or modification to an approved conditional use permit or minor conditional use permit such as, but not limited to, change in conditions of approval, expansions, intensification, location, hours of operation, may be requested by an applicant. Such request shall be processed as described in subsections C through E of this section unless, in the Director's opinion, the request could be processed as a minor revision pursuant to Section 13.04.060. The applicant shall supply necessary information as determined by the City, to indicate reasons for the requested change.

2. Review by Planning Commission or Director. The Planning Commission may periodically review any conditional use permit and the Director may periodically review any minor conditional use permit to ensure that it is being operated in a manner consistent with conditions of approval or in a manner which is not detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity. If, after review, the Planning Commission or the Director deems that there is sufficient evidence to warrant a full examination, then a public hearing date shall be set.

3. Modification or Revocation by the Planning Commission or the Director.

    (a) After setting a date for public hearing as described in Subsection (D) of this section, the Director shall notify the applicant and owners of the conditional use permit or minor conditional use permit in question. Such notice shall be sent by certified mail and shall state that the Planning Commission will review the conditional use permits for possible modification or revocation, or the Director will review minor conditional use permits for possible modification or revocation. It shall also state the date, time and place of hearing.

The public hearing shall be conducted and notice given in accordance with Section 13.04.100.

    (b) Upon conclusion of the public hearing, the Planning Commission or the Director, as appropriate, shall render a decision to do one of the following measures:

        (i) Find that the conditional use permit or minor conditional use permit is being conducted in an appropriate manner and that no action to modify or revoke is necessary; or

        (ii) Find that the conditional use permit or minor conditional use permit is not being conducted in an appropriate manner and that modifications to conditions are necessary; or

(iii) Find that the conditional use permit or minor conditional use permit is not being conducted in an appropriate manner and that modifications are not available to mitigate the impacts and therefore revoke the permit which requires the operation to cease and desist in the time allotted by the Planning Commission or the Director.

(c) If the Planning Commission or the Director either modifies or revokes a conditional use permit, or minor conditional use permit, then the reasons for such action shall be stated within the resolution. (Ord. 451 § 2, 2005; Ord. 420 Exh. B, 2002; Ord. 190 § 1, 1987; Ord. 152, 1985)

13.06.040 Variances.

A. Purpose and Intent. The purpose of this section is to provide flexibility from the strict application of development standards when special circumstances pertaining to the property such as size, shape, topography, or location deprives such property of privileges enjoyed by other property in the vicinity and in the same district, consistent with the objectives of the development code. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.

B. Authority.

1. The Director is authorized to grant variances to achieve these purposes as prescribed in accordance with the procedure in this section, with respect to development standards such as, but not limited to, fences, walls, hedges, screening, and landscaping; site area, width, and depth; setbacks; lot coverage; height of structures; usable open space; performance standards; and on-street and off-street parking and loading facilities and impose reasonable conditions. Conditions may include, but shall not be limited to, requirements for setbacks, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures and other improvements, requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules or time limits for performance or completion; requirements for periodical review by the Director; and such other conditions as the Director may deem necessary to ensure compatibility with surrounding uses, to preserve the public health, safety, and welfare, and to enable the Director to make the findings required by Section 13.06.040(E).

2. The power to grant variances does not extend to use regulations. Flexibility to the use regulations is provided pursuant to Sections 13.06.030 and 13.04.040.

3. Variances may be granted in conjunction with conditional use permits and development review permits subject to Subsection E of this section. Such variances do not require a separate application or a separate public hearing.

C. Application. An application for a variance shall be filed with the Department in a form prescribed by the Director.

D. Public Hearing. The Director shall hold a public hearing on each application for a variance. The hearing shall be set and notice given as prescribed in Section 13.04.100.

E. Findings.

1. Before granting a variance, the Director shall make the following findings that the circumstances prescribed below do apply:

(a) That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the general plan and intent of this code;

(b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zoning district;

(c) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district;

(d) That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same district, and will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

2. Parking. The Director may grant a variance in order that some or all of the required parking spaces be located off-site, including locations in other local jurisdictions, or that in-lieu fees or facilities be provided instead of the required parking spaces, if both the following conditions are met:

(a) The variance will be an incentive to, and a benefit for, the nonresidential development;

(b) The variance will facilitate access to nonresidential development by patrons of public transit facilities, particularly guideway facilities. (Amended during 1989 supplement; Ord. 152, 1985)

13.06.050 Minor exception.

A. Purpose and Intent. In order to provide flexibility necessary to achieve the objectives of the development code, selected site development regulations and applicable off-street parking requirements are subject to administrative review and adjustment in those circumstances where such adjustment will be compatible with adjoining uses or necessary to provide reasonable accommodation for persons with disabilities, and consistent with state or federal law, and consistent with the goals and objectives of the general plan and the intent of the code.

B. Authority. To achieve these purposes, the Director is authorized to grant a minor exception for the following reasons in accordance with the procedures in this section and to impose reasonable conditions. Conditions may include, but shall not be limited to, requirements for setbacks, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures and other improvements; regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules or time limits for performance or completion; requirements for periodical review by the Director; and such other conditions as the Director may deem necessary to ensure compatibility with surrounding uses, to preserve the public health, safety, and welfare, and to enable the Director to make the findings required by Section 13.06.050(E).

1. Fence Height. In any district the maximum height of any fence, wall, hedge or equivalent screening may be increased by a maximum two feet, where the topography of sloping sites or a difference in grade between adjoining sites warrants such increase in height to maintain a level of privacy, or to maintain effectiveness of screening, as generally provided by such fence, wall, hedge or screening in similar circumstances.

2. Setbacks. In any residential district, the Director may decrease the minimum setback by not more than 25% where the proposed setback area or yard is in character with the surrounding neighborhood and is not required as an essential open space or recreational amenity to the use of the site, and where such decrease will not unreasonably affect abutting sites.

3. Lot Coverage. In any residential district, the Director may increase the maximum lot coverage by not more than ten percent of the lot area, where such increases are necessary for significantly improved site planning or architectural design, creation or maintenance of views, or otherwise facilitate highly desirable features or amenities, and where such increase will not unreasonably affect abutting sites.

4. Off-site Parking. The Director may authorize a maximum 25% of the required parking for a use to be located on a site not more than 300 feet from the site of the use for which such parking is required, where in the Director’s judgment off-site parking will serve the use equally as effectively and conveniently as providing such parking on the same site as the use for which it is required. The Director may require conditions as deemed necessary to ensure utility, availability, and maintenance of such joint use of off-site facilities.

5. On-Site Parking.

(a) The Director may authorize a maximum 25% reduction in the required on-site parking requirements when it is proven that it will not result in a traffic hazard or impact the necessary parking for the use.

(b) The Director may approve pre-existing, reduced sized garage parking areas in single-family zones when the following conditions are met:

(i) a 20-foot wide by 20-foot long driveway is provided entirely on private property;

(ii) the driveway requirements in subdivision 5.(b)(i) is similar to other homes in the area; and

(iii) sufficient on-street parking is available in the neighborhood.

(c) The Director may authorize a maximum of two and one-half feet parking stall overhang into the required front and/or street yard landscape setback areas only to provide the minimum driveway width required by the Fire Department.

(d) The Director may authorize the use of reduced size parking spaces for required parking on sites that are limited by size, street access, or topography.

6. Height. In any district the Director may authorize a ten percent increase in the maximum height limitation. Such increases may be approved where necessary to significantly improve the site plan or architectural design, and where scenic views or solar access on surrounding properties are not affected.

7. Paved Surfaces. In any residential district, the Director may increase the maximum paving available for parking and access in a required front yard area by not more than 25%, when it is proven that access to the rear yard cannot be provided, or that the parking of vehicles within the permitted regulations is not feasible due to the unique physical characteristics of the property (natural or constructed), and that the location of the parking area will not present a conflict with necessary sight distance required for vehicles and/or pedestrians, either within the public right-of-way or on private property.

C. Application. An application for a minor exception shall be filed with the Department, in a form prescribed by the Director. No minor exception application fee shall be collected for reasonable accommodation requests filed pursuant to this section.

D. Notification. The Director shall notify the applicant and contiguous property owners by mail ten days prior to the Director's decision. Said notice shall state the following:

1. Requested action;

2. Location of requested action by address and assessor's parcel number;

3. Name and address of applicant;

4. Date after which a decision will be made on application;

5. Name of the Director and telephone number of city hall.

E. Findings. The Director shall make the following findings when approving an application for a minor exception:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the general plan and intent of the development code.

2. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same district.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by other property owners in the same district.

4. That the granting of the minor exception will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same district, and will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. (Ord. 517 § 2, 2013; Ord. 468 §§ 1—3, 2007; Ord. 226 § 1, 1989; amended during 1989 supplement; Ord. 152, 1985)

13.06.055 Reasonable Accommodation – Residential Accessibility

A. Purpose and Intent. It is the policy of the City of Santee, pursuant to the Federal Fair Housing Act, the Federal Fair Housing Amendments Act of 1988, and the California Fair Employment and Housing Act, to provide people with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing. The purpose of these provisions is to provide a process for making requests for reasonable accommodation to land use and zoning decisions.

B. Authority. The Director is authorized to grant a reasonable accommodation request in accordance with the procedures in this section in order to make specific housing available to individuals with disabilities.

C. Application. Any individual with a disability or person acting on their behalf may submit a request in writing to the Department of Development Services for reasonable accommodation in the rules, policies, practices, and procedures regulating the siting, funding, development or use of housing. A reasonable accommodation request may include, but is not limited to yard area encroachments for ramps, handrails, or other such accessibility

improvements; hardscape additions, such as widened driveways, parking area or walkways that would not otherwise comply with required landscaping or open space area provisions; and building addition(s) required strictly for accessibility accommodation. If an Applicant needs assistance in making the request or any appeals associated with the request, the Department of Development Services shall provide reasonable assistance necessary to ensure the process is accessible to the Applicant. No application fee shall be collected for reasonable accommodation requests filed pursuant to this section.

D. Review Process. When a request for reasonable accommodation is filed with the Department of Development Services, it is referred to the Development Services Director for review and consideration. If necessary to reach a determination on the request for reasonable accommodation, the Development Services Director may request further information from the Applicant consistent with the Federal Fair Housing Amendments Act of 1988, specifying in detail what information is required. Not more than 30 days after receiving a written request for reasonable accommodation, the Development Services Director shall issue a written determination on the request. In the event that the Development Services Director requests further information pursuant to the paragraph above, this 30-day period shall be suspended. Once the Applicant provides a complete response to the request, a new 30-day period shall begin.

E. Findings. The Development Services Director shall consider the following criteria when determining whether a requested accommodation is reasonable:

1. The Applicant making the request for reasonable accommodation is an individual protected under the Federal Fair Housing Amendments Act of 1988.

2. The accommodation is necessary to make a specific dwelling unit(s) available to an individual protected under the Federal Fair Housing Amendments Act of 1988.

3. The requested accommodation would not impose an undue financial or administrative burden on the City.

4. The requested accommodation would not require a fundamental alteration in the nature of a program, policy, and/or procedure.

F. Written Determination. The Development Services Director's written determination on the request for reasonable accommodation shall explain in detail the basis of the determination, including the findings on the criteria set forth Section 13.06.055(E). All written determinations shall give notice of the right to appeal as set forth in Section 13.06.055(G), and shall state whether removal of the improvements will be required if the need for which the accommodation was granted no longer exists and removal would not constitute an unreasonable financial burden.

G. Appeals.

1. Within thirty (30) days of the date of the Development Services Director's written decision, an applicant may appeal an adverse decision to the City Council. Appeals from the adverse decision shall be made in writing.

2. If an individual needs assistance in filing an appeal on an adverse decision, the City will provide assistance to ensure that the appeals process is accessible.

3. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

4. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available. (Ord. 517 § 2, 2013)

13.06.060 Home occupations.

A. Purpose and Intent. The intent of these regulations is to assure those home occupations in residential neighborhoods, (residential-business district excepted) under conditions; are compatible with the surrounding neighborhood.

B. Authority. The Director is authorized to approve, impose reasonable conditions upon such approval, or deny such requests.

C. Allowed Home Occupations. Subject to the requirements of this section, the following are authorized Home Occupations:

1. Office use for professional services that involve the use of a computer, telephone, and other electronic equipment;

2. Music lessons, art lessons, academic tutoring, and similar uses as determined by the Director with limited clientele visits;

3. Hairdresser services with limited clientele visits;

4. On-line sales for art and craft work and similar uses as determined by the Director;

5. Cottage Food Operations and Microenterprise Home Kitchen Operation as authorized by the California Retail Food Code and subject to conditions established by the County of San Diego Department of Environmental Health;

6. Other uses may be permitted by the Director if the intensity of the activity is not detrimental to the surrounding neighborhood.

D. Prohibited Home Occupations

1. Automotive repair and/or engine rebuilding;

2. Upholstering;

3. Machine or welding shop;

4. Other similar commercial uses that are not compatible with residential uses as determined by the Director of Development Services.

E. Mandatory Conditions for Operation of Home Occupations. Home occupations may be permitted on property used for residential purposes based on the following conditions:

1. No persons, other than residents of the dwelling unit, shall be engaged in such activity.

2. There shall be no change in the outward appearance of the building or premises, or other visible evidence of the activity, nor shall it cause an undue amount of vehicular traffic or parking within the neighborhood.

3. There shall be no sales of products on the premises, except produce (fruit or vegetables) grown on the subject property.

4. The use shall not generally allow customers or clientele to visit dwellings. However, limited clientele visits for such uses as music lessons, swim lessons, hairdresser services and similar uses as determined by the Director, may be permitted if the intensity of the activity is approved by the Director.

5. The home occupation operation shall be consistent with the permitted residential use, and shall not:

   (a) Create any conditions that are detrimental to the residential neighborhood such as significantly increased traffic; or

   (b) Cause increased noise, dust, lighting, odor, smoke, fumes, vibration, electrical, radio or television disturbances or violate any applicable ordinances or laws; or

   (c) Cause a change in the building code occupancy in the structure where it is located. Examples of uses that do not qualify as home occupation include automotive repair and/or engine rebuilding, upholstering, machine or welding shop or similar uses that are not compatible with residential uses. The activities conducted and equipment, material or hazardous materials used shall be identified on the business license application and shall not change the fire safety or residential occupancy classifications of the premises.

6. No home occupation shall be conducted in an accessory building. Normal use of the garage may be permitted if such use does not obstruct required parking.

7. The use shall not involve outdoor storage of materials or supplies or storage of materials in an accessory building.

8. No signs shall be displayed in conjunction with the home occupation.

9. A home occupation is not valid until a current city business license is obtained.

10. The use shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than one vehicle not to exceed a capacity of one and one half tons owned by the operator of such home occupation.

11. If an applicant is not the owner of the property where a home occupation is to be conducted, then a signed statement from the owner approving such use of the dwelling must be submitted with the application. (Ord. 438 § 1, 2003; Ord. 327 § 2, 1994; Ord. 152, 1985)

13.06.070 Temporary uses.

A. Purpose and Intent. The purpose of this section is to control and regulate land use activities of a temporary nature which may adversely affect the public health, safety, and welfare. The intent is to ensure that temporary uses will be compatible with surrounding land uses, to protect the rights of adjacent residences and land owners, and to minimize any adverse effects on surrounding properties and the environment.

B. Authority.

1. The Director is authorized to approve, conditionally approve with reasonable conditions or to deny such request. The Director may establish conditions and limitations including but not limited to hours of operation, provision of parking areas, signing and lighting, traffic circulation and access, temporary or permanent site improvements, and other measures necessary to minimize detrimental effects on surrounding properties.

2. The Director also may require a cash deposit or cash bond to defray the costs of cleanup of a site by the City in the event the applicant fails to leave the property in a presentable and satisfactory condition, or to guarantee removal and/or reconversion of any temporary use to a permanent use allowed in the subject district.

C. Temporary Uses—Allowed. The following temporary uses shall be exempt from the permit requirements of this section, with the exception of any temporary use to be located on city property. The uses listed in this section, however, require compliance with the criteria contained in Subsection D of this section.

1. Parking lot and sidewalk sales for businesses located within a commercial or industrial zoned property;

2. Outdoor art and craft shows or sales subject to not more than fifteen days of operation or exhibition in any ninety-day period;

3. Seasonal retail sale of agricultural products raised on the premises, limited to periods of ninety days in a calendar year. A minimum of ten off-street parking spaces shall be provided;

4. Patriotic, historic, or similar displays or exhibits subject to not more than 30 days in a calendar year;

5. Holiday display sales, that include pumpkins, Thanksgiving-related items, Christmas trees, decorations and other related accessory items, limited to no more than ninety days of operation, commencing October 15th of any given year and ending no later than January 15th of the following year.

6. Trade fairs limited to not more than fifteen days of operation or exhibition in any ninety-day period;

7. Charitable special events subject to not more than fifteen days of operation in any ninety-day period;

8. Recreational vehicles for use by guests or visitors of residents of the City are allowed subject to the conditions below. Recreational vehicles shall have the same meaning as defined in Section 13.04.140(C) of this title, except that boats and boat trailers are excluded;

   (a) The use shall not be permitted for more than 30 calendar days in any calendar year, and

   (b) The recreational vehicle must be parked outside the public right-of-way on a paved surface pursuant to Section 13.10.060(B)(1) of this title on property owned or leased by the host and on which there is located a permanent single-family dwelling unit occupied by the host, and

   (c) The location of the recreational vehicle shall not conflict with fire department access requirements, and

   (d) Water, sewer, and/or gas hook-ups except as otherwise permitted by Section 10.10.275 of this code, are not permitted. The recreational vehicle must be self-contained or water and sanitary facilities must be available within 200 feet of the vehicle.

   (e) Temporary electrical service is permitted for the duration of the permit.

9. Pony rides, not more than fifteen days in any ninety-day period.

10. Additional uses determined to be similar to the foregoing, by the Director.

D. Performance Standards. The temporary uses allowed pursuant to this section shall comply with the following standards:

1. All lighting shall be directed away from and shielded from adjacent residential areas. An electrical permit shall be obtained if required pursuant to the building code;

2. Adequate parking shall be provided and the use shall not obstruct the use of any required driveway;

3. The use shall not obstruct any public sidewalk or otherwise be located within the public right-of-way unless an encroachment permit is obtained from the Department;

4. The use shall comply with any applicable requirement of the Fire Department;

5. The use shall not adversely affect traffic circulation on surrounding public streets.

E. Temporary Uses—Permit Required. An application for a temporary use permit shall be required for the following activities and shall be subject to conditions established by this section and any other additional conditions as may be prescribed by the Director.

1. Circuses, carnivals, rodeos, or similar traveling amusement enterprises subject to the following guidelines and conditions:

(a) All such uses shall be limited to not more than fifteen days, or more than three weekends, of operation in any 180 day period. To exceed this time limitation shall require the review and approval of a conditional use permit as prescribed in Section 13.06.030;

(b) All such activities shall have a minimum setback of 100 feet from any residential area. This may be waived by the Director if in his opinion no adverse impacts would result;

(c) Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Director;

(d) Restrooms shall be provided;

(e) Security personnel shall be provided;

(f) Special, designated parking accommodations for amusement enterprise workers and support vehicles shall be provided;

(g) Noise attenuation for generators and carnival rides shall be provided to the satisfaction of the Director;

(h) Comply with stormwater pollution prevention policies and best management practices;

(i) Implement any other conditions the Director deems necessary to ensure compatibility with the surrounding uses and to preserve the public health, safety and welfare.

2. Model Homes. Model homes may be used as offices solely for the first sale of homes within a recorded tract subject to the following conditions:

(a) The sales office may be located in a garage, trailer or dwelling;

(b) Approval shall be for a two-year period, at which time the sales office use shall be terminated and the structure restored back to its original condition. Extensions may be granted by the Director in one year increments up to a maximum of four years or until 90% of the development is sold; whichever is less;

(c) A cash deposit, letter of credit, or any security determined satisfactory to the City shall be submitted to the City, in an amount to be set by council resolution, to ensure the restoration or removal of the structure;

(d) The sales office is to be used only for transactions involving the sale, rent or lease of lots and/or structures within the tract in which the sales office is located, or contiguous tracts;

(e) Failure to terminate the sales office and restore the structure or failure to apply for an extension on or before the expiration date will result in forfeiture of the cash deposit, a halt in further construction or inspections activity on the project site, and enforcement action to ensure restoration of the structure;

(f) Street improvements and temporary off-street parking at a rate of two spaces per model shall be completed to the satisfaction of the City engineer and Director prior to commencement of sales activities or the display of model homes;

(g) All fences proposed in conjunction with the model homes and sales office shall be located outside the public right-of-way;

(h) Flags, pennants, or other on-site advertising shall be regulated pursuant to the sign regulations of the municipal code;

(i) Use of signs shall require submission of a sign permit application for review and approval by the Department prior to installation;

(j) Each major subdivision proposing a model home complex consisting of two or more models shall provide a four square foot sign in the front yard of one or more of the models indicating that the model provides a water saving landscape and irrigation design pursuant to current city codes. A drawing or drawings shall be displayed in the model, or models, which shows the landscaping design and includes a key identifying the common name of the plants used in the design. It is encouraged that additional literature describing water conserving landscaping and irrigation be made available to prospective buyers or referenced in the interior display.

3. Travel trailers, recreational vehicles, or mobilehomes shall be permitted on active construction sites for use as either temporary living quarters for security personnel, or as a temporary residence of the subject property owner. Recreational vehicle shall have the same meaning as defined in Section 13.04.140(C) of this title, except that boats and boat trailers are excluded. The following conditions shall apply:

   (a) The Director may approve the temporary use for the duration of the construction project or for a specified period, but in no event for more than two years. If exceptional circumstances exist, a one-year extension may be granted, provided that the building permit for the first permanent dwelling or structure on the same site has also been extended; and

   (b) Prior to placement of the travel trailer, mobilehome or recreational vehicle on the site, any required permits from the City building division shall be obtained; and

   (c) Any travel trailer or recreational vehicle used pursuant to this section, shall have a valid California Vehicle license; and

   (d) Any mobilehome used pursuant to this section shall meet the requirements of the State Health and Safety Code and show evidence of approval by the State Department of Housing and Community Development; and

   (e) Any permit issued pursuant to subdivision 3 of this Subsection in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which this use has been approved, or the expiration of the time for which the approval has been granted. The invalid use is then subject to the permits and regulations stated within Section 13.10.030(E).

4. Temporary outdoor storage is permitted in the industrial zones for industrial uses and storage and wholesale trades as identified in Table 13.14.030A, subsections A and B, subject to the following guidelines and conditions.

   (a) No temporary storage shall encroach into essential parking or on required handicap spaces. “Essential parking” will be an amount equal to 1.1 times the number of employees on the site. For businesses which operate in shifts or have seasonal changes in the number of employees, the number of employees on the largest shift or the highest number of employees at any time during the previous year shall be used to compute the essential parking. All employment figures must be verifiable to the satisfaction of the Director. For showroom or retail uses, essential parking will also include additional spaces provided at the rate of one space for each 250 square feet of showroom or retail floor area. Fractions of parking spaces shall be rounded up to the next whole parking space;

(b) The stored materials shall be limited to those items normally associated with the principal use on the site. The provisions of this section shall not be construed as allowing a use by right which is conditionally permitted or prohibited by Table 13.14.030A subsections A through H, Use Regulations, nor shall it apply to those uses which are legal nonconforming in nature;

(c) The permit may be issued for a maximum period of one year. The applicant shall notify the Director of any change to the characteristics of operation or use, tenant or occupancy that occur prior to any permit renewal;

(d) Prior to establishment of the temporary outdoor storage the property owner shall record a covenant which discloses the conditions of the temporary use permit to future property owners. The form and content of the covenant is to be approved by the Director prior to recordation. A copy of the recorded document must be submitted to the City prior to establishment of use;

(e) No storage may be located in a front or corner side yard frontage area and shall be located in the area on the site which is least visible from the public right-of-way, as determined by the Director;

(f) Fencing must be view obscuring and cannot exceed eight feet in height from grade and would be subject to the following standards:

(i) Fences must be constructed of coated chain-link with slats, solid wood fences with panels facing outward, wood with stucco, block, brick or painted metal panels. Design of fencing would be subject to the approval of the Director,

(ii) If a fence is located on a property line, or the storage is visible from a common property line, and the adjacent land use is other than residential, the applicant must obtain written approval from the adjoining property owner to erect a chainlink fence. In the absence of an agreement only a solid fence of a type described in subparagraph (i) of this subdivision may be installed facing the adjoining property,

(iii) If the adjoining use is residential, a solid decorative block wall will be required on the common property line,

(iv) Fencing shall comply with the requirements of the Uniform Building Code.

(g) No outdoor storage may exceed the height of the fence;

(h) In accordance with Section 13.14.030(J)(1), no work may take place in the outdoor storage area;

(i) No permit may be issued to a property for a one-year period if upon application for renewal it is found that within the previous temporary use permit period a notice of violation(s) was issued for a violation(s) of the temporary use permit;

(j) Storage may not encroach into required driveways, setbacks or landscaped areas, or impede overall vehicular or pedestrian site circulation. Gates must be rolling unless otherwise approved by the Director and shall be equipped with a knox-type security device to allow for emergency vehicle access at all times;

(k) Upon expiration or termination of the permit, the property owner is required to remove all temporary fencing, unless constructed of solid wood with stucco, decorative block or brick. Any damaged landscaping or site improvements must be repaired or replaced within 30 days of the date of expiration or termination of the temporary use permit.

5. Mobile storage units or prefabricated structures, trailers, mobilehomes or recreation vehicles for temporary office use are allowed, subject to the following:

(a) The temporary use is allowed for a maximum of ninety days in any calendar year. If exceptional circumstances exist, additional time may be granted by the Director;

(b) Adequate parking shall be provided and the structure shall not obstruct any required driveway or be located within a required landscape area;

(c) The structure shall not be visually prominent when viewed from the public right-of-way;

(d) The structure shall comply with applicable fire and building codes.

6. Religious services conducted on a site that is not permanently occupied by a religious assembly use for a period of not more than fifteen days in any ninety-day period.

7. Additional uses determined to be similar to the foregoing by the Director. (Ord. 427 § 1, 2003; Ord. 341 § 2, 1995; Ord. 314 § 2, 1993; Ord. 295 § 3, 1993; Ord. 292 § 3, 1992; Ord. 276 § 1, 1992; Ord. 246, 1990; Ord. 152, 1985)

13.06.080 Development within the floodplain or floodway.

All development or establishment of uses within the floodplain or floodway are subject to the flood damage prevention ordinance of the City. (Ord. 152, 1985)

13.06.090 Historical landmarks.

Any application to the City for a permit which will result in the alteration, relocation or demolition of an historical landmark shall be subject to the provisions of Chapter 15.60 of this code. (Amended during 1994 supplement; amended during 1989 supplement; Ord. 152, 1985)

13.06.100 Small Residential Rooftop Solar Energy Systems.

A. Applicability and Purpose. This section applies to the permitting of all small residential rooftop solar energy systems in the City.

1. "Small residential rooftop solar energy system" means a solar energy system which meets all of the following:

   (a) Is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal;

   (b) Conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, and all state and City health and safety standards;

   (c) Conforms to all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability;

   (d) Is installed on a single or duplex family dwelling; and

   (e) The panel or module array does not exceed the maximum legal building height as defined by the City.

2. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this sec-tion are not subject to the requirements of this section unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting.

3. Routine operation and maintenance or like-kind replacements shall not require a permit.

4. The purpose of this section is to create an expedited, streamlined solar permitting process that complies with the Solar Rights Act to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This section encourages the use of small residential rooftop solar energy systems by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install small rooftop solar

energy systems. This section allows the City to achieve these goals while protecting the public health and safety.

B. Requirements for Expedited Review. To qualify for expedited review, a small residential rooftop solar energy system must meet the following requirements:

1. A small residential rooftop solar energy system shall meet applicable health and safety standards and requirements imposed by the local, state and federal health and safety laws and regulations.

2. Solar energy systems for heating water in single family residence and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the California Plumbing and Mechanical Codes.

3. A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

C. Application for Expedited Review. To obtain expedited review for a small residential rooftop solar energy system, an applicant must submit the application and supporting documentation required by the City's Eligibility Checklist. The "Eligibility Checklist" is the submittal checklist adopted by the Director of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review pursuant to this section.

1. The application and supporting documentation required by the Eligibility Checklist may be submitted electronically, meaning through email, the internet, or facsimile. An electronic signature may be used in lieu of a wet signature.

D. Issuance of Permit. An application that City staff determines satisfies the Eligibility Checklist, including complete supporting documents, shall be deemed complete. After City staff deems an application complete, City staff shall review the application to determine whether the application meets local, state, and federal health and safety requirements.

1. If an application is complete and meets local, state and federal health and safety laws and regulations, the City will issue a nondiscretionary permit.

2. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

E. Inspections. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required. The inspection shall be performed by the Building Division, and may include a consolidated inspection with the Fire Department. The

inspection shall be done in a timely manner. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however, the subsequent inspection need not conform to the requirements of this subsection. (Ord. 531 § 1, 2015)

EXHIBIT 3

CHAPTER 13.08 DEVELOPMENT REVIEW

13.08.010 Purposes and general plan consistency.

This section establishes review procedures for residential, commercial, industrial, and institutional development proposals to achieve the following purposes:

A. To encourage site and structural development which exemplify the best professional design practices;

B. To enhance the residential and business property values within the City and in neighborhoods surrounding new development;

C. To develop property in a manner which respects the physical and environmental characteristics of each site;

D. To minimize stress from poorly designed development which can create physical and psychological conditions affecting the health, safety, comfort and general welfare of the inhabitants of the City;

E. To ensure that each new development is designed to best comply with the intent and purpose of the zone in which the property is located and with the general plan of the City;

F. To ensure that access to each property and circulation thereon are safe and convenient for pedestrians and vehicles;

G. Regarding all properties designated as general commercial, neighborhood commercial or office professional: Development and redevelopment shall be comprehensively designed, entitled and developed whenever it is determined by the City that the permitting of incremental construction and uses may significantly inhibit or otherwise be detrimental to fulfilling the economic and development potential of the site. Any development review permit, conditional use permit or minor conditional use permit which is not consistent with this policy shall be denied. (Ord. 451 § 3, 2005; Ord. 152, 1985)

13.08.020 Projects requiring development review.

A. An application for development review is required and the Director is authorized to grant a development review permit for commercial, industrial, institutional, and residential projects involving the issuance of a building permit for construction or reconstruction of a structure which meets any of the following criteria:

1. New construction on vacant property.

2. One or more structural additions or new buildings, with a total floor area of 1,200 square feet or more.

3. Reconstruction or alteration of existing buildings on sites when the alteration significantly affects the exterior appearance of the building or traffic circulation of the site. Exceptions are maintenance or improvement of landscaping, parking, exterior re-painting or other common building and property maintenance activities.

4. A Development Review application will be processed administratively for new accessory dwelling units as described in Section 13.10.030(F)(6) and not subject to application fees.

5. Construction of an accessory dwelling unit.

6. Any project involving a tentative map or tentative parcel map.

B. For detached single-family development, the following shall apply:

1. Application processing fees for the construction of an accessory dwelling unit shall be waived.

2. Development review for detached single-family development shall be required for all major subdivision maps and for development of all property within the hillside overlay district.

C. The Director must set a public hearing for any application for a development review permit for any of the following:

1. Multi-family residential project;

2. Single-family resident project requiring a tentative parcel or tentative subdivision map;

3. A commercial or industrial project containing more than 50,000 square feet of building floor area;

4. The conversion of residential, commercial or industrial buildings to condominiums.

D. The requirement for approval of a development review plan may be waived by the Director if the purposes and criteria of these procedures are met by a conditional use permit or site plan. A decision on a request for waiver may be appealed as provided by the appeal procedure commencing at Section 13.04.070. (Ord. 546 § 3, 2017; Ord. 438 § 1, 2003; Ord. 434 § 2, 2003; Ord. 362 § 2 1997; Ord. 314 § 2, 1993; Ord. 219, 1989; Ord. 152, 1985)

13.08.030 Authority.

A. The development review committee is established to be advisory to the Director.

B. The development review committee is comprised of members of the Department, engineering division and building division of the Development Services Department, Sheriff's Department, and the Fire Department. Review by the committee will consider items such as, but not limited to, circulation, street improvements, right-of-way dedication, utility easements, grading, drainage facilities, storm drain improvements, uniform building code requirements, security, fire flow, emergency access, location of fire hydrants, water and sewer line connections and sizing, water pressure, streetscape and landscape standards, and setbacks and will recommend changes in any development for compliance with adopted codes and standards. They may also make recommendations to the Director on any policy issues or areas not covered by existing codes and standards.

C. The Director shall have the authority to prepare, and revise as required, a development review manual, to assist residents and property owners in understanding the development review procedures. The manual will establish submittal requirements and development review standards pertaining to architecture, development, signs, circulation, parking, fences, lighting, streetscape, landscaping, etc. (Ord. 438 § 1, 2003; Ord. 420 Exh. C, 2002; Ord. 186 § 3, 1987: amended during 1989 supplement; Ord. 152, 1985)

13.08.040 Application procedures.

An application for a development review permit shall be submitted to the Department on a form provided by the department and accompanied by a fee as established by resolution of the City Council. The application shall be accompanied by a site plan, building elevations, and landscape plan, and other information as may be required to adequately evaluate the proposed project. (Ord. 438 § 1, 2003; Ord. 152, 1985)

13.08.050 Content of development review plan.

The required plan shall specify the dimensions, elevations, design, and intended use of the proposed buildings and structures necessary to conform to current zoning and other development regulations and to be compatible with the character of adjacent developed parcels and the existing neighborhood. In addition, the required plan shall include such maps, plans, drawings, and sketches as are necessary to show:

A. The placement, height, and physical characteristics of all existing and proposed buildings and structures located on the development site;

B. The existing vegetation to be removed or retained, and all proposed landscaping;

C. The location and dimensions of existing and proposed ingress and egress points, interior road and pedestrian walkways, parking and storage areas;

D. The existing and finished topography of the development site, including the existing natural drainage system and its proposed treatment;

E. The number, size, location and design of existing and proposed signs; and

F. The exterior lighting plan, which could have a visual impact on the exterior appearance of the development. (Amended during 1989 supplement; Ord. 152, 1985)

13.08.060 Development review procedure.

A. Upon acceptance of a complete application for development review, one of the following must occur:

1. a project shall be scheduled on for a public hearing and the applicant must be notified at least ten days prior to the hearing; or

2. the Director must issue a decision on the application.

B. All development proposals submitted pursuant to this section are reviewed by the Department, which shall make a recommendation for consideration by the Director.

C. Whenever review by an agency other than the Department is required, a copy of the application and accompanying maps and diagrams shall be forwarded to the appropriate agency. The agency shall review the application and make its recommendation to the Director. (Ord. 438 § 1, 2003; Ord. 152, 1985)

13.08.070 Development review criteria.

Development review plans shall be reviewed for compliance with the purposes of the development review procedure as stated in Section 13.08.010, with the following approval criteria:

A. Relationship of Building and Site to Surrounding Area. A development review plan shall be designed and developed in a manner compatible with existing and potential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property from adverse surrounding influences, as well as, protection of the surrounding areas from potentially adverse influences within the development by such means as landscaping buffers, screens, site breaks, and use of compatible building colors and materials.

B. Relationship of Building to Site. Building designs shall include variations in rooflines and wall planes, and incorporate windows, doors, projections, recesses, arcades and/or other building details to avoid large wall surfaces.

C. Landscaping. The removal of significant native vegetation shall be minimized and the replacement vegetation and landscaping shall be compatible with the vegetation of the surrounding area and shall harmonize with the natural landscaping. Landscaping and plantings shall be used to the maximum extent practicable to screen those features listed in subsections D and E of this section and shall not obstruct significant views, either when installed or when they reach mature growth.

D. Roads, Pedestrian Walkways, Parking, and Storage Areas. Any development involving more than one building, or structure shall provide common access roads and pedestrian

walkways. Parking and outside storage areas, where permitted, shall be screened from view, to the extent feasible by existing topography, by the placement of buildings and structures, or by landscaping and plantings. The screening shall be designed in conformance with law enforcement community policing standards, by providing view corridors into the site from adjacent streets and properties to the satisfaction of the Director. Surveillance cameras may also be required if deemed necessary for public safety.

E. Grading. Natural topography and scenic features of the site shall be retained and incorporated into the proposed development. Any grading or earth-moving operations in connection with the proposed development shall be planned and executed so as to blend with the existing terrain both on and adjacent to the site.

F. Signs. The number, size, location and design of all signs shall comply with zoning regulations and shall not detract from the visual setting of the designated area or obstruct significant views.

G. Lighting. Light fixtures for walks, parking areas, driveways, and other facilities shall be provided in sufficient number and at proper locations to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. The lighting shall be stationary, directed away from adjacent properties and shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

H. Additional Criteria for Commercial Developments. Buildings shall be sited and designed in a manner which visually and functionally best enhances their intended use for permitted office, retail or service commercial activities.

I. Additional Criteria for Multiple-Family Residential Developments.

1. Site Buildings to Avoid Crowding. Where multiple buildings are proposed, the minimum building separation shall be ten feet in accordance with Section 13.10.040.F.

2. Site and Design Buildings to Avoid Repetitions of Building or Roof Lines. This may be achieved through: variation in building setback; wall plane offsets; use of different colors and materials on exterior elevations for visual relief; and architectural projections above maximum permitted height in accordance with Section 13.10.050(C).

3. In the Urban Residential (R-30) zone, for each five-foot increase in building height over forty-five feet, the wall plane shall be stepped back an additional five feet.

4. Where adjacent to a single-family residential zone, design buildings to ensure a transition in scale, form, and height with adjacent residential properties. Setbacks are required in accordance with Table 13.10.040A. Designs may incorporate elements such as building massing and orientation, location of windows, building

story stepbacks, building materials, deep roof overhangs, and other architectural features that serve to further transition the scale.

