SUPPLEMENT NO. 9
January 2026

AMADOR MUNICIPAL CODE

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 186, passed October 7, 2024.

See the Code Comparative Table and Disposition List for further information.

Remove Old Pages	*Insert New Pages*
Title Page	Title Page
iii	iii
SH:1	SH:1
21	21
37	37—38.5
77	77
86-1	86.1—86.14
105—110	105—110.11
133, 134	133
149—152	149—152.1
CCT-1	CCT-1
IX-1—IX-8	IX-1—IX-8.2

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

municode
POWERED BY CIVICPLUS

info@municode.com | 800.262.2633 | www.municode.com
P.O. Box 2235 Tallahassee, FL 32316

SUPPLEMENT NO. 8
May 2020

AMADOR MUNICIPAL CODE

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 179, passed February 20, 2020.

See the Code Comparative Table and Disposition List for further information.

Remove Old Pages	*Insert New Pages*
Title page	Title page
iii	iii
SH:1	SH:1
1	1
11	11—12.1
41	41
43—48	43—48
59	59—60.5
77	77
83, 84	83—84.5
133, 134	133, 134
SR-1—SR-5	SR-1—SR-6
CCT-1	CCT-1
IX-1—IX-4.1	IX-1—IX-4.1

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

municode

Municipal Code Corporation P.O. Box 2235 Tallahassee, FL 32316
info@municode.com 800.262.2633 www.municode.com

SUPPLEMENT NO. 7
February 2014

AMADOR MUNICIPAL CODE

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 171, passed September 20, 2012.

See the Code Comparative Table and Disposition List for further information.

Remove Old Pages	*Insert New Pages*
Title page	Title page
iii	iii
SH:1	SH:1
133, 134	133, 134
SR-1—SR-5	SR-1—SR-5
CCT-1	CCT-1

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

municode
Municipal Code Corporation • PO Box 2235 Tallahassee, FL 32316
info@municode.com • 800.262.2633
fax 850.575.8852 • www.municode.com

SUPPLEMENT NO. 6
November 2011

INSTRUCTION SHEET

AMADOR MUNICIPAL CODE

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 168, passed December 23, 2009.

See the Code Comparative Table and Disposition List for further information.

Remove Old Pages	*Insert New Pages*
iii	iii
v	v
	SH:1 (following Table of Contents)
185	185
239	239, 240
SR-1—SR-5	SR-1—SR-5
CCT-1	CCT-1
IX-9, IX-10	IX-9—IX-11

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

Municipal Code Corporation
PO Box 2235 Tallahassee, FL 32316
800-262-2633 • Fax: 850-575-8852
Municode.com • info@municode.com

SUPPLEMENT NO. 5
December 2009

INSTRUCTION SHEET

AMADOR MUNICIPAL CODE

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 167, enacted February 21, 2008.

See the Code Comparative Table and Disposition List for further information.

Remove old pages	*Insert new pages*
Title page	Title page
Preface	
Table of Contents	
i—v	iii
	v
	vii—ix
145	145
	146.1—146.5
SR-1—SR-6	SR-1—SR-5
OL-1—OL-6	OL-1—OL-6
	CCT-1
IX-7—IX-10	IX-7—IX-10

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

MUNICIPAL CODE CORPORATION
Post Office Box 2235
1700 Capital Circle, S.W.
Tallahassee, FL 32316
(850) 576-3171
1-800-262-CODE
Website: www.municode.com

SUPPLEMENT NO. 4

INSERTION GUIDE

AMADOR MUNICIPAL CODE

June, 2007

(Covering Ordinances through 165)

This supplement consists of reprinted pages replacing existing pages in the Amador City Code.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the code.

Remove Pages	Insert Pages
Preface	Preface
Table of Contents	Table of Contents
TEXT	
---	Title 7 Tab Divider
75	75—76-7
91	91—92-1
185	185
229—230/234	229—233
STATUTORY REFERENCES	
SR-1—SR-6	SR-1—SR-6
TABLES	
OL-5—OL-6	OL-5—OL-6
INDEX	
IX-3—IX-4	IX-3—IX-4.1
IX-7—IX-8.1	IX-7—IX-8.1

JMM for
Edith Burns
6/28/07

SUPPLEMENT NO. 3

INSERTION GUIDE

AMADOR MUNICIPAL CODE

June, 2006

(Covering Ordinances through 163)

This supplement consists of reprinted pages replacing existing pages in the Amador Municipal Code.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the code.