5. Projects shall be designed so that assigned parking spaces are located as close as practicable to the dwelling units they serve. Refer to Section 13.24.030(B) for additional parking standards.

6. The visual impact of surface parking areas adjacent to public streets shall be minimized through the use of mounded or dense landscape strips or low decorative masonry or stucco walls no more than three and one-half feet in height. Parking areas shall be treated with decorative surface elements to identify pedestrian paths, nodes and driveways.

7. In accordance with the "Crime Prevention through Environmental Design" program, site and building design shall incorporate at a minimum, the following additional elements:

    (a) Access control by defining entrances to the site, buildings and parking areas with landscaping, architectural design, lighting, and symbolic gateways; dead-end spaces shall be blocked with fences or gates or otherwise prohibited.

    (b) Natural surveillance by designing buildings and parking structures so that exterior entrances/exits are visible from the street or by neighbors, and are well lit; windows shall be installed on all building elevations; recreation areas, elevators and stairwells shall be clearly visible from as many of the units' windows and doors as possible; playgrounds shall be clearly visible from units and not located next to parking lots or streets.

    (c) Territorial reinforcement by defining property lines with landscaping and decorative fencing; individually locking mailboxes shall be located next to the appropriate units and common mailbox facilities shall be well lit. All buildings shall be clearly addressed and visible from the adjoining street(s).

Architecturally designed wayfinding signs shall be installed on the premises.

    (d) Maintenance of the site and common areas by regular pruning of trees and shrubs back from windows, doors and walkways; exterior lighting shall be used and maintained and inappropriate outdoor storage shall be prohibited. (Ord. 517 § 4, 2013; Ord. 495 § 2, 2010; Ord. 438 § 1, 2003; Ord. 152, 1985)

13.08.080 Findings required.

Prior to approving a development review permit, the approval authority shall find that:

A. The proposed development meets the purpose and design criteria prescribed in these procedures and other pertinent sections of the zoning ordinance and municipal code; and

B. The proposed development is compatible with the general plan. (Ord. 438 § 1, 2003)

13.08.090 Decision and notice.

Upon completion of review and evaluation of an application for development review, the approval authority shall:

A. Approve the application; or

B. Notify the applicant of changes required for approval of the application; or

C. Approve the application subject to such conditions, including an expiration date, as may be deemed appropriate; or

D. Deny the application. (Ord. 438 § 1, 2003)

13.08.100 Appeal.

A decision pursuant to Section 13.08.090 may be appealed as provided by the administrative appeal procedure commencing at Section 13.04.070. (Ord. 438 § 1, 2003)

EXHIBIT 4

CHAPTER 13.09 PROCEDURES AND REQUIREMENTS FOR CONSIDERATION OF DEVELOPMENT AGREEMENTS

13.09.010 Authority for adoption.

This chapter is adopted under the authority of California Government Code Section 65864 et seq. (Ord. 383 § 2, 1999)

13.09.020 Forms and information.

A. The Director shall prescribe the form for each application, notice and document provided for or required under this chapter for the preparation and implementation of development agreements.

B. The Director may require an applicant to submit such information and supporting data as the Director considers necessary. (Ord. 383 § 2, 1999)

13.09.030 Fees.

A. A fee established by City Council resolution shall be paid by the applicant at the time of filing the application.

B. Nothing in this chapter shall relieve the applicant from the obligation to pay any other fee for a city approval, permit or entitlement as established elsewhere in this code. (Ord. 383 § 2, 1999)

13.09.040 Qualification as an applicant.

Any person who has a legal or equitable interest in real property which is the subject of the development agreement, including an authorized agent, may initiate a development agreement. The Director shall require an applicant to submit proof, adequate to the Director, of the interest in the real property and of the authority of the agent to act for the applicant. (Ord. 383 § 2, 1999)

13.09.050 Contents.

A. Each application shall be accompanied by the form of development agreement proposed by the applicant or the standard form created by the Director, including specific proposals for changes or additions to the language of the standard form as determined appropriate by the City.

B. A development agreement shall specify or contain the following:

1. Duration of the agreement;

2. Permitted uses of the property;

3. Density or intensity for use;

4. Maximum height and size of proposed building(s);

5. Provisions for reservation or dedication of land for public purposes;

6. A general site plan showing arrangement of uses and circulation;

7. A timetable for the commencement and completion of various project phases or other features of the agreement;

8. Other conditions, terms, restrictions and requirements for subsequent discretionary actions. (Ord. 383 § 2, 1999)

13.09.060 Review of application.

A. The Director shall review the application and may reject it if it is incomplete or inaccurate for processing. If he finds that the application is complete, he shall accept it for filing.

B. The Director shall review the application and proposed agreement and shall prepare a report and recommendation to the City Council on the agreement.

C. The Director shall forward a copy of the application and agreement to the City Attorney for review. The City Attorney shall, if deemed necessary, prepare a report and recommendation to the City Council on the agreement. (Ord. 383 § 2, 1999)

13.09.070 Environmental review.

An application for a development which qualifies as a project under the California Environmental Quality Act (CEQA) shall be subject to environmental review in accordance with CEQA and the procedures as adopted by the City for implementation of CEQA. (Ord. 383 § 2, 1999)

13.09.080 Public hearing and notice.

A. The Director shall transmit the application to the City Council for a public hearing when all the necessary reports and recommendations are completed. A public hearing on an application for a development agreement shall be held by the City Council at the time and place specified in the notice.

B. Notice of intention to consider adoption of a development agreement shall be given by the Director as provided for in Section 13.04.100.

C. If state law prescribes a different notice requirement, notice shall be given in that manner.

D. Failure of any person to receive notice required by law or these regulations shall not affect the authority of the City to enter into a development agreement. (Ord. 383 § 2, 1999)

13.09.090 Decision by city council.

A. After the City Council completes the public hearing, the City Council may approve, modify, or disapprove the development agreement. It may refer matters not previously considered to the Director for report and recommendation.

B. A development agreement shall be approved by ordinance and shall be consistent with the general plan and any applicable specific plan.

C. The application for a development agreement may be considered concurrently with other discretionary permits for the project.

D. A development agreement that includes a subdivision, as defined by California Government Code, must not be approved unless the agreement provides that any tentative map prepared for the subdivision will comply with the California Government Code.(Ord. 383 § 2, 1999)

13.09.100 Irregularity in proceedings.

No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court because of any procedural error in conducting the public hearing, unless after an examination of the entire case, the court is of the opinion that the error complained of was prejudicial, that the complaining party suffered substantial injury, and that a different result would have been probable if the error had not occurred. (Ord. 383 § 2, 1999)

13.09.110 Rules, regulations, and official policies.

Unless otherwise provided by the development agreement, rules, regulations and official policies governing permitted land use, density, design, improvement and construction standards and specifications, applicable to development of the property subject to the agreement, shall be those rules, regulations, and official policies in force at the time of the execution of the agreement. A development agreement shall not prevent the City in subsequent actions applicable to the property from applying new rules which do not conflict with those contained within the agreement, nor shall a development agreement prevent the City from denying or conditionally approving any subsequent development application on the basis of such existing or new rules, regulations and policies. (Ord. 383 § 2, 1999)

13.09.120 Periodic review.

The Director shall review development agreements at least once a year, at which time the applicant or successor in interest thereto shall be required to demonstrate good faith compliance with the terms of the agreement. If as a result of the review, the Director finds and determines, on the basis of substantial evidence, that the applicant has not complied in good faith with the terms of the agreement, the Director shall recommend to the City Council that the agreement be modified or terminated. If the City Council concurs with the Director’s recommendation, the agreement shall be modified or terminated. Proceedings before the City Council shall be noticed public hearings pursuant to Section 13.09.080. (Ord. 383 § 2 (part), 1999). (Ord. 383 § 2, 1999)

13.09.130 Amendment or cancellation.

In addition to the provisions of Sections 13.09.110 and 13.09.120, a development agreement may be amended or canceled in whole or in part by mutual consent of the parties to the agreement or their successors in accordance with the procedure described in Sections 13.09.080 and 13.09.090. (Ord. 383 § 2, 1999)

13.09.140 Recording of agreement.

No later than ten days after the City enters into, amends or terminates a development agreement, the City Clerk shall record with the County Recorder a copy of the agreement, which shall describe the land subject thereto. From and after the time of such recordation, the agreement shall impart such notice thereof to all persons as is afforded by the recording laws of this state. The burdens of the agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement. (Ord. 383 § 2, 1999)

13.09.150 Modification or suspension to comply with state or federal laws or regulations.

In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations. (Ord. 383 § 2, 1999)

EXHIBIT 5

CHAPTER 13.10 RESIDENTIAL DISTRICTS

13.10.010 Purposes and general plan consistency.

The general plan outlines goals and objectives, with regard to residential uses and development. This chapter is intended to implement these general plan goals and objectives through the following purposes:

A. Facilitate development in accord with the general plan with greater flexibility and encourage more creative community design than under conventional zoning or subdivision regulations.

B. Promote economical and efficient use of the land while providing a harmonious variety of housing choices, mixed-use development, urban services, preservation of natural and scenic qualities of open spaces and areas or structures of historical significance.

C. Promote design and construction techniques that are responsive to the environmental resources of the site, and encourage energy conservation through solar and other renewable energy sources.

D. To promote development compatible with surrounding neighborhoods and protect neighborhoods from harmful encroachment by intrusive or disruptive development.

E. It is intended that land use shall be managed with respect to location, timing, and density/intensity of development in order to be consistent with the capabilities of the City and special districts to provide services, to create communities where a diverse population may realize common goals, and to achieve sustainable use of environmental resources both within and outside of the City. (Ord. 438 § 1, 2003)

13.10.020 Residential consistency districts.

These districts have been created to implement the goals, objectives and land use designations of the general plan. In addition, each district is designed to implement the density limits of each district.

A. Hillside/Limited Residential (HL)—(Zero to One Dwelling Units/Gross Acre). This designation is intended for residential development in areas that exhibit steep slopes, rugged topography and limited access. Residential uses are characterized by rural large estate lots with significant permanent open space area, consistent with the constraints of slope gradient, soil and geotechnical hazards, access, availability of public services and other environmental concerns.

B. Low Density Residential (R-1)—(One to Two Dwelling Units/Gross Acre). This designation is intended for residential development characterized by single-family homes on one-half acre lots or larger which are responsive to the natural terrain and minimize grading requirements. The intent of this designation is to provide development of a semi-rural character through the use of varying setbacks and dwelling unit placement on individual parcels.

C. Low-Density Residential (R-1A)—(Two to Four Dwelling Units/Gross Acre). This designation is intended for residential development characterized by single-family homes on one-quarter acre lots or larger which provide a transitional option between the R-2 (6,000 square foot lot) and the larger R-1 (20,000 square foot lot) zones.

D. Low-Medium Density Residential (R-2)—(Two to Five Dwelling Units/Gross Acre). This designation is intended for residential development characterized by single-family homes in standard subdivision form. It is normally expected that the usable pad area within this designation will be a minimum of 6,000 square feet.

E. Medium Density Residential (R-7)—(Seven to Fourteen Dwelling Units/Gross Acre). This designation is intended for a wide range of residential development types including attached and detached single-family units at the lower end of the density range and multiple family attached units at the higher end of the density range. Areas developed under this designation should exhibit adequate access to streets of at least collector capacity and be conveniently serviced by neighborhood commercial and recreational facilities.

F. Medium High Density Residential (R-14)—(Fourteen to Twenty-two Dwelling Units/Gross Acre). This designation is intended for residential development characterized at the lower end of the density range by multiple family attached units and at the upper end of the density range by apartment and condominium buildings. It is intended that this category utilize innovative site planning, provide on-site recreational amenities and be located in close proximity to major community facilities, business centers and streets of at least major capacity.

G. High Density Residential (R-22)—(Twenty-two to Thirty Dwelling Units/Gross Acre). This designation is intended for residential development characterized by mid-rise apartment and condominium buildings characteristic of urban high density development in close proximity to community facilities and services, public transit services, and major streets. It is intended that this category utilize innovative site planning and building design to provide on-site recreational amenities and open space.

H. Urban Residential (R-30)—(Thirty Dwelling Units/Gross Acre). This designation is intended for residential development characterized by mid-rise apartment and condominium development typical of urban development at higher densities than R-22. This designation is intended for architecturally designed residential development, up to four stories, with parking facilities integrated in the building design. Areas developed under this designation would be located in close proximity to major community facilities, commercial and business centers and streets of at least major capacity. Development amenities would include on-site business centers, fitness and community rooms, and indoor and outdoor recreation facilities. Site design would implement pedestrian-friendly design concepts, including separated sidewalks, landscaped parkways, traffic calming measures, and enhanced access to transit facilities and services. Measures that reduce energy and water consumption are required. New development in this zone is required to meet the minimum density of the zone. (Ord. 495 § 3, 2010; Ord. 438 § 1, 2003)

13.10.030 Residential use regulations.

Uses listed in Table 13.10.030A shall be allowable in one or more of the residential districts as indicated in the columns beneath each residential district heading. Where indicated with the letter "P," the use shall be a permitted use in that district. Where indicated with the letter "C," the use shall be a conditional use subject to a conditional use permit in that district. Where indicated with the letters "MC," the use shall be a conditional use subject to a minor conditional use permit in that district. Where indicated with a dash "—", or if a use is not specifically listed in Table 13.10.030A and is not subject to the use determination procedure contained in Section 13.04.040, the use shall not be permitted in that district. This section shall not be construed to supersede more restrictive use regulations contained in the conditions, covenants, and restrictions of any property or dwelling units. However, in no case shall uses be permitted beyond those allowable in this section. In the event a given use cannot be categorized in one of the districts by the Director, the use determination procedure outlined in Section 13.04.040 shall be followed.

TABLE 13.10.030A
USE REGULATIONS FOR RESIDENTIAL DISTRICTS

USE	HL	R-1	R-1A	R-2	R-7	R-14	R-22	R-30
A. Residential Uses								
1. Single-family dwellings	P	P	P	P	P	—	—	—
2. Multifamily dwellings (townhomes and detached condominiums)	—	—	—	—	P	P	P	P
3. Planned Residential Developments ("PRD")					P	P		
4. Mobilehome parks (subject to provisions in Section 13.22.030)	C	C	C	C	C	C	C	—
5. Day care home, family								
(a) Large family day care home – up to 14 children (subject to the provisions contained in Section 13.30.030(F))								
(i) Within a single- family dwelling unit or within a PRD	P	P	P	P	P	P	—	—
(ii) Within a multifamily residential development	—	—	—	—	C	C	C	C
(b) Small family day care home – up to eight children	P	P	P	P	P	P	P	P
6. Residential care facility								
Accessory—6 or less	P	P	P	P	P	P	P	P
Non-accessory—7 or more	—	—	—	C	C	C	C	C
7. Boarding house	—	—	—	C	C	C	C	C
8. Congregate care facilities	—	—	—	—	C	C	C	C
B. Public and Semipublic Uses								
1. Biological habitat preserve	P	P	P	P	P	P	P	P
2. Cemetery	C	C	C	C	C	C	C	—
3. Church	C	C	C	C	C	C	C	C
4. Club, lodge, fraternity & sorority	C	C	C	C	C	C	C	—
5. Convalescent facility	—	—	—	—	C	C	C	C
6. Day care center	C	C	C	C	C	C	C	C
7. Educational facility (private), excluding business and trade schools and commercial schools	C	C	C	C	C	C	C	C
8. Dormitory (if accessory to college or school)	C	C	C	C	C	C	C	C
9. Hospital	—	—	—	C	C	C	C	—
10. Mining, only in conjunction with an approved development or grading project	C	C	C	C	C	C	C	C
11. Outdoor recreation facility	C	C	C	C	C	C	C	—

USE	HL	R-1	R-1A	R-2	R-7	R-14	R-22	R-30
12. Public buildings and facilities	C	C	C	C	C	C	C	C
13. Public park	C	C	C	C	C	C	C	C
14. Animal kennels, training schools, and breeding facilities	C	C	C	C	—	—	—	—
C. Agricultural uses (on lots of two and one-half acres or more)								
1. Animal care facility	C	C	C					
2. Apiary (subject to Section 13.10.030(F))	P	P	P	P	P	P	P	—
3. Farms for orchards, trees, field crops, truck gardening, flowering gardening, and other similar enterprises carried on in the general field of agriculture. Includes accessory retail sale of products raised on property, excluding retail nursery	P	P	P	P	P	P	P	—
4. Raising, grazing, breeding, boarding or training of large or small animals: except concentrated lot feeding and commercial poultry and rabbit raising enterprises, subject to provisions of Table 13.10.030(B)	P	P	P	P	P	P	P	—
5. Wholesale distributor and processing of nursery plant stock and retail nursery where incidental and contiguous to nursery stock propagation and/or wholesale distributor. Outdoor storage and display prohibited except for nursery plant stock	C	C	C	C	C	C	C	—
6. Stable, commercial	C	C						
D. Accessory uses in conjunction with a permitted principal use on the same site								
1. Animal keeping, accessory to a permitted use (13.10.030.F.2)								
(a) Dogs and cats over four months old (not exceeding four cats and/or dogs combined)	P	P	P	P	P	P	P	P
(b) Exotic or wild animals	C	C	C	C	C	C	C	—
(c) Other pets (pursuant to Table 13.10.030(B))	P	P	P	P	P	P	P	P
2. Antenna (pursuant to Section 13.34.070)	P	P	P	P	P	P	P	P
3. Accessory structure (see special requirements per Section 13.10.050)								
(a) Multifamily residential	—	—	—	—	P	P	P	P
(b) Single-family residential								
(i) Maximum 50% of living area of primary residence	P	P	P	P	P	C	C	—

USE	HL	R-1	R-1A	R-2	R-7	R-14	R-22	R-30
(ii) Greater than 50% of living area of primary residence	MC	MC	MC	MC	MC	MC	MC	—
4. Historic structures, uses in	C	C	C	C	C	C	C	C
5. Home occupation (see Section 13.06.060)	P	P	P	P	P	P	P	P
6. Other accessory uses, as determined by the Director	P	P	P	P	P	P	P	P
7. Private garage	P	P	P	P	P	P	P	P
8. Private swimming pool, tennis court and similar recreation facilities	P	P	P	P	P	P	P	P
9. Accessory dwelling unit (subject to Section 13.10.030(F) (6))	P	P	P	P	P	—	—	—
10. Stable, private (subject to Section 13.10.030(F))	P	P	P					
E. Temporary uses								
1. Temporary uses as prescribed in Section 13.06.070 and subject to those provisions	P	P	P	P	P	P	P	P
2. Temporary trailers for use in conjunction with institutional and agricultural uses for a specified interim period	MC	MC	MC	MC	MC	MC	MC	MC

"P" = Permitted use
"C" = Conditional use permit required
"MC" = Minor conditional use permit required
"—" = Not permitted

F. Special Use Regulations.

1. Agricultural Uses. Prior to development, the following agricultural uses are either permitted on lots of two and one-half acres or more:

(a) Permitted Uses.

(i) Apiary. Provided that all hives or boxes housing bees shall be placed at least 400 feet from any street, road or highway, any public school, park, property boundary or from any dwelling or place of human habitation other than that occupied by the owner or caretaker of the apiary. Additionally, a water source shall be provided on-site.

(ii) Retail sale of products raised on property excluding retail nursery and sale of animals for commercial purposes.

2. Animal Keeping. Keeping of animals accessory to residential use shall be limited as follows and as specified in Table 13.10.030B:

(a) Young born to permitted animals may be kept until weaned. Small animals may be kept up to four months. Large animals may be kept up to six months. Horses may be kept up to 12 months.

(b) Temporary keeping of small animals in conjunction with 4-H programs, etc., for a period not to exceed six months is allowed. Such animals may be kept for up to one year with the written approval of adjacent property owners and proof of enrollment in a 4-H program.

(c) Animal keeping shall be subject to the requirements set forth in Table 13.10.030B.

3. Chicken Keeping. Keeping of chickens accessory to a residential use shall be subject to Table 13.10.030B to determine the maximum number of chickens allowed, roosters excluded. The authority granted by this Subsection and Table 13.10.030B to allow the keeping of chickens in single-family residential zones shall not apply where restrictions on the keeping of chickens exist by lease or restrictive covenants. Chicken keeping is subject to the following requirements and any failure to comply with the following requirements constitutes a public nuisance pursuant to Section 1.10.030:

(a) Full Containment. Chickens shall be kept at all times in fully enclosed and covered enclosures, pens or cages so as to keep them from leaving the chicken keeper’s property. Chickens shall not be permitted to run at large on the chicken keeper’s property.

(b) Protection. Chicken enclosures shall be constructed with rodent-proof and hawk-proof hardwire installed a minimum of eighteen inches below grade to avoid entry by digging rodents.

(c) Construction Materials. Coops or henhouses shall provide all-weather shelter with tops or ceilings, be constructed with durable weather-resistant materials such as treated painted wood, and be placed within hardwire enclosures.

(d) Location of Coops and Enclosures. Coops and enclosures shall only be permitted in the rear yard, subject to minimum distance setbacks from property lines. In the R-2 zone the minimum setback shall be fifteen feet from the rear and side lot lines; in the HL, R-1 and R-1A zones the minimum setback shall be 20 feet from the rear and side lot lines.

(e) Food Storage. Grain or cereal food intended for chicken-feeding shall be kept in durable rodent-proof containers with tightly fitting covers.

(f) Sanitary Conditions. All chicken enclosures and coops shall be maintained in a clean, sanitary condition, free from offensive odors at all times. Evidence of unsanitary conditions includes, but is not limited to, numerous flies, fly larvae in the vicinity of the chickens or on the property, an accumulation of debris, refuse or manure, offensive odors and rat droppings. An odor is offensive if it can be detected at the adjoining property line.

(g) Refuse Control. All refuse and manure and any material conducive to the breeding of flies, or which would create any offensive odor, that is removed from the chicken coop and enclosure shall be placed in suitable tight containers or bags until entirely removed from the premises or turned under the soil surface where such materials are used as fertilizer.

(h) Disposal. All dead chickens shall be removed from the property or buried within twenty-four hours of death at a depth of at least three feet underground. Pending disposal, the chicken(s) shall be stored in fly-tight, air-tight containers or bags. The illegal disposal constitutes a public nuisance pursuant to Section 13.36.040.

(i) Breeding. The breeding of chickens is prohibited.

(j) Slaughter. Commercial slaughtering processes are prohibited.

TABLE 13.10.030B
ANIMAL REGULATIONS
RESIDENTIAL DISTRICTS

	Type of Animal	Allowable Residential District
1.	Horses, mules, donkeys or ponies[b]	HL, R-1
2.	Large animals other than horses, ponies, mules, or donkeys[b]	HL, R-1
3.	Small animals[b] such as a miniature potbelly pig, a goat, or a lamb	HL, R-1, R-1A, R-2
4.	Fowl includes chickens, hens, turkeys, geese, or game birds (roosters prohibited)[c]	HL, R-1 R-1A, R-2
5.	Household pets such as a dog, cat, parakeet, tropical fish, hamster, or other similar domesticated animal	ALL
6.	Rodents[d] such as a rabbit or chinchilla	ALL
7.	Exotic or wild animals[a] such as a reptile, fox, or raccoon	ALL

Notes:
a. As established by minor conditional use permit review.
b. Maximum of one animal per every 10,000 square feet of site area.
c. Maximum of one animal per every 2,000 square feet of site area.
d. Maximum of one animal per every 1,000 square feet of site area. More may be permitted subject to approval of a minor conditional use permit.

4. Home Occupations. The uses of a residence for business purposes shall be permitted subject to issuance of a business license (see Section 13.06.060).

5. Mobilehomes. One mobilehome is permitted on a lot in a single family residential district subject to the following requirements:

(a) It is a mobilehome that was constructed after September 15, 1971, and was issued an insignia of approval by the California Department of Housing and Community Development or a mobilehome that has been certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.).

(b) Has not been altered in violation of applicable codes.

(c) It is occupied only as a single detached residential dwelling.

(d) Is subject to all provisions of this title applicable to residential structures.

(e) Is attached to a permanent foundation system in compliance with the provisions of Section 18551 of the Health and Safety Code.

(f) Is covered with an exterior material customarily used on conventional dwellings. The exterior covering material shall extend to the ground,

except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.

(g) Has a roof with a pitch of not less than two-inch vertical rise for each twelve inches of horizontal run and consisting of shingles or other material customarily used for conventional dwellings.

(h) Has a roof overhang of not less than one foot measured from the vertical side of the mobilehome. When carports, garages, porches, or similar structures are attached as an integral part of the mobilehome, no eave is required where the accessory structure is attached to the mobilehome.

(i) Prior to installation of a mobilehome on a permanent foundation system, the mobilehome owner or a licensed contractor shall obtain a building permit from the Department. To obtain such a permit, the owner or contractor shall comply with all requirements of Section 18551(a) of the Health and Safety Code.

(j) The owner shall comply with the regulations established pursuant to Section 18551(b) of the Health and Safety Code for the cancellation of registration of a mobilehome. The owner shall also comply with the provisions of Section 18550(b) of the Health and Safety Code.

(k) The Director shall determine that the proposed project is in compliance with all applicable requirements and conditions prior to issuing final approval for occupancy.

(l) Unless otherwise specified, no modification may be granted from these requirements or from the requirements specified in Title 25 of the California Code of Regulations, which are not subject to local modification.

6. Accessory dwelling units are permitted subject to the following:

(a) An accessory dwelling unit shall be permitted only on a single-family or multifamily zoned lot that:

(i) Contains an existing single-family dwelling, which has been approved for occupancy.

(ii) Meets the minimum lot size of the residential district.

(iii) Can be served by adequate sewer and water service.

(iv) Does not currently contain an accessory dwelling unit.

(b) Accessory dwelling units may be used as the primary residence of the homeowner or rented separately from the principal structure. An accessory dwelling unit shall not be sold separately from the principal residence on the lot.

(c) The accessory dwelling unit shall be either attached to the primary dwelling or located within the living area of the dwelling or detached from the dwelling and located on the same lot as the dwelling.

(d) Owner occupancy of the primary or secondary residence is required for the grant of a development review permit for an accessory dwelling unit. This provision shall be ensured by a deed restriction, to the satisfaction of the Director. A unit approved under this section which no longer meets the above criteria shall be deemed an illegal use.

(e) Accessory dwelling units in residential districts shall be exempt from the density requirements of the Santee general plan. Accessory dwelling units are a residential use that must be consistent with the Santee General Plan and zoning base district.

(f) Residential structures determined to have the potential for use as an accessory dwelling unit shall comply with the standards for accessory dwelling units.

(g) Accessory dwelling units shall meet the development standards of the zoning base district and all other design criteria of this title applicable to residential structures or additions. Accessory dwelling units shall be architecturally compatible with the primary dwelling unit in terms of scale, design, materials, colors, and texture.

(h) If attached, an accessory dwelling unit shall be attached to the primary unit in a manner that the addition would create the appearance of an enlargement of the primary residence and a logical extension of roof and walls rather than give the appearance of an add-on unit.

(i) In order to lessen any appearance of a duplex structure, the entrance to an attached accessory dwelling unit shall not be visible from public street(s) fronting the property.

(j) There shall be no conversion of a garage of a primary residence into an accessory dwelling unit unless all parking requirements are otherwise met for the primary residence (including a two-car garage, if applicable).

(k) The minimum allowed area of an accessory dwelling unit shall be no less than 150 square feet. The floor area of an attached accessory dwelling unit shall not exceed 50% of the existing or proposed primary dwelling unit floor area, with a maximum floor area of 1,200 square feet. The total area

of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(l) Accessory dwelling units shall be exempt from the parking requirements, with the exception of any parking required for the primary unit.

(m) Except as modified in this section, accessory dwelling units are subject to all municipal code and other standards applicable to any new structure, including but not limited to height, setback, lot coverage, building fees, charges and other zoning, building, and development requirements generally applicable to a proposed dwelling unit or structure in the zone in which the property is located.

(n) An accessory dwelling unit is required to have fire sprinklers, only if the primary residence is required to have fire sprinklers.

(o) An accessory dwelling unit must receive the approval by the local health officer from the County Department of Environmental Health where a private sewage disposal system is being used.

(p) No passageway, defined as a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit, shall be required in conjunction with the construction of an accessory dwelling unit.

(q) No additional setbacks shall be required for an existing, legally permitted garage that is converted to an accessory dwelling unit.

(r) When a garage is demolished to create an accessory dwelling unit, the replacement parking may be located in any permitted configuration allowed by the City on the same lot as the accessory dwelling unit.

(s) A 5-foot setback from the rear and interior side property lines will be required for accessory dwelling units constructed over existing, legally permitted garages.

(t) The accessory dwelling unit shall count towards the lot coverage calculations.

(u) Accessory dwelling units that conform with this section shall not be considered in the application of this section or other code, policy, or program to limit residential growth.

(v) Applications for an accessory dwelling must be submitted to the Director ("Director") on a form and with information and materials, as adopted by the Director.

(w) The Director will review and approve complete applications for an accessory dwelling unit that comply with this Section.

(x) The Director is authorized to impose fees for the construction of an accessory dwelling unit in accordance with California Government Code, Chapters 5 (commencing with Section 66000) and 7 (commencing with Section 66012).

(y) An applicant may appeal the Director's decision to the Planning Commission as provided in Section 13.04.070.

7. Outdoor Uses. All uses shall be conducted completely within an enclosed building. The following uses may be permitted to operate outdoors, within their respective districts and subject to any required reviews and permits (Table 10.30.030.A):

(a) Mining;

(b) Outdoor recreation facility;

(c) Public park and playground;

(d) Stables;

(e) Antenna;

(f) Swimming pools;

(g) Agricultural uses;

(h) Animal and chicken keeping;

(i) Other activities and uses similar to those above as determined by the Director.

8. Congregate Care Facility Amenities. All new congregate care facilities shall provide adequate amenities, that may include and not be limited to, swimming pools, fitness centers, spas, card rooms, billiards/game rooms, music rooms, reading rooms, internet lounges, etc. to the satisfaction of the Director.

9. Single Room Occupancy (SRO) Dwellings. Single room occupancy dwellings are allowed in multiple-family residential zones. SRO dwellings are subject to all Municipal Code and other standards applicable to any new multiple-family residential building, including, but not limited to, density, height, setback, on-site parking, lot coverage, development review, compliance with the California Building Code, building fees, charges and other requirements generally applicable to a proposed multiple-family development in the Zone District in which a property is located.

10. Limited and General Group Care Facilities. Limited Group Care Facilities are allowed in residential zones, subject to applicable sections of the Health and Safety Code. General Group Care Facilities are subject to approval of a Conditional Use Permit, to include a review of hours of operation, security, loading requirements, and site management. All Group Care Facilities shall be subject to regulations that apply to other residential dwellings of the same type in the same zoning, pursuant to Government Code Section 65589.5.

11. Transitional and Supportive Housing. This housing, as defined in Section 13.04.140, is allowed in residential zones pursuant to Government Code Section 65583(a)(5), and is subject to regulations that apply to other residential dwellings of the same type in the same zone.

12. Agricultural Employee Housing. This housing, as defined in Section 13.04.140, is allowed in residential districts pursuant to Health and Safety Code Sections 17021.5 and 17021.6 and is subject to regulations that apply to other residential dwellings of the same type in the same zone. (Ord. 546 § 3, 2017; Ord. 517 § 5, 2013; Ord. 513 §§ 3, 4, 2012; Ord. 495 § 3, 2010; Ord. 469 §§ 5 and 7, 2007; Ord. 438 § 1, 2003)

13.10.040 Site development criteria.

A. The site development criteria are intended to provide minimum standards for residential development. This section shall not be construed to supersede more restrictive site development standards contained in the conditions, covenants and restrictions of any property or dwelling unit. However, in no cases shall private deed restrictions permit a lesser standard in the case of a minimum standard of this section or permit a greater standard in the case of a maximum standard of this section.

TABLE 13.10.040A
BASIC DEVELOPMENT STANDARDS—RESIDENTIAL

	HL	R-1	R-1A	R-2	R-7	R-14	R-22	R-30
1. Minimum Net Lot Area (in square feet)	Avg. 40,000 Min. 30,000	Avg. 20,000 Min. 15,000	Avg. 10,000 Min. 8,000	6,000	none	none	none	none
2. Density Ranges (in du/gross acre)	0-1	1-2	2-4	2-5	7-14	14-22	22-30	30
3. Minimum Lot Dimensions (width/depth) (feet)	150*/150	100*/100	80*/100	60/90	none	none	none	none
4. Minimum Flag Lot Frontage	20 feet	20 feet	20 feet	20 feet	36 feet	36 feet	36 feet	36 feet
5. Maximum Lot Coverage	25%	30%	35%	40%	55%	60%	70%	75%
6. Minimum Setbacks (in feet)								
Front[5, 6]	30	20	20	20	20	10	10	10
Exterior side yard	15	15	15	10	10	10	10	10
Interior side yard	10	10	8	5	10	10	10	10 or 15**[2]
Rear	35	25	25	20	10	10	10	10 or 15**[2]
7. Maximum Height (in feet)	35 (two stories)	35 (two stories)	35 (two stories)	35 (two stories)	35 (two stories)	45 (three stories)	55 (four stories)	55 (four stories)
8. Private Open Space (in sq. ft. per unit)	—	—	—	—	100	100	60	60
9. Common Open Space (sq. ft. per unit)[3, 4]	—	—	—	—	150	150	100	100

Notes:

* For lots located on cul-de-sacs and 90-degree radius turn streets (knuckles), the minimum lot frontage shall be 60% of the above minimum lot width, measured at the front property line. All lots on cul-de-sacs and knuckles must meet the minimum lot width for the zoning district, as identified in the table above, at a distance from the property line equal to 50% of the minimum lot depth.

**[2] 15 feet when abutting a Single-family Residential Zone and buildings exceed 35 feet (two stories).

[3] A minimum of 50% of the required common open space must be consolidated in one area with a minimum dimension (width and length) of 20 feet; however, a minimum of 500 sq. ft. of common open space in one area with a minimum dimension (width and length) of 20 feet must be provided. Refer to Section 13.10.040.E for recreational amenities.
[4] Refer to Section 13.30.020.K for Senior Housing Usable Open Space.
[5] Refer to Section 13.10.040.B for Front Setbacks along Mobility Element Streets.
[6] Refer to Section 13.10.050 for Variable Front Yard Provisions.

B. Ultimate Density. The ultimate density allowed in any residential district shall be determined through the review process and public hearing process as described in this code. The Director or the Planning Commission shall have the authority to reasonably condition any residential development to ensure proper transition and compatibility to adjacent residential developments, existing or proposed.

C. Basic Development Standards. Table 13.10.040A sets forth minimum development standards for residential development projects.

D. Front Setbacks Along Mobility Element Streets. It is the intent of this section to create streetscape standards for building and parking setbacks that help to identify the function of streets and to improve the scenic quality and compatibility of residential development within the community. The following table, Table 13.10.040B sets forth the minimum setbacks based upon the street classification in the mobility element of the general plan. These setbacks shall be required for all new residential development projects located on major arterials, prime arterials or collector streets, which entail new construction on undeveloped property. Building additions subsequently done by property owners in single-family residential districts will be allowed to standard setbacks.

TABLE 13.10.040B
FRONT SETBACKS[a] ALONG MOBILITY ELEMENT STREETS

FEATURE	BUILDING	PARKING
1. Detached SFR		
a) Major/Prime Arterials	35 ft.	10[b] ft.
b) Collector Street	25 ft.	10[b] ft.
2. Attached SFR and MFR		
a) Major/Prime Arterials	25 ft.	10 ft.
b) Collector Street	20 ft.	10 ft.

Notes:
a. Setbacks contained in Table 13.10.040B shall be measured from the ultimate right-of-way location.
b. For parking other than that provided by private driveways.

E. Planned Residential Developments. Planned Residential Developments are created by approval of a tentative map or tentative parcel map and are subject to all development requirements of the applicable zone, except as modified in Table 13.10.040E.

TABLE 13.10.040E

DEVELOPMENT STANDARDS FOR RESIDENTIAL LOTS WITHIN A PLANNED RESIDENTIAL DEVELOPMENT

	R-7	R-14
1. Minimum Net Lot Area (in square feet)	none	none
2. Minimum Lot Dimensions* (width/depth) (feet)	none	none
3. Maximum Lot Coverage	55%	60%
4. Minimum Setbacks (in feet)		
Front[1]	10	10
Exterior side yard	5	5
Interior side yard	5	5
Rear	10	10

Notes:

[1] Flag lots are prohibited within a Planned Residential Development
[2] For new PRDs, a minimum 10-foot setback shall apply along the property line between adjacent development.

F. Recreation Area/Facility. For all development within the R-7, R-14, R-22 and R-30 districts, the developer shall provide recreational amenities in conjunction with common open space, such as, but not limited to, swimming pools and spas, court facilities (e.g., tennis, basketball, volleyball). In addition, enclosed tot lot facilities with play equipment, and large open lawn areas are required. All recreation areas or facilities required by this section shall be maintained by private homeowners' associations or private assessment districts.

G. Building Separation. Main buildings must maintain a minimum separation of ten feet from each other. Accessory structures must maintain a minimum separation of five feet from all other structures.

H. Storage Space. In the R-7, R-14, and R-22 districts, a minimum of 150 cubic feet of lockable enclosed storage per unit shall be provided in an easily accessible location for all residents (garages, carports, private patios). Storage area shall be in addition to any minimum size requirements for garages, carports, private patios or other areas. Substitutions meeting the intent of this requirement may be approved. In the R-30 district, development projects shall provide a minimum of 200 cubic feet of lockable enclosed storage space for residents which may be located in common areas.

I. Trash Enclosures. Trash enclosures or individual trash bins must be provided for all developments within the R-7, R-14, R-22 and R-30 zones. When trash enclosures are provided a minimum of two must be provided on-site when dumpsters and commercial waste disposal are to be provided for the development. Additional trash enclosures shall be provided as needed to meet the requirements of Chapter 13.36 of the City of Santee Municipal Code. The enclosures shall be designed to the satisfaction of the Director and shall include a minimum six-

foot high decorative wall or solid fence with a solid metal gate painted to match the on-site buildings. All dumpsters shall have an attached waterproof cover that shall be kept closed at all times. The trash enclosures shall be easily accessible, shall not be located within any required setback or landscape area and shall not block any required parking area or driveway. When individual trash bins are provided, an additional ten square feet of storage area shall be provided in addition to the required garage space for each unit. Curbside trash collection for individual units is an acceptable alternative when access to receptacles is adequate, subject to the satisfaction of the Director. All developments must also comply with the current stormwater requirements

J. Energy Conservation. This section sets forth requirements for energy conservation features. All appliances and fixtures shall be energy conserving (e.g., reduced consumption showerheads, water conserving toilets, etc.). The requirements for the energy efficiency of buildings are set forth in the current California Energy Code for Climate Zone 10 in which the City is located.

K. Equipment Screening. Any equipment, whether on the roof, side of building, or ground, shall be screened. The method of screening shall be architecturally integrated in terms of material, color, shape and size. The screening design shall blend with the building design. Where individual equipment is provided, a continuous screen is desirable. (Ord. 546 § 3, 2017; Ord. 517 § 5, 2013; Ord. 495 § 3, 2010; Ord. 491 § 1, 2009; Ord. 478 § 1, 2008; Ord. 471 § 1, 2007; Ord. 438 § 1, 2003)

13.10.050 Special development criteria.

The special development criteria set forth in this section are intended to provide minimum standards for residential development.

A. Attached and Detached Residential Accessory Structures.

1. Attached and detached residential accessory structures which require a building permit (including, but not limited to, unenclosed patio covers, cabanas, garages, carports, and storage buildings) may encroach in a required interior side yard or rear yard, except as required in Table 13.10.040A, subject to the following limitations:

   (a) Height. The maximum height for accessory structures is fifteen feet (one story).

   (b) Coverage. A maximum 30% building coverage shall apply within the rear setback area.

   (c) Rear Yard Setback. Attached and detached residential accessory structures or additions may be located five feet from the rear property line, excluding eave overhang.

   (d) Side Yard Setback. The minimum side yard setback of the base district or that of the existing main building shall apply, whichever is less, except

attached or detached accessory structures may be located a minimum setback of five feet from the interior side property line only within the rear yard area, excluding eave overhang. Attached and detached residential accessory structures may not encroach into required exterior side yard setbacks.

(e) Front Yard and Corner Side Yard. No detached residential accessory structure shall be placed in front of the main structure.

(f) Size. The maximum allowable gross floor area for all detached residential accessory structures in conjunction with an existing single-family residence shall not exceed 50% of the living area of the primary residence. A 400 square foot detached garage is permitted in all cases if a garage does not currently exist on-site.

(g) Additional Standards for Accessory Structures. The following items may be allowed in an accessory structure, such as a garage, workshop, cabana, or similar structure, with recording of a City-approved deed restriction:

(i) Wetbar / kitchen

(ii) Wash basin (sink and drain)

(iii) Bathroom.

B. Projections into Yards.

1. Eaves, roof projections, awnings, and similar architectural features may project into required yards a maximum distance of two feet, provided such appendages are supported only at, or behind, the building setback line.

2. Fireplace chimneys, bay windows, balconies, fire escapes, exterior stairs and landings and similar architectural features and equipment for pools and air conditioning may project into required yards a maximum distance of two feet, provided such features shall be at least three feet from a property line. Equipment must be screened with materials and colors that blend with the building design.

3. Uncovered decks, platforms, uncovered porches, and landing places which do not extend above the first floor level of the main building and are not at any point more than thirty-two inches above grade, may project into any front or corner side yard a maximum distance of ten feet, and project into any rear or interior side yard up to the property line. Where not extending above the first floor level but where greater than thirty-two inches above grade, must be at least five feet from all side property lines and ten feet from the rear and front property lines.

4. Projections Over a Slope. If a structure is constructed such that it projects over a slope, and the structure is visible from a public street, the underside of the

structure shall either be enclosed or landscaping shall be provided to screen the structure from public view to the satisfaction of the Director.

5. Two-story additions may encroach a maximum of five feet into the required rear yard setback if the Director determines that the encroachment is necessary for a continuation and extension of the architectural design, style, and function of the structure.

C. Projections Above Height Limits. Except as provided for in Chapter 13.34, flues, chimneys, antennas, elevators, other mechanical equipment, utility, and mechanical features may exceed the height limit of the base district in Table 13.10.040(A) by no more than fifteen feet, provided such feature shall not be used for habitable space and appropriate screening is provided as determined by the Director. Architectural appurtenances to churches and other religious institutions involving a steeple, or cross combination thereof, and clock towers, may exceed the maximum height of the base district if it is determined through the development review permit or conditional use permit process that architectural compatibility and appropriate building scale are achieved and maintained.

D. Solar Access. This section sets forth provisions for solar access. The provisions of this section shall apply to all residential districts.

1. All new residential development projects, except condominium conversions, shall provide for future passive or natural heating or cooling opportunities (e.g., lot size and configuration permitting orientation of a structure in an east-west alignment for southern exposure, or lot size and configuration permitting orientation of a structure to take advantage of shade or prevailing breezes).

   (a) Consideration shall be given to local climate, to contour, to lot configuration and to other design and improvement requirements.

   (b) Consideration shall be given to provide the long axis of the majority of individual lots within twenty-two and one-half degrees east or west of true south for adequate exposure for solar energy systems.

2. The location of a roof mounted solar collector is required to comply with the local building and fire regulations. A ground mounted solar collector is required to comply with the height and setback requirements in Section 13.10.050.

3. All dwelling units within subdivisions shall have a minimum of 100 square feet of solar access for each dwelling unit.

E. Variable Front Yard Provisions. Front setbacks required by the base district may be averaged on the interior lots within a new single-family detached or detached condominium subdivision. Additions to single-family homes in established residential subdivisions shall be allowed to build to the pre-established front yard setback of the subdivision without the need for a variance.

F. Fences, Walls and Hedges. The following provisions regarding fences, walls and hedges shall apply to all residential districts.

1. Fences, walls, hedges, or similar view obstructing structures or plant growth that reduce visibility and the safe ingress and egress of vehicles or pedestrians shall not exceed a height of three and one-half feet in the front yard. A combination of solid and open fences (e.g. wrought iron, chain link, Plexiglas) not exceeding six feet in height may be located in a required front yard or visibility clearance area, provided such fences are constructed with at least 90% of the top two and one-half feet of their vertical surface open, and non-view obscuring.

2. Fences or walls, not exceeding six feet in height, may be located in a required exterior side yard, rear, or interior side yard. Walls required by the City for noise mitigation may be up to eight feet in height and may be located within the exterior side yard setback or rear setback adjacent to a street. The noise wall shall be designed such that it does not reduce visibility and the safe ingress and egress of vehicles or pedestrians.

3. 3. A visibility clearance area shall be required on corner lots in which nothing shall be erected, placed, planted or allowed to grow exceeding three and one-half feet in height. Such area shall consist of a triangular area bounded by the street right-of-way lines of such corner lots and a line joining points along said street lines 20 feet from the point of intersection.

4. Outdoor recreation court fences not exceeding twelve feet in height shall be located five feet from any rear or side property lines, except when adjacent to outdoor recreation courts on adjacent properties.

5. Barbed wire, concertina wire, or similar security devices are not allowed in residential zones.

6. Walls constructed next to a Mobility Element Street shall be constructed with decorative materials to the satisfaction of the Director. Anti-graffiti surfaces shall be provided pursuant to Chapter 7.16.

G. Swimming Pools, Spas and Recreational Courts.

1. Swimming pools, spas, tennis courts, basketball courts, or similar paved outdoor recreational courts, shall not be located in any required front yard, and shall be located no closer than three feet from any rear, side or corner side property line.

2. Outdoor lighting poles and fixtures are permitted not to exceed twelve feet in height. Any such lighting shall be designed to project light downward and shall not create glare on adjacent properties.

H. Mobile Home Parks. For mobile home park development provisions, refer to Chapter 13.22.

I. Use of Required Yards.

1. Street Yards. Except as otherwise permitted, a street yard shall be used only for landscaping, pedestrian walkways, driveways, or off-street parking.

2. Rear and Interior Side Yards. Except as otherwise permitted, these yards shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or similar accessory activities.

J. Lights. All public parking areas shall be adequately lighted. All lighting shall be designed and adjusted to reflect light away from any road or street, and away from any adjoining premises. All lights and illuminated signs shall be shielded or directed so as to not cause glare on adjacent properties or to motorists. (Ord. 546 § 3, 2017; Ord. 438 § 1, 2003)

13.10.060 General provisions.

A. Property Maintenance. All buildings, structures, yards and other improvements shall be maintained in a manner which does not detract from the appearance of the immediate neighborhood. The following conditions are prohibited:

1. Dilapidated or deteriorating structures, including, but not limited to, fences, roofs, doors, walls, and windows.

2. Accumulation of scrap lumber, junk, trash, debris, or inoperative vehicles is prohibited.

3. Parking of vehicles on an unpaved surface.

4. Repair of automobiles or other vehicles shall be limited to incidental work on personal vehicles legally owned by the resident only pursuant to the provisions contained in Section 13.10.060B of this title.

5. Swimming pools that are not properly treated with chemicals as well as pools, with or without water, that are not properly fenced to prohibit access, thereby creating a threat to the public health and safety.

B. Vehicle and Equipment Repair and Storage. The following provisions shall apply to any vehicle, motor vehicle, camper, camper trailer, trailer, unmounted camper, trailer coach, motorcycle, boat or similar conveyance in all residential districts, and to all sites in any other district used for residential occupancy:

1. Off-street parking, driveways, and storage of the above conveyances shall be conducted on an approved surface only, including cement, cement pavers, asphalt, and gravel. The entire area beneath the conveyance must be covered with an approved surface. Such conveyances shall be prohibited to be parked or stored on unpaved surfaces, such as lawns or dirt surface, subject to the following:

(a) Paved areas shall not exceed 50% of the required front yard area including all areas used for parking of vehicles and the area providing access to such parking areas. This section shall not prohibit the paving of a standard width driveway (twenty feet) to a required off-street parking area on a cul-de-sac lot, or other similar narrow lot as determined by the Director.

(b) Approval of more than 50% pavement coverage with the exception of a cul-de-sac lot or other similar narrow lot described above is subject to a minor exception permit pursuant to Section 13.06.050 of this title.

2. Servicing, repairing, assembling, disassembling, wrecking, modifying, restoring, or otherwise working on any of the above conveyances shall be prohibited unless conducted within a garage or accessory building.

3. Storing, placing or parking any of the above conveyances, or any part thereof, which is disabled, unlicensed, unregistered, inoperative, or from which an essential or legally required operating part is removed, shall be prohibited unless conducted within a garage or accessory building.

4. Notwithstanding the provisions of paragraphs one and two above, emergency or minor repairs and short-term or temporary parking of any of the above conveyances, when owned by a person residing on the lot, may be conducted for an aggregate period of up to twenty-four hours in any continuous period of forty-eight hours exclusive of the screening requirements.

5. For the purpose of this section, references to types of conveyances shall have the same meaning as defined in the Vehicle Code of the State of California, where such definitions are available.

C. Unless otherwise specified within this code or by conditional use permit, all activities, work and storage of materials within residential districts shall entirely be within an enclosed building. (Ord. 438 § 1, 2003)

EXHIBIT 6

CHAPTER 13.12 COMMERCIAL/OFFICE DISTRICTS

13.12.010 Purposes and general plan consistency.

A. The following objectives have been formulated for the commercial and office districts for the implementation of the general plan goals and objectives:

1. Provide appropriately located areas for office uses, retail stores and service establishments to meet the needs of the community;

2. Promote and encourage office and commercial locations and designs to be conveniently accessible by bicycle and foot, as well as by automobile;

3. Promote and encourage office and commercial uses to be designed in centers or like groups for the convenience of the public and to avoid creating nuisances among adjacent land uses;

4. Use and promote open spaces and landscaping to create a visually pleasing environment, as well as to distinguish city and neighborhood boundaries;

5. Intensified or regional-related commercial uses shall be organized and designed to promote maximum opportunity for transit usage;

6. It is intended that commercial/office uses and developments will promote social interaction and minimize adverse environmental impacts and resource consumption;

7. Commercial and office developments shall exhibit the highest standards of site planning, architecture and landscape design;

8. Regarding all properties designated as general commercial, neighborhood commercial or office professional: Development and redevelopment shall be comprehensively designed, entitled and developed whenever it is determined by the City that the permitting of incremental construction and uses may significantly inhibit or otherwise be detrimental to fulfilling the economic and development potential of the site. Any development review permit, conditional use permit or minor conditional use permit which is not consistent with this policy shall be denied. (Ord. 451 § 4, 2005; Ord. 152, 1985)

13.12.020 Commercial office districts.

These districts have been created for implementation of the goals, objectives and land use designations of the general plan.

A. Office/Professional District (OP). This district is intended primarily for the development of professional/administrative offices and personal services rather than

commodities. Site development regulations and performance standards are designed to make such uses relatively compatible with residential uses.

B. Neighborhood Commercial District (NC). This district is intended to provide areas for immediate day-to-day convenience shopping and services for the residents of the immediate neighborhood. Site development regulations and performance standards are intended to make such uses compatible to and harmonious with the character of surrounding residential or less intense land use area.

C. General Commercial District (GC). This district is intended for general commercial activities and services of more intensive nature. These uses would be located primarily along major transportation routes and would include major shopping facilities, major service-oriented uses, and major financial and corporate headquarters which are designed to serve the City or the region as a whole. (Ord. 152, 1985)

13.12.030 Commercial and office use regulations.

Uses listed in Table 13.12.030A shall be allowable in one or more of the commercial districts as indicated in the columns beneath each district heading. Where indicated with the letter "P," the use shall be a permitted use in that district. Where indicated with the letter "C," the use shall be a conditional use subject to a conditional use permit in that district. Where indicated with the letters "MC", the use shall be a conditional use subject to a minor conditional use permit in that district. Where indicated with a dash "—", or if the use is not specifically listed in Table 13.12.030A and is not subject to the use determination procedures contained in Section 13.04.040, the use shall not be permitted in that district. This section shall not be construed to supersede more restrictive use regulations contained in the conditions, covenants, and restrictions of any property. However, in no case shall uses be permitted beyond those allowable in this section. In the event a given use cannot be categorized in one of the districts by the Director, the use determination procedure outlined in Section 13.04.040 shall be followed.

TABLE 13.12.030A USE REGULATIONS FOR COMMERCIAL/OFFICE DISTRICTS			
USE	**OP**	**NC**	**GC**
A. Offices and Related Uses.			
1. Administrative and executive offices	P	P	P
2. Bail bonds office	P	—	P
3. Clerical and professional offices	P	P	P
4. Financial services and institutions	P	P	P
5. Medical, dental and related health administrative and professional offices services (non-animal related) including laboratories and clinics; only the sale of articles clearly incidental to the services provided shall be permitted	P	P	P
6. Accessory commercial uses when incidental to an office building or complex (blueprinting, stationery, quick copy, etc.)	P	P	P
B. General Commercial Uses.			
1. Antique shops	—	P	P
2. Animal care facility, small animal only (animal hospital, veterinarian, commercial kennel, grooming)			
(a) Excluding exterior kennel, pens or runs	—	P	P
(b) Including exterior kennel, pens or runs	—	—	C
3. Apparel Stores	—	P	P
4. Art, music and photographic studios and/or supply stores	P	P	P
5. Dance, gymnastics, martial arts, or fitness / sports school or studio	—	P	P
6. Appliance repair and incidental sales including, but not limited to small household appliances, computers and vending machines, and provided all work activities and storage occurs entirely within an enclosed building.		P	P
7. Arcades, more than amusement devices (see special requirements per Section 13.12.030(F); also subject to the provisions contained in Title 4 of this code).		MC	MC
8. Athletic and health clubs	P	P	P
9. Auction house (conducted completely within an enclosed building and subject to the provisions contained in Title 4 of this Code)			P
10. Automotive services including automobiles, trucks, motorcycles, boats, trailers, mopeds, recreational vehicles or other similar vehicles as determined by the Director.			
(a) Sales			C
(b) Rentals			
(i) With on-site vehicle storage	—	MC	MC
(ii) No on-site vehicle storage	P	P	P

TABLE 13.12.030A USE REGULATIONS FOR COMMERCIAL/OFFICE DISTRICTS			
USE	**OP**	**NC**	**GC**
(c) Repairs including painting, body work and services			P
(d) Washing (coin and automatic)		MC	P
(e) Service or gasoline dispensing stations including mini-marts, accessory car washes, and minor repair services accessory to the gasoline sales		C	C
(f) Parts and supplies excluding auto recycling or wrecking		P	P
11. Bakeries		P	P
12. Barber and beauty shops and/or supplies	P	P	P
13. Bicycle sales and shops (non-motorized)		P	P
14. Blueprint and photocopy services	P	P	P
15. Book, gift and stationery stores (other than adult related material)	P	P	P
16. Candy stores and confectioneries		P	P
17. Catering establishments (excluding mobile catering trucks)			P
18. Cleaning and pressing establishments, retail	P	P	P
19. Cemeteries			
20. Commercial recreation facilities			
(a) Indoor uses including, but not limited to, bowling lanes, theaters, and billiard parlors			P
(b) Outdoor uses, including, but not limited to, golf, tennis, basketball, baseball, trampolines, and drive-in theaters			C
21. Contractor (all storage of material, equipment within an enclosed building)			P
22. Dairy products stores		P	P
23. Department stores		P	P
24. Drive-in business (excluding theaters and fast food restaurants)		P	P
25. Drug stores and pharmacies	P	P	P
26. Equipment sales/rental yards (light equipment only)			MC
27. Farmer's Market (See Section 13.12.030(G)(4))		MC	MC
28. Feed and tack stores (all supplies and materials within an enclosed building			P
29. Florist shops	P	P	P
30. Food and beverage sales or service			
(a) Cocktail lounge, bar or tavern			
(i) Not accessory to a restaurant and with or without entertainment, other than adult related	C	C	C
(ii) Accessory to a restaurant, coffee shop and with or without entertainment, other than adult related	P	P	P
(b) Nightclubs or dance halls, not including adult related entertainment		C	C
(c) Snack bars, delicatessens, or refreshment stands, take-out only, and accessory to an office use	P	P	P
(d) Fast food restaurants with drive-in or drive-through service		C	C

TABLE 13.12.030A USE REGULATIONS FOR COMMERCIAL/OFFICE DISTRICTS			
USE	**OP**	**NC**	**GC**
(e) Restaurants or coffee shops, other than fast food with or without alcoholic beverages and without entertainment	P	P	P
(f) Supermarkets (including the sale of alcoholic beverages)		P	P
(g) Convenience markets		P	P
(h) Liquor stores		C	C
(i) Clubs and lodges with alcoholic beverage service		C	C
31. Furniture stores, repair and upholstery		P	P
32. General retail stores		P	P
33. Hardware stores		P	P
34. Home improvement centers			
(a) Material stored and sold within enclosed buildings		P	P
(b) Outdoor storage of material such as lumber and building materials			MC
35. Hotels and motels	C		C
36. Interior decorating service	P	P	P
37. Janitorial services and supplies		P	P
38. Jewelry Stores		P	P
39. Kiosks for general retail and food sales, key shops, film drops, automatic teller machines, etc. in parking lots	MC	MC	MC
40. Laundry, self-service		P	P
41. Limousine service (limousines shall not be stored in any required parking spaces)			P
42. Locksmith shop		P	P
43. Mining	C	C	C
44. Mobile home sales			C
45. Mortuaries, excluding crematoriums			P
46. Newspaper and magazine stores	P	P	P
47. Nightclub, teenage			C
48. Nurseries (excluding horticultural nurseries) and garden supply stores; provided all equipment, supplies and material are kept within an enclosed building		P	P
(i) with outdoor storage and supplies		MC	MC
49. Office and business machine stores and sales	P	P	P
50. Parking facilities (commercial) where fees are charged	P		P
51. Pawnshop			P
52. Parcel delivery service (excluding on-side truck storage and truck terminals)			P
53. Political or philanthropic headquarters	P	P	P
54. Pet shop*		P	P

TABLE 13.12.030A USE REGULATIONS FOR COMMERCIAL/OFFICE DISTRICTS			
USE	**OP**	**NC**	**GC**
55. Plumbing shop and supplies (all materials stored within an enclosed building)		P	P
56. Printing and publishing	P		P
57. School, business or trade (all activities occurring within an enclosed building	P	P	P
58. School, commercial (all activities occurring within an enclosed building)		P	P
59. Second hand store or thrift shop		P	P
60. Shoe stores, sales and repair		P	P
61. Shopping center subject to provisions in Section 13.12.030(F)		C	C
62. Small collection facility	P	P	P
63. Spiritualist readings or astrology forecasting			P
64. Sporting goods stores		P	P
65. Stamp and coin shops		P	P
66. Swimming pool or spa sales and/or supplies		P	P
67. Tailor or seamstress	P	P	P
68. Tanning salon, massage, and other body conditioning services		P	P
69. Tattoo parlor or body piercing salon			
70. Taxidermist			P
71. Television, radio sales and service		P	P
72. Tire sales and installation, not including retreading and recapping			P
73. Toy stores		P	P
74. Travel agencies	P	P	P
75. Transportation facilities (train, bus, taxi depots)	C	C	C
76. Variety stores		P	P
C. Public and Semi-Public Uses			
1. Ambulance service	C	C	C
2. Art galleries and museums, public or private	P	P	P
3. Biological habitat preserves (unless otherwise approved by another entitlement)	P	P	P
4. Churches, convents, monasteries and other religious institutions	C	C	C
5. Clubs and lodges, including YMCA, YWCA and similar group uses without alcoholic beverage sales, (Clubs and lodges serving or selling alcoholic beverages shall come under the provisions of Subsection 13.12.030.B. 30 of this title)	MC	MC	MC
6. Convalescent facilities and hospitals	C		C
7. Day care center facilities	C	C	C
8. Detention facility	—	—	—
9. Educational facilities, excluding business or trade schools and commercial schools	C	C	C
10. 10. Library	P	P	P

TABLE 13.12.030A USE REGULATIONS FOR COMMERCIAL/OFFICE DISTRICTS			
USE	**OP**	**NC**	**GC**
11. Parks and recreation facilities, public or private (excluding commercial recreation facilities)	C	C	C
12. Post office	P	P	P
13. Public buildings and facilities	C	C	C
14. Radio or television broadcast studio	—	—	C
D. Accessory Uses			
1. Auxiliary structures and accessory uses customarily incidental to a permitted use and contained on the same site.	P	P	P
2. Caretaker's living quarters only when incidental to and on the same site as a permitted or conditionally permitted use.	P	P	P
3. Amusement devices, per Section 13.12.030(F)	—	P	P
E. Temporary Uses			
1. Temporary Uses subject to the provisions contained in Section 13.06.070	P	P	P

* Subject to pet sourcing requirements of the State of California.

F. Special Use Regulations.

1. Amusement Devices. The use of amusement devices, as defined in Chapter 13.04, as an accessory use to a permitted use, shall be regulated based on the following criteria:

   (a) No more than five devices may be permitted per business without approval of a conditional use permit. Each machine and playing area shall occupy a minimum of ten square feet of floor area.

   (b) The devices shall not obstruct or crowd entries, exits, or aisles;

   (c) Adult supervision (persons aged twenty-one and above) is required and the devices must be placed in an area which is visible to the supervisor at all times.

2. Arcades. A conditional use permit is required to establish an arcade, as defined in Chapter 13.04. The following information is required to process the permit application: Adult supervision to be provided, hours of operation, proximity to schools and other community uses, compatibility with the surrounding neighborhood and businesses, noise attenuation, bicycle facilities, size and location of interior waiting areas and any other information deemed necessary by the Director.

   (a) Each application shall contain a description of the types of machines, a floor plan, and any other information deemed necessary by the Director.

3. Shopping Centers. To ensure that the goals and policies of the general plan are implemented, a conditional use permit shall be required for shopping centers. In such a review, the following criteria shall be considered:

   (a) The transition from more sensitive land uses and buffering methods to mitigate commercial activities such as loading, lighting, and trash collection;

   (b) The center has been planned as a group of organized uses and structures;

   (c) The center is designed with one theme, with buildings and landscaping consistent in design (similar architectural style, similar exterior building materials, and a coordinated landscaping theme);

   (d) The center makes provisions for consistent maintenance, reciprocal access and reciprocal parking;

   (e) Vehicle and pedestrian access is coordinated and logically linked to provide a comprehensive circulation system;

(f) The development or approval of any portion of a center shall require the development of a conceptual development plan which shall consider such things as, but not limited to, circulation, uniform architectural design, drainage/grading, buffers, phased improvements and landscaping.

4. Congregate Care Facility Amenities. All new congregate care facilities shall provide adequate amenities, that may include and not be limited to, swimming pools, fitness centers, spas, card rooms, billiards/game rooms, music rooms, reading rooms, internet lounges, etc., to the satisfaction of the Director.

G. Condition of Uses.

1. Outdoor Displays and Sales of Merchandise. All businesses shall be conducted completely within an enclosed building. The following outdoor sales and commercial activities may be permitted to operate outdoors, within their respective districts and subject to any required reviews and permits:

(a) Automobile, boat, trailer, camper, and motorcycle sales and rental (subject to a conditional use permit);

(b) Building material, supplies and equipment, rental and sales (subject to a conditional use permit);

(c) Farmer's market (subject to the provisions of subdivision (3) of this subsection) fruit and vegetable stands (requires temporary use permit);

(d) Horticultural nurseries (subject to a conditional use permit);

(e) Gasoline pumps, oil racks, and accessory items when located on pump islands;

(f) Outdoor display of merchandise as accessory to current on-site business (subdivision (3) of this subsection);

(g) Outdoor recreation uses;

(h) Parking lot and sidewalk sales (subject to Section 13.06.070) temporary use permit and regulations set forth in this chapter); and

(i) Other activities and uses similar to those above as determined by the Director;

(j) Outdoor eating areas (subject to a minor conditional use permit). For accessory outdoor eating areas in conjunction with a food establishment that features take-out service; see subdivision (5) of this subsection.

2. Parking Lot and Sidewalk Sales. Parking lot and sidewalk sales are permitted in the commercial districts as described in Section 13.06.070 of this title.

3. Outdoor Display of Merchandise Accessory to Current On-site Business. Any outdoor display must be done in conjunction with the business being conducted within the building and shall comply with the following regulations:

   (a) The aggregate display area shall not exceed 25% of the linear frontage of the storefront or six linear feet, whichever is greater;

   (b) Items shall not project more than four feet from the storefront;

   (c) No item, or any portion thereof, shall be displayed on public property; provided, however, items may be displayed within the public right-of-way if an encroachment permit has first been procured from the City;

   (d) Items shall be displayed only during the hours that the business conducted inside the building on the premises is open for business;

   (e) No item shall be displayed in a manner that causes a safety hazard; obstructs the entrance to any building; interferes with, or impedes the flow of, pedestrian or vehicle traffic; is unsightly or creates any other condition that is detrimental to the public health, safety or welfare or causes a public nuisance.

4. Farmer's Markets. Parking lot display and sale of produce and other agricultural products such as, but not limited to, fruits, vegetables, nuts, honey, eggs, herbs, flowers and plants may be permitted in the general commercial zone subject to approval of a minor conditional use permit and the following criteria:

   (a) The design, location and size of booths or method of display, signage, and the associated facilities and times of operation shall be reviewed and approved through the minor conditional use permit process;

   (b) A parking study shall be provided to determine if adequate off-street parking and traffic and pedestrian circulation exists for all existing on-site uses while the market is open for business;

   (c) All required permits from the San Diego County Health Services Department shall be obtained.

5. Accessory Eating Areas Permitted. For food establishments which primarily feature takeout service, up to sixteen seats are permitted as accessory eating. Food establishments with accessory eating area will not be considered restaurants for the purpose of determining required parking. In addition, if outdoor eating is provided as an accessory use, it will not be considered an expansion of the use for determining parking needs. The seating may be provided indoors or outdoors. The provisions of this subdivision do not apply to drive-through fast-food restaurants. The following performance standards shall apply to outdoor eating:

(a) The outdoor eating area shall be arranged in such a way that it does not create a hazard to pedestrians or encroach on a required building exit;

(b) The outdoor eating area cannot be located in any driveway, parking space, landscaped area, or required setback;

(c) The outdoor eating area must be maintained so that it is not unsightly and does not create a condition that is detrimental to the appearance of the premises or surrounding property;

(d) Signage may not be placed on the outdoor furniture or umbrellas, which advertise the business, service or use, or any product unless otherwise permitted by the sign ordinance.

6. Specialized Retail Sales and Food Services from Pushcarts. The following standards apply to all requests to establish a pushcart for specialized retail sales or food sales on private property in the general commercial, neighborhood commercial or office professional zones.

(a) Pushcarts shall be located on private property and shall not be located in areas that:

(i) Reduce the amount of required parking on the site.

(ii) Interfere with vehicular or pedestrian circulation.

(iii) Present a traffic hazard.

(iv) Result in the removal of mature landscaping (unless additional landscaping is provided elsewhere on the subject site).

(v) Within the town center specific plan area, pushcarts shall not be located within any corridor open space area.

(b) The pushcart owner or, if the owner does not operate the business, the pushcart operator is required to obtain a city business license and any required permits from the building division. A health permit from the county department of health services may also be required.

H. Abandoned or Converted Service Stations

1. Abandoned Service Stations. Service stations which become vacant or cease operation beyond 180 days shall be required to remove all underground storage tanks (unless waived by the Santee Fire Department), remove all gasoline pumps and pump islands, and shall remove freestanding canopies. In order to prevent said action, the owner must supply the Director with written verification prior to the 180th day from the time operations ceased that an allocation of gas has been received and operation of the station will commence within 30 days of the date of

written correspondence. If the service station is to resume operation after the 180 days, then the Director shall require the processing and approval of a development review application to ensure that the facilities will be reasonably upgraded and maintained. This could include such things as, but not limited to, replanting existing landscape areas, installing new landscape areas, painting of structures, upgrading or installing trash enclosures, striping parking spaces, installation of signs in conformance with adopted sign provisions, resurfacing vehicle access and parking areas, and installation of missing street improvements.

2. Converted Service Stations. Buildings and structures which were originally designed as a gasoline service station and which are proposed to be used for another use shall be subject to a development review or conditional use permit. The conversion of the facilities to another use may require upgrading and remodeling for such things as, but not limited to, removal of all gasoline appurtenances, removal of canopies, removal of improvements or modification of existing improvements to conform to access regulations, and exterior remodeling.

I. Conversion of Residential Structures, Including Hotels and Motels.

No structure originally designed as a residence, including hotels and motels, or as an auxiliary structure or addition to a residence, shall be used for any commercial or office uses unless the building and site are improved to meet all code requirements for an office or commercial development. This includes such things as, but not limited to, building code requirements, fire code requirements, and zoning ordinance requirements. A resident may convert up to 50% of the gross floor area of the existing residence to a business use and continue to reside in the residence, provided the resident is also the owner of the business and subject to the provisions of this subsection. Any expansion of a residence that is legal nonconforming shall comply with Section 13.04.110(F) of this title. Such a conversion may also be subject to the conditional use permit process, as required by the base district use regulations contained in Table 13.12.030A. (Ord. 469 § 8, 2007; Ord. 420 Exh. C, 2002; Ord. 401 § 5, 2001; Ord. 325 § 2, 1994; Ord. 323 § 2, 1994; Ord. 314 § 2, 1993; Ord. 289 § 2, 1992; Ord. 281 § 4, 1992; Ord. 273, 1991; Ord. 266, 1991; Ord. 265, 1991; Ord. 250, 1990; Ord. 212, 1988; Ord. 152, 1985)

13.12.040 Site development criteria.

The site development criteria set forth in this section are intended to provide minimum standards for the development and use of land within the commercial/office districts. These site development criteria should be used in conjunction with the design guidelines which are set forth in Section 13.08.070. Use of the design guidelines in conjunction with these criteria will assist the designer in determining the best design for any given development project.

A. Site Dimensions and Height Limitations. Table 13.12.040A sets forth the minimum lot dimensions and height limitations. The creation of new lots within these zones shall conform to these minimum dimensions, except in the case of condominium lots or lots within a shopping center, in which case, no minimums are established. This exception is only applicable when the sites in question are being developed as one integrated development and appropriate measures are taken to insure reciprocal access, parking and maintenance.

B. Setbacks. Table 13.12.040B sets forth the minimum setbacks for buildings and parking facilities, as well as the amount of the setbacks to be landscaped. These provisions apply equally to each of the three commercial districts.

TABLE 13.12.040A SITE DIMENSIONS AND HEIGHT LIMITATIONS

FEATURE	OP	STANDARD NC	GC
1. Minimum lot width[(a)]	70 feet	300 feet	150 feet
2. Height limitations			
a. Within 50 feet of a residential district	25 feet	25 feet	25 feet
b. Other locations	40 feet (b)	40 feet (b)	40 feet (b)

Notes:

(a) Parcel created within shopping centers are exempt from these standards, as long as a conceptual development plan for the entire center has been developed and appropriate easements for reciprocal access, parking and maintenance is provided.

(b) Proposals for development exceeding this height shall require the approval of a conditional use permit.

TABLE 13.12.040B SETBACKS

	STANDARD		
YARD	**BUILDING**	**PARKING**	**LANDSCAPING**
1. Street yard setback (measured from the ultimate right-of-way):			
(a) All streets	10 feet	10 feet	Entire front setback
2. Rear property line setback:			
(a) Adjacent to residential zone	20 feet	10 feet	10 feet
(b) Adjacent to commercial or industrial zone	5 feet**	0 feet	0 feet
3. Interior side property line setback:			
(a) Adjacent to residential zone	20 feet	10 feet	10 feet
(b) Adjacent to commercial or industrial zones	5 feet**	5 feet*	5 feet*

* Unless specifically waived by the Director (see Section 13.24.030(A)(10) (b))

** The five-foot rear property line and interior property line setbacks adjacent to commercial or industrial zones may be waived by the Director on two adjacent developments that share a common wall on the property line between the two lots or where a five-foot easement from the adjoining property owner has been acquired to ensure adequate maintenance of the proposed building.

(Ord. 478 § 1, 2008; Ord. 438 § 1, 2003; Ord. 152, 1985)

EXHIBIT 7

CHAPTER 13.14 INDUSTRIAL DISTRICTS*

13.14.010 Purposes and general plan consistency.

The following objectives have been formulated for the industrial districts for the implementation of the general plan goals and objectives:

A. The city should promote industrial uses adjacent to and north of Gillespie Field which support or can capitalize on the aviation opportunities available;

B. The city should promote consolidation of industrial uses into comprehensively planned industrial parks;

C. The city shall ensure that industrial development creates no significant off-site impacts concerning access and circulation, noise, dust, odors, visual features and hazardous materials that cannot be adequately mitigated;

D. The city shall promote a mix of industrial uses that provide the City with a sound, diverse industrial base;

E. The city should ensure that industrial developments provide for business service needs and the needs of employees. (Ord. 152, 1985)

13.14.020 Industrial districts.

These districts have been created for implementation of the goals, objectives and land use designations of the general plan.

A. Light Industrial District (IL).

1. This district is intended primarily for light industrial uses such as manufacturing, assembly, research and development and similar industrial uses, as well as limited commercial and office uses which are compatible and appropriate in this district. Site development regulations and performance standards are intended to make this district appropriate as a buffer between general industrial uses and nonindustrial uses and where the site is visible from residential areas or major transportation routes.

2. All work and related activity, including materials and equipment storage, is intended to be conducted specifically within enclosed facilities so as to reduce adverse impacts on adjacent uses. Outdoor storage may be allowed in specific circumstances where, through the conditional use permit process, it is demonstrated that adequate screening and buffering of the outdoor storage area can be achieved to eliminate any adverse impacts on adjacent uses and maintain visual qualities of the area.

B. General Industrial District (IG). This district is intended for a wide range of industrial activities including manufacturing, wholesale distribution, and storage. (Ord. 152, 1985)

13.14.030 Industrial use regulations.

Uses listed in Table 13.14.030A* shall be allowable in one or more of the industrial districts as indicated in the columns beneath each industrial district. Where indicated with the letter "P", the use shall be a permitted use in that district. Where indicated with the letter "C", the use shall be a conditional use subject to the conditional use permit process in that district. Where indicated with the letters "MC", the use shall be a conditional use subject to a minor conditional use permit in that district. Where indicated with a dash (—), or if the use is not specifically listed in Table 13.14.030A and is not subject to the use determination procedure contained in Section 13.04.040, the use shall not be permitted in that district. This section shall not be construed to supersede more restrictive use regulations contained in the conditions, covenants, and restrictions of any property. However, in no case shall uses be permitted beyond those allowable in this section. In the event a given use cannot be categorized in one of the districts by the Director, the use determination procedure outlined in Section 13.04.040 shall be followed.