Remove Pages	Insert Pages
Preface	Preface
TEXT	
91—94	91—93
147	147
155—160	155—160
163	163
181—182	181—182-8
185	185
229—234	229—230/234
STATUTORY REFERENCES	
SR-1—SR-6	SR-1—SR-6
TABLES	
OL-1—OL-6	OL-1—OL-6
INDEX	
IX-3—IX-8	IX-3—IX-8.1

E. Burns
6-15-06

SUPPLEMENT NO. 2

INSERTION GUIDE

AMADOR MUNICIPAL CODE

June, 2005

(Covering Ordinances through 159)

This supplement consists of reprinted pages replacing existing pages in the Amador Municipal Code.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the code.

Remove Pages	Insert Pages
Preface	Preface
TEXT	
131—134	131—134
163—184	163—184-7
187—188	187—188
191—194	191—194
196-1—196-2	196-1—196-3
STATUTORY REFERENCES	
SR-1—SR-6	SR-1—SR-6
TABLES	
OL-3—OL-6	OL-3—OL-6
INDEX	
IX-5—IX-6	IX-5—IX-6.1
IX-9—IX-10	IX-9—IX-10

R.H. for OSI 6/16/05

SUPPLEMENT NO. 1

INSERTION GUIDE

AMADOR MUNICIPAL CODE

October, 2003

(Covering Ordinances through 156)

This supplement consists of reprinted pages replacing existing pages in the Amador Municipal Code.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the code.

Remove Pages	Insert Pages
Title Page	Title Page
Preface	Preface
TEXT	
3—4	3—4-1
15—16	15—16
19—20	19—20
77	77
85	85—86-1
193—196	193—196-2
STATUTORY REFERENCES	
SR-1—SR-6	SR-1—SR-6
TABLES	
OL-5—OL-6	OL-5—OL-6
INDEX	
IX-1—IX-4	IX-1—IX-4
IX-7—IX-8	IX-7—IX-8

MaM 9/30/03

AMADOR CITY

MUNICIPAL CODE

A Codification of the General Ordinances of the City of Amador City, California

---

Beginning with Supp. No. 5,
Supplemented by Municipal Code Corporation

---

municode
POWERED BY CIVICPLUS

info@municode.com | 800.262.2633 | www.municode.com
P.O. Box 2235 Tallahassee, FL 32316

PREFACE

The Amador City Municipal Code, originally published by Book Publishing Company in 2002, has been kept current by regular supplementation by Matthew Bender & Company, Inc., its successor in interest.

Beginning with Supplement No. 5 Municipal Code Corporation will be keeping this code current by regular supplementation.

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

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 5, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This supplement brings the Code up to date through Ordinance No. 186, passed October 7, 2024.

Municipal Code Corporation
1700 Capital Circle SW
Tallahassee, FL 32310
800-262-2633

TABLE OF CONTENTS

Preface

How to Use Your Code

Supplement History Table

Title 1 General Provisions

Title 2 Administration and Personnel

Title 3 Revenue and Finance

Title 4 (Reserved)

Title 5 Business Licenses and Regulations

Title 6 Animals

Title 7 Park and Recreation

Title 8 Health and Safety

Title 9 Public Peace and Welfare

Title 10 Vehicles and Traffic

Title 11 (Reserved)

Title 12 Streets, Sidewalks and Public Places

Title 13 Public Services

Title 14 Traffic Mitigation Fees

Title 15 Buildings and Construction

Title 16 Subdivisions

Title 17 Zoning

Title 18 Environment

Statutory References

Tables

Index

HOW TO USE YOUR CODE

This code is organized to make the laws of the city as accessible as possible to city officials, city employees and private citizens. Please take a moment to familiarize yourself with some of the important elements of this code.

Numbering System.

The numbering system is the backbone of a Code of Ordinances; Municipal Code Corporation uses a unique and versatile numbering structure that allows for easy expansion and amendment of this Code. It is based on three tiers, beginning with **title**, then **chapter**, and ending with **section**. Each part is represented in the code section number. For example, Section 2.04.010 is Section .010, in Chapter 2.04 of Title 2.

Title.

A title is a broad category under which ordinances on a related subject are compiled. This code contains about 15 to 20 titles. For example, the first title is Title 1, General Provisions, which may contain ordinances about the general penalty, code adoption and definitions. The titles in this code are separated by tabbed divider pages for quick reference. Some titles are **Reserved** for later use.

Chapter.

Chapters deal with more specific subjects, and are often derived from one ordinance. All of the chapters on a related subject are grouped in one title. The chapters are numbered so that new chapters which should logically be placed near certain existing chapters can be added at a later time without renumbering existing material. For example, Chapter 2.06, can be added between Chapter 2.04 and Chapter 2.08.

Section.

Each section of the code contains substantive ordinance material. The sections are numbered by "tens" to allow for expansion of the code without renumbering.

Tables of Contents.

There are many tables of contents in this code to assist in locating specific information. At the beginning of the code is the main table of contents listing each title. In addition, each title and chapter has its own table of contents listing the chapters and sections, respectively.