TABLE 13.14.030A
USE REGULATIONS FOR INDUSTRIAL DISTRICTS

USES	IL	IG
A. Industrial Uses.		
1. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared typical materials such as, but not limited to, canvas, cellophane, cloth, cork, felt, fiber, fur, glass, leather, paper (no milling), precious or semiprecious stones, metals, plaster, plastic, shells, textiles, tobacco, wood and yarns; novelty items (not including firework or other explosive type items, electrical appliances, motors and devices; radio, television, phonograph and computers; electronic precision instruments; medical and dental instruments; timing and measuring instruments; audio machinery; visual machinery; cosmetics, drugs, perfumes, toiletries and soap (not including refining or rendering of fats or oils)	P	P
2. Bottling plants	P	P
3. Building materials manufacturing, subject to the provisions	—	P
4. Cement products manufacturing	—	P
5. Fruit or vegetable packing houses	C	P
6. Fruit or vegetable products manufacturing, including frozen foods	C	P
7. Furniture upholstering	P	P
8. Hazardous waste treatment facility	—	C
9. Laboratories (chemical, dental, electrical, optical, mechanical and medical)	P	P
10. Mining	C	C
11. Rubber and metal stamp manufacturing	P	P
B. Storage Trades.		
1. Contractors yards, subject to the provisions of Section 13.14.030(G)	—	MC
2. Contractor (all storage of material, equipment within an enclosed building)	P	P

USES	IL	IG
3. Equipment sales/rental yards	P	P
4. Fleet storage	MC	MC
5. General warehousing/wholesale and distribution	P	P
6. Mini storage, public storage	C	C
7. Trailer, truck or bus terminal		C
8. Vehicle storage yard		MC
9. Recreational vehicle storage facility	MC	MC
C. Services		
1. Administrative, executive, real estate, and/or research offices	P	P
2. Animal care facility		
(a) Completely within an enclosed building	P	P
(b) With exterior kennels, pens or runs	C	C
3. Appliance repair and incidental sales (including but not limited to small household appliances, computers and vending machines, and provided all work activities and storage occurs entirely within an enclosed building)	P	
4. Athletic or health clubs, indoor	MC	
5. Auction house (conducted completely within an enclosed building and subject to the provisions contained in Title 4 of this Code)	P	P
6. Automotive services, including automobiles, trucks, motorcycles, boats, mopeds, recreational vehicles, or other small vehicles as determined by the Director. All vehicles shall be stored on-site and shall not occupy any required parking space, access aisle or landscape area		
(a) Sales	C	MC
(b) Rentals	C	MC
(c) Repairs (major engine work, muffler shops, painting, body work and upholstery) completely	P	P
(d) Washing (coin and automatic)	P	P
(e) Service or gasoline dispensing stations including mini-marts with or without alcoholic beverage sales, accessory car washes, and/or minor repair services as accessory to the gasoline sales	C	C
7. Barber or Beauty Shops	P	
8. Blueprinting and photocopying	P	P
9. Catering establishments (excluding mobile catering trucks. See Fleet Storage)	P	
10. Cleaning and dyeing plant		C
11. Collection facility, large		
(a) Indoor	P	P
(b) Outdoor	C	C
12. Collection facility, small	P	P
13. Dance, gymnastics, martial arts, or fitness / sports school or studio - indoor	P	P
14. Distributors showrooms	P	P
15. Food and beverage sales or service		
(a) Cocktail lounge, bar or tavern		
(i) Not within a restaurant and with or without entertainment, other than adult	C	—

USES	IL	IG
related		
(ii) Accessory to a restaurant or a coffee shop, and without entertainment	P	—
(b) Nightclubs or dance halls, not including adult related entertainment	C	—
(c) Snack bars, delicatessens, or refreshment stands, accessory to a business complex	P	P
(d) Fast food restaurants with drive-in or drive-through service	—	—
(e) Restaurants or coffee shops, other than fast food		
(i) With entertainment or dancing, other than adult related, and/or serving of alcoholic beverages	P	—
(ii) Without entertainment or dancing and with or without alcoholic beverage sales	P	—
(f) Clubs and lodges serving alcoholic beverages	C	—
16. Helipad without maintenance facilities	—	C
17. Home improvement centers		
(a) Material stored and sold within enclosed buildings	P	P
(b) Outdoor storage of material such as lumber and building materials, subject to the provisions contained in Section 13.14.030(G)(2)	MC	P
18. Interior decorating service	P	P
19. Janitorial services and/or supplies	P	—
20. Locksmith shop	P	P
21. Micro-brewery, with or without tasting room and/or food service	P	P
22. Motels, hotels, and/or convention centers	C	C
23. Music or recording studio	P	—
24. Newspaper publishing, printing and distribution, general printing, and lithography	P	P
25. Nurseries, excluding horticultural nurseries, and garden supply stores provided all equipment, supplies and materials are kept within an enclosed building or fully screened enclosure and fertilizer of any type is stored in package form only	P	—
26. Parcel delivery service (excluding truck terminals)	P	P
27. Pest control service	P	P
28. Pistol, rifle or archery range (indoor only)	P	P
29. Photography studio or video production	P	P
30. Retail sales of products produced, wholesaled, or manufactured on the premises commercial when in conjunction with a permitted or conditional use not occupying more than 25% of the gross floor area	P	P
31. Rug cleaning and repair	P	P
32. School, business or trade	P	—
33. Swimming pool sales and supplies	P	—
34. Tattoo parlor and/or body piercing salon	P	—
35. Tire re-treading and recapping	—	P
36. Tobacco paraphernalia business	—	MC
37. Welding shop	P	P
D. Public and Semi-public Uses		

USES	IL	IG
1. Ambulance services	C	C
2. Biological habitat preserve (unless approved by another entitlement)	P	P
3. Clubs and lodges, including YMCA, YWCA, and similar group uses without alcoholic beverage sales. (Clubs and lodges serving or selling alcoholic beverages shall comply with Section 13.14.030.C.15 of this title)	MC	—
4. Daycare center	C	—
5. Detention facility	—	—
6. Educational facility, excluding business and trade schools and commercial schools	C	C
7. Emergency shelter (subject to the provisions of Section 13.14.030.K)	—	P
8. Parks and recreation facilities, public or private	C	—
9. Post offices and postal terminals	C	C
10. Public buildings and facilities	C	C
11. Religious institutions	C	C
12. Solid waste recycling and transfer facility	—	C
E. Accessory Uses		
1. Auxiliary structures and accessory uses customarily incidental to an otherwise permitted use and located on the same site	P	P
2. Caretakers residence only when incidental to and on the same site as a permitted or conditional use	P	P
3. Incidental services for employees on a site occupied by a permitted or conditional use, including day care, recreational facilities, showers and locker rooms and eating places	P	P
4. Overnight parking of vehicles used regularly in the business, provided all required parking spaces are available for use during business hours	P	P
5. Outdoor Storage (subject to the provisions contained in Section 13.14.030(G)(2))	MC	MC
F. Temporary Uses		
1. Temporary uses as prescribed in Section 13.06.070 and subject to those provisions	P	P

G. Outdoor Uses.

1. All uses and activities shall be conducted completely within an enclosed building with the exception of outdoor storage, which is a permitted use subject to the provisions of subdivision (2) of this subsection. The following uses and activities may be permitted to operate outdoors, within their respective districts and subject to any required reviews and permits pursuant to this code.

(a) Mining

(b) Building materials and lumber storage yards and/or contractors yards

(c) Building materials manufacturing

(d) Building equipment storage, sales, rentals

(e) Automobile fleet storage

(f) Trailer, truck or bus terminal

(g) Recreational vehicle storage yard

(h) Automobile sales, rentals, or washes

(i) Gasoline service stations

(j) Boat and camper sales

(k) Agricultural uses

(l) Outdoor recreation facilities

(m) Outdoor eating areas (subject to a minor conditional use permit). For accessory eating areas in conjunction with a food establishment that features takeout services, see Subsection (J) of this section.

(n) Telecommunication facilities (See Chapter 13.34)

(o) Satellite dish antennas (See Chapter 13.34)

(p) Other activities and uses similar to those above as determined by the Director.

2. Outdoor Storage. The outdoor storage of materials accessory to a permitted or conditionally permitted use occupying the subject site shall obtain any necessary permits and comply with the following standards:

(a) All outdoor storage which faces and is visible from a mobility element street or an exterior public street to the industrial subdivision, or which abuts property used for residential purposes, shall be enclosed with a solid decorative concrete, masonry, wood frame and stucco, or decorative block walls at least six feet high. In all other cases the outdoor storage shall be screened with material which is 100% view obscuring. The type and design of the screening material is subject to the approval of the Director. All gates provided for ingress and egress in any required fence or wall shall be at least six feet in height and shall be of view-obscuring construction, compatible with the fence or wall design.

(b) Stored materials shall be stacked in outdoor storage areas to a height no greater than that of any building, wall, fence, or gate enclosing the storage area and shall not be visible from a public street.

(c) No storage shall be permitted in a required setback area or required landscape area.

(d) No storage shall be permitted in a required parking space or driveway and at no time shall said storage area impede the use of any required parking space or driveway. Outdoor storage is not allowed within any secured parking area established pursuant to Section 13.14.040(C).

(e) The limits of the outdoor storage area shall be clearly defined on the site.

(f) The outdoor storage shall be limited to materials, products, or equipment used, produced or manufactured on-site by the business requesting the storage. On-site parking of fleet/company vehicles used regularly in the operation of the business, equipment attached to fleet/company vehicles, short-term customer and staff parking, and approved trash enclosures shall not be considered outdoor storage. (See Section 13.14.030(B)(4) for Fleet Storage).

H. The following shall be used in the review of prefabricated structures:

1. The use of prefabricated structures shall be compatible with surrounding uses.

2. The design of the prefabricated structures shall be compatible with and complimentary to existing structures on the site. They must conform to all standards, goals and objectives of the Santee zoning ordinance and general plan and have adequate public facilities available.

3. Adequate screening from adjacent residential areas and public streets shall be provided.

4. A permanent foundation system shall be provided, unless otherwise approved.

5. Handicap access shall be provided, unless otherwise approved.

I. Conversion of Residential Structures. No structure originally designed as a residence (including hotels and motels), or as an auxiliary structure or addition to a residence, shall be used for any industrial uses unless the building and site are improved to meet all code requirements for such a development. This includes, but is not limited to, building code requirements, fire code requirements and the zoning code requirements. A resident may convert up to 50% of the gross floor area of the existing residence for business purposes and continue to reside in the residence, provided the resident is also the owner of the business, and subject to the provisions of this chapter. Any expansion of a residence that is legal nonconforming shall comply with Section 13.04.110(F) of this title. A conversion may be subject to a conditional use permit, or minor conditional use permit process as required by the base district use regulations contained in Table 13.14.030A.

J. Accessory Eating Areas Permitted. For food establishments which primarily feature takeout service, up to a total of sixteen seats are permitted as accessory eating. Food establishments with accessory eating areas will not be considered restaurants for the purpose of determining required parking. In addition, if outdoor eating is provided as an accessory use, it will not be considered an expansion of the use for determining parking needs. The seating may

be provided indoors or outdoors. The provisions of this Subsection do not apply to drive-through fast-food restaurants. The following performance standards shall apply to outdoor eating:

1. The outdoor eating area shall be arranged in such a way that it does not create a hazard to pedestrians or encroach on a required building exit.

2. The outdoor eating area cannot be located in any driveway, parking space, landscaped area or required setback.

3. The outdoor eating area must be maintained so that it is not unsightly and does not create a condition that is detrimental to the appearance of the premises or surrounding property.

4. Signage may not be placed on the outdoor furniture or umbrellas which advertises the business, service or use, or any product unless otherwise permitted by the sign ordinance.

5. Handicapped access shall be provided.

K. Emergency Shelters are permitted on North Woodside Avenue, on the following assessor parcel numbers, subject to a non-discretionary Development Review Permit pursuant to Government Code Section 65583(a) (4), 381-170-64-00, 381-170-25-00 381-170-28-00, 381-170-54-00, 381-170-53-00, 381-170-46-00, 381-170-61-00, 381-170-62-00 or any subsequent APN for these specific sites, subject to compliance with the following:

1. An emergency shelter shall not be located within 300 feet of another shelter, pursuant to Government Code Section 65583(a)(4) (A)(v).

2. The agency or organization operating the shelter shall submit a Facility Management Plan containing facility information, including the number of persons who can be served nightly, the size and location of onsite waiting and intake areas, the provision of onsite management, exterior lighting details, and onsite security during hours of operation, as established in Government Code Section 65583(a)(4)(A). (Ord. 517 § 6, 2013; Ord. 438 § 1, 2003; Ord. 432 § 3, 2003; Ord. 431 § 3, 2003; Ord. 420 Exh. D, 2002; Ord. 401 § 6, 2001; Ord. 325 § 2, 1994; Ord. 323 § 2, 1994; Ord. 314 § 2, 1993; Ord. 284 § 3, 1992; Ord. 281 § 5, 1992; Ord. 273, 1991; Ord. 266, 1991; Ord. 250, 1990; Ord. 213 § 1, 1988; Ord. 212, 1988; Ord. 152, 1985)

13.14.040 Site development criteria.

The site development criteria set forth in this section are intended to provide minimum standards for the development and use of land within the industrial districts. These site development criteria should be used in conjunction with the design guidelines which are set forth in Section 13.08.070. Use of the design guidelines in conjunction with these criteria will assist the designer in determining the best design for any given development project.

A. General Requirements. Table 13.14.040A sets forth the minimum lot dimensions, height limitations and setbacks. The creation of new lots within these zones shall conform to these minimum dimensions, except in the case of condominium lots, in which case no minimums are established. This exception is only applicable when the sites in question are being developed as one integrated development and appropriate measures are taken to insure reciprocal access, parking and maintenance.

B. Setbacks. Table 13.14.040B sets forth the minimum setbacks for buildings and parking facilities, as well as the amount of the setbacks to be landscaped. These provisions apply equally to each of the two industrial districts.

TABLE 13.14.040A
SITE DIMENSIONS AND HEIGHT LIMITATIONS

		STANDARD	
	FEATURE	**IL**	**IG**
1.	Minimum site/lot area	20,000 sq. ft.	40,000 sq. ft.
2.	Minimum lot width	100 ft	150 feet
3.	Height limitations		
	(a) Within 50 feet of a residential zone	25 feet	25 feet
	(b) Other locations	40 feet[(a)]	40 feet[(a)]

Notes: (a) Proposals for development exceeding this height shall require the approval of a conditional use permit.

TABLE 13.14.040B
SETBACKS

			STANDARD	
	YARD	**BUILDING**	**PARKING**	**LANDSCAPING**
1.	Street yard setback (measured from the ultimate right-of-way)	15 feet	10 feet	Entire front setback
	(a) All streets			
2.	Rear Property line setback	25 feet	10 feet	10 feet
	(a) Adjacent to residential zone			
	(b) Adjacent to commercial or industrial zone	5 feet**	0 feet	0 feet
3.	Interior side property line setback:			
	(a) Adjacent to residential zone	25 feet	10 feet	10 feet
	(b) Adjacent to commercial or industrial zone	5 feet**	5 feet*	5 feet*

* Unless specifically waived by the Director (See Section 13.24.030(A)(10)(b))

** The five-foot rear property line and interior property line setbacks adjacent to commercial or industrial zones may be waived by the Director on two adjacent developments that share a common wall on the property line between the two lots or where a five-foot easement from the adjoining property owner has been acquired to ensure adequate maintenance of the proposed building.

C. Security Fencing.

1. Parking area may be enclosed by an ornamental iron or wrought iron fence for security purposes, subject to the approval of a minor development review permit by the Director and the following:

   (a) Gates must be rolling type, unless otherwise approved by the Director. The parking lot is to remain accessible during business hours.

   (b) No barbed wire, razor wire, concertina wires or similar devices shall be placed on the fence. An outward curving top is recommended for ornamental iron or wrought iron fences to restrict access.

   (c) On multi-tenant buildings or developments, a single common fenced area will be provided.

   (d) The fence height shall not exceed six feet in the front yard, exterior side yard, or visibility clearance area and eight feet in the rear or interior side yard setback. The fence shall be constructed of decorative metal and shall be non-view obscuring.

   (e) Fencing shall not obstruct vehicular or pedestrian circulation and shall not eliminate landscaped areas or materials. All gates must be equipped with a knox-type security device to allow emergency vehicles access at all times. Fencing and gates for secured parking areas shall not adversely impact traffic circulation on surrounding streets.

   (f) The property owner shall record a deed restriction, prepared to the satisfaction of the Director, acknowledging that the fenced areas shall not be used for outdoor storage.

   (g) All fencing shall comply with the requirements of the Uniform Building Code. (Ord. 478 § 1, 2008; Ord. 420 Exh. D, 2002; Ord. 246, 1990; Ord. 152, 1985)

EXHIBIT 8

CHAPTER 13.16 PARK/OPEN SPACE DISTRICT

13.16.010 Purposes and general plan consistency.

The Park/Open space district indicates areas of permanent open spaces, biological resource protection, parks and/or areas precluded from major development because of land constraints or habitat preservation. The use regulations, development standards, and criteria are intended to provide low intensity development and encourage recreational activities and the preservation and management of natural resources. Recreational uses such as golf courses with customary support facilities are considered appropriate for these areas. Agricultural uses and sand extraction operations may, under special conditions, be allowed.

The following objectives have been formulated for the Park/Open space district for the implementation of the general plan goals and objectives:

1. Promote a balanced mix of open space uses with development throughout the City in order to provide the enhancement of visual resources, avoidance of hazards, and conservation of resources.

2. Preserve significant natural resources, such as mineral deposits, biological resources, watercourses, hills, canyons, and major rock outcroppings, as part of a citywide open space system.

3. Maintain floodways as open space in order to reduce flood hazards, and to preserve the aesthetic quality along water corridors.

4. Encourage the preservation of significant historical and archaeological sites in the City.

5. Preserve open space to adequately protect the public from fires, flooding and landslides.

6. Provide adequate recreational acreage and facilities in all areas of the City.

7. Encourage private recreational uses which exhibit large amounts of open space. (Ord. 438 § 1, 2003)

13.16.020 Park/Open space use regulations.

A. Uses listed in Table 13.16.030A shall be allowable. Where indicated with the letter “P”, the use shall be a permitted use. Where indicated with the letter “C”, the use shall be a conditional use subject to the conditional use permit. Where indicated with the letters “MC”, the use shall be subject to a minor condition use permit. Where indicated with a dash “—”, or if the use is not specifically listed in Table 13.16.030A, the use shall not be permitted. This section shall not be construed to supersede more restrictive use regulations contained in the conditions, covenants and restrictions of any property. However, in no case shall uses be permitted beyond

those allowable in this section. In the event a given use cannot be categorized in one of the districts by the Director, the procedure outlined in Section 13.04.040 use determination shall be followed.

TABLE 13.16.030-A
USE REGULATIONS

USE	DISTRICT P/OS
1. Residential Uses	
(a) Single Family dwelling (not to exceed an average density of one unit per 40 acres)[1]	P
(b) Single Family Attached	—
(c) Multiple Family Dwellings	—
(d) Day Care Home, Family	
(i) Large family day care home pursuant to Section 13.30.020(I)	
a. Within a detached single family dwelling unit	P
b. Within a multi-family residential development	—
(ii) Small family day care home within a residential dwelling unit	P
2. Caretaker Quarters (accessory to a permitted use)[1]	P
3. Home Occupations (pursuant to Section 13.06.060A)	P
4. Auxiliary structures such as detached garages, carports, cabanas, barns, storage sheds, corrals.[2]	P
5. Agricultural Uses	
(a) Row crops, truck gardens	C
(b) Plant storage or propagation	C
(c) Orchards, vineyards, Christmas and other tree farms	C
(d) Community gardens	C
(e) Greenhouses	C
(f) Livestock grazing, breeding (no feed lots)	C
(g) Hydroponic culture	C
(h) On-site sales of products grown onsite	C
6. Cemeteries, Crematories, Mausoleums, Columbariums, and related uses	C
7. Biological Habitat Preserves (unless otherwise approved by other entitlement)	P
8. Facilities for stormwater detention or water quality	P
9. Flood control structures and facilities	P
10. Recreational Uses	
(a) Parks, picnic areas, playgrounds	C
(b) Hiking, biking, equestrian trails	P

(c) Greenway	P
(d) Golf course	C
(e) Riding schools (equestrian)	C
(f) Commercial stable	C
(g) Country Club and related uses	C
11. Public Buildings and Facilities	C

1 Development Review Permit required

2. Development Review Permit required if structure size exceeds 1,000 SF.

(Ord. 438 § 1, 2003)

13.16.040 Site development regulations.

A. Site Dimensions, Height Limitations, and Setbacks. Development standards such as site dimensions, height limitations, and setbacks shall be determined on a site-by-site basis. Consideration shall be given to surrounding properties and developments in order to blend and remain consistent with the area. Other factors for determination of standards shall be topography, water drainage, circulation, use of site, and any other environmental factors related to the site.

B. Development Criteria.

1. Development shall adhere to the following criteria:

(a) Minimize alteration to the natural landform;

(b) Protect areas capable of replenishing groundwater supplies;

(c) Protect the natural drainage of the area;

(d) Protect waterways from indiscriminate erosion and pollution;

(e) Protect lands having biological significance, especially riparian (water related) areas and their associated woodland vegetation;

(f) Protect areas with significant native vegetation and habitat value;

(g) Protect natural areas for ecological, education, and other scientific study purposes.

2. Outdoor Uses. All uses shall be conducted completely within an enclosed building. The following uses may be permitted to operate outdoors, and subject to any required review and permits:

(a) Agricultural uses;

(b) Wildlife Preserves and Sanctuaries;

(c) Outdoor Recreational Facilities;

(d) Other activities and uses similar to those above as determined by the Director. (Ord. 438 § 1, 2003)

13.16.050 General provisions.

Enclosures of Uses. Unless otherwise specified within this code, or by conditional use permit, all activities, work and storage of materials within the Park/Open Space district shall be entirely within an enclosed building. (Ord. 438 § 1, 2003)

EXHIBIT 9

CHAPTER 13.18 TOWN CENTER DISTRICT

13.18.010 Purposes and general plan consistency.

This designation is intended to provide the City with a mixed use activity center which is oriented towards and enhances the San Diego River. This designation shall be developed under a master plan including community commercial, civic, park/open space and residential uses. The intent of the master plan is to provide the City with a conceptual plan, detailed land uses and appropriate development regulations that are consistent with the general plan. (Ord. 152, 1985)

13.18.020 Town center district (TC).

The town center district is included in the zoning regulations in order to implement the goals, objectives and land uses specified in the general plan for town center.

A. General Requirements.

1. A town center master plan shall be initiated by the City in order to establish land uses, areas of development, architectural themes and design guidelines for the town center. The City Council shall adopt a town center master plan development plan and text.

2. All development which is proposed within the town center district pursuant to an adopted town center master plan shall require the submittal use permit.

3. All development which is proposed within the town center district prior to the adoption of the town center master plan shall require the submittal of a conditional use permit. Such proposed development shall be in accordance with the goals and objectives of the town center as stated within the general plan.

4. Unless otherwise specified within this code, or by conditional use permit, all activities, work and storage of materials within the town center district shall entirely be within an enclosed building. (Ord. 152, 1985)

EXHIBIT 10

CHAPTER 13.19 PLANNED DEVELOPMENT DISTRICT

13.19.010 Purposes and general plan consistency.

This designation provides for mixed-use development potential including employment parks, commercial, recreational and various densities of residential development pursuant to a development plan and entitlements being approved by the City Council. This designation is intended for select properties within the City where a variety of development opportunities may be viable and where the City wishes to encourage innovative and very high quality development in a manner which may not be possible under standard land use designations and their corresponding zones.

While the planned development designation does not, in itself, limit the extent or mix of development to occur, other provisions within the general plan may do so for particular properties. All development which takes places pursuant to the planned development designation shall be consistent with the general plan. (Ord. 438 § 1, 2003)

13.19.020 Planned development district (PD).

The planned development district is included in the zoning regulations in order to implement the goals, objectives and land uses specified in the general plan for properties within the City where a variety of development opportunities may be viable and where the City wishes to encourage innovative and very high quality development in a manner which may not be possible under standard land use designations and their corresponding zones. (Ord. 438 § 1, 2003)

13.19.030 Use regulations and general requirements.

A. Allowable uses and development standards in each planned development district shall be as established through a development review permit pursuant to and consistent with the guidelines contained in Section 5.5, Areas for Special Study, within the land use element of the general plan for each respective planned development designated property.

B. In addition to those uses allowed pursuant to paragraph (A) above, Table 13.19.030-A establishes additional permitted and conditionally permitted uses within the planned development district.

Uses listed in Table 13.19.030-A shall be allowable. Where indicated with the letter “P”, the use shall be a permitted use. Where indicated with the letter “C”, the use shall be a conditional use subject to the conditional use permit. Where indicated with the letters “MC”, the use shall be subject to a minor condition use permit. Where indicated with a dash “—”, or if the use is not specifically listed in Table 13.19.030-A, the use shall not be permitted. This section shall not be construed to supersede more restrictive use regulations contained in the conditions, covenants and restrictions of any property. However, in no case shall uses be permitted beyond those allowable in this section. In the event a given use cannot be categorized in one of the districts by the Director, the procedure outlined in Section 13.04.040 use determination shall be

followed. The Director may approve auxiliary uses and structures, and agricultural uses involving no improvements, under the development review process.

TABLE 13.19.030-A
USE REGULATIONS FOR PLANNED DEVELOPMENT

USE	DISTRICT PD
1. Residential Uses[1]	
(a) Single Family dwelling (not to exceed an average density of one unit per 40 acres)	P
(b) Single Family Attached	P
(c) Multiple Family Dwellings	P
Day Care Home, Family	
(i) Large family day care home (pursuant to Section 13.30.020(I)	
a. Within a detached single family dwelling unit	P
b. Within a multi-family residential development	—
(ii) Small family day care home within a residential dwelling unit.	P
2. Caretaker Quarters (accessory to a permitted use)[2]	P
3. Home Occupations	
(pursuant to Section 13.06.060(A))	P
4. Auxiliary structures such as detached garages, carports, cabanas, barns, storage sheds, corrals.[2]	P
5. Agricultural Uses	
a. Row crops, truck gardens	C
b. Plant storage or propagation	C
c. Orchards, vineyards, Christmas and other tree farms	C
d. Community gardens	C
e. Greenhouses	C
f. Livestock grazing, breeding (no feed lots)	C
g. Hydroponic culture	C
h. On-site sales of products grown onsite	C
6. Biological Habitat Preserves (unless otherwise approved by other entitlement)	P
7. Recreational Uses	
a. Parks, picnic areas, playgrounds	C
b. Hiking, biking, equestrian trails	P
c. Greenway	P
d. Riding schools (equestrian)	C
e. Commercial stable	C
8. Flood control structures and facilities	P
9. Facilities for stormwater detention or water quality	
10. Public Buildings and Facilities	C

1. Development Review Permit required.

2. Development Review Permit required if structure size exceeds 1,000 SF.

C. For all uses allowed pursuant to Table 13.19.30-A, all development standards shall be established through a development review permit, minor conditional use permit or a conditional use permit.

D. For property in Section 8.2 (Areas for Special Study) of the land use element of the general plan identified as the rattlesnake mountain planned development overlay, the hillside limited (HL) district remains as the base district. (Ord. 438 § 1, 2003)

EXHIBIT 11

CHAPTER 13.21 RESIDENTIAL BUSINESS DISTRICT

13.21.010 Purposes and general plan consistency.

This designation is intended to allow for a single-family residential use or a compatible low-intensity commercial and office use, or a combination of residential/non-residential uses within existing residences and auxiliary structures. It is intended to encourage a mix of appropriate land uses within transitional neighborhoods that are adjacent to more intensive commercial, office and industrial areas. Low intensity commercial and office uses would be allowed which would not result in significant land use compatibility impacts, but which would be greater than that which would be permitted through Home Occupation regulation. (Ord. 438 § 1, 2003)

13.21.020 Residential business district (RB).

The residential business (RB) district has been created to implement the goals, objectives and land use designations of the general plan. (Ord. 438 § 1, 2003)

13.21.030 Use regulations.

All uses allowed in the R-2 base district pursuant to Table 13.10.030A are allowed in the R-B district. In addition, uses listed in Table 13.21.030-A shall be allowed as indicated in the column beneath the residential business district heading. Where indicated with the letter "P", the use shall be a permitted use in that district. Where indicated with the letter "C", the use shall be a conditional use subject to a conditional use permit in that district. Where indicated with the letters "MC", the use shall be a conditional use subject to a minor conditional use permit in that district. Where indicated with a dash "—", or if a use is not specifically listed in Table 13.21.030-A and is not subject to the use determination procedure contained in Section 13.04.040, the use shall not be permitted in that district. This section shall not be construed to supersede more restrictive use regulations contained in the conditions, covenants and restrictions of any property or dwelling units. However, in no case shall uses be permitted beyond those allowable in this section. In the event a given use cannot be categorized in one of the districts by the Director, the use determination procedure outlined in Section 13.04.040 shall be followed.

TABLE 13.21.030-A
USE REGULATIONS FOR RESIDENTIAL BUSINESS DISTRICT

USE	R-B
A. Office and Related Uses	
1. Administrative and Executive Offices	P
2. Clerical and professional offices	P
3. Financial services	P
4. Medical, Dental, and related professional offices	P
B. Commercial Uses	

USE	R-B
1. Appliance repair	P
2. Bike repair	P
3. Blueprint and photocopy services	P
4. Contractor, office only	P
5. Furniture repair and upholstery	P
6. Interior decorating service	P
7. Janitorial Services, office only	P
8. Locksmith shop	P
9. Pet grooming services	P
10. Photography studio or video production	P
11. Printing and publishing	P
12. Shoe repair	P
13. Stamp and coin shop	P
14. Tailor or seamstress	P
15. Taxidermist	P
16. Television, radio, computer repair	P
17. Travel agency	P
18. Small collection facility	P

"P" = Permitted Use

(Ord. 438 § 1, 2003)

13.21.040 Site development criteria.

The site development criteria are intended to provide minimum standards for residential business development. These site development standards should be used in conjunction with the design guidelines, which are set forth in the development review manual. This section shall not be construed to supersede more restrictive site development standards contained in the conditions, covenants and restrictions of any property or dwelling unit.

Table 13.21.040
BASIC DEVELOPMENT STANDARDS—RESIDENTIAL BUSINESS

Feature	Standard
Maximum Lot Coverage	40%
Feature	**Standard**
Minimum Lot Dimensions (width/depth in feet)	60/90
Minimum Setbacks (feet)	
Front	20
Exterior (street) side yard	10
Interior side yard	5
Rear	20
Maximum Building Height (feet)	35
Max stories	(two)

Minimum Parking setback (feet)	10

(Ord. 438 § 1, 2003)

13.21.050 Equipment screening.

Any equipment, whether on the roof, side of building, or ground, shall be screened. The method of screening shall be architecturally integrated in terms of material, color, shape and size. The screening design shall blend with the building design. Where individual equipment is provided, a continuous screen is desirable. (Ord. 438 § 1, 2003)

13.21.060 Off-street parking.

On-site parking shall be maintained for the residential use in accordance with Chapter 13.24. Any additional on-site parking shall not occupy more than 50% of the required front yard. (Ord. 438 § 1, 2003)

13.21.070 Performance standards for commercial/office use.

A. The activity shall comply with all provisions of the general development performance standards of Section 13.30.010 through Section 13.30.030, including residential noise standards.

B. There shall be no vendor deliveries before seven a.m. and after six p.m.

C. All business activity must be conducted within an enclosed building and there shall not be outside storage of products or materials.

D. One permanent sign is allowed, not to exceed 21 square feet, and shall be wall mounted.

E. Overnight parking of no more than one commercial type vehicle or vehicle identified for business purposes is permitted, provided that the vehicle does not exceed a capacity of one and one-half tons, that the vehicle is registered to an occupant of the residence, and the vehicle does not utilize a parking space required for the residential use.

F. A building may be used for residential and non-residential use pursuant to this chapter. (Ord. 438 § 1, 2003)

13.21.080 Residential use within the IL light industrial base district.

Residential use within the Light Industrial (IL) district shall be subject to the following:

A. All new construction shall be in conformance with the IL light industrial district.

B. Notwithstanding Subsection A of this section, minor residential building additions are allowed by right that cumulatively do not exceed 50% of the square footage of the existing residence, and do not exceed the maximum permitted lot coverage of 40%.

C. Within the light industrial base district, the principal residential use shall not be allowed to be reestablished after the residential structure has been replaced with a structure intended for a light industrial principal use. (Ord. 438 § 1, 2003)

EXHIBIT 12

CHAPTER 13.22 OVERLAY DISTRICTS

13.22.010 Purposes and general plan consistency.

The purpose of overlay districts is to establish development standards to address the special or unique needs or characteristics of particular areas to assure a harmonious relationship between the existing and proposed uses, and to further implement and define the goals and objectives of the general plan. (Ord. 438 § 1, 2003)

13.22.020 Administration.

A. Authority.

1. The City Council is authorized to adopt an overlay district only in conjunction with a base district. When an overlay district is designated over any district, the standards used for that site shall be as set forth in the overlay district or the base district, whichever is more restrictive.

2. No overlay district shall be established unless the council makes, but not be limited to, the following:

   (a) That the area for which an overlay district designation is proposed has a unique character, identity or environment;

   (b) That the unique character, identity of environment of the area for which an overlay district is proposed would be preserved and enhanced to the benefit of such area and the City as a whole by the provisions set forth by the overlay district;

   (c) That an overlay district is necessary to protect, preserve or enhance the unique character or identity of the area for which an overlay district is proposed;

   (d) That an overlay district is necessary to protect the health, welfare or safety of the public.

3. Each overlay district established shall include, but not be limited to, the following provisions to assure the preservation, enhancement or protection of the unique character, identity or environment for which an overlay district is established: use regulations, site development criteria, performance standards, and design guidelines. In addition, a statement of the purpose, definition of terms, applicability, review procedure and other provisions deemed necessary by the City attorney.

B. Establishment of District. Each overlay district established shall be indicated on the district map by appropriate abbreviated letters identifying the overlay district which shall follow the reference number identifying the base district.

C. Public Hearing. The Planning Commission and City Council shall hold a public hearing to consider the adoption of any overlay district as prescribed in Section 13.04.100. (Ord. 438 § 1, 2003)

13.22.030 Mobile home park overlay district.

A. Purpose. The mobile home park overlay district is intended to establish regulations for the development, maintenance, and conversion of mobile home parks within the City of Santee.

B. Establishment. The mobile home park overlay district may be applied in combination with any other residential district pursuant to Chapter 13.04.060. A mobile home park overlay district shall be indicated on the zoning district map by the letters "MHP" after the reference number identifying the base district.

C. General Requirements: The following shall apply to all mobile home park development:

1. Minimum site area for a mobile home park shall be three acres;

2. There shall be no minimum side area for mobile home park;

3. There shall be no minimum area, width or depth requirement for individual lots or spaces;

4. There shall be no minimum yard requirement for individual lots or spaces;

5. There shall be no minimum size for individual mobile home units;

6. The minimum street yard setback on public streets shall be in conformance with Table 13.10.040B;

7. Existing mobile home parks and preexisting mobile home parks shall not be deemed nonconforming by reason of failure to meet the minimum requirements prescribed in this section, provided that the regulations of this section shall apply to the enlargement or expansion of a mobile home park;

8. In addition to making application for an amendment to the zoning ordinance pursuant to Chapter 13.04.060, application for a mobile home park shall require the approval of a conditional use permit subject to Section 13.060.030;

9. In order to maximize net yield per acre, the City will consider increasing the allowable project density by either granting a density bonus to the project site's existing density category, or by granting a request for a change in density range

(per the City's general plan), or both, depending upon the quality, size nature and scope of the project. The density bonus shall be up to 25%, as provided for in Chapter 13.26 "Density Bonus Provisions";

10. In order to offer an incentive for the development of new mobile home park subdivisions, the City will waive all or part of a project's application fees and all or part of a project's development fees. Redevelopment agency housing assistance monies may be available if the project qualifies as a low and moderate-income development. These incentives will be considered on a project by project basis.

11. In order to offer an incentive for the conversion of existing rental parks to residential parks, the City will waive a minimum of 50% of a project's application fees. This incentive will be considered on a project by project basis.

D. Conversion Requirements.

1. Application for conversion of an existing mobile home park to another use, or its closure or cessation of use shall require an amendment to the zoning ordinance pursuant to Section 13.04.050 of this title.

2. A report on the impact of the request to convert or close a mobile home park and noticing of the application shall be provided in accordance with Sections 65863.7 and 65863.8 of the State Government Code and any amendments thereto. The report shall be filed concurrently with the application for a zoning ordinance amendment and shall be considered at the public hearing for the amendment. (Ord. 438 § 1, 2003)

13.22.040 Hillside overlay district.

A. Purpose. The purpose of the hillside overlay district is to maintain natural open space character, protect natural land forms, minimize erosion, provide for public safety, protect water, flora and fauna resources and establish design standards to provide for limited development in harmony with the environment.

B. Establishment. The hillside overlay district may be applied in combination with any other district pursuant to Section 13.04.050. A hillside overlay district shall be indicated on the zoning district map by the letter "H" after the reference number identifying the base district.

C. This section provides development performance criteria for the major areas of concern. Following are the objectives for each of those areas, which are based on the policies listed in the general plan. These objectives set forth the framework for the performance standards.

1. Soils/Grading.

(a) Establish proper soil management techniques to reduce the adverse effects of erosion;

(b) Minimize alteration of landforms in hillside area;

(c) Protect natural landforms of citywide significance.

2. Public Safety.

(a) Restrict structures and facilities from geologically hazardous areas;

(b) Restrict development in areas with unsafe soil conditions;

(c) Require geologic or soil engineering investigation for developments proposed in areas of potential geological hazards;

(d) Require special construction features in the design of structures and adaptive site planning where site investigations confirm potential geologic hazards;

(e) Require adequate water supply and pressure for all proposed development in accordance with Santee Fire Department standards;

(f) Require fuel modification programs;

(g) Establish minimum standards for fire safety with regard to access and fire mitigation measures.

3. Water.

(a) Protect and enhance the character of creeks and channels;

(b) Retain the natural drainage of the area as much as possible;

(c) Promote programs to conserve water;

(d) Protect waterways from indiscriminate erosion and pollution;

(e) Promote groundwater.

4. Animal and Plant Life.

(a) Help to preserve lands having biological significance especially significant to wildlife habitat and floral and faunal species;

(b) Maintain and reestablish where feasible, natural vegetative communities and dominant landscape elements unique to the City;

(c) Encourage retention of areas with significant native vegetation and habitat value;

(d) Protect natural areas for ecologic, educational and other scientific study purposes.

5. Environmental Design.

(a) Protect and improve the scenic quality of the City;

(b) Design buildings and adapt site planning to minimize adverse environmental impacts and resource consumption;

(c) Use the relationship between built form and open space to strengthen the image and identity of the City.

D. Site Development Regulations. All site development regulations shall be as set forth in the base district, except those as defined within this section.

E. Special Requirements.

1. The applicant shall submit two topographic maps, each showing the boundaries of the site and the boundaries of the natural slope categories within the site. Each category area shall be identified on the maps by a different color. One of the maps shall also identify the location of all proposed development on site. The natural slope categories that shall be used are identified below:

Natural Slope Categories

0—9.9
10—19.9
20% and over

2. Topographic maps should normally be of a scale between one inch = 20 feet to one inch = 50 feet. Contour intervals should normally be five feet and in no case shall be greater than ten feet.

3. The location and extent of the natural slope categories shall be certified by a registered civil engineer, registered architect or registered landscape architect.

4. Within the boundaries of the hillside overlay district, the permitted density for residential uses shall be determined by the average natural slope of the site. When a given site has more than one zone, the average natural slope shall be determined separately for each zone and the resulting maximum density for each zone shall be determined separately, pursuant to Section 13.04.020(C)(2).

The following formula shall be used to determine a site's average natural slope:

$$S = \frac{I \times L}{A \times 43{,}560} \times 100$$

Where S = average natural slope, in percent.
I = interval, in feet, of the contour lines.
L = the sum, in feet, of the length of the contour lines, at the selected contour interval "I".
A = the total area, in acres, of the site.

5. When the average natural slope of a site has been determined, the following table shall be used to determine the maximum permitted density with the hillside overlay district:

TABLE 13.22.040
A HILLSIDE OVERLAY DISTRICT
DENSITY DETERMINATION

Column A	**Column B**
Average Natural Slope of Site	**Percent of Base District's Density Permitted (Maximum)**
0—9.9%	100%
10—19.9%	75%
20% and above	50%

Example—If the average natural slope of a site is 15% and the base district is R-1 (two dwelling units/acre), then the maximum permitted density on the site is as follows:

.75 x 2.0 = 1.5 dwelling units/acre

(Ord. 438 § 1, 2003)

13.22.050 Hillside overlay district—Development performance standards.

The following minimum performance standards are required for any development within the hillside overlay district. Necessary information shall be provided on or with the development application to determine compliance with these standards.

A. Soils/Grading. Grading of any site shall conform to the following grading standards, based upon the percent of the natural slope.

Percent Natural Slope	
Less than 10%	This is not a hillside condition, conventional grading techniques* are acceptable.
10%—19.9%	Development with grading may occur in this zone, but existing landforms must retain their natural character. Padded building sites are permitted on these slopes, but contour grading, split level architectural prototypes, with stacking and clustering are expected.
Over 20%	Special hillside grading, architectural and site design techniques are required. Architectural prototypes are expected to conform to the natural landform and clustering shall be used.

* Movement for redistribution of earth over large areas. However, disruption of the landform, drainage patterns, and on-site surface terrain and vegetation is discouraged and shall be avoided.

B. Public Safety.

1. Fire Safety. The Santee Fire Department is responsible for implementation of fire safety standards. All developments in the hillside district must comply with the adopted standards of the Santee fire protection district. In the course of the review for a project in the hillside overlay district, the fire district will be reviewing each project to determine compliance with fire safety standards. The standards cover such items as, but not limited to:

(a) Number of access points and street designs for each development;

(b) Driveway lengths and widths;

(c) Distances between dwellings;

(d) Fuel management plan;

(e) Water flow and fire hydrant requirements;

(f) Fire retardant building materials.

2. Geotechnical.

(a) Any development or subdivision within a potentially geologically hazardous area, as identified in Figure 22, Seismic hazards and study areas, of the general plan, Table 14, Seismic safety element, of the general plan;

(b) The Director may require special construction methods for structures where it has been determined to have potential geologic hazards.

C. Water.

1. On-site siltation basins, as well as energy absorbing devices, may be required as a means to prevent erosion as well as to provide for groundwater recharge;

2. Natural drainage courses should be protected from grading activity;

3. Where brow ditches are required, plant materials and native rocks shall be used to naturalize the appearance and blend in with surrounding vegetation and topography.

D. Animal and Plant Life.

1. Areas of site which are identified in an environmental study as having biological significance shall be preserved;

2. Natural vegetation shall be maintained wherever possible. If removal is required, reestablishment of a compatible plant material shall be required.

3. All exposed slopes and graded areas shall be landscaped with ground cover, shrubs and trees;

4. Existing mature trees shall be incorporated into the project wherever possible;

5. Water and energy conservation techniques shall be utilized, such as special irrigation techniques (e.g., drip irrigation), drought tolerant plant species, alluvial rockscape, etc.;

6. Wherever possible, well adapted (drought tolerant) fire resistant native vegetation shall be preserved and planted;

7. Introduction of landscaping within the hillside areas should make maximum use of texture, color, be capable of blending in with the natural landscape, and help to soften the effects of buildings, walls, pavement, drainage improvements and grading;

8. Screening along roadways should make maximum use of berming and landscaping.

E. Design.

1. Dwelling units and structures shall be compatible with the natural surroundings of the area and shall not dominate the natural environment;

2. Exterior finishes of dwelling units and structures should blend in with natural surroundings by emphasizing earth tone colors and avoiding reflective materials or finishes;

3. Dwelling units and structures shall be sited in a manner that will:

   (a) Retain outward views from each unit;

   (b) Preserve or enhance vistas, particularly those seen from public places;

   (c) Preserve visually significant rock outcropping, natural hydrology, native plant materials, and areas of visual or historical significance.

4. Dwelling units and structures should be designed to incorporate hillside adaptive features such as split level pads, multistory, etc.;

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures should be sited to:

   (a) Use the natural ridgeline as a backdrop for structures;

(b) Use landscape plant materials as a backdrop; and

(c) Use structure to maximize concealment of any cut slope.

6. Roadways should be located and designed to adapt to hillside conditions by following natural contours, rising nonstandard road widths and other appropriate features. Such nonstandard road requirements are designated within the public works standards of the City;

7. Parking areas should be located and designed to adapt to hillside conditions by clustering off-street, locating within structures and by avoiding on-street parking. (Ord. 438 § 1, 2003)

13.22.060 Mixed use overlay district.

A. Purpose. The purpose of the mixed use overlay district is to provide the option to include complementary ground level commercial uses in conjunction with R-30—Urban residential development. The mixed use overlay encourages innovative and attractive development to promote smart growth principles through the integration of complementary land uses which can take advantage of mutual site planning and public service requirements, and which increases the economic viability of development. Complementary commercial uses include professional and personal services.

B. Establishment. The mixed use overlay district may be applied in combination with the urban residential (R-30) zone pursuant to Chapter 13.10. A mixed use overlay district shall be indicated on the zoning district map by the letters "MU" after the reference number identifying the base district.

C. Use Regulations. Uses listed in Table 13.22.060A shall be allowable. Where indicated with the letter "P," the use shall be a permitted use in that district. Where indicated with the letter "C," the use shall be a conditional use subject to a conditional use permit in that district. Where indicated with the letters "MC," the use shall be a conditional use subject to a minor conditional use permit in that district. Where indicated with a dash "—", or if the use is not specifically listed in Table 13.22.060A and is not subject to the use determination procedures contained in Section 13.04.040, the use shall not be permitted in that district. This section shall not be construed to supersede more restrictive use regulations contained in the conditions, covenants, and restrictions of any property. In the event a given use cannot be categorized in one of the districts by the Director, the use determination procedure outlined in Section 13.04.040 shall be followed.

TABLE 13.22.060A
USE REGULATIONS FOR MIXED USE OVERLAY DISTRICT

USE	MU
A. Offices and Related Uses.	
1. Administrative and executive offices	P
2. Bail bonds office	—

3. Clerical and professional offices	P
4. Financial services and institutions	P
5. Medical, dental and related health administrative and professional offices services (non- animal related) including laboratories and clinics; only the sale of articles clearly incidental to the services provided shall be permitted	P
6. Accessory commercial uses when incidental to an office building or complex (blueprinting, stationery, quick copy, etc.)	P
B. General Commercial Uses.	
1. Antique shops	—
2. Animal care facility, small animal only (animal hospital, veterinarian, commercial kennel, grooming)	
(a) Excluding exterior kennel, pens or runs	MC
(b) Including exterior kennel, pens or runs	—
3. Apparel stores	P
4. Art, music and photographic studios and/or supply stores	P
(a) With class instruction	MC
5. Appliance repair and incidental sales including, but not limited to, small household appliances, computers and vending machines, and provided all work activities and storage occurs entirely within an enclosed building	P
6. Arcades, more than amusement devices (see special requirements per Section 13.12.030 (F)); also subject to the provisions contained in Title 4 of this code	—
7. Athletic and health clubs	P
8. Auction house (conducted completely within an enclosed building and subject to the provisions contained in Title 4 of this code)	—
9. Automotive services including automobiles, trucks, motorcycles, boats, trailers, mopeds, recreational vehicles or other similar vehicles as determined by the Director	
(a) Sales	—
(b) Rentals	—
(c) Repairs including painting, body work and services	—
(d) Washing (coin and automatic)	—
(e) Service or gasoline dispensing stations including mini-marts, accessory car washes, and minor repair services accessory to the gasoline sales	—
(f) Parts and supplies excluding auto recycling or wrecking	—
10. Bakeries	P
11. Barber and beauty shops and/or supplies	P
12. Bicycle sales and shops (nonmotorized)	P
13. Blueprint and photocopy services	P
14. Book, gift and stationery stores (other than adult related material)	P
15. Candy stores and confectioneries	P
16. Catering establishments (excluding mobile catering trucks)	—
17. Cleaning and pressing establishments, retail	P
18. Cemeteries	—
19. Commercial recreation facilities	
(a) Indoor public uses including, but not limited to, bowling lanes, theaters, and billiard parlors	—

(b) Outdoor drive-in theaters	—
20. Contractor (all storage of material, equipment within an enclosed building)	—
21. Dairy products stores	P
22. Department stores	—
23. Drive-in business (excluding theaters and fast food restaurants)	—
24. Drug stores and pharmacies	P
25. Equipment sales/rental yards (light equipment only)	—
26. Farmer's market	—
27. Feed and tack stores (all supplies and materials within an enclosed building)	—
28. Florist shops	P
29. Food and beverage sales or service	
(a) a. Cocktail lounge, bar or tavern	—
(i) Not accessory to a restaurant and with or without entertainment, other than adult related	—
(ii) Accessory to a restaurant, coffee shop and with or without entertainment, other than adult related	—
(b) Nightclubs or dance halls, not including adult related entertainment	—
(c) Snack bars, delicatessens, or refreshment stands, take-out only, and accessory to an office use	P
(d) Fast food restaurants with drive-in or drive-through service	—
(e) Restaurants or coffee shops, other than fast food with or without alcoholic beverages and without entertainment	P
(f) Supermarkets (including the sale of alcoholic beverages)	—
(g) Convenience markets	P
(h) Liquor stores	C
(i) Clubs and lodges with alcoholic beverage service	—
30. Furniture stores, repair and upholstery	—
31. General retail stores	P
32. Hardware stores	P
33. Home improvement centers	
(a) Material stored and sold within enclosed buildings	—
(b) Outdoor storage of material such as lumber and building materials	—
34. Hotels and motels	—
35. Interior decorating service	P
36. Janitorial services and supplies	—
37. Jewelry stores	P
38. Kiosks for general retail and food sales, key shops, film drops, automatic teller machines, etc. in parking lots	MC
39. Laundry, self-service	P
40. Limousine service (limousines shall not be stored in any required parking spaces)	—
41. Locksmith shop	P
42. Mining	—
43. Mobile home sales	—
44. Mortuaries, excluding crematoriums	—

45. Newspaper and magazine stores	P
46. Nightclub, teenage	—
47. Nurseries (excluding horticultural nurseries) and garden supply stores; provided all equipment, supplies and material are kept within an enclosed building	—
(a) With outdoor storage and supplies	—
48. Office and business machine stores and sales	—
49. Parking facilities (commercial) where fees are charged	—
50. Pawnshop	—
51. Parcel delivery service (excluding on-side truck storage and truck terminals)	—
52. Political or philanthropic headquarters	P
53. Pet shop	P
54. Plumbing shop and supplies (all materials stored within an enclosed building)	P
55. Printing and publishing	—
56. School, business or trade (all activities occurring within an enclosed building)	C
57. School, commercial (all activities occurring within an enclosed building)	C
58. Second hand store or thrift shop	—
59. Shoe stores, sales and repair	P
60. Shopping center	—
61. Small collection facility	P
62. Spiritualist readings or astrology forecasting	—
63. Sporting goods stores	P
64. Stamp and coin shops	P
65. Swimming pool or spa sales and/or supplies	—
66. Tailor or seamstress	P
67. Tanning salon	P
68. Tattoo parlor or body piercing salon	—
69. Taxidermist	—
70. Television, radio sales and service	P
71. Tire sales and installation, not including retreading and recapping	—
72. Toy stores	P
73. Travel agencies	P
74. Transportation facilities (train, bus, taxi depots)	—
75. Variety stores	P
C. Public and Semi-Public Uses.	
1. Ambulance service	—
2. Art galleries and museums, public or private	P
3. Biological habitat preserves (unless otherwise approved by another entitlement)	
(a) Mitigation for projects inside city boundaries	MC
(b) Mitigation for projects outside city boundaries	C
4. Religious institutions	C
5. Clubs and lodges, including YMCA, YWCA and similar group uses without alcoholic beverage sales, (Clubs and lodges serving or selling alcoholic beverages shall come under the provisions	—

of Section 13.12.030(B)(30) of this title)	
6. Convalescent facilities and hospitals	C
7. Day care center facilities	C
8. Detention facility	—
9. Educational facilities, excluding business or trade schools and commercial schools	C
10. Library	MC
11. Parks and recreation facilities, public or private (excluding commercial recreation facilities)	—
12. Post office (private)	P
13. Public buildings and facilities	—
14. Radio or television broadcast studio	—
D. Accessory Uses.	
1. Parking garage structures and other auxiliary structures and accessory uses customarily incidental to a permitted use and contained on the same site.	P
2. Caretaker's living quarters only when incidental to and on the same site as a permitted or conditionally permitted use.	—
3. Amusement devices, per Section 13.12.030(F)	—
E. Temporary Uses.	
1. 1. Temporary uses subject to the provisions contained in Section 13.06.070	P

"P" = Permitted use
"C" = Conditional use permit required "MC" = Minor conditional use permit required "—" = Not permitted

F. Special Use Regulations.

1. Outdoor Displays and Sales of Merchandise. All businesses shall be conducted completely within an enclosed building. The following outdoor sales and commercial activities may be permitted to operate outdoors, subject to any required reviews and permits:

(a) Outdoor display of merchandise as accessory to a current on-site business (subsection (D)(2));

(b) Parking lot and sidewalk sales (subject to Section 13.06.070, Temporary use permit and regulations);

(c) Accessory outdoor eating areas in conjunction with a food establishment that features take-out service; see Subsection (D)(3); and

(d) Other activities and uses similar to those above as determined by the Director.

2. Outdoor Display of Merchandise Accessory to Current On-Site Business. Any outdoor display must be done in conjunction with the business being conducted within the building and shall comply with the following regulations:

(a) The aggregate display area shall not exceed 24 square feet;

(b) No item, or any portion thereof, shall be displayed on public property; unless, an encroachment permit has first been obtained from the City;

(c) Items shall be displayed only during the hours that the business conducted inside the building on the premises is open for business;

(d) No item shall be displayed in a manner that causes a safety hazard; obstructs the entrance to any building; interferes with, or impedes the flow of pedestrian or vehicle traffic; is unsightly or creates any other condition that is detrimental to the public health, safety or welfare or causes a public nuisance.

3. Accessory Eating Areas Permitted. For the purpose of determining required parking, the accessory eating areas shall not count toward this determination. The seating may be provided indoors or outdoors. The following performance standards shall apply to outdoor eating:

(a) The outdoor eating area shall be arranged in such a way that it does not create a hazard to pedestrians or encroach on a required building exit;

(b) The outdoor eating area cannot be located in any driveway, parking space, landscaped area, or required setback;

(c) The outdoor eating area must be maintained so that it is not unsightly and does not create a condition that is detrimental to the appearance of the premises or surrounding property;

(d) Signage may not be placed on the outdoor furniture or umbrellas, which advertise the business, service or use, or any product unless otherwise permitted by the sign ordinance.

G. Site Development Regulations.

1. Commercial or office development is permitted only in conjunction with residential development in accordance with the R-30 urban residential district.

2. For all uses allowed pursuant to Table 13.22.060A, all development standards shall be established through a development review permit, minor conditional use permit, or a conditional use permit.

3. All site development regulations shall be set forth in the R-30 urban residential base district.

4. All parking regulations shall be set forth in Chapter 13.24. (Ord. 495 § 5, 2010)

EXHIBIT 13

CHAPTER 13.24 PARKING REGULATIONS*

13.24.010 Purposes and general plan consistency.

These regulations are established in order to assure that parking facilities are properly designed and located in order to meet the parking needs created by specific uses, and ensure their usefulness, protect the public safety, and, where appropriate, buffer and transition surrounding land uses from their impact. (Ord. 420 Exh. E, 2002; Ord. 152, 1985)

13.24.020 Basic regulations for off-street parking.

A. Off-street parking shall be provided subject to the provisions of this chapter for:

1. Any new building constructed;

2. Any addition or enlargement of an existing building or use; and,

3. Any change in the occupancy of any building or the manner in which any use is conducted that would result in additional parking spaces being required.

B. For additions or enlargements of any existing building or use, or any change of occupancy or manner of operation that would increase the number of parking spaces required, the additional parking spaces shall be required only for such addition, enlargement, or change of occupancy or manner of operation, and not for the entire building or use, unless required as a condition of approval of a minor conditional use permit, conditional use permit or development review permit.

C. The required parking spaces or garages shall be located on the same building site or development.

D. All off-street parking spaces and areas required by this Municipal Code shall be designed and maintained to be fully usable during the hours of operation of the business or businesses unless otherwise allowed pursuant to this code.

E. On-street parking within public or private streets, driveways, or drives shall not be used to satisfy the off-street parking requirements, except where allowed by this chapter.

F. Whenever the computation of the number of off-street parking spaces required by this section results in a fractional parking space, one additional parking space shall be required for one-half or more fractional parking space and any fractional space less than one-half of a parking space shall not be counted.

G. Temporary use of off-street parking spaces for non-parking purposes will not violate this title if such use is specifically approved by the Director.

H. Parking facilities constructed or substantially reconstructed subsequent to the effective date of this chapter, whether or not required, shall conform to the design standards set forth in this chapter.

I. Mezzanines that are accessory to a business shall not be included in the gross floor area when calculating parking requirements. (Ord. 420 Exh. E, 2002; Ord. 152, 1985)

13.24.030 Design standards.

Design standards are established by this section to set basic minimum dimensions and guidelines for design, construction and maintenance of parking within both the residential, commercial and industrial districts.

A. General. The following standards shall apply to the residential, commercial and industrial districts. (See Diagram 13.24.030A.)

1. Stall Size. Each parking space shall consist of a rectangular area not less than nine feet wide by nineteen feet long. Parallel spaces shall be a minimum of nine feet wide by 25 feet long. All parking spaces should have a vertical clearance of not less than seven and one-half feet. Parking spaces may overhang adjacent landscape areas up to a maximum of two and one-half feet, provided the overhang does not extend into any required landscape setback area.

2. All provisions for handicapped spaces shall conform to state law.

3. Paving. Parking and loading facilities shall be surfaced and maintained with asphalt concrete, concrete, or other permanent surface material sufficient to prevent mud, dust, loose material, and other nuisances from the parking or loading facility to the MS4. Where feasible, permeable surfaces, such as permeable concrete or permeable pavers, shall be used for parking lots. Crushed aggregate, rock, dirt or similar types of surfacing shall not be used as a parking or loading facility surface.

4. Drainage. All parking and loading facilities shall be graded and provided with permanent storm drainage facilities. Surfacing, curbing, and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or public streets or alleys, and to preclude standing pools of water within the parking facility. Where feasible, infiltration BMPs shall be integrated into the drainage design to reduce the quantity and velocity of stormwater discharging to the MS4 from the parking or loading facility.

5. Safety features. Parking and loading facilities shall meet the following standards:

   (a) Safety barriers, protective bumpers or curbing, and directional markers shall be provided to assure pedestrian/vehicular safety, efficient utilization, protection to landscaping, and to prevent encroachment onto adjoining public or private property.

(b) Visibility of pedestrians, bicyclists and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility.

(c) Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accord with accepted principles of traffic engineering and traffic safety.

6. Lighting. Lights provided to illuminate any parking facility or paved area shall be designed to reflect away from residential uses and motorists. It is the intent to maintain light standards in a low-profile design and to be compatible with the architectural design. Light standards shall not exceed fifteen feet in overall height from the finished grade of the parking facility except that light standards up to 25 feet in height may be permitted if it is determined by the Director that the size of the parking area and site design warrant a taller light standard. Illumination onto adjacent properties shall comply with the performance standards contained in Chapter 13.30 of this title.

7. Noise. Areas used for primary circulation for frequent idling of vehicle engines, or for loading activities shall be designed and located to minimize impacts on adjoining properties, including provisions for screening or sound baffling.

8. Screening. Unenclosed off-street parking areas shall be screened from view from public streets and adjacent more restrictive land uses. Screening may consist of one or any combination of the following methods, upon the approval of the Director:

(a) Walls. Low profile walls, three and one-half feet in height, shall consist of stone, brick or similar types of decorative solid masonry materials.

(b) Planting. Plant materials, when used as a screen, shall consist of compact evergreen plants. They shall be of a kind, or used in such a manner, so as to provide screening, have a minimum height of three and one-half feet, within 18 months after initial installation, or screening as per (a), (b) or (c) shall be installed.

(c) Berms. Earthen berm at least three and one-half feet above grade.

(d) In order to allow police surveillance into parking lots, the screening requirements in subdivisions (a), (b) and (c) above shall be designed to provide for view corridors into the site from adjacent streets and properties to the satisfaction of the Director.

9. Striping. All parking stalls shall be clearly outlined with single lines on the surface of the parking facility or any other permanent space designator (trees, shrubs, etc.) approved by the Director. In all parking facilities all aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows and lines to expedite traffic movement.

10. Maneuvering. Parking and maneuvering areas shall be arranged so that any vehicle entering a public right-of-way can do so traveling in a forward direction, except for single-family residential districts.

B. Residential.

1. The following design standards shall apply to the residential districts and developments:

(a) Each covered off-street parking space in a carport or multi-space common garage shall be a minimum of nine feet in width and nineteen feet in depth of unobstructed area provided for parking purposes. The required minimum measurements may not include the exterior walls or supports of the structure;

(b) One car garages for single family or multifamily dwellings shall have a minimum interior dimension of twelve feet in width and 20 feet in depth of unobstructed area provided for parking purposes. In the high density residential (R-22 and R-30 zones), an enclosed single car garage shall be a minimum of ten feet in width, 20 feet in length, and provide a minimum vertical clearance of seven and one-half feet.

(c) Parking in the urban residential (R-30) zone shall be integrated with the building design such that surface parking is minimized. On-site parking may be provided in private garages, in common parking garages where parking is either at-grade or partially below grade with the building's use above (example, podium parking), or in separate parking structures on site. Unenclosed surface parking for delivery and visitor parking would be allowed. See Subsection (B)(8) for common parking garage standards.

(d) Two car garages for single-family or multifamily dwellings shall have a minimum interior dimension of 20 feet in width and 20 feet in depth of unobstructed area provided for parking purposes.

(e) Below grade or partially below grade podium style parking is also an acceptable design alternative in the R-14 and R-22 zones.

(f) The parking of two vehicles in-line may be counted towards the parking requirements when a) both vehicles have independent access to a public or private street or drive aisle; b) the development site is located within 0.25 mile of a transit stop; or c) when used as a density bonus incentive or concession. This provision does not apply on Mobile Home Park (MHP) Overlay zone districts.

2. Driveways providing access to garages, carports and parking areas serving four or less dwelling units shall be a minimum width of 20 feet. Exceptions may be approved by the Director for individual single-family homes. Where feasible, shared driveways shall be used to reduce impermeable area, and, where feasible,

permeable surfaces, such as permeable concrete or permeable pavers, shall be used.

3. Driveways providing access to garages, carports and parking areas serving five or more dwelling units shall be a minimum of twenty-six feet in width. Where feasible, shared driveways shall be used to reduce impermeable area, and, where feasible, permeable surfaces, such as permeable concrete or permeable pavers, shall be used.

4. Notwithstanding subdivisions 2 and 3 of this subsection, all driveways and access way widths and designs must be approved by the Santee Fire Department for purposes of emergency accessibility.

5. No property owner shall sublease, sublet or otherwise make available to residents of other properties, the off-street parking spaces required by this section.

6. All required covered off-street parking spaces shall be located conveniently accessible to the dwelling unit served by such parking space.

7. Residential developments which provide private streets shall be planned, designed and constructed to meet minimum city engineering and Santee fire department requirements for private streets.

8. The following design standards shall apply to parking garages:

   (a) All parking stalls shall be minimum nine feet in width and nineteen feet in depth.

   (b) Storage lockers, when provided, shall not encroach into a parking stall.

   (c) A storage/maintenance room shall be included in the facility.

   (d) High efficiency lighting shall be used in conjunction with daylighting for above grade structures.

   (e) Elevators and stairwells shall be designed to allow complete visibility for persons entering and exiting.

   (f) Floor surfaces shall be non-slip surfaces.

   (g) Security devices shall be installed such as surveillance cameras, audio and emergency call buttons.

   (h) When mechanical ventilation systems are required, they shall be high efficiency systems and back-up power systems shall be installed.

   (i) Emerging technologies to meet the needs of users, such as electrical charging stations, shall be installed when appropriate.

(j) Points of intersection between pedestrians and vehicles shall be designed for adequate safety of movement; separate paths for the pedestrian from their cars to specific points of destination shall be integrated in the facility.

(k) Wayfinding signs shall be installed.

C. Commercial, Industrial, Institutional, Community Facilities. The following design standards shall apply to commercial, institutional, and community facility use.

1. Those areas designated for use by motorcycles shall consist of a minimum usable area of 54 square feet.

2. Access driveways on-site shall be a minimum width of twenty-six feet unless otherwise approved by the Director. Where feasible, shared driveways shall be used to reduce impermeable area, and, where feasible, permeable surfaces, such as permeable concrete or permeable pavers, shall be used.

3. Notwithstanding subdivision (2) of this subsection, all driveway and access way widths and designs must be approved by the Santee Fire Department for purposes of emergency accessibility.

D. Parking Lot Striping and Markings. Parking stall striping directional arrows and parking stall identification shall meet the following standards:

1. All parking stalls shall be painted with a single four-inch wide continuous line.

2. All aisles, entrances and exits shall be clearly marked with directional arrows painted on the parking surface.

3. All handicapped parking stalls shall be individually labeled and signed in accordance with Uniform Building Code and California Vehicle Code standards. (Ord. 495 § 4, 2010; Ord. 491 § 2, 2009; Ord. 478 § 1, 2008; Ord. 438 § 1, 2003; Ord. 420 Exh. E, 2002; Ord. 301 § 2, 1993; Ord. 268, 1991; Ord. 206 § 1, 1988; Ord. 152, 1985)

13.24.040 Parking requirements.

The following sections list the minimum amount of parking for each category of uses, special requirements and optional requirements.

A. Residential.

1. Single-family detached dwellings (conventional). Two parking spaces within a garage.

2. Cluster development (condominium, town home, etc.) semi-detached single family (zero lot line, patio homes, duplexes, etc.) apartments and mobilehome parks:

(a) Studio, one bedroom: one and one-half off-street parking spaces per unit of which one space shall be in a garage or carport. In the R-30 urban residential zone one parking space is required per studio and one-bedroom unit.

(b) Two or more bedrooms: two off-street parking spaces per unit of which one space shall be in a garage or carport.

(c) In addition to the required number of parking spaces for each unit, one off-street uncovered parking space shall be provided for each four units for visitor parking. For single family zero lot line, patio homes, and duplexes, on-street parking may be substituted for visitor parking, where sufficient street pavement width and distance between driveways has been provided. In the R-30 zone, urban residential projects shall provide visitor parking at a ratio of one space for each ten units, and may be unenclosed.

3. Congregate care facilities: as determined by a parking demand study approved by the Director.

B. Nonresidential.

1. Commercial, retail and service uses:

(a) Commercial uses in conjunction with the R-30 mixed use overlay shall provide one off-street parking space for each 400 square feet of leasable floor space, and may be unenclosed.

(b) Neighborhood and general commercial shopping centers shall provide one off-street parking stall for each 250 square feet of gross floor area for all buildings and/or uses in the center. This shall apply to all commercial centers in the City, unless the delineation of independent uses is provided pursuant to Section 13.24.020. If the delineation of independent uses is known, then the standards listed below shall apply.

(c) Automobile washing and cleaning establishments, except self-service: sixteen parking stalls.

(d) Self-service automobile washes: two and one-half for each washing stall.

(e) Automobile service and gas station: three spaces plus two for each service bay.

(f) Cemeteries: as specified by conditional use permit.

(g) Lumber yards: one for each 250 square feet of gross floor area for retail sales, plus one for each 1,000 square feet of open area devoted to display (partially covered by roof, awning, etc.) or sales.

(h) Mortuaries and funeral homes: one parking stall for every 25 square feet or fraction thereof of assembly room or floor area.

(i) Motels and hotels: one parking space for each guest unit and two spaces for resident manager or owner, plus one space per 50 square feet of banquet seating area.

(j) Motor vehicle sales or rentals, recreational vehicle sales or rentals, automotive repair, painting, body work or service: one per 400 square feet of building gross floor area. If there is no building on-site, the parking standard shall be one space per 1,000 square feet of lot area.

(k) Trade schools, business colleges and commercial schools: one for each three student-capacity of each classroom plus one for each faculty member or employee.

2. Commercial recreation uses:

(a) Bowling alleys: five for each alley.

(b) Commercial stables: one accessible space for each five horses boarded on the premises.

(c) Driving ranges (golf): one per tee, plus the spaces required for additional uses on the site.

(d) Golf courses (regulation course): six per hole plus the spaces required for additional uses on the site.

(e) "Pitch and putt" and miniature golf courses: three per hole, plus requirements for auxiliary uses.

(f) Skating rinks, ice or roller: one for each 100 square feet of gross floor area, plus the spaces required for additional uses on the site.

(g) Swimming pool (commercial): one for each 100 square feet of water surface, plus one stall for each employee, but not less than ten stalls for any such use.

(h) Tennis, handball and racquetball facilities: three for each court plus the spaces required for additional uses on the site.

3. Educational uses:

(a) Elementary and junior high schools: two for each classroom.

(b) Senior high schools: one for each member of the faculty and each employee, plus one for each six students regularly enrolled.

(c) Colleges, universities and institutions of higher learning: one for each three students plus one for each two members of the faculty and employees.

4. Health uses:

(a) Convalescent and nursing homes, homes of aged, rest homes, children's homes and sanitariums: one for every four beds in accordance with the resident capacity of the home as listed on the required license or permit.

(b) Hospitals: one and seventy-five hundredths for each patient bed.

(c) Athletic and health clubs: one for each 250 square feet of gross floor area. (For the purpose of this subsection, swimming pool area shall be counted as floor area.)

(d) Congregate care facilities: as determined by a parking demand study approved by the Director.

5. Industrial:

(a) Mini storage: one for each 5,000 square feet of gross floor area and storage lot.

(b) For industrial uses not listed above: one for 500 square feet of gross floor area.

6. Places of assembly:

(a) Restaurants, taverns, cocktail lounges and other establishments for the sale and consumption on the premises of food and beverages: one space for every 100 square feet of gross floor area. No additional parking spaces shall be required for outside seating at restaurants up to 25% of the interior seating area. This parking ratio shall not apply to accessory eating areas established pursuant to Section 13.12.030(G)(5) and Section 13.14.030(J) of this title.

(b) Auditoriums, sports arenas, stadiums or similar uses: one for each three seats or one for each 35 square feet of gross floor area where there are no fixed seats.

(c) Theaters, movies:

(i) Single Screen: one space per three seats, plus five for employees.

(ii) Multi-Screen: one space per four seats, plus five for employees.

(d) Libraries: one for each 300 square feet of gross floor area.

(e) Museums or art galleries: one space for each 500 square feet of gross floor area.

(f) Private clubs, lodge halls, dance halls, nightclubs, teenage nightclubs, cabarets, or union headquarters: one for each 75 square feet of gross floor area.

(g) Churches and other places of assembly not specified above: one for each four fixed seats within the main auditorium or one for each 35 square feet of seating area within the main auditorium or one for each 35 square feet of seating area within the main auditorium where there are no fixed seats; 18 linear inches of bench shall be considered a fixed seat.

7. Other uses: day care centers not accessory to an existing business, including preschools and nursery schools: one for each staff member, plus one for each five children.

8. Public parks and recreation facilities: as specified by conditional use permit.

C. Special Requirements. The following parking requirements are applicable to all commercial, industrial and office land uses. These special stalls shall be closest to the facility for which they are designated in order to encourage their use.

1. Motorcycle: facilities with 25 or more parking spaces shall provide at least one designated parking area for use by motorcycles. Developments with over 100 spaces shall provide motorcycle parking at the rate of one percent. Areas delineated for use by motorcycles shall meet standards set forth in Section 13.24.030(C)(1).

2. Bicycles: all commercial and office areas shall provide adequate locking facilities for bicycle parking at any location convenient to the facility for which they are designated. Whenever possible, weatherproofing or facility covering should be used.

(a) Short-Term Bicycle Parking. If the project is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for five percent of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack.

(b) Long-Term Bicycle Parking. For buildings with over ten tenant-occupants, provide secure bicycle parking for five percent of motorized vehicle parking capacity, with a minimum of one space. Acceptable parking facilities shall be convenient from the street and may include:

(i) Covered, lockable enclosures with permanently anchored racks for bicycles;

(ii) Lockable bicycle rooms with permanently anchored racks; and

(iii) Lockable, permanently anchored bicycle lockers.

3. Clean air vehicles: Provide designated parking for any combination of low-emitting, fuel-efficient and carpool/vanpool vehicles, as follows:

Table 13.24.040A
CLEAN AIR VEHICLE PARKING REQUIREMENTS

Total Number of Parking Spaces Required	Number of Clean Air Spaces Required
0-9	0
10-25	1
26-50	3
51-75	6
76-100	8
101-150	11
151-200	16
200 and over	At least 8 percent of total

(a) Parking Stall Marking. Paint, in the same paint used for stall striping, the following characters such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle: CLEAN AIR VEHICLE

(b) Low-emitting, fuel-efficient, and vanpool vehicles shall have the meaning set forth in the Green Building Standards Code.

(c) Parking designated for "clean air vehicles," including spaces associated with electric charging stations, shall count toward meeting the minimum on-site parking space requirements set forth in this chapter.

4. Drive-through facilities: drive-through facilities require special consideration as their design can significantly impact the vehicular circulation on a site. The following requirements apply to any use with drive-through facilities.

(a) Each drive-through lane shall be separated from the circulation routes necessary for ingress or egress from the property, or access to any parking space.

(b) Each drive-through lane shall be striped, marked, or otherwise distinctly delineated.

(c) The vehicle stacking capacity of the drive-through facility and the design and location of the ordering and pick-up facilities will be determined by the Director and City Engineer based on appropriate traffic engineering and planning data. The applicant shall submit to the City a traffic study addressing the following issues:

(i) Nature of the product or service being offered.

(ii) Method by which the order is processed.

(iii) Time required to serve a typical customer.

(iv) Arrival rate of customers.

(v) Peak demand hours.

(vi) Anticipated vehicular stacking required.

5. Spaces provided for the specific uses as listed above, shall be clearly designated through signs, colored lines, etc.

D. Shared Parking. Shared parking may be provided for required commercial, residential, or office off street parking. Parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. Requests for the use of shared parking are subject to the approval of the Director and must meet the following conditions:

1. A parking study shall be presented to the Director demonstrating that substantial conflict will not exist in the principal hours or periods of peak demand for the uses which the joint use is proposed.

2. The number of parking stalls which may be credited against the requirements for the structures or uses involved shall not exceed the number of parking stalls reasonably anticipated to be available during differing hours of operation.

3. Parking facilities designated for joint use should not be located further than 300 feet from any structure or use served.

4. A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned assuring the continued availability of the number of stalls designated for joint use. (Ord. 501 § 5, 2011; Ord. 495 § 4, 2010; Ord. 469 §§ 9 and 10, 2007; Ord. 420 Exh. E, 2002; Ord. 323 § 2, 1994; Ord. 306 § 2, 1993; Ord. 293 § 3, 1993; Ord. 279 § 2, 1991; Ord. 206 § 1, 1988; Ord. 152, 1985)

EXHIBIT 14

CHAPTER 13.26 DENSITY BONUS PROVISIONS

13.26.010 Purposes and general plan consistency.

The public good is served when there exists in a city, housing which is appropriate for the needs of, and affordable to, all members of the public who reside within that city. The City implements the housing element of the general plan; Sections 65915 through 65918 of the California Government Code; and, in accordance with those general regulations, provides incentives to developers for the production of housing affordable to lower income households, moderate income households and senior citizens. (Ord. 470 § 1, 2007)

EXHIBIT 15

CHAPTER 13.28 ADULT BUSINESSES

13.28.010 Purposes and general plan consistency.

A. The intent of this chapter is to establish reasonable and uniform regulations for the location, development, and operation of adult businesses within the City. The following objectives have been formulated for adult businesses to implement the general plan goals and objectives.