Ordinance History Note.

At the end of each code section, you will find an "ordinance history note," which lists the underlying ordinances for that section. The ordinances are listed by number, section (if applicable) and year. (Example: (Ord. 272 § 1, 1992).)

Beginning with Supplement No. 5, a secondary ordinance history note will be appended to affected sections. Ordinance history notes will be amended with the most recent ordinance added to the end. These history notes can be cross referenced to the code comparative table and disposition list appearing at the back of the volume preceding the index.

Statutory References.

The statutory references direct the code user to those portions of the state statutes that are applicable to the laws of the municipality. As the statutes are revised, these references will be updated.

Cross-Reference Table.

When a code is based on an earlier codification, the cross-reference table will help users find older or "prior" code references in the new code. The cross-reference table is located near the end of the code, under the tabbed divider "Tables." This table lists the prior code section in the column labeled "Prior Code Section" and the new code section in the column labeled "Herein."

As of Supplement No. 5, this table will no longer be updated.

Ordinance List and Disposition Table.

To find a specific ordinance in the code, turn to the section called "Tables" for the Ordinance List and Disposition Table. This very useful table tells you the status of every ordinance reviewed for inclusion in the code. The table is organized by ordinance number and provides a brief description and the disposition of the ordinance. If the ordinance is codified, the chapter (or chapters) will be indicated. (Example: (2.04, 6.12, 9.04).) If the ordinance is of a temporary nature or deals with subjects not normally codified, such as budgets, taxes, annexations or rezones, the disposition will be "(Special)." If the ordinance is for some reason omitted from the code, usually at the direction of the municipality, the disposition will be "(Not codified)." Other dispositions sometimes used are "(Tabled)," "(Pending)," "(Number Not Used)" or "(Missing)."

Beginning with Supplement No. 5 this table will be replaced with the "Code Comparative Table and Disposition List."

Code Comparative Table and Disposition List.

Beginning with Supplement No. 5, a Code Comparative Table and Disposition List has been added for use in tracking legislative history. Located in the back of this volume, this table is a chronological listing of each ordinance considered for codification. The Code Comparative Table and Disposition List specifies the ordinance number, adoption date, description of the ordinance and the disposition within the code of each ordinance. By use of the Code Comparative Table and Disposition List, the reader can locate any section of the code as supplemented, and any subsequent ordinance included herein.

Index.

If you are not certain where to look for a particular subject in this code, start with the index. This is an alphabetical multi-tier subject index which uses section numbers as the reference, and cross-references where necessary. Look for the main heading of the subject you need, then the appropriate subheadings:

BUSINESS LICENSE

See also BUSINESS TAX
Fee 5.04.030
Required when 5.04.010

The index will be updated as necessary when the code text is amended.

Insertion Guide.

Each supplement to the new code will be accompanied by an Insertion Guide. This guide will tell the code user the date of the most recent supplement and the last ordinance contained

in that supplement. It will then list the pages that must be pulled from the code and the new pages that must be inserted. Following these instructions carefully will assure that the code is kept accurate and current. Removed pages should be kept for future reference.

Page Numbers.

When originally published, this code was numbered with consecutive page numbers. As it is amended, new material may require the insertion of new pages that are numbered with hyphens. (Example: 31, 32, 32-1.) Backs of pages that are blank (in codes that are printed double-sided) are left unnumbered but the number is "reserved" for later use.

Electronic Submission.

In the interests of accuracy and speed, we encourage you to submit your ordinances electronically if at all possible. We can accept most any file format, including Word, WordPerfect or text files. If you have a choice, we prefer Word, any version. You can send files to us as an e-mail attachment, by FTP, on a diskette or CD-ROM. Our e-mail address is: **ords@municode.com**. For hard copy, send two copies of all ordinances passed to:

Municipal Code Corporation
P.O. Box 2235
Tallahassee, FL 32316

Customer Service.

If you have any questions about this code or our services, please contact Municipal Code Corporation at 1-800-262-2633 or:

Municipal Code Corporation
1700 Capital Circle SW
Tallahassee, FL 32310

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Include/ Omit	Supp. No.
168	12-23-09	Include	6
171	9-20-12	Include	7
174	3-17-16	Include	8
175	3-16-17	Include	8
177	5-18-17	Include	8
178	12-21-17	Include	8
179	2-20-20	Include	8
173	8-20-15	Include	9
180	5-20-21	Include	9
181	9-21-21	Include	9
182	5-17-22	Include	9
184	6-15-23	Include	9
186	10- 7-24	Include	9

Title 1

GENERAL PROVISIONS

Chapters:

1.01	**Code Adoption**
1.04	**General Provisions**
1.08	**Elections**
1.12	**Code