1. Permit the establishment of adult businesses in the City in locations which will minimize negative impacts on community image and which will avoid creating nuisances among adjacent land uses;

2. The purpose of this chapter is not to establish community standards on obscenity or to restrict free expression, but to provide appropriate areas where materials or entertainment, which by their content are appropriate to adults only, can be exhibited without nuisance to those who may be harmed or offended by exposure to such material or entertainment;

3. Maintain neighborhood vitality and economy by preventing a concentration of these uses in any one area;

4. Provide locations for adult businesses which would minimize public view of the use to residential areas, schools, churches, public parks and playgrounds, and other areas where minors are likely to congregate;

5. Adult businesses shall exhibit the same high standards of site planning, architecture and landscape design required of all commercial or industrial developments;

6. Promote appropriate exterior design standards which would minimize general public view of materials or activities which are strictly limited to adults.

B. 1. It is unlawful to own, operate, construct or establish an adult entertainment establishment, as defined in the Santee Zoning Ordinance, within the City limits.

2. Should all or any portion of Subsection (B)(1) be declared invalid, then Section 13.28.020(B) of the Santee Municipal Code shall be unchanged and shall remain in full force and effect as it read on December 1, 1985. (Ord. 169 § 1, 1986; Ord. 152, 1985)

13.28.020 Requirements and standards.

A. Permitted Activities. For the purposes of this chapter, the following nonexclusive list of activities as defined in Section 13.28.030 shall be deemed adult entertainment establishments:

1. Adult artist-body painting studio;

2. Adult bookstore;

3. Adult cabaret;

4. Adult drive-in theater;

5. Adult hotel or motel;

6. Adult mini-motion picture theater;

7. Adult model studio;

8. Adult motion picture arcade;

9. Adult motion picture theater;

10. Adult theater;

11. Sexual encounter establishment;

12. Any establishment where specific anatomical areas are displayed or where specific sexual activities are conducted.

B. General Requirements. In order to meet the above stated objectives adult entertainment establishments may be permitted only on those parcels of land consistent with the City's housing element, subject to the following restrictions:

1. No such business shall be located on a lot within 600 feet of any other lot on which another adult business is located.

2. No such business shall be located on a lot within 600 feet of the nearest point of a lot on which is located a public or private school, a nursery, a daycare center, a church, or a public park or playground.

C. Performance Standards—Operation. The following performance standards shall be applicable to an adult cabaret as defined in section 13.28.030:

1. Entertainers and other personnel employed in an adult cabaret shall be required to obtain an adult entertainment license as defined in Chapter 4.18.

D. Performance Standards—Exterior Design. The following performance standards shall be applicable to all adult entertainment establishments as defined in Section 13.28.030:

1. All building openings, entries and windows from adult entertainment establishments shall be located, covered or screened in such a manner as to prevent a view into the interior, from any public sidewalks, streets, arcades, hallways or passageways, of any material or activity which has as its primary or

dominant theme matter depicting, illustrating, describing, or relating to specified sexual activities or specified anatomical areas;

2. Exterior advertising and signage which is visible from any public sidewalk, streets, arcades, hallways or passageways shall not display any material which has as its primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas;

3. Exterior development shall meet all other development, design and landscape design requirements of the general industrial zone. (Ord. 438 § 1, 2003; Ord. 152, 1985)

13.28.030 Definitions.

A. "Adult" means a person who has attained the age of at least eighteen years.

B. "Adult artist-body painting studio" means an establishment or business which provides the services of applying paint or other substance to or on the human body when such body is unclothed in any "specified anatomical area."

C. "Adult bookstore" means an establishment having a substantial or significant portion of its stock in trade, material which is distinguished or characterized by its emphasis on matter depicting, describing or related to specified sexual activity or specified anatomical areas.

D. "Adult cabaret" means a nightclub, bar, theater, restaurant or similar establishment which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas and/or which regularly features films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

E. "Adult drive-in theater" means an open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, and presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

F. "Adult hotel or motel" means a hotel, motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other pornographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

G. "Adult mini-motion picture theater" means an establishment, with a capacity of 50 or more persons, where, for any form of consideration, films, motion pictures, video cassettes,

slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons. This shall not mean a general motion picture theater as defined in this section.

H. "Adult model studio" means any establishment open to the public where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation, or institution which meets the requirements established in the Education Code of the state of California for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma.

I. "Adult motion picture arcade" means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

J. "Adult motion picture theater" means an establishment, with a capacity of 50 or more persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons. This shall not mean a general motion picture theater as defined in this section.

K. "Adult theater" means a theater, concert hall, auditorium or similar establishment, either indoor or outdoor in nature, which for any form of consideration, regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons. This shall not mean a legitimate theater as defined in this section.

L. "Sexual encounter establishment" means an establishment, other than a hotel, motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy. For the purposes of these regulations, sexual encounter establishment shall include massage or rap parlor and other similar establishments.

M. "Specific anatomical areas" means:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

N. "Specified sexual activities" means:

1. The fondling or other touching of human genitals, pubic region, buttocks, anus, or female breasts; or

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or

3. Masturbation, actual or simulated; or

4. Excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 3 of this subsection.

O. "General motion picture theater" means a building or part of a building intended to be used for the specific purposes of presenting entertainment as defined herein, or displaying motion pictures, slides or closed circuit television pictures before an individual or assemblage of persons, whether such assemblage be of a public, restricted or private nature, except a home or private dwelling where no fee, by way of an admission charge, is charged; provided, however, that any such presentations are not distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" in that any such depiction or description is only incidental to the plot or story line.

P. "Legitimate or live theater" means a theater, concert hall, auditorium or similar establishment which, for any fee or consideration, regularly fea-tures live performances which are not distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" in that any such depiction or description is only incidental to the primary purpose of the performance. (Ord. 438 § 1, 2003; Ord. 152, 1985)

EXHIBIT 16

CHAPTER 13.30 GENERAL DEVELOPMENT AND PERFORMANCE STANDARDS

13.30.010 Purposes and general plan consistency.

The intent of this section is to protect properties in all districts and the health and safety of persons from environmental nuisances and hazards and to provide a pleasing environment in keeping with the nature of the district character. (Ord. 420 Exh. F, 2002; Ord. 152, 1985)

13.30.020 General development standards.

Unless stated otherwise within this code, the following standards shall be met for all developments:

A. Projections into Yards.

1. Eaves, roof projections, awnings, and similar architectural features when located at least eight feet above grade may project into required yards a maximum distance of three feet, provided that such feature shall be at least three feet from a property line.

2. Fireplace, chimneys, bay windows, balconies, fire escapes, exterior stairs and landings, and similar architectural features may project into the required yard a maximum distance of two feet and shall be at least three feet from a property line.

B. Projections above Height Limits. Unless otherwise specified in this code, flues, chimneys, antennas, elevators or other mechanical equipment, utility, or mechanical features may exceed the height limit of the base district by not more than fifteen feet, provided such feature shall not be used for habitable space and appropriate screening is provided, as determined by the Director. Architectural appurtenances to churches and other religious institutions involving a steeple, or cross, or combination thereof, and clock towers and similar design elements on commercial structures, may exceed the maximum height of the base district if it is determined through the development review permit or conditional use permit process that architectural compatibility and appropriate building scale are achieved and maintained.

C. Use of Required Yards.

1. Street Yards. Except as otherwise permitted, a street yard shall be used only for landscaping, pedestrian walkways, driveways, or off-street parking.

2. Rear and Interior Side Yards. Except as otherwise permitted, these yards shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, or similar accessory activities.

D. Auxiliary Structures. Auxiliary structures shall meet all of the setback requirements for main buildings unless otherwise specified within this code. Height of auxiliary structures shall be a maximum of fifteen feet.

E. Distance Between Structures. The minimum distance between detached structures on the same lot shall be ten feet unless otherwise specified in this code.

F. Fencing and Walls in the Office Professional, Commercial and Industrial Zones.

1. Fences or walls located in a required front or corner side yard shall not exceed three and one-half feet in height in the office and commercial zones. In the Industrial zones, security fencing up to six feet in height may be located in the front or exterior side yard provided the fence is constructed of decorative metal, is non view-obscuring and otherwise complies with the provisions contained in Section 13.14.040(C)(Security Fencing) of this title. Fences or walls on the interior side or rear yard of property zoned office, commercial or industrial shall not exceed eight feet in height unless otherwise approved through a development permit. Overall fence height is inclusive of security devices noted in subdivision (2) of this subsection.

2. In the industrial zones, barbed wire, concertina wire, or similar security devices are permitted on top of a minimum six-foot high fence or wall located in the rear or interior sideyard setback only. Wire shall fall inward to the property and shall not extend beyond the property line.

3. In the office or commercial zones, decorative iron curved inward to the property, shall be used as a security device in lieu of barbed wire, concertina wire, or similar security devices.

4. Fences and walls shall be designed to be compatible with on-site buildings in terms of color and/or materials. Within the required setback adjacent to a residential land use, a minimum six-foot high solid decorative block wall shall be required. Exceptions to this requirement may be granted by the Director where an equivalent buffer is provided through site design or site characteristics, such as difference in grade between sites.

5. All fences and walls are to be composed of new or good used materials as determined by the Director and shall be kept in good repair and adequately maintained at all times. Any dilapidated, dangerous, or unsightly walls or fences shall be removed or repaired. Anti-graffiti surfaces shall be provided pursuant to Section 7.16.130.

6. Walls or fences may not enclose required parking unless otherwise permitted by Section 13.06.070(E) (4) or 13.14.040(C).

7. Walls constructed next to a mobility element street shall be constructed with decorative block to the satisfaction of the Director. Anti-graffiti surfaces shall be provided pursuant to Section 7.16.130 or amendments thereto.

G. Fencing and Walls in the Open Space and Resort Recreation Zones.

1. Fences or walls located in the open space or resort recreation zones shall adhere to the fence height limitations of the residential zones unless otherwise approved pursuant to a development permit.

2. The Director may approve the use of security devices such as barbed wire, concertina wire or similar devices in the open space and resort recreation zones, provided the fencing will not adversely impact the public health or safety and it does not present a negative visual impact.

3. Walls constructed next to a mobility element street shall be constructed with decorative block to the satisfaction of the Director.

4. Anti-graffiti surfaces shall be provided pursuant to Section 7.16.130 of this title.

H. Large Family Day Care Homes. All large family day care homes shall comply with the following:

1. An area shall be provided for the temporary parking of at least two vehicles for the safe loading and unloading of children. In most cases, the driveway in front of a two-car garage will satisfy this requirement.

2. No large family day care home shall be permitted within 300 feet of another large family day care home on the same street frontage.

3. The premises for which application for a business license is made shall be inspected by the Fire Department and shall meet the requirements of the state fire marshal's regulations pertaining to large family day care homes in order for a business license to be approved.

4. All permits and licenses required by state law shall be obtained prior to commencing operation and all such licenses or permits shall be kept valid and current.

I. Equipment Screening. Any equipment, whether on the roof, on the side of a building, or on the ground, shall be screened from view. The method of screening shall be architecturally integrated with the building design in terms of material, color, shape and size. Where individual equipment is provided, a continuous screen is desirable.

J. Trash Enclosures. All office, commercial and industrial developments shall provide an adequate number of trash enclosures on-site to meet the requirements of Chapter 9.02 Section 9.02.230 or amendments thereto. The enclosures shall be designed to the satisfaction of the Director and shall include a minimum six-foot high decorative or solid fence with a solid metal gate painted to match the on-site buildings. Each trash dumpster shall have an attached, water-proof cover that shall be kept closed at all times. The trash enclosures shall be easily accessible, shall not be located within any required setback or landscape area and shall not block any required parking area or driveway. Trash enclosures for residential projects shall conform to the provisions contained in Section 13.10.040(J) of this title.

K. Senior Housing Usable Open Space. All senior housing projects shall provide and maintain at least 200 square feet of usable recreation or open space per dwelling unit. Such space may be at ground level, or aboveground. Interior recreation facilities may be counted towards this requirement. Off-street parking and loading areas, driveways, service areas, areas within front or side yard setbacks, and areas in which any dimension is less than five feet shall not be counted in determining the required open space. Both common open space and private open space are applicable toward the minimum.

L. Low Impact Development (LID) Standards.

1. Requirements for all development projects, including priority development projects, shall include but not be limited to the following measures:

   (a) Source control BMPs that reduce stormwater pollutants of concern in urban runoff, including storm drain system stenciling and signage, properly designed outdoor material storage areas, properly designed trash storage areas, and implementation of efficient irrigation systems;

   (b) LID BMPs where feasible which maximize infiltration, provide retention, slow runoff, minimize impervious footprint, direct runoff from impervious areas into landscaping, and construct impervious surfaces to minimum widths necessary;

   (c) Buffer zones for natural water bodies, where feasible. Where buffer zones are infeasible, require project proponent to implement other buffers such as trees, access restrictions, etc., where feasible;

   (d) Submittal of proof of a mechanism under which ongoing long-term maintenance of all structural post-construction BMPs will be conducted.

2. The following LID site design BMPs shall be implemented for all priority development projects:

   (a) For priority development projects with landscaped or other pervious areas, drain a portion of impervious areas (rooftops, parking lots, sidewalks, walkways, patios, etc.) into pervious areas prior to discharge to the MS4. The amount of runoff from impervious areas that is to drain to pervious areas shall correspond with the total capacity of the project's pervious areas to infiltrate or treat runoff, taking into considerations the pervious areas' soil condition, slope, and other pertinent factors.

   (b) For priority development projects with landscaped or other pervious areas, properly design and construct the pervious areas to effectively receive and infiltrate or treat runoff from impervious areas, taking into consideration the pervious areas' soil conditions, slope, and other pertinent factors.

   (c) For priority development projects with low traffic areas and appropriate soil conditions, construct a portion of walkways, trails, overflow parking

lots, alleys, or other low-traffic areas with permeable surfaces, such as pervious concrete, porous asphalt, unit pavers, and granular materials.

3. Where applicable and determined feasible by the Director, the following LID BMPs shall be implemented at all priority development projects:

   (a) Conserve natural areas, including existing trees, other vegetation, and soils.

   (b) Construct streets, sidewalks, or parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians are not compromised.

   (c) Minimize the impervious footprint of the project.

   (d) Minimize soil compaction.

   (e) Minimize disturbances to natural drainages (e.g., natural swales, topographic depressions, etc.).

4. Where deemed applicable and feasible by the Director, source control and treatment control BMPs, designed to address pollutants of concern specific to the project site and/or the region in general shall be implemented at all priority development project sites. (Ord. 491 § 3, 2009; Ord. 478 § 1, 2008; Ord. 420 Exh. F, 2002; Ord. 401 § 8, 2001; Ord. 364 § 2, 1997; Ord. 325 § 2, 1994; Ord. 295 § 4, 1993; Ord. 250, 1990; Ord. 246, 1990; Ord. 152, 1985)

13.30.030 Performance standards.

The conduct and operation of all uses in all districts shall comply with the minimum standards of performance set forth in this section.

A. Noise.

1. Residential. All new residential construction shall comply with the noise insulation standards of the California Code of Regulations, Title 25. Refer also to the standards for new development contained in the noise element of the Santee general plan. Use of residential property shall comply with all standards and requirements of the City noise ordinance commencing with Section 5.04.010 of the Santee Municipal Code, or as may be hereafter amended.

2. Commercial/Industrial. All commercial and industrial uses shall be established and operated in compliance with the City noise ordinance, commencing with Section 5.04.010 of the Santee Municipal Code, or as may be hereafter amended.

3. Setting of Meter. Any sound or noise level measurement made pursuant to the provisions of this title shall be measured with a sound level meter using the A-weighting and “slow” response pursuant to applicable manufacturer’s

instructions, except that for sounds of a duration of two seconds or less the fast response shall be used and the average level during the occurrence of the sound reported.

4. Calibration of Meter. The sound level meter shall be appropriately calibrated and adjusted as necessary by means of an acoustical calibrator of the coupler-type to assure meter accuracy within the tolerances set forth in American National Standards ANSI-SI.4-1971.

5. Location of Microphone.

   (a) All measurements shall be taken at any lot line of the lot containing the use, except as otherwise provided by this subsection. For outside measurements, the measuring microphone shall not be less than four feet above the ground, at least four feet distant from walls or other large reflecting surfaces and shall be protected from the effects of wind noises by the use of appropriate wind screens. In cases when the microphone must be located within ten feet of walls or similar large reflecting surfaces, the actual measured distances and orientation of sources, microphone and reflecting surfaces shall be noted and recorded. In no case shall a noise measurement be taken within five feet of the noise source.

   (b) For measurement taken to determine sound levels in adjacent zones, the microphone shall be at the boundary line between the adjacent zones.

6. Measured Sound Levels. The measurement of sound level limits shall be the average sound level for a period of one hour.

B. Lights. All public parking areas shall be adequately lighted. All lighting shall be designed and adjusted to reflect light away from any road or street, and away from any adjoining premises. All lights and illuminated signs shall be shielded or directed so as to not cause glare on adjacent properties or to motorists.

C. Smoke. No operation or activity is permitted to have operations which emit excessive smoke, fumes, or dust or which exceed the requirements or levels as specified by the Air Pollution Control District (APCD).

D. Maintenance of Open Areas. All open areas shall be landscaped, surfaced, or treated and maintained permanently in a dust free condition.

E. Vibration. No operation or activity is permitted which will create vibration noticeable without instruments at the perimeter of the subject property.

F. Mechanical and Electrical Equipment. All such equipment, including air conditioners, antennas, pumps, transformers, heating and ventilating equipment, shall be located and operated in a manner that does not disturb adjacent uses and activities.

G. Electrical Interference. No operation or activity shall transmit, generate, or otherwise cause any electrical, magnetic, or electromagnetic radiation disturbance that affects the operation of any use, equipment, or process employed by any use beyond the boundary of the site.

H. Fire or Explosive Hazard. All operations or activities shall conform with the minimum requirements of the Uniform Fire Code, as adopted and amended by the Santee Fire Department, and with the provisions of Title 19 of the California Administrative Code.

I. Liquid and Solid Wastes. There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in conformance with the regulations of the building division.

J. Outdoor Storage, Trash Areas and Service Areas. All areas for storage of maintenance equipment or vehicles, refuse storage and collection areas and service areas, shall be enclosed or effectively screened from public view by use of a fence, wall, landscaping, bermings or a combination thereof.

K. Air Quality. No operation or activity shall cause the emission of any smoke, fly ash, dust, fumes, vapors, gases or other forms of matter, which can cause damage to health, animals, vegetation, or other forms of property, or which can cause excessive soiling on any other lot. No emission shall be permitted which exceeds the requirements of Air Pollution Control District or the requirements of any Air Quality Plan adopted by the City of Santee.

L. Heat or Cold. No operation or activity shall emit heat which would cause a temperature increase or decrease on any adjacent property in excess of ten degrees Fahrenheit, whether the change is in the air, on the ground, or in any structure.

M. Odors. No operation or activity shall be permitted to emit odorous gases or other odorous matter in such quantities as to be dangerous, injurious, noxious or otherwise objectionable and readily detectable without the aid of instruments at or beyond the lot line.

N. Fissionable or Radioactive Materials. No operation or activities shall be permitted which result at any time in the release or emission of any fissionable or radioactive materials into the atmosphere, the ground, or sewerage systems.

O. Exemptions. The following sources of nuisances are exempt from the provisions of this section: 1. Emergency equipment, vehicles and devices.

1. Temporary construction, maintenance, or demolition activities Monday through Saturday, between the hours of seven a.m. and seven p.m., except national holidays.

P. Property Maintenance. All buildings, structures, yards and other improvements shall be properly maintained. The following conditions are prohibited:

1. Dilapidated, deteriorating, or unrepaired structures, including, but not limited to, signs, fences, roofs, doors, walls, and windows.

2. Accumulation of scrap lumber, junk, trash, debris, or inoperative vehicles that are visible from adjacent properties or the public right-of-way.

3. Parking of vehicles on an unpaved surface.

4. Swimming pools that are not properly treated with chemicals or are drained of water and not properly fenced to prohibit access, thereby creating a threat to the public health and safety. (Ord. 420 Exh. F, 2002; Ord. 341 § 2, 1995; Ord. 301 § 3, 1993; Ord. 152, 1985)

EXHIBIT 17

CHAPTER 13.32 SIGNS

13.32.010 Purpose and general plan consistency.

A. Declaration of Need.

1. The city recognizes the need for signs as a means to identify and advertise businesses within the community. The city also recognizes that signing is an important design element of the physical environment. Regulations consistent with the goals and objectives of the community are necessary to ensure that the special character and image the community is striving for can be attained while serving business needs in the community. The city is striving to provide an economically stable and visually attractive community through high-quality site planning, building design, landscaping and signing. As a planned architectural feature, a sign can be pleasing and can harmonize with the physical character of its environment. Proper controls can achieve these goals and will make the City a more attractive place to live, work and shop.

2. It is the purpose of this chapter to make the City attractive to residents, visitors and commercial, industrial and professional businesses while maintaining economic stability through an effective and high-quality signing program.

B. Objectives and Basis. The objective and basis for the various sign regulations contained within this title are:

1. To protect the general public health, safety and welfare of the community;

2. To reduce possible traffic and safety hazards through efficient signing;

3. To direct persons to various activities and uses, in order to provide for the safe and efficient movement of traffic and the maximum public convenience;

4. To provide a reasonable system of sign regulations, to ensure the development of a high-quality visual environment;

5. To encourage signs which are well-designed as well as readable and legible and to provide incentive and latitude for variety, good design relationships and spacing;

6. To encourage a desirable community character which has a minimum of visual clutter;

7. To enhance the economic value of the community and each area, business and use through the regulation of such things as size, number, location and design of signs;

8. To encourage signs which are well located, compatible with adjacent land uses;

9. To promote signage which consolidates advertising for businesses and presents a cohesive thematic pattern. (Ord. 195 § 2, 1987)

13.32.020 Definitions.

The following are definitions of terms contained in this chapter:

"Area of sign" means the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character, together with any other material or color forming an integral part of the display or used to differentiate such sign from the background on which it is placed. The area of a sign having no such perimeter shall be computed by enclosing the entire area within parallelograms, triangles or circles in a size sufficient to cover the entire area and computing the size of such area. In the case of a two-sided sign, the area shall be computed as including only the maximum single display surface which is visible from any ground position at one time. The supports or uprights on which any sign is supported are not included in determining the sign area unless such supports or uprights are designed in such a manner as to form an integral background of the sign. In the case of any cylindrical sign the total area shall be computed on the total area of the surface of the sign.

"Balloon" means an inflated sphere or ball shape commonly made out of rubber, canvas or nylon material.

"Banner" means a strip of cloth, plastic or paper upon which a sign or message is painted or printed and does not include flags as described in Section 13.32.040 or 13.32.050.

"Building face" means the distance between the two most distant corners of a building elevation measured in a straight line along a building facade bordering an adjoining public street or freeway. If more than one business is located in a single building, then such length shall be limited to that portion which is occupied by each individual business.

"Building frontage" means the length of the single front building elevation in which the primary entrance to the business is located. If more than one business is located in a single building, then such length shall be limited to that portion which is occupied by each individual business.

"Canopy" means a permanent roof-like shelter extending from part or all of a building face and constructed of durable material which may not project over a public right-of-way.

"Canopy sign" means a wall sign attached to the face of a canopy, but not projecting above the top of the canopy.

"Center" means a development which includes ten or more tenant spaces in which businesses and structures are designed as an architecturally integrated and interrelated development. Such design is independent of the number of structures, lots or parcels making up the center.

"Changeable copy sign" means a sign displaying a message that is changed by means of moveable letters, slats, lights, light emitting diodes, or moveable background material. Digital signs, dynamic signs, changeable electronic variable message signs are all within this definition.

"Commercial directional sign" means a sign on commercial or industrial property that directs or guides vehicles and pedestrians to on-site activities and complies with the standards in this chapter.

"Commercial property" means property that is designated for commercial or office uses in the General Plan.

"Commercial sign" means any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to communicate commercial speech.

"Commercial speech" or "commercial message" means a message that concerns primarily the economic interests of the message sponsor or the viewing audience, or both, or that proposes a commercial transaction. Commercial speech includes any message that identifies a business.

"Comprehensive sign program" means a type of a sign permit obtained to integrate signs with building and landscaping design and to achieve architectural unity for commercial and industrial centers consisting of ten or more tenant spaces. Sign programs need not mandate specific elements such as color, size, location, lighting, and uniformity.

"Copy" means any words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.

"Development" has the same meaning as that term is defined in Chapter 13.04.

"Digital display" means a display method utilizing LED (light emitting diode), LCD (liquid crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image, either in a "slide show" manner (series of still images), or full motion animation, or any combination of them.

"Double-frontage business" means a business which has one face of its building other than the building frontage, which is parallel to a public street or freeway.

"Electronic message center sign" "EMC" or "electronic message display" means a sign that uses digital display to present variable message displays by projecting an electronically controlled pattern and which can be programmed to periodically change the message display.

"Feather or Flag sign" means a temporary, free standing pole with attachment that contains commercial speech and that does not exceed 15 feet in height.

"Flag" means a rectangular-shaped piece of cloth having a distinctive symbol or design.

"Flashing sign" means any sign which by method or manner or construction or illumination, flashes on or off, winks or blinks with varying light intensity, shows motions or creates the illusion of motion, or revolves to create the illusion of being on and off. This definition does not include changeable copy signs with digital displays that meet the requirements of this Chapter.

"Freestanding sign" means a sign which is permanently supported by one or more uprights, braces, poles or other similar structural components that is not attached to a building or buildings.

"Freeway" means State Route 67, State Route 52 or State Route 125.

"Freeway-serving sign" means any structure, housing, device, figure, statuary, painting, display, message placard or other contrivance, including a wall sign or freestanding sign which provides information in the nature of advertising which is: (1) oriented toward traffic on SR52, SR67 or SR125; and (2) will retain an unobstructed view from SR52, SR67 or SR125, taking into account the likely ultimate development of surrounding properties based on current general plan and zoning regulations.

"Freeway-serving uses" means the following: banks, hotels/motels, restaurants, gasoline stations, automobile and recreational vehicle dealerships and shopping centers, or regional uses. Additional businesses may qualify for classification as a freeway-serving use pursuant to Section 13.32.050(C)(6) of this chapter.

"Height of sign" or "height" means the greatest vertical distance measured from the existing grade at the point the sign supports intersect the ground and any accompanying architectural features of the sign.

"Industrial property" means property that is designated for industrial uses in the General Plan.

"Inoperative activity" means a business or activity that has ceased operation at any given location for a continuous period of at least 180 days.

"Interior sign" means a sign inside of any business that cannot be seen from outside the building in which the business is located.

"Legal" means authorized or permitted in accordance with defined procedures by ordinance or law.

"Logo" means a trademark or symbol used to identify a business.

"Monument sign" means a low profile freestanding sign.

"Non-commercial sign" means a sign containing a message that does not include commercial speech.

"Nonconforming sign" means a sign that does not comply with the provisions of this chapter. If a sign was lawfully erected prior to the effective date of the ordinance codified in this chapter, and meets the size, height and location standards set forth in this chapter, it shall not be considered nonconforming.

"Off-premises sign" means a permanent sign that contains commercial speech related to a business, product, services or facilities on premises different from where the sign is located.

"Pennant" means a triangular or tapered-to-a-point shaped piece of cloth, plastic or paper used for identification or signaling, without company logos or other copy.

"Permanent sign" means a sign that is solidly attached to a building, structure, or the ground by means of mounting brackets, bolts, welds, or other combination of attachment methods, thereby rendering the sign non-moveable or difficult to reposition without the use of machinery, cutting devices, or mechanical devices. When the term "sign" is used independently, it means permanent sign unless the context clearly indicates otherwise.

"Pictograph" means a symbol used to identify a business.

"Portable sign" means a freestanding sign that is not permanently attached, affixed, anchored, or secured to the ground or to a structure. This does not include vehicle signs.

"Premises" means a building or unified complex of buildings on one lot or on two or more contiguous lots under common ownership or management.

"Projecting sign" means any sign other than a wall or canopy sign which is attached to and projects from a structure or a building face or wall; also known as a "blade" sign.

"Public right-of-way" means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, bikeway, pedestrian walkway and other public uses.

"Regional use" means a use or group of related commercial or industrial uses located in a single center of 30 acres or more, whose market area extends beyond the City limits and includes a larger regional scale. Additional businesses may qualify for classification as a regional use pursuant to Section 13.32.050(C)(6) of this chapter.

"Roof" means the external covering of a building or structure above or covering any exterior or interior vertical wall height.

"Roofline" means the top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

"Roof sign" means a sign erected, constructed or placed upon or over a roof of a building, except a mansard roof or canopy, and which is wholly or partly supported by such buildings.

"Seasonal decorations" means decorations placed in remembrance or celebration of any recognized religious, local, State or Federal holiday.

"Statuary" means statues or sculptures that depict products, features, items, or logos of a business excluding those items that are considered design features or complements of the overall site such as wagons, benches, hand water pumps, troughs, and other like items.

"Temporary non-commercial sign" means a non-commercial sign that also qualifies as a temporary sign.

"Temporary sign" means a sign or advertising display constructed of fabric, cardboard, plywood or other light material, with or without a frame that is designed or intended to be displayed for a short period of time and attached to the ground or a structure. Temporary signs do not include permitted portable signs such as A-frame signs that are placed but not attached or affixed to the ground or a structure.

"Useful life" means the period of time in which a sign and all its parts, portions and materials are maintained and kept in proper repair.

"Vehicle sign" means a sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, which conveys a commercial message of a business located on such property.

"Wall sign" means a sign painted, attached to or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall. A parapet, mansard, or canopy sign shall be considered a wall sign, provided it is architecturally integrated with the building and does not project above the roofline.

"Window sign" means a sign painted, attached, glued or otherwise affixed to a window, or otherwise easily visible from the exterior of the building. (Ord. 541 § 2, 2016; Ord. 507 § 1, 2011; Ord. 374 § 3, 1998; Ord. 369 § 2, 1998; Ord. 303 § 2, 1993; Ord. 272, 1991; Ord. 200 § 1, 1988; Ord. 195 § 2, 1987)

13.32.025 Comprehensive Sign Program

A. Comprehensive Sign Program for Commercial and Industrial Zones. A comprehensive sign program permit is required prior to issuance of individual sign permits for all new commercial and industrial centers consisting of ten (10) or more tenant spaces. The purposes of the program are to integrate signs with building and landscaping design to create a unified architectural unit and to:

1. locate signs to avoid conflicts with vehicles and pedestrians and to protect public safety;

2. employ compatible location and type of construction to ensure well planned signage;

3. ensure compliance with the sign ordinance.

B. Provisions. An approved sign program may provide additional flexibility in the location, size, and placement of signs above than what would be strictly allowed under this Chapter.

C. Method of Application. An application for a comprehensive sign program must be made on forms prescribed by the Director of Development Services and be filed with the Planning Department.

D. Method of Review. All comprehensive sign programs shall be reviewed and approved by the Director.

13.32.030 Permit requirements—Review procedures and administration.

A. Sign Permit Required. Except where otherwise provided in this Chapter, a sign permit is required prior to placing, erecting, moving, or reconstructing of any permanent sign. A temporary sign permit is required for all temporary signs, unless expressly exempted by this chapter. One or more signs may be approved per sign permit. A sign permit is also required for a comprehensive sign program. The method of application for a comprehensive sign program is described in 13.32.025 of this Chapter. Signs requiring a permit shall comply with the provisions of this chapter and all other applicable laws and ordinances.

1. Method of Application. An application for a sign permit shall be made on forms as prescribed by the Director of Development Services. Such an application shall be filed with the Planning Department and shall be accompanied by the plans and materials as required by the Director of Development Services. Sign applications must be accompanied by a building permit if required:

2. Method of Review. The purpose of a sign permit is to ensure compliance with the provisions of this chapter and to ensure that any sign proposal is in conformance with the general plan, as well as other applicable ordinances and policies of the city. After receipt of a sign application, the Director of Development Services or authorized designee shall render a decision to approve, approve with modifications, or deny such sign request. The Director may set any application for an administrative hearing if input from the surrounding residents or property owners is desired.

3. Building Permit Required. Issuance of a sign permit in no way precludes the necessity for obtaining building permits for signs in all instances where building permits are required by the city.

B. Director. Except as otherwise provided, it is the responsibility of the Director or authorized designee to enforce all provisions of this chapter.

C. Interpretation of Provisions.

1. The provisions of this chapter are not intended to abrogate any easements, covenants or other existing agreements which are more restrictive than the provisions of this chapter.

2. If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of proper jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

3. If ambiguity arises concerning the interpretation of any provision of this chapter, it shall be the duty of the Planning Commission to ascertain all pertinent facts and by resolution set forth the findings and the interpretations.

D. Variances. The Director is authorized to grant variances to provide flexibility from the strict application of sign regulations when special circumstances pertaining to the property such as size, shape, topography, or location deprives such property of privileges enjoyed by other property in the vicinity. Applications for variances shall be reviewed by the Director according to the variance procedures as set forth in Section 13.06.040 of this title.

E. Appeals. Except as otherwise provided in this Chapter, a decision issued pursuant to this chapter may be appealed as provided by the appeal procedures set forth in Title 1. The Director may waive the period for bringing an appeal if the sign permit does not entail a freeway-serving sign. (Ord. 507 § 1, 2011; Ord. 369 §§ 3, 4, 1998; Ord. 305 § 2, 1993; Ord. 272, 1991; Ord. 195 § 2, 1987)

13.32.035 Transferability.

In each instance and under the same conditions in which this chapter permits any sign, a sign containing an ideological, political or other noncommercial message and constructed to the same physical dimensions and characteristics shall be permitted in lieu of that sign. (Ord. 357 § 1, 1997)

13.32.040 General provisions.

A. Signs exempt from permitting and standards. In addition to specific provisions elsewhere in this chapter that exempt certain signs from the permitting requirement, the following signs are exempt from the application, permit and fee requirements of this chapter; provided however, that building permits may be required, all signs shall be located in accordance with the setback regulations contained in Section 13.32.060(A)(4) of this chapter.

1. Signs of public service and utility companies indicating danger, or which serve as an aide to public safety, or which show underground facilities or public infrastructure;

2. Railroad crossing signs;

3. Traffic or municipal signs posted by government agencies;

4. Signs and notices required by law or by federal, state, county, or city authority, and signs and notices issued by a court, public body, person, or officer in performance of their public duty or in giving any legal notice;

5. Address signs that are required by and conform with the Building Code;

6. Public service and civic identification signs promoting City-sponsored activities or community events as authorized by the City Council;

7. Interior signs within a structure or building not visible or readable or intended to be read from off-site or from outside of the building or structure;

8. Change of copy on a previously approved sign where no alterations are to be made requiring a building permit.

B. Signs exempt from permitting requirements. The following signs do not require permits pursuant to section 13.32.030 when they comply with the applicable standards in this chapter:

1. Permanent Window Signage. Permanent window signs not exceeding 25% of the window area are permitted as permanent signs.

2. Commercial Directional Signs. Either one commercial directional sign up to a maximum area of sign of 20 square feet in area or one per tenant up to four square feet, provided that each sign satisfies the following:

   (a) Located on property in any zone which also contains a public parking area on-site; and

   (b) Sign is not readable from the public right of way or is oriented towards pedestrians or drivers on-site.

3. Flags. A single official flag of the United States of America and two flags of either the state or other states of the United States, counties, municipalities or official flags for nations, and of organizations or companies. Company flags may not be flown in residential zones. Flags shall be a maximum of five feet by eight feet. Maximum height shall meet height requirements set forth in this title.

4. Vehicles

   (a) Signs on public transportation vehicles and structures including, but not limited to, buses, taxicabs, or other public transportation;

   (b) Signs on licensed vehicles, provided such vehicles are not used or intended for use as portable signs or as may be prohibited in Subsection B of this section.

5. Projecting Signs. Commercial projecting signs are allowed subject to the following standards:

   (a) Such signs shall not project into the public right-of-way;

(b) Such signs do not exceed two (2) square feet in sign area (on one side);

(c) Such signs do not project more than two (2) feet from the building wall;

(d) A minimum of eight (8) feet of clearance is provided from the finished ground surface and the bottom of the sign;

(e) Maximum of one such sign per store frontage;

(f) Sign may not be internally illuminated.

6. Transportation Infrastructure. Commercial speech may be allowed bus benches, bus shelters, and other public transportation infrastructure.

7. Properties for sale in any zone may display one temporary sign not exceeding four (4) square feet in size or four (4) feet in height.

8. Temporary and portable signs that comply with the standards set forth in Section 13.32.060, except where that Section indicates a permit is required.

13.32.045 Prohibited Signs

Any sign not specifically authorized by this chapter shall be prohibited unless required by law or utilized by a proper government agency. The following signs are expressly prohibited:

A. Roof signs;

B. Flashing sign;

C. Inflatable advertising devices of a temporary or permanent nature;

D. Temporary inflatable signs that demonstrate motion through the use of fans (commonly known as “Wind Dancer” or “Floppy person” signs);

E. Search lights and beacons;

F. Revolving or rotating signs;

G. Signs without an approved sign permit, unless specifically exempt per this chapter;

H. Signs within the public right-of-way, except where required by a government agency or otherwise permitted by city ordinances;

I. Signs blocking doors or fire escapes;

J. Signs which purport to be or are an imitation of or resemble official traffic warning devices or signs, that by color, location or lighting may confuse or disorient vehicular or

pedestrian traffic. This does not include signs otherwise authorized by this chapter, including but not limited to commercial directional signs;

K. Off-premises signs, except as part of a City-approved sign program;

L. Signs Relating to Inoperative Activities or Businesses and to Illegally Operating Businesses or Activities. Signs pertaining to activities or businesses which are no longer in operation shall be removed from the premises, or the sign copy shall be removed or obliterated, within ninety calendar days after the premises have been vacated or the business to which the sign copy pertains has ceased. For businesses or activities that are illegally operating, any signs pertaining to such illegal use shall be removed from the premises or the sign copy shall be removed or obliterated upon notification from the Director that the business is operating illegally. (Ord. 541 § 1, 2016; Ord. 507 § 1, 2011; Ord. 357 § 2, 1997; Ord. 303 § 2, 1993; Ord. 272, 1991; Ord. 210 § 1, 1988; Ord. 200 § 1, 1988; Ord. 195 § 2, 1987)

13.32.050 Sign regulations.

The provisions in the Tables in this section are the signage maximums allowed in the City. All signs must also be in compliance with the goals and objectives of the general plan, and the provisions of this title as well as the design standards specified in Section 13.32.060 of this chapter.

A. Signs Permitted in the Commercial, Office, Industrial, and Planned Development Zones. The maximum signage that will be allowed in the commercial, office, industrial and planned development zones shall be as follows unless otherwise indicated in this chapter:

TABLE 13.32.050(A)

CLASS	SIGN TYPE	MAXIMUM NUMBER	MAXIMUM SIGNAGE PER BUSINESS	MAXIMUM HEIGHT	OTHER STANDARDS
1. Commercial and office business not within a center and all industrial business and centers	Wall	No limit	The length of the building frontage multiplied by 1 (with a minimum of 21 sq. ft. permitted)	Not to project above roofline	a. In lieu of a freestanding sign, an additional 36 sq. ft. of wall signage may be permitted. b. When more than one separate premises agrees to share a freestanding sign, that sign may be a maximum of 54 sq. ft. c. Addresses are required to be shown for each business on a freestanding sign, or, if none exists, on the building. d. Double-frontage business may have additional wall signage equal to 0.5 multiplied by the length of the second building face. Additional signage may only be located on the second face. All such signs shall be clearly readable from the public street.
	Freestanding	One per premises	36 sq. ft. (may be double-faced)	Not to exceed eight feet in overall height from existing grade	
2. Commercial and office centers and businesses within those centers and also outdoor automotive sales and rental businesses when approved in conjunction with a development permit	Wall	No limit	The length of the building frontage multiplied by 1 (with a minimum of 21 sq. ft. permitted)	Not to project above the roofline	a. When two freestanding signs are permitted, they may be located on the same street frontage. b. Addresses are required to be shown for each business or center on a freestanding sign, or, if none exists, on the building. c. Double-frontage businesses may have additional wall signage equal to 0.5 multiplied by the length of the second building face. All such signs shall be clearly readable from the public street.
	Freestanding	1 per street frontage of the center not to exceed 2 per center -and-	84 square foot sign (may be double- faced)	Not to exceed 15 feet in height	
		1 per single tenant occupying the entire building located on a separate pad within the center	24 square foot sign (may be double- faced)	Not to exceed 6 feet in height	
3. Commercial business zoned planned development (includes centers and business not within centers)	Wall	No limit	The length of the building frontage multiplied by 1 (with a minimum of 21 sq. ft. permitted)	Not to project above the roofline	a. Addresses are required to be shown for each business or center on a freestanding sign, or, if none exist, on the building. b. When two freestanding signs are permitted, they may be located on the same street frontage. c. Double-frontage businesses may have additional wall signage equal to 0.5 multiplied by the length of the second building face. Additional signage may only be located on the second face. All such signs shall be clearly readable from the public street.
	Freestanding	One per street frontage of the premises, not to exceed two per premises	48 square feet (may be double-faced)	Not to exceed 6 feet in height	

B. Signs Permitted in the Residential Zones.* The maximum signage that will be allowed in the residential zones shall be as follows:

TABLE 13.32.050(B)

CLASS	SIGN TYPE	MAXIMUM NUMBER	MAXIMUM AREA PER SIGN FACE	MAXIMUM HEIGHT
Residential	Wall	1 per major entry to project	48 sq. ft.	Not to project over roofline
		OR		
	Freestanding	1 per major entry to project	48 sq. ft.	Not to exceed 6 feet in overall height from grade

* Addresses are required to be shown for each development on a freestanding sign, or, if none exists, on the building.

C. General Use Signs. Sign permits may be issued for signs included under this section throughout the City unless otherwise designated. The method of application for such signs is as per Section 13.32.030(A)(1) of this chapter. These signs are in addition to those signs expressly regulated in this Chapter and are subject to the provisions listed in this subsection:

1. Use of Flags. The use of flags is permitted in conjunction with an approved residential subdivision sales office. The use of such flags shall conform to the following provisions:

   (a) The flags shall be no higher than eighteen feet from existing grade;

   (b) In no case shall the flags be allowed within the public right-of-way;

   (c) Each flag must be affixed to a standard implanted in the ground;

   (d) The flags can be maintained as long as a valid operating permit for the sales office has been granted;

   (e) The maximum size of the flag shall not exceed three feet by five feet and shall be maintained in good condition. Torn or worn flags shall be replaced.

2. On-Site Subdivision Signs.

   (a) One temporary on-site subdivision sign not to exceed an area of sign of 64 square feet total for two sides or 32 square feet for one side and a total overall height of 12 feet may be permitted on each street frontage of the property being subdivided not to exceed two such signs for any subdivision, otherwise a maximum of one sign is permitted.

(b) Such signs shall be removed within ten calendar days from the date of the final sale of the land and/or residences or within 24 months, whichever comes first. A single extension of 12 months may be approved by the Director of Development Services.

(c) Signs shall be maintained in good repair at all times.

3. Temporary Real Estate Directional Signs on City-Provided Kiosks. Sign panels on City-provided kiosks may be authorized for the purpose of providing directional information to residential developments, including mobilehome parks which are offering the sale or rental for the first time, of houses, apartments, lots or mobilehome spaces, provided:

(a) Number. The maximum number of single-faced sign panels allowed shall be eight per development. Double-faced sign panels shall be counted as two signs.

(b) Area and Dimensions. Sign panels shall be five square feet in total area of sign, and shall measure five feet horizontal length by one foot vertical length.

(c) Height. Maximum sign height for a single sign structure (kiosk) shall be eleven feet.

(d) Kiosk Structures. All sign panels shall be located on a city approved kiosk structure.

(e) Permitted Locations. Signs shall be located on designated city kiosk structures within the public right-of-way. If, in the opinion of the Director, available city kiosk structures will not permit adequate directional information, kiosk structures may be approved by the Director on private property with the written permission of the property owner. A kiosk location plan shall be prepared showing the site of each kiosk and shall be submitted to and approved by the Department prior to the acceptance of a sign permit application.

(f) Sign Copy. Each temporary real estate directional sign shall contain only the name of the subdivision and a directional arrow. Community directional signs (City Hall, library, parks, etc.) may also be allowed on kiosk structures.

(g) Spacing. No temporary real estate directional sign shall be placed within 300 feet of another except when they are across the street from one another. A maximum of seven temporary real estate directional sign panels for different developments may be grouped on a single sign structure face. Only one panel per development may be placed on a single sign structure face.

(h) Right of Entry. All kiosks which are placed on private property must have written consent of the property owners to allow the City, in the event of noncompliance, to enter said property and remove the sign. A copy of said consent shall be filed with the Department prior to the acceptance of a sign permit application.

(i) Changes. Any sign approved for a particular subdivision within the City shall not be changed to another subdivision without prior approval of the Director.

(j) Time Period. Permits for sign panels shall be issued for a limited period of time, not to exceed 24 months or until the first sale or rental of all units is completed, whichever occurs first. At that time, the permittee shall apply for a one-year extension or all signs shall be removed.

(k) Unauthorized Alterations. There shall be no additions, tag signs, attention-getting devices, or other appurtenances added to the sign as approved.

(l) Lighting. Illumination by any means is prohibited.

4. Electronic Message Center. Electronic message center signs (EMC) may be permitted subject to compliance with the following requirements:

(a) The maximum size of the sign area must comply with the sizes for the applicable use as provided in Table 13.32.050(A);

(b) EMC signs are allowed only on parcels with frontage on Prime Arterials, Major Arterials, Parkways, or Collector Roads with Two-Way Left Turn Lane (TWLTL) as defined in the Mobility Element of the General Plan;

(c) The copy of electronically displayed messages may change no more frequently than once every eight seconds. The transition from one message to another should be instantaneously as perceived by the human eye;

(d) Each signage shall be complete in itself and shall not continue on a subsequent sign;

(e) Displays on an EMC must contain static messages only and must not have movement, or the appearance of optical illusion or movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination, or the flashing, scintillating or varying of light intensity;

(f) EMC’s located in Airport Influence Area 1 of Gillespie Field are subject to review by the Federal Aviation Administration and / or the Airport Land Use Commission;

(g) EMC illumination requirements. Between dusk and dawn the illumination of an EMC shall conform to the following requirements:

(i) The luminance of an EMC shall not exceed 0.3 foot-candles more than ambient lighting conditions when measured at the recommended distance in listed below:

Area of Sign (square feet)	Measurement Distance (feet)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92

(ii) The luminance of an EMC shall be measured with a luminance meter set to measure foot-candles accurate to at least two decimals. Luminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color capable EMC, or a solid message for a single-color EMC. All measurements shall

be taken perpendicular to the face of the EMC at the distance specified in this subdivision based on the total square footage of the area of the EMC;

(iii) The developer / sign company shall provide a copy of a luminance report prepared by a lighting or electrical engineer prior to final permit inspection;

(iv) All electronic message center signs must be equipped with a sensor or other device that automatically determines ambient illumination and is programmed to automatically dim according to ambient light conditions or can be adjusted to comply with the illumination requirements of this section.

5. Temporary and Portable Signs. Temporary and portable signs that require a permit as set forth in Section 13.32.060.

6. Freeway-Serving Signs. The sign area and height for one freestanding sign permitted pursuant to Table 13.32.050(A) of this chapter may be increased for an eligible property as indicated in Table 13.32.050(C) of this chapter and shall be subject to the provisions in that table and this subsection.* If an eligible property is allowed a larger sign area pursuant to Table 13.32.050(A) of this chapter, then those standards shall apply.

*Excluded from the provisions of this Subsection are single tenants occupying the entire building located on a separate pad within a large office/commercial center with ten or more tenant spaces. The freestanding sign area and height for these businesses shall remain a maximum of 24 square feet in area and six feet in height.

TABLE 13.32.050(C)
Freeway-Serving Signs

The permit requirements for freeway-serving signs shall be per Section 13.32.030 of this chapter unless otherwise indicated below.

CLASS	ELIGIBLE PROPERTY	MAXIMUM FREESTANDING SIGN AREA	MAXIMUM FREESTANDING SIGN HEIGHT	
1. Freeway-serving and regional uses in general commercial, neighborhood commercial, office professional, light industrial or general industrial zones.[1]	Within 111 feet of a freeway right-of-way that is constructed and operational within the City.	54 square feet (may be double-faced)	15 feet above existing grade	a. In lieu of one permitted freestanding sign, the sign area for that sign may be transferred to wall signage for a double frontage building that has a second building face that is parallel to a freeway.2 The total wall sign area for that building shall not exceed the length of the building frontage multiplied by two. The wall sign may not project above the roofline and must be readable from the freeway. b. When more than one separate premises agrees to share a freestanding sign, the sign area may be a maximum of 84 square feet. c. The freestanding sign or wall signage shall identify only the freeway-serving use or regional use which is located on the same parcel or premises and shall be readable from the freeway.
2. Freeway-serving and regional uses in general commercial, neighborhood commercial, office professional, light industrial or general industrial zones.[1]	Within 111 feet of a freeway right-of-way that is constructed and operational within the City.	84 square feet (may be double-faced)[3]	More than 15 feet above existing grade to a maximum of either 15 feet above the freeway grade measured from the level of the closest travel lane of the freeway to the top of the sign or a maximum of 50 feet above grade whichever is less.[3]	a. Requires the approval of a conditional use permit pursuant to Section 13.06.030 of this title and subject to all of the following criteria: i. A large sign is needed to achieve the minimum visibility necessary to allow safe reaction time by freeway motorists; and ii. Based on specific site characteristics, the sign is the least obtrusive design solution; and iii. The sign is readable from the freeway. The sign is consistent with Federal Aviation Administration (FAA) regulations with regard to navigable airspace. b. The freestanding sign or wall signage shall identify only the freeway-serving or regional use which is located in the same parcel or premises.

[1] Additional business may qualify as freeway-serving or regional uses if the criteria contained in Subsection (C)(6) of this section are met and subject to a conditional use permit.

[2] The total amount of freestanding sign area permitted pursuant to this table may be transferred to wall signage pursuant to the required permit process for the freestanding sign identified in this table. In any event, the total wall sign area for the building shall not exceed the length of the building frontage multiplied by two.

[3] Exceptions to the maximum sign area and/or height may be granted as part of the conditional use permit process if it is found that, due to characteristics unique to the site, a larger sign is needed to achieve minimum visibility from the freeway.

(a) Design Standards. All wall signs and freestanding signs approved pursuant to this Subsection shall comply with the design standards contained in Section 13.32.060 of this chapter. In addition, all freestanding signs approved pursuant to this Subsection shall meet the following design standards:

(i) The use of a logo or pictograph is encouraged as a simple and easily recognizable message.

(ii) Signs other than individual pole signs are encouraged. Preferred alternatives include monument signs or signs that are appropriately integrated with the building design elements such as towers, mansards, cupolas or other architectural or artistic elements. Roof signs are prohibited.

(iii) All freeway-serving signs shall be oriented toward the freeway.

(b) Freeway-Serving Uses. In addition to the freeway-serving uses defined in Section 13.32.020 of this chapter, other businesses may qualify as a freeway-serving or regional use subject to the approval of a conditional use permit pursuant to Section 13.06.030 of this title if it is found that the business has a market area that draws customers from the region. (Ord. 507 § 1, 2011; Ord. 382 § 2, 1998; Ord. 374 § 4, 1998; Ord. 369 §§ 5, 6 & 7, 1998; Ord. 303 § 2, 1993; Ord. 272, 1991; Ord. 210 § 1, 1988; Ord. 200 § 1, 1988; Ord. 195 § 2, 1987)

13.32.060 Design standards.

A. Permanent Signs. Each permanent approved sign must meet the following standards in addition to any other standards set forth in this title:

1. Relationship to Buildings. The materials used in the construction of the signs shall not conflict with the materials of other on-site signs and buildings.

2. Relationship to Other Signs. All signs located on the same site shall have designs which are well related to one another by utilizing the same type of sign (i.e., channel letters, cabinet).

3. Colors. Colors shall not be offensive. Use of day glow colors are prohibited.

4. Location. All freestanding signs must be located outside the public right-of-way and at least three feet from any public pedestrian or bicycle pathway. The location of the sign shall not conflict with future development.

5. Landscaping. Each freestanding sign shall be located in a planted landscaped area which is of a shape, design and size (equal to at least the sign area) that will provide a compatible setting and ground definition to the sign. The planted landscaped area shall be maintained on a reasonable and regular basis and separated by any parking or paved area by a six-inch curb.

6. Illumination and Motion. Freestanding signs shall be nonmoving stationary structures (in all components) and illumination, if any, shall be stationary and constant in intensity and color at all times (nonflashing). Neon, LED, and conventional lighting whether internal or external to the sign are all approved lighting techniques and methods.

7. Materials. Every sign and all parts, portions and materials shall be manufactured, assembled and erected in compliance with all applicable state, federal and city regulations and the Uniform Building Code. This does not apply to temporary signs.

8. Every sign, including those specifically exempt from the requirement to obtain a sign permit and pay permit fees, and all parts, portions and materials shall be maintained and kept in proper repair. The display surface of all signs shall be kept clean, neatly painted and free from rust and corrosion. Any crack, broken surfaces, malfunctioning lights, missing sign copy or other unmaintained or damaged portion of a sign shall be repaired or replaced within 30 calendar days following notification by the City. Noncompliance with such a request shall constitute a nuisance.

9. Sign Faces. Unless stated otherwise, freestanding signs may be single-faced or double-faced.

10. Relationship to Streets. Signs shall be designed so as not to obstruct any pedestrian, bicyclist, or driver's view of right-of-way.

11. The placement of freestanding signs shall take into consideration the location of existing utility poles and boxes, traffic signs and existing freestanding signs on adjacent properties to the extent feasible to reduce visual clutter and increase legibility.

B. Temporary Signs. Temporary signs may be placed in the public right-of-way or on individual parcels outside the public right-of-way, subject to the following standards and regulations in this Subsection, in addition to any other applicable regulations in this title:

1. Within Public Right-of-Way

(a) Portable signs. Portable signs with commercial messages and non-commercial signs may be placed in the public right-of-way without a sign permit on Fridays, Saturdays, Sundays and on City-designated holidays, but only for the duration of the event or store hours, and in no case for more than 24 hours at one time, provided the portable signs comply with the following standards:

(i) Portable signs must not obstruct the free flow of vehicular or pedestrian traffic;

(ii) Portable signs must not restrict visibility around corners or at intersections;

(iii) Portable signs must not be placed in the median;

(iv) Portable signs must not be illuminated;

(v) Maximum area of sign is four (4) square feet per sign;

(b) Temporary Non-commercial signs. Except as may otherwise be authorized or required pursuant to a temporary use permit pursuant to Chapter 13.06, temporary non-commercial signs are allowed in the public right-of-way without a sign permit subject to the following standards:

(i) Timing. No temporary non-commercial sign may remain in the public right of way for more than 45 days in any calendar year and must be removed no later than ten calendar days following the date of any event relating to the sign.

(ii) Size. A temporary non-commercial sign shall not exceed 32 square feet in total area of sign for one side; double-faced signs shall not exceed 32 square feet per side. No signs shall be placed in a manner that would obstruct visibility of or impede pedestrian, cyclist or vehicular traffic, or endanger the health, safety or welfare of the community,

(iii) Design:

a. Temporary non-commercial signs must not be illuminated unless said sign is erected on an authorized structure already providing illumination,

b. Temporary Signs must not exceed an overall height of six feet from finished grade immediately around the sign.

c. Temporary signs must not be placed in the median.

(iv) Temporary non-commercial signs must not be posted in violation of any provisions of this chapter.

(v) Sign Movers. Persons moving signs are allowed in the right-of-way (except the median) as long as their activities do not impede pedestrian traffic, distract drivers, or create visibility problems for pedestrians, cyclists or vehicles.

(vi) City Facilities. The City may place signage in the right-of-way for civic events or for events with the City's community partners.

2. Outside Public Right-of-Way

(a) Portable signs. Portable commercial and non-commercial signs may be placed on individual properties on Fridays, Saturdays, Sundays and on City-

designated holidays without a sign permit for no more than 24 hours at one time, provided the portable signs comply with the following standards:

(i) Portable signs must not obstruct the free flow of vehicular or pedestrian traffic;

(ii) Portable signs must not restrict visibility around corners or at intersections;

(iii) Portable signs must not be illuminated;

(iv) Maximum area of sign is four (4) square feet per sign;

(v) In addition to any other sign authorized under this title, each parcel may have either a non-commercial portable sign or a non-commercial temporary sign.

(b) Temporary signs. Except as may otherwise be authorized or required pursuant to this Chapter or to a temporary use permit pursuant to Chapter 13.06, temporary non-commercial signs are allowed outside the public right-of-way without a sign permit subject to the following standards:

(i) Temporary non-commercial signs.

a. One temporary non-commercial sign per parcel outside the public right of way, provided that the temporary non-commercial sign complies with the requirements in this subdivision.

b. Temporary non-commercial signs must not obstruct the free flow of vehicular or pedestrian traffic;

c. Temporary non-commercial signs must not restrict visibility around corners or at intersections;

d. Temporary non-commercial signs must not be illuminated;

e. Temporary non-commercial signs must not exceed six (6) feet in height above the finished grade immediately around the sign;

f. Temporary non-commercial signs with an area of sign up to four (4) square feet may be in place indefinitely;

g. Temporary non-commercial signs with an area of sign larger than four (4) square feet and up to thirty-two (32) square feet must be in place for no more than forty-five (45) days per calendar year;

h. The limitations of this Subsection shall not apply to seasonal decorations.

(ii) Temporary commercial signs.

a. A sign permit pursuant to Section 13.32.030 is required prior to establishing a temporary commercial sign on any property in a commercial or industrial zone. The application for a temporary commercial sign permit must be signed by the property owner in addition to the applicant, if the applicant is not the owner.

b. Temporary commercial signs allowed pursuant to this Subsection are limited to a maximum of 30 consecutive days and a total of ninety days per calendar year per business. The permitted time period shall be indicated on the temporary sign permit application and shall be calculated from the date the signage is displayed or date(s) indicated on the application, whichever occurs first. The dates identified on the permit application shall be utilized to determine compliance with the ninety-day limit. Failure of the applicant to display the sign on the dates indicated in the application shall not extend the ninety-day limit unless the applicant obtains approval of the amended dates prior to the display date.

c. Each permit for temporary commercial signs authorizes a maximum area of sign of forty (40) square feet of sign area. This sign area may be used on a banner attached to the building, or on a banner attached to the building and either a portable sign or free-standing feather / flag sign, as long as the total sign area does not exceed 40 square-feet.

d. The number and location of the temporary commercial signs allowed pursuant to this Subsection must not impede the flow of pedestrian or vehicular traffic or create a traffic hazard because of the distractive character to motorists of any sign or device or the cumulative effect of all signs on the premises. In addition, these signs and attention-getting devices shall not unreasonably obscure existing signs and shall not be in a condition of disrepair. Disrepair shall include torn, faded or sagging banners.

e. On vacant, developing commercial and industrial properties, no permit is required for one (1) unlit, wall or freestanding, temporary commercial sign no more than six (6) feet in height above the finished grade immediately around the sign, with a maximum area of sign of sixteen (16) square feet.

f. The limitations of this Subsection shall not apply to seasonal decorations. (Ord. 369 § 8, 1998; Ord. 305 § 2, 1993; Ord. 272, 1991; Ord. 200 § 1, 1988; Ord. 195 § 2, 1987)

13.32.070 Nonconforming signs.

A. Intent of Provisions. It is the intent of this section to recognize that the eventual elimination of existing signs that are not in conformity with the provisions of this chapter is as important as the prohibition of new signs that would violate these provisions.

B. General Requirements.

1. A nonconforming sign may not be:

(a) Changed to another nonconforming sign except for a change of copy by the same owner,

(b) Structurally altered to extend its useful life,

(c) Expanded, animated, moved or relocated,

(d) Reestablished after a business has been discontinued for a continuous period of 180 days or more,

(e) Reestablished after damage or destruction of more than 50% of the sign value as determined by the Director;

2. A new sign meeting the provisions of this chapter may be approved for site, center, structure, building or use that contains nonconforming signs;

3. Any permanent sign which was properly erected pursuant to regulations in existence at the time of its erection or placement, and with a valid sign and/or building permit, but which does not meet the requirements of this chapter, shall be allowed to remain in existence, notwithstanding their nonconforming character, for the useful life of the sign, subject to the provisions of Subsection B of this section. Such signs may be required to be brought into conformance in conjunction with any conditional use permit or development review permit that is hereafter granted on the same site.

C. Historical Signs. Signs that have historical significance to the community but do not conform to the provisions of this chapter may be issued a permit to remain provided that the City Council makes the following findings:

1. The sign has historical significance for the community;

2. The sign does not create or cause a traffic hazard;

3. The sign does not create a visual nuisance to the character of the community;

4. The sign is properly maintained and structurally sound;

5. The sign does not adversely affect adjacent properties. (Ord. 507 § 1, 2011; Ord. 195 § 2, 1987)

13.32.080 Enforcement and penalties.

This chapter may be enforced pursuant to the enforcement provisions in Title 1. (Ord. 195 § 2, 1987)

EXHIBIT 18

CHAPTER 13.34 WIRELESS TELECOMMUNICATIONS FACILITIES

13.34.010 Purpose and general plan consistency.

A. The purpose and intent of this chapter is to provide a uniform and comprehensive set of standards for the development, siting and installation of wireless telecommunication facilities and antennas. The regulations contained herein are designed to protect and promote the public health, safety and community welfare and the aesthetic quality of the City as set forth within the goals, objectives and policies of the general plan, while at the same time providing for managed development of wireless telecommunications infrastructure in accordance with the guidelines and intent of the Telecommunications Act of 1996.

B. Objectives. Recognizing the City's roles as regulator, service provider, facilitator and user, it is intended that the City shall apply these regulations in furtherance of the following goals and policy objectives, including, but not limited to:

1. To retain control of private and public property within the confines of state and federal legislation to regulate wireless telecommunications facilities;

2. To facilitate the creation of an advanced wireless telecommunications infrastructure for citizens, businesses, industries and schools;

3. To protect the City from potential adverse effects of wireless telecommunications facility development; and

4. Ensure that the wireless telecommunications infrastructure is designed to enhance and not interfere with the City's emergency response network. (Ord. 401 § 9, 2001)

13.34.015 Definitions

For purposes of this chapter, the following words, terms, phrases and their derivations have the meanings given in this section. The word "shall" is always mandatory and not merely directory.

"Antenna" means a device for transmitting and receiving radiofrequency (RF) signals.

"Base Station" means collectively all of the equipment and apparatus, excluding antennas, serving as components of an existing wireless telecommunications communications facility, including any antenna support structure.

"Co-location" or "co-located" means the location of multiple antennas which are either owned or operated by more than one (1) service provider at a single location and mounted to a common support structure.

"Eligible Facility" means an existing wireless tower or base station to be modified by (a) the installation of new transmission equipment, including co-locations; (b) removal of transmission

equipment; or (c) replacement of transmission equipment, without a substantial change to the physical dimensions or replacement of the underlying structure.

“Equipment” means any apparatus serving as a component of a wireless communication facility including but not limited to a base station, cables/wires, air conditioning units, mounting brackets, equipment cabinets, generators, battery or other power supplies, pedestals, and meters, but excluding antennas and antenna support structures.

"FCC" means the Federal Communications Commission of the United States.

“Tower” includes any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities.

“Wireless Telecommunication Facility,” “Wireless Facility” or “Facility” means any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information, including but not limited to, cellular telephone service, personal communication service, and paging service. A wireless telecommunication facility can consist of one or more antennas with associated equipment.

13.34.020 Minimum application requirements.

In addition to meeting standard application submittal requirements for discretionary permits, detailed in other chapters in this title, all wireless telecommunications facility carriers or providers shall provide the information listed below. The Director may waive certain submittal requirements based on specific project factors. This Section does not apply to wireless telecommunications facilities requiring an antenna permit as set forth in Section 13.34.085.

A. Visual Impact Demonstration. A visual impact analysis shall be provided showing the maximum silhouette and proposed or required screening. The visual impact analysis shall photo simulations and any required photo overlays, scaled models or architectural renderings necessary to determine visual impact. A map depicting where the photos were taken shall be included.

B. Narrative.

1. Antennas. List the number of proposed antennas and base transceiver stations and/or equipment cabinets and any existing facilities on the site.

2. Location. Describe the location and type of antenna installations (stand-alone rooftop, rooftop attached to a mechanical penthouse, or building facade) and location of the base transceiver station(s), equipment cabinets and/or buildings.

3. Height. List the height of the antenna installation. Carriers must provide documentation that establishes that the proposed facilities have been designed to the minimum height required from a technological standpoint for the proposed site.

4. Radio frequency. List the radio frequency range in megahertz and list the wattage output of the equipment.

5. Radio frequency emissions—a report listing the effective radiated power generated by the proposed facility, shall be submitted to the Director. The report shall identify exposure levels for both controlled and uncontrolled areas where the levels are projected to be highest.

6. FCC compliance. Provide documentation certifying all applicable licenses or other approvals required by the Federal Communications Commission to provide the services proposed, have been obtained.

7. Maintenance. Describe the anticipated maintenance and monitoring program for the antennas and backup equipment.

8. Noise/acoustical information. Provide noise and acoustical information for equipment such as air conditioning units and back-up generators.

9. Site selection process. Provide a map and narrative description explaining the site selection process including information about other sites considered and reason for their rejection.

10. Geographic service area. Identify the geographic service area for the subject installation, including a map showing the site and the associated "next" cell sites within the network. Describe the distance between cell sites. Describe how this service area fits into and is necessary for the company's service network. Illustrate the geographic area in which the facility could be located showing all other sites that could be used for antenna location.

11. Preferred location sites. Each application shall identify the location preference, listed in Section 13.34.040, that the proposed facility is meeting. If the proposed location is not a preferred location, the applicant shall provide a list (by address and assessor's parcel number) and a map at a one to 200 scale of all preferred location sites within the service area; what good faith efforts and measures were taken to secure each other of these preferred location sites; describe why each such site was not technologically, legally or economically feasible and why such efforts were unsuccessful; how and why the proposed site is essential to meet service demands for the geographic service area and the Citywide network.

12. Preferred mounting technique. Each applicant shall identify the antenna mounting preference, listed in Section 13.34.050, the proposed facility is meeting. If the proposed mounting technique is not a preferred technique, the applicant shall provide a list (by address and assessor's parcel number) and a map at a one to 200 scale of all such buildings/sites within the service area; what good faith efforts and measures were taken to secure each of these preferred mounting location/sites; describe why each such site was not technologically, legally or economically feasible and why such efforts were unsuccessful; and how and why the proposed site is essential to meet service demands for the geographic service area and the Citywide network.

13. Cumulative effects. Identify the location of all the applicant's antennas and backup facilities and location of other wireless telecommunications facilities on and near the property; include the following:

(a) Height. The height of all existing and proposed wireless telecommunications facilities on the property, shown in relation to the height limit for the zoning district;

(b) Antennas. The dimension of each existing and proposed antenna, base transceiver station, equipment cabinet and associated building and backup equipment on the property;

(c) Power rating. The power rating for all existing and proposed backup equipment;

(d) Total watts. The total number of watts per installation and the total number of watts for all installations on the building (roof or side);

(e) Facilities within 100 feet. The number and types of wireless telecommunications within 100 feet of the proposed site and provide estimates of the cumulative electromagnetic radiation emissions at the proposed site.

C. Co-location agreement. All wireless telecommunications carriers shall provide a letter stating their willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible and aesthetically desirable. When determined to be technically feasible and appropriate, the Director may require unutilized space to be made available for co-location of other wireless telecommunications facilities, including space for entities providing similar, competing services. Co-location is not required in cases where the addition of the new service or facilities would cause quality of service impairment to the existing facility or if it becomes necessary for the host to go off-line for a significant period of time.

D. The applicant shall provide a list of planned or anticipated facilities within the City, and their anticipated construction schedules. The Director may require concurrent processing of planned facilities.

E. At the discretion of the Director the applicant may be required to provide an authorization waiver to permit the City to hire an independent, qualified consultant to evaluate any technical aspect of the proposed wireless telecommunications facility, including, but not limited to, compliance with applicable federal emission standards, potential for interference with existing or planned public safety emergency response wireless telecommunications facilities, or analysis of feasibility of alternate sites, screening methods or devices. Any authorization for this purpose shall include an agreement by the applicant to reimburse the City for all reasonable costs associated with the consultation. Any proprietary information disclosed to the City or the consultant is hereby deemed not be a public record, shall remain confidential, and not be disclosed to any third party without the express consent of the applicant.

F. Any other relevant information as required by the Director. (Ord. 401 § 9, 2001)

G. 13.34.030 General Requirements.

H. The following general requirements apply at all times to all wireless telecommunications facilities located in all zoning districts:

I. Each facility must comply with any and all applicable provisions of the Santee Municipal Code, including but not limited to provisions of the Uniform Building Code, National Electric Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, and any conditions of approval imposed as part of the approval process.

J. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including, but not limited to, the Federal Communications Commission and the Federal Aviation Administration.

K. The facility must at all times comply with all applicable health requirements and standards pertaining to RFR emissions.

L. Interference with city communications systems is prohibited. All proposed facility applications shall include reports, as required by the Fire Department, to evaluate potential interference. The applicant shall be responsible for any costs incurred by the City, including the costs of retaining consultants, to review and analyze the reports. (Ord. 401 § 9, 2001)

13.34.030 General requirements.

The following general requirements apply at all times to all wireless telecommunications facilities located in all zoning districts:

A. Each facility must comply with any and all applicable provisions of the Santee Municipal Code, including but not limited to provisions of the Building Code, as amended by the City, and any conditions of approval imposed as part of the approval process.

B. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including, but not limited to, the Federal Communications Commission and the Federal Aviation Administration.

C. The facility must at all times comply with all applicable health requirements and standards pertaining to RFR emissions.

D. Interference with city communications systems is prohibited. All proposed facility applications shall include reports, as required by the Fire Department, to evaluate potential interference. The applicant shall be responsible for any costs incurred by the city, including the costs of retaining consultants, to review and analyze the reports.

E. Without limitation, the provisions of this chapter do not permit placement of wireless telecommunications facilities in the public right-of-way without an encroachment permit authorizing such placement issued by the City, or permit placement of wireless telecommunications facilities on private property without the permission of the property owner. (Ord. 401 § 9, 2001)

13.34.040 Location.

Location preference for wireless telecommunications facilities should be given to:

A. Co-location Sites. Co-located and multiple-user wireless telecommunications facilities may be required when, in the determination of the Director, it is technically feasible and appropriate and will minimize overall visual impact to the community.

B. Property Designated industrial or commercial, unless otherwise prohibited pursuant to this chapter.

C. Facilities Attached or Sited Adjacent to Existing Structures. Appropriate types of existing structures may include, but are not limited to: buildings, water tanks, telephone and utility poles, sign standards, traffic signals, light standards and roadway overpasses.

D. Sites that are not Highly Visible from Adjacent Roadways.

E. Unless otherwise indicated in this chapter, no wireless telecommunications facility shall be installed on an exposed ridgeline or on property located within the Hillside Overlay District or along a scenic road or scenic corridor as designated in the Santee General Plan unless the facility blends with the surrounding existing natural and man-made environment to the maximum extent possible and a finding is made that no other location is technically feasible. (Ord. 401 § 9, 2001)

13.34.050 Preferred antenna siting and mounting techniques.

The following antenna and equipment siting and mounting techniques are preferred:

A. Facade mounted antennas that meet the visual requirements specified in this chapter;

B. Roof mounted antennas that are not visible to the public, and;

C. Monopoles or freestanding towers that utilize stealthing techniques. (Ord. 401 § 9, 2001)

13.34.060 Design requirements.

In addition to all other requirements set forth in this chapter, all wireless telecommunications facilities shall meet the following design requirements:

A. All facilities shall be designed to minimize the visual impact to the greatest extent feasible by means of placement, screening, and camouflage and to be compatible with existing architectural elements, building materials and other site characteristics. The applicant shall use the smallest and least visible antennas possible to accomplish the coverage objectives.

B. Colors and materials for facilities shall be non-reflective and chosen to minimize visibility. Facilities, including support equipment and buildings, shall be painted or textured using colors to match or blend with the primary background.

C. Wireless support structures and base stations shall be illuminated as required by the FCC and/or the Federal Aviation Administration (FAA). If allowed under FAA and other governmental regulations, alternatives to strobe lighting shall be used at night and lighting shall be shielded to ensure that lighting is focused toward the top of the wireless support structure or base station. Lightning arresters and beacon lights shall not be included in the design of facilities unless required by the FAA and shall be included when calculating the height of facilities such as lattice towers and monopoles.

D. Facade-mounted equipment shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. Antennas must be located entirely within an existing or newly created architectural feature so as to be completely screened from view.

E. Satellite dish or parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.

F. Where appropriate, facilities shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs, whether or not utilized for screening.

G. All monopoles and lattice towers shall be designed to be the minimum functional height and width required to support the proposed antenna installation. Freestanding monopoles shall incorporate stealth techniques to minimize their prominence.

H. Roof mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back from the edge of the building or otherwise screened with the building parapet to minimize their visibility.

I. Support equipment pads, cabinets, shelters and buildings require architectural, landscape, color, or other camouflage treatment to minimize visual impact. Equipment shelters and buildings shall not be used for the storage of any excess equipment or hazardous waste (e.g., discarded batteries). No outdoor storage yards shall be allowed in an equipment compound. Equipment compounds shall not be used as habitable space.

J. No freestanding facility such as a monopole, lattice tower, or similar structure including ancillary support equipment may be located between the face of a building and a public street, bikeway or park.

K. The city shall retain the authority to limit the number of antennas with related equipment and providers to be located at any site and adjacent sites in order to prevent negative visual impact associated with multiple facilities.

L. Freestanding facilities, including towers, lattice towers, and monopoles, shall not exceed the maximum height of the base district by more than fifteen feet. The height of a freestanding facility shall be measured from the natural undisturbed ground surface below the center of the base of the tower itself to the tip of the highest antenna or piece of equipment attached thereto. In the case of roof-mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted.

M. No telecommunications facility that is readily visible from off-site shall be installed on a site that is not already developed with a telecommunications facility unless a finding is made, based on technical evidence acceptable to the Director, as appropriate, showing a clear need for this facility that no technically feasible alternative site exists. (Ord. 401 § 9, 2001)

13.34.070 Exempt wireless telecommunications facilities.

A. Installation of the following antennas and/or appurtenant equipment which complies with all applicable health requirements and standards pertaining to RF emissions is exempt from the provisions of this chapter subject to the conditions below:

1. Antennas designed to receive video programming signals from direct broadcast satellite (DBS) services, residential fixed wireless telecommunications, multi-channel multi-point distribution providers (MMD) or television broadcast stations in all zoning districts are exempted, provided that all of the following conditions are met:

    (a) The antenna is accessory to an existing use and measures thirty-nine inches (one meter) or less in diameter, and

    (b) To the extent feasible, the antenna is installed in a location where it is not readily visible from the public right-of-way.

2. Ground mounted satellite receive-only parabolic antennas or dishes greater than thirty-nine inches and up to twelve feet in diameter and fifteen feet in height in residential, commercial, office, industrial, resort recreation and open space zones are exempted if the following conditions are met:

    (a) The antenna is for the sole use of the project site tenants,

    (b) The antenna is located only within the rear or interior side yard area of the property,

    (c) The antenna shall not be located within a required setback area, driveway or parking space,

    (d) A maximum of one antenna per residential lot is permitted. In commercial, office, industrial, resort recreation or open space zones, no more than one antenna per lot is permitted unless there is more than one use on a lot which cannot feasibly be served by a single antennae.

    (e) In residential, resort recreation or open space zones, the antenna shall be screened from adjacent properties and public view on all sides to the satisfaction of the Director,

    (f) In commercial, office, or industrial zones, the antenna should be screened by on-site structures and the antenna’s location to minimize the antenna’s visibility from the public right-of way,

(g) Screening materials may include walls, fences, other material substantially compatible with the principal on-site buildings, trees, shrubs, earthen berms or depressions or a combination of the above. The color of the antenna shall blend with its background or the surrounding area.

3. Roof mounted satellite receive-only parabolic antennas or dishes greater than thirty-nine inches and up to twelve feet in diameter on properties zoned commercial, office, or industrial are exempted if the following conditions are met:

(a) The antenna is for the sole use of the project site tenants, and

(b) The antenna should be screened by on-site structures and the antenna's location to minimize the antenna's visibility from the public right-of-way.

4. Amateur radio antenna (including ham and short wave) provided the antenna does not exceed the maximum building height for the zoning district in which it is located by more than fifteen feet.

5. Wireless telecommunications facilities exempt from the provisions of this chapter by operation of state or federal law.

6. Wireless telecommunications facilities located within the public right-of-way, except as otherwise expressly regulated in this chapter.

B. The determination of whether or not a proposed facility meets the requirements for exemption is at the discretion of the Director. the Director may require that the application be processed as a minor development review permit or conditional use permit if the requirements of this section cannot be met unless the application is an eligible facilities request subject to Section 13.34.085. (Ord. 401 § 9, 2001)

13.34.080 Development review permit required.

A. The following types of telecommunications facilities are allowed, subject to the applicable provisions of this chapter and approval of a development review permit by the Director:

1. Residential zoning districts, resort recreation and open space zoning districts;

(a) Facade-mounted antennas located on nonresidential properties, which are architecturally integrated into an existing structure and not readily visible,

(b) Roof-mounted antennas located on nonresidential properties, which are architecturally integrated into an existing structure and not readily visible,

(c) Roof-mounted satellite receive-only parabolic antennas or dishes more than 39 inches and up to 12 feet in diameter, which are not readily visible.

2. Commercial, office and industrial zoning districts;

(a) Facade-mounted antennas on nonresidential properties, which are architecturally integrated into an existing structure and not readily visible,

(b) Roof-mounted antennas on nonresidential properties, which are architecturally integrated into an existing structure and not readily visible,

(c) Ground-mounted antennas on nonresidential properties and mounted on a mast which does not exceed fifteen feet in height and six inches in diameter and are not readily visible.

B. The determination of whether or not a proposed facility meets the requirements for a development review permit are at the discretion of the Director. The Director may require that the application be processed as conditional use permit if the requirements of this section cannot be met. (Ord. 401 § 9, 2001)

13.34.085 Antenna permit required.

A. The following types of telecommunications facilities are allowed, subject to the applicable provisions of this chapter and approval of an antenna permit by the director:

1. An "Eligible Facility" removal, modification or co-location as defined in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a) as implemented in 47 C.F.R. 1.610 as they may be amended.

B. Applications for an antenna permit shall include the following information:

1. A statement clearly indicating that the application is subject to this Section 13.34.085 and not any other portion of this chapter.

2. All information required by Section 13.34.020(A), (B) and (E).

3. An explanation with supporting documentation, including physical depictions of the current wireless telecommunications facility and the wireless telecommunications facility after installation of the Eligible Facility, that justifies why the proposed placement constitutes an eligible facilities request.

The Director may develop a standard application form for applications subject to this Section. In such event, applicants shall utilize the application form.

C. Upon receipt of an application for approval of an eligible facilities request, the Director or his/her designee shall review such application to determine whether the application qualifies as an eligible facilities request under state and/or federal law and is complete, and shall promptly notify applicant if the application is incomplete or is not an eligible facilities request. An application is incomplete if it omits or withholds any required information, or fails to provide information in sufficient detail to determine whether the application is for an eligible facilities request, or to determine whether the work will be performed in accordance with, and will result in a wireless telecommunications facility that complies with applicable safety codes.

D. If the application is an eligible facilities request and the application is complete, the Director shall approve the application subject to this section. This section shall be operative, and any permit issued pursuant to this section shall remain in effect only so long as federal law, 47 U.S.C. § 1455, and implementing Federal Communications Commission regulations, 47 C.F.R. §1.610 regulations, require approval of an eligible facilities request as defined herein. By approval, the city solely intends to comply with a requirement of federal law or state law not to grant any property rights or interests except as compelled by federal or state law.

E. If the application does not satisfy requirements for an eligible facilities request, or the application would otherwise result in a wireless telecommunications facility that does not comply with applicable federal, state or local laws, the application shall be denied.

F. If the applicant fails to respond to any City request for information or similar correspondence for more than 45 days, then the application shall expire. No application or permit fees will be refunded and should the applicant seek to pursue the proposed installation a new application and applicable fee shall be required.

G. The Director may except particular applications from approval, or may condition approval, as appropriate, consistent with federal and state law and the requirements of this chapter. Without limitation, approval does not exempt applicant from, or prevent city from, opposing a proposed modification that is subject to compliance under the National Historic Preservation Act of the National Environmental Policy Act.

13.34.090 Conditional use permit required.

In all zoning districts, a conditional use permit shall be required for any wireless telecommunications facility not otherwise specifically enumerated or defined in this chapter. (Ord. 401 § 9, 2001)

13.34.100 Indemnity and liability for damages.

A. The wireless telecommunications facility provider shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees (1) from any claim, action or proceeding against the City, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statues, and (2) from any damages, liabilities, claims, suits, or causes of action of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or the land owner or any of each one's agents, employees, licensees, contractors, subcontractors, or independent contractors, pursuant to the approval issued by the city, when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

B. Wireless telecommunications facility operators shall be strictly liable for interference caused by their facilities with city communications systems. The operator shall be responsible for costs for determining the source of the interference, all costs associated with eliminating the interference (including but not limited to filtering, installing cavities, installing directional antennas,

powering down systems, and engineering analysis), and all costs arising from third party claims against the City attributable to the interference. (Ord. 401 § 9, 2001)

13.34.110 Cessation of use or abandonment.

All improvements, including foundations and appurtenant ground wires, shall be removed from the property and the site restored to its original pre-installation condition within 180 days of cessation of operation or abandonment of the facility. A wireless telecommunications facility shall be considered abandoned if it fails to be utilized for its intended and permitted purpose for a period of one hundred and eighty days (180), except in the event of damage to the structure and with notice of such damage to the director. Should a permittee fail to remove all improvements within 30 (30) days of abandonment, cessation of operation or notice from the City, then the City may remove the facility at the sole cost of the permittee. If the permittee fails to pay the City its costs incurred, the City shall be entitled to act on the bond required in this Chapter for reimbursement. (Ord. 401 § 9, 2001)

13.34.120 Radio frequency emission exposure.

A. No wireless telecommunications facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the City, county, the State of California or the federal government.

B. Failure to remain in continued compliance with the MPE limits shall be grounds for revocation of the applicable City permit. (Ord. 401 § 9, 2001)

13.34.130 Permit, review, renewal and revocation procedure.

A. At any time, the Director may initiate proceedings to revoke a permit issued pursuant to this chapter. Grounds for revocation shall be limited to a finding that the owner or operator has abandoned the facility, the facility is no longer in compliance with either the general requirements or design standards of this chapter and the owner or operator has failed to bring the facility into compliance within one hundred eighty (180) days after a notice has been sent by the Director requiring the facility to be brought into compliance, the facility is no longer in compliance with applicable FCC or FAA regulations, the use is no. longer permitted in the zoning district in which it is located, the facility has not been upgraded to reduce or minimize its impact to the extent reasonably permitted by the technology available at the time of renewal, or if the Director determines that revocation would be in the best interest of the public health, safety, or welfare. Upon making a determination that the permit should be revoked, the Director may, at his or her discretion, initiate revocation proceedings pursuant to Section 13.06.030(G).

B. All permits approved pursuant to this Chapter shall expire after ten (10) years. (Ord. 401 § 9, 2001)

13.34.140 State or Federal Preemption.

Notwithstanding any other provision of this chapter to the contrary, the city may grant an exception to any of the requirements of this chapter, if the city makes a finding that the applicant has demonstrated that the refusal of the city to allow such a use would prohibit or have the effect of prohibiting the provision of personal wireless services within the meaning of 47 USC § 332(c)(7), or otherwise is preempted or prohibited by state or federal law.

13.34.150 Non-conforming uses.

Notwithstanding any other provision of this title, including Section 13.04.110, the following additions, modifications or changes shall be permitted at a wireless telecommunications facility that qualifies as a legal non-conforming use:

A. Ordinary maintenance.

B. A co-location or modification that constitutes an eligible facilities request.

Any of the above changes shall be subject to all applicable provisions of this chapter, including the receipt of an antenna permit as necessary.

EXHIBIT 19

CHAPTER 13.36 LANDSCAPE AND IRRIGATION REGULATIONS

13.36.010 Purpose and general plan consistency.

A. The City of Santee has found:

1. That the City of Santee is required by California Assembly Bill 1881 to adopt a water efficient landscape ordinance that is at least as effective at conserving water as the California Model Water Efficient Landscape Ordinance;

2. That some areas of the City of Santee have an established recycled water infrastructure;

3. That water purveyors with service areas within the City of Santee with water budget-based allocations and tiered rate structures allow the City of Santee to document water use in landscapes;

4. That current local design practices in new landscapes typically already achieve the State Model Water Efficient Landscape Ordinance water use goals in many cases;

5. That most city services are metered and all new construction will be metered where service is available from local water purveyors;

6. That landscape plan submittal and review has been a long standing practice in the City of Santee;

7. That the local water purveyors are implementing tiered-rate billing, water budgeting, public education programs, and enforcement of water waste prohibitions for all existing and new metered landscape areas throughout their service areas, which include the majority of the City of Santee;

8. Implementation of tiered rate structures by the local water purveyors have resulted in a reduction in water use that exceeds the target reduction established by the San Diego County Water Authority;

9. That those areas of the City of Santee that are not located within the service areas of the local water purveyors obtain water service through existing groundwater supplies;

10. Over irrigating landscaping can potentially wash pollutants into the storm drain system. By contrast appropriately designed and managed landscaping can be used to treat and/or infiltrate stormwater before it is discharged to the storm drain system;

11. That this ordinance is consistent with the policies established by the land use element of the general plan in that it encourages the use of recycled water and is an update of the landscape design standards for future development;

12. That this ordinance is consistent with the policies established by the conservation element of the general plan in that it encourages the use of drought-resistant vegetation and recycled water for irrigation for private development as well as public projects and facilities;

13. That this ordinance is at least as effective at conserving water as the State Model Water Efficient Landscape Ordinance because:

    (a) This ordinance is applicable to all landscapes identified in the applicability section of the State Model Ordinance;

    (b) This ordinance requires the most efficient and appropriate irrigation equipment and the irrigation design plan encourages the use of improved technology;

    (c) This ordinance requires that irrigation scheduling shall be based on reliable reference evapotranspiration (ETo) data or soil moisture sensors;

    (d) This ordinance establishes a maximum applied water allowance (MAWA) based on an evapotranspiration adjustment factor (ETAF) of 0.55 for residential landscapes, 0.45 for non-residential landscapes, and 1.0 for new and existing (non-rehabilitated) Special Landscape Areas;

    (e) This ordinance prohibits overspray and requires that new landscape areas be designed to retain storm runoff, including from impervious surfaces such as roofs and paved surfaces, and allow rainfall to permeate through soil;

    (f) This ordinance includes audit and maintenance provisions that meet the minimum requirements of the State Model Ordinance;

    (g) This ordinance requires a landscape documentation package that complies with State Model Ordinance requirements and as part of this package plants are grouped into hydrozones;

    (h) This ordinance requires the use of recycled water where it is available;

    (i) This ordinance requires a minimum of three inches of mulch in all landscape areas except for those which contain turf or creeping or rooting groundcovers as specified in the State Model Ordinance;

    (j) This ordinance requires that the soil be assessed and amended if necessary prior to planting;

    (k) This ordinance incorporates mechanisms such as a tiered rate structure by local water purveyors, penalties for water waste, and allows irrigation surveys and audits, and water use analyses to ensure compliance with requirements of this ordinance;

(l) Landscape guidelines have been drafted to provide further information for project applicants in the implementation of the ordinance.

B. The state legislature has found:

1. That the waters of the state of California are of limited supply and are subject to ever increasing demands;

2. That continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;

3. That it is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;

4. That landscapes are essential to the quality of life in the City of Santee by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development;

5. That landscape design, installation, maintenance and management can and should be water efficient;

6. That Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

C. Consistent with these findings, the purpose of the City of Santee Water Efficient Landscape Ordinance is to establish an alternative ordinance at least as effective as the State Model Ordinance in the context of conditions in the City of Santee, in order to:

1. Promote the values and benefits of landscaping practices that integrate stormwater runoff retention and go beyond the conservation and efficient use of water;

2. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that requires cross-sector collaboration of industry, government and property owners to achieve the many benefits possible;

3. Establish provisions for water management practices and water waste prevention for existing landscapes;

4. Use water efficiently without waste by setting a maximum applied water allowance as an upper limit for water use and reduce water use to the lowest practical amount;

5. Promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;

6. Encourage the use of economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure.

D. Landscapes that are planned, designed, installed, managed and maintained with the watershed based approach can improve California's environmental conditions and provide benefits and realize sustainability goals. Such landscapes will make the urban environment resilient in the face of climatic extremes. Consistent with the legislative findings and purpose of the Ordinance, conditions in the urban setting will be improved by:

1. Creating the conditions to support life in the soil by reducing compaction, incorporating organic matter that increases water retention, and promoting productive plant growth that leads to more carbon storage, oxygen production, shade, habitat and esthetic benefits.

2. Minimizing energy use by reducing irrigation water requirements, reducing reliance on petroleum based fertilizers and pesticides, and planting climate appropriate shade trees in urban areas.

3. Conserving water by capturing and reusing rainwater and graywater wherever possible and selecting climate appropriate plants that need minimal supplemental water after establishment.

4. Protecting air and water quality by reducing power equipment use and landfill disposal trips, selecting recycled and locally sourced materials, and using compost, mulch and efficient irrigation equipment to prevent erosion.

5. Protecting existing habitat and creating new habitat by choosing local native plants, climate adapted non-natives and avoiding invasive plants. Utilizing integrated pest management with least toxic methods as the first course of action. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.020 Applicability.

A. This ordinance shall apply to all of the following landscape projects:

1. New development projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or design review;

2. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;

3. Existing landscapes limited to Section 13.36.050 of this chapter;

4. Cemeteries. Recognizing the special landscape management needs of cemeteries, the applicability of this chapter to new and rehabilitated cemeteries is limited to Section 13.36.040 and the applicability of this chapter to existing cemeteries is limited to Section 13.36.050.

B. Any project with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of this ordinance or conform to the prescriptive measures contained in Appendix D of the City of Santee Water Efficient Landscape Guidelines.

C. For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2500 sq. ft. of landscape and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to Appendix D section (5) of the City of Santee Water Efficient Landscape Guidelines.

D. This ordinance does not apply to:

1. Registered local, state or federal historical sites;

2. Ecological restoration projects that do not require a permanent irrigation system;

3. Mined-land reclamation projects that do not require a permanent irrigation system; or

4. Existing plant collections, as part of botanical gardens and arboretums open to the public. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.030 Definitions.

The following are definitions of terms contained in this chapter:

"Applied water" means the portion of water supplied by the irrigation system to the landscape.

"Automatic irrigation controller" means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

"Best management practices (BMPs)" means schedules of activities, prohibitions of practices, training and education, maintenance procedures, and other management practices to prevent or reduce the discharge of pollution to surface and groundwater. BMPs include, without limitation, treatment requirements, operating procedures, and practices to control urban runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Certificate of completion" means the document required under Section 13.36.130.

"Certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

"City" means the City of Santee.

"Compost" means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

"Distribution uniformity" means the measure of the uniformity of irrigation water over a defined area.

"Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

"Established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

"Establishment period of the plants" means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.

"ET adjustment factor" (ETAF) means a factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0. The ETAF for existing (non-rehabilitated) landscapes is 0.8.

"Evapotranspiration rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

"Friable" means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

"Graywater" means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health and Safety Code Section 17922.12.

"Hardscapes" means any durable material (pervious and non-pervious).

"Hydrozone" means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

"Integrated Pest Management (IPM)" means an effective and environmentally sensitive approach to pest management that is focused towards prevention, and natural controls as opposed to pesticides. IPM programs use current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control

methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.

"Irrigation audit" means an in-depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association's Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency "Watersense" labeled auditing program.

"Irrigation efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiencies for purposes of this ordinance are 0.75 for overhead spray devices and 0.81 for drip systems.

"Irrigation survey" means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

"Irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.

"Landscape area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

"Landscape contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

"Landscape documentation package" means the documents required under Section 13.36.040.

"Landscape guidelines" means the City of Santee landscape guidelines for implementation of the City of Santee Water Efficient Landscape Ordinance.

"Landscape project" means total area of landscape in a project as defined in "landscape area" for the purposes of this ordinance, meeting requirements under Section 13.36.020.

"Local water purveyor" means any entity, including a public agency, city, county or private water company that provides retail water service.

"Maximum applied water allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 3.B of the guidelines for implementation of the City of Santee Water Efficient Landscape Ordinance. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscape area. The

estimated total water use shall not exceed the maximum applied water allowance. Special landscape areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. MAWA = (ETo) (0.62) [(ETAF x LA) + ((1-ETAF) x SLA)].

"Mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

"New construction" means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

"Non-Residential Landscape" means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.

"Permit" means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

"Pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.

"Plant factor" or "plant water use factor" is a factor, when multiplied by ETo, that estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 0.1 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the publication "Water Use Classification of Landscape Species." Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

"Project applicant" means the individual or entity submitting a landscape documentation package required under Section 3 of the landscape guidelines, to request a permit, plan check, or design review from the City. A project applicant may be the property owner or his or her designee.

"Record drawing" or "as-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

"Recreational area" means areas, excluding private single family residential areas, designated for active play, recreation or public assembly such as in parks, sports fields, picnic grounds, amphitheaters and or golf courses tees, fairways, roughs, surrounds and greens.

"Recycled water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

"Reference evapotranspiration" or "ETo" means a standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in Appendix A of the landscape guidelines, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowance so that regional differences in climate can be accommodated.

"Rehabilitated landscape" means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 13.36.020, and the modified landscape area is equal to or greater than 2,500 square feet.

"Residential landscape" means landscapes surrounding single or multifamily homes.

"Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

"Special landscape area" (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.

"Turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

"Valve" means a device used to control the flow of water in the irrigation system.

"Water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially sup-plied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.040 Provisions for new construction or rehabilitated landscapes.

A. The City will collaborate with the water purveyors that provide water to Santee to define each entity's specific responsibilities relating to this ordinance.

B. The landscape documentation package shall be submitted by the project applicant to the City for review and approval with appropriate water use calculations. Water use calculations shall be consistent with calculations contained in the landscape guidelines and shall be provided to the local water purveyors as appropriate, under procedures determined by the City. Submittal requirements for a landscape documentation package include the water efficient landscape worksheet, soil management report, landscape design plan, irrigation design plan, and grading design plan, if applicable. Further information on the landscape documentation package can be found in the landscape guidelines.

C. A certificate of completion package and supporting documentation as specified in the landscape guidelines shall be submitted by the project applicant to the City for review and copy of the approved certificate of completion shall be provided to the local water purveyor. The City shall approve or deny the certificate of completion prior to final inspection and permit closure. If the certificate of completion is denied, the City shall provide information to the project applicant regarding reapplication, appeal, or other assistance. Submittal requirements for the certificate of completion package include the certificate of completion, irrigation schedule, landscape and irrigation maintenance schedule, irrigation survey, and as-built drawings, if applicable. Further information on the certificate of completion package can be found in the landscape guidelines. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.050 Provisions for existing landscapes.

A. The City will collaborate with the water purveyors that provide water to Santee to define each entity's specific responsibilities relating to this ordinance. Water users are advised to consult with water purveyors regarding additional usage regulations that may apply.

B. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis. This Subsection shall apply to all existing landscapes that were installed before December 1, 2015 and are over one acre in size.

1. For all landscapes in this Subsection that have a water meter, the City or the local water purveyor shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the maximum applied water allowance for existing landscapes. The maximum applied water allowance for existing landscapes shall be calculated as: MAWA = (0.8)(ETo)(LA) (0.62). The local water purveyor may require a lower ETAF for calculating the MAWA of existing landscapes. The stricter of the two ETAF requirements shall be used in the MAWA calculation.

2. For all landscapes in this Subsection that do not have a meter, the City or the local water purveyor shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

C. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.060 Recycled water.

A. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.

B. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and state laws.

C. Landscapes using recycled water are considered Special Landscape Areas. The ET adjustment factor for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.070 Stormwater management and rainwater retention.

A. Stormwater management practices, as described in Chapter 9.06, minimize runoff and increase infiltration which recharges groundwater and improves water quality. Stormwater best management practices shall be integrated into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration.

B. All landscape and irrigation shall comply with the requirements of the current City of Santee municipal stormwater permit issued by the San Diego Regional Water Quality Control Board.

C. All planted landscape areas are required to have friable soil to maximize water retention and infiltration.

D. It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either: (1) the one inch, 24-hour rain event or (2) the 85th percentile, 24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.

E. To the maximum extent practicable, all projects shall promote on-site stormwater and dry weather runoff capture and use through measures including:

1. Implement design concepts recommended in the San Diego County Low Impact Design Manual.

2. Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.

3. Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.

4. Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.

5. Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.

6. Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.

7. Incorporate infiltration beds, swales, basins and drywells to capture stormwater and dry weather runoff and increase percolation into the soil.

8. Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

9. Utilize drip irrigation systems.

F. Appropriate stormwater best management practices (BMPs) shall be used during the installation and testing of landscape and irrigation projects. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.080 Water waste prevention.

A. Water waste resulting from inefficient landscape irrigation runoff shall be prevented. Therefore, runoff is prohibited from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, structures and other non-targeted surfaces. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.090 Penalties.

The City may establish and administer penalties to the project applicant, property owner, or property resident for non-compliance with the ordinance to the extent permitted by law and as stated in Title 1 of the Santee Municipal Code. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.100 Landscape development standards.

A. Residential Landscape Standards. The following site development criteria are intended to provide minimum standards for residential development. These site development standards should be used in conjunction with the landscape design guidelines, which are set forth in the guidelines for implementation of the City of Santee Water Efficient Landscape Ordinance.

1. Front Yard Landscaping. Front yard landscaping for all new single-family and duplex development shall include, at a minimum, one fifteen-gallon size tree, one five-gallon size tree, seeded ground cover, and a permanent irrigation system to be installed by the developer prior to occupancy.

B. Parking Landscape Standards. The following standards shall apply to landscaping for parking areas within the residential, commercial and industrial districts:

1. A minimum of ten percent of the total off-street parking area shall be landscaped with at least one fifteen-gallon minimum size tree with root barrier per each three parking stalls and appropriate ground cover. The parking area shall be computed by adding the areas used for access drives, aisles, stalls, maneuvering, and landscaping within that portion of the premises that is devoted to vehicular parking and circulation.

2. Each unenclosed parking facility shall provide a perimeter landscaped strip at least five feet wide (inside dimension) where the facility adjoins a side property line, unless specifically waived by the Director. The perimeter landscaped strip may include any landscaped yard or landscaped area otherwise required, and shall be continuous, except for required access to the site or to the parking facility.

3. All landscaping shall be continuously maintained free of weeds, debris or litter.

4. Where feasible, infiltration BMPs shall be integrated into the landscape design to reduce the quantity and velocity of stormwater discharging to the MS4 from the parking or loading facility.

C. General Landscape Standards. Unless stated otherwise within this code, the following landscape standards shall be met for all developments:

1. All setbacks, parkways, and non-work areas shall be landscaped.

2. The visibility of decorative water features, including but not limited to, ponds, decorative fountains, basins, reflective pools, and spray/mist fountains should be confined to areas of high visibility and high use. Re-circulating water shall be used for all decorative water features. All such features shall be designed such that they present a positive visual statement when water is not available.

3. Landscape plans which are required pursuant to a development review permit or a conditional use permit shall be required to be prepared and signed by a registered landscape architect unless waived by the Director.

4. All groundcover installed pursuant to an approved landscape plan shall provide 100% coverage within nine months of planting or additional landscaping, to be approved by the Director, shall be required in order to meet this standard.

5. A bond, equal to the cost of full landscape installation, will be required for a minimum of one year for any project requiring a development review permit or conditional use permit, with the exception of projects for single-family homes. The Director may waive this requirement provided special circumstances exist which alleviate the need for a bond.

6. Property owners are responsible for the continual maintenance of all landscaped areas on-site and between the property line and the curb. All landscaped areas shall be kept free from weeds and debris and maintained in a healthy, growing condition, and shall receive regular pruning, fertilizing, mowing and trimming. Any damaged, dead, diseased or decaying plant material shall be replaced within 30 days from the date of damage.

7. The Director shall prepare, and revise as required, a landscape design manual to assist residents and property owners in understanding the requirements and objectives of the zoning ordinance landscape standards.

8. A combination of berming, landscape materials, low level walls and buildings, shall be used to screen parking areas, loading areas, trash enclosures, and utilities from public view.

9. Walls may be required in landscape areas where they are necessary to screen sensitive uses from adjacent development or provide sound attenuation. Height, placement and design of walls shall be considered as it relates to the surrounding area.

10. Unless otherwise specified within this code, or by conditional use permit all activities, work and storage of materials shall be entirely within an enclosed building. Normal customer or employee parking and temporary provisions are excepted. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.110 Public education.

Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

RESOLUTION NO. ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA ADOPTING THE SANTEE MUNICIPAL CODE EDITORIAL GUIDELINES

WHEREAS, the City contracts with Quality Code Publishing to publish the Santee Municipal Code;

WHEREAS, the City desires to adopt the Santee Municipal Code Editorial Guidelines to establish consistency in drafting and codifying future ordinances; and

WHEREAS, City of Santee Ordinance Nos. 554 through 567 authorize Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinances to the City of Santee Municipal Code Editorial Guidelines;

WHEREAS, the City desires all future codified ordinances of the City to be published and codified consistent with the technical, non-substantive editorial guidelines adopted by this Resolution, provided, however, that in the event any substantive conflict arises by the changes authorized by this Resolution, the language adopted by the Ordinance prevails.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA:

Section 1. The City of Santee Municipal Code Editorial Guidelines attached to this Resolution as Attachment 1 are hereby adopted.

Section 2. The City Clerk is authorized to work with Quality Code Publishing to recodify and republish Ordinance Nos. 554 through 567 as the Santee Municipal Code in accordance with the Santee Municipal Code Editorial Guidelines.

Section 3. The City Clerk is authorized to work with Quality Code Publishing to publish all future codified ordinances in accordance with the Santee Municipal Code Editorial Guidelines and this Resolution.

Section 4. Based upon the whole of the administrative record before it, the City Council hereby finds that the adoption of editorial guidelines for the codification, publication, recodification, restatement, and amendment of the Santee Municipal Code is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has "the potential for causing a significant effect on the environment." (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." (*Ibid*.) Here, the adoption of editorial guidelines for the Santee Municipal Code does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Resolution constitutes an

administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Resolution.

Section 7. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Resolution or any part thereof. The City Council of the City of Santee 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 section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

Section 6. This Resolution is effective immediately.

ADOPTED by the City Council of the City of Santee, California at a regular meeting held on June 26, 2019 by the following vote, to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____

JOHN MINTO, MAYOR

ATTEST:

_____

ANNETTE ORTIZ, CITY CLERK

ATTACHMENT 1

CITY OF SANTEE MUNICIPAL CODE EDITORIAL GUIDELINES

The City of Santee follows the editorial guidelines set forth below when codifying its ordinances:

A. Capitalization

1. Federal, State, County and City officers and agencies are capitalized. Examples:
    a. Federal:
        "Internal Revenue Service"
        "Federal Communications Commission"
    b. State:
        "State Board of Education"
        "State Treasurer"
    c. County:
        "County Department of Environmental Health"
        "County Auditor"
    d. City:
        "City Clerk"
        "Mayor"
        "Planning Commission"
2. Whenever the words "federal," "state," "county" appear alone, and not as part of the title of an officer or agency, they will not be capitalized, unless appearing in the phrase "the County" or "the State."
3. References to parts of the code will be capitalized when followed by a number, as in "Section 2.12.010," "Chapter 2.12," "Article 1," "Title 2," etc.; however, references without numbers will not be capitalized, as in "this section," "this chapter," "this title," etc.
4. Regarding references to the City's municipal code, when it is the full title of the code, as in "The City of Santee Municipal Code," it will be capitalized, but "the municipal code," or "this code," not capitalized.
5. Generic noun phrases such as the names of permits, plans, funds, fees, etc., will not be capitalized, as in "specific plan," "conditional use permit," "general fund"; however, if appearing as part of a specific name, they will be capitalized, as in "the Trojan Horse Specific Plan," or "the King Midas General Fund."

B. Numerals

Numbers in the text of the code for numbers one through nine will be written out. Number 10 and greater will use numerals only. Excepted from the rule are numbers that appear as part of a table, in boundary descriptions, dates, times, fractions or decimals.

Examples:

seven days

80 feet

$253.00

15%

7:00 p.m., 8:00 a.m.

The following types of numbers are not written out:

March 24, 1994

0.86 feet

south 56°45′61″

C. Outlining

Whenever a code section, because of its length, requires a logical division into lettered and numbered parts, the following system of lettering, numbering, and indentation will be used:

A., B., C., etc. will indicate the first level of division

1., 2., 3., etc. will indicate the second level of division.

a., b., c., etc. will indicate the third level of division.

i., ii., iii., etc. will indicate the fourth level of division.

(A), (B), (C), etc. will indicate the fifth level of division.

(1), (2), (3), etc., will indicate the sixth level of division.

(a), (b), (c), etc. will indicate the seventh level of division.

In sections that contain lists of definitions, individual definitions will not be lettered or numbered. Definitions will be set out in alphabetical order so as to allow the easy insertion/deletion of definitions into long lists.

For example:

"Bicycle parking zone" means that space reserved exclusively for the parking of bicycles.

"Block" means one side of any street between the next intersecting streets.

"Curb" means the lateral boundary of the roadway whether such curb is marked by curbing construction or not.

D. Section History Notes

Ordinance history will be tied to code sections and placed at the end of a section. Section ordinance history notes are arranged with ordinances in chronological order, separated by semicolons, **latest** ordinance first.

Example:

(Ord. 204, 1970; Ord. 146, 1967)

E. Changing Language to be Gender Neutral

The code will use gender neutral language.

Examples:

> “He” to “he or she,” as in “The City Manager shall prepare the budget annually and submit it to the City Council, and **he or she** shall be responsible for its administration after adoption.
>
> “His,” “him” or “himself” to be “his or her,” “him or her” or “himself or herself,” as in “The City Manager may designate in writing a qualified administrative officer of the City to perform **his or her** duties during **his or her** temporary absence.
>
> “Policeman” to “police officer,” “fireman” to “firefighter,” “councilman” to “councilmember,” “chairman” to “chairperson,” “flagman” to “flagger,” etc.

F. Spelling

Hyphenation is eliminated in the following and similar words: stormwater, groundwater, newsracks, mobilehome, single family, multifamily, nonresidential, nonconforming.

RESOLUTION NO. ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA ADOPTING A SCHEDULE OF PENALTIES FOR PARKING VIOLATIONS

WHEREAS, Section 10.10.360, "Citation penalty" of Title 10 of the Santee Municipal Code adopted by Ordinance 563 authorizes the City to issue a citation for any violation of Chapter 10.10 of the Santee Municipal Code or any violation of the California Vehicle Code;

WHEREAS, Vehicle Code section 40203.5 requires agencies that issue parking penalties to standardize penalties within a county to the extent possible;

WHEREAS, the City of Santee wishes to establish fees for parking citations consistent with the fee amounts for similar citations within San Diego County.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA that the City of Santee Parking Violation Fee Schedule attached to this Resolution as Attachment 1 is hereby adopted.

BE IT FURTHER RESOLVED that the parking penalty amounts set forth in the City of Santee Parking Violation Fee Schedule become effective on the effective date of Ordinance No. 563.

ADOPTED by the City Council of the City of Santee, California at a regular meeting held on June 26, 2019 by the following vote, to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____

JOHN MINTO, MAYOR

ATTEST:

_____

ANNETTE ORTIZ, CITY CLERK

CITY OF SANTEE - PARKING VIOLATION FEE SCHEDULE

SMC SEC	DESCRIPTION	BAIL AMT
10.10.210	PARK IN MEDIAN STRIP	62.50
10.10.215.A	ONE WAY ST – 18”	62.50
10.10.215.B	ONE WAY – TWO OR MORE SEPARATED ROADWAYS	62.50
10.10.215.C	ONE WAY – WRONG WAY	62.50
10.10.220	PARKING ON NARROW ST	62.50
10.10.225	PARKING ADJACENT TO SCHOOLS POSTED	62.50
10.10.230.A	POSTED (SPECIFIC CIRCUMSTANCES)	62.50
10.10.235	BLOCKING HIGHWAY	62.50
10.10.230.C	RV – POSTED	62.50
10.10.240	OBSTRUCT PUBLIC WAYS	62.50
10.10.245.A	72 HOUR PARKING	62.50
10.10.260	EMERGENCY VEH. ONLY	62.50
10.10.270	COMMERCIAL VEHICLE OVER 10,000 LBS	62.50
10.10.275	SLEEPING IN VEHICLE	37.50
10.10.300.A	RED/YELLOW/GREEN/WHITE CURB VIOLATIONS	62.50
10.10.300.C	ALLEY PARKING	62.50
10.10.305	ANGLE PARKING - 1’	62.50
10.10.310.B	CITY PROPERTY – POSTED	62.50
10.10.310.C	TIME LIMITED PARKING	62.50
10.10.310.D	DRIVEWAY, EXIT, AISLE PARKING	62.50
VEHICLE CODE	**DESCRIPTION**	**BAIL AMT**
21113(a)	PARK ON PUBLIC PROP OR SCHOOL	47.50
21211(b)	PARKING IN BIKE LANE	47.50
21718(a)	PARKING ON FREEWAY	47.50
22500(a)	PARKING IN INTERSECTION	47.50
22500(b)	PARKING ON CROSS WALK	47.50
22500(c)	PARKING IN SAFETY ZONE	47.50
22500(d)	PARKING IN FIRE STATION DRIVEWAY	47.50
22500(e)	PARKING BLOCKING DRIVEWAY	47.50
22500(f)	PARKING ON SIDEWALK	47.50
22500(g)	PARKING BLOCKING EXCAVATION	47.50
22500(h)	DOUBLE PARKED	47.50
22500(i)	PARKING IN BUS ZONE	262.50
22500(j)	PARKING IN TUBE/TUNNEL	47.50
22500(k)	PARKING ON BRIDGE	47.50
22500(l)	PARKING IN CURB CUT / DISABLED ACCESS	342.50
22500.1	PARKING IN FIRE LANE	47.50
22502(a)	RIGHT WHEELS 18” FROM CURB – WRONG WAY	47.50
22502(e)	ONE WAY STREET – LEFT WHEELS 18”	47.50
22505(b)	ST/HWY RESTRICTED PARKING	47.50
22507.8(A)-(C)	DISABLED PARKING SPACE / ACCESS AREA / LOADING AREA	342.50
22514	PARKING WITHIN 15’ OF FIRE HYDRANT	47.50
22515(a)	EFFECTIVE – SET BRAKES / STOP MOTOR	47.50
22516	LOCKED VEH. / PERSON INSIDE	47.50
22517	OPENING DOOR ON TRAFFIC SIDE	47.50
22518	RIDE SHARE PARKING VIOLATION	47.50
22520.5	SELL / VEND 500’ OF ON/OFF RAMP	47.50
22520.6	REST STOP PARKING VIOLATION	47.50
22520	NON-EMERGENCY STOP / PARK ON FWY	47.50
22521	PARKED W/IN 7-1/2’ OF RR TRACKS	47.50
22522	SIDEWALK ACCESS RAMP 3’ AWAY	342.50
22526(a), (b)	BLOCK INTERSECTION / GRIDLOCK	62.50
25250	UNLAWFUL FLASHING LIGHTS	42.50
25251(b)	FLASHING LIGHTS REQUIRED	42.50
25300(e)	WARNING DEVICE REQ. DISABLED VEHICLE	42.50
4000(a)	EXPIRED REGISTRATION	62.50
4457	MUTILATED / ILLEGIBLE PLATE / TAB	37.50
4462(b)	WRONG PLATE ON VEHICLE	37.50
5200	LICENSE PLATES LOCATION / NUM.	37.50
5201	IMPROPER DISPLAY OF LICENSE PLATES	37.50
5204(a)	NO CURRENT REGISTRATION STICKER	37.50
24401	PARKED VEHICLE W/HIGH BEAMS ON	37.50
24602	FOG LIGHT VIOLATION	37.50
24603(e)	BROKEN TAIL LIGHT	37.50
24604	LAMP / FLAG ON PROJECTIONS	37.50
24607	REFLECTORS REQUIRED ON REAR	37.50
24608	REFLECTORS / FRONT / SIDE OF TRUCKS	37.50
26100C	TINTED COVERS ON HEADLIGHTS	47.50
26707	WINDSHIELD WIPERS / BAD CONDITIONS	37.50
26708(a)	TINTED SIDE / FRONT WINDOWS	37.50
26708.5	TRANSPARENT MATERIAL ON WINDOW	37.50
26709	RIGHT / LEFT MIRRORS REQ	37.50
26710	DEFECTIVE WINDSHIELD	37.50
27155	NON-COMBUST GAS CAP REQUIRED	37.50
27465(b)	BALD TIRE	37.50
28071	PASSENGER CAR BUMPERS REQUIRED	87.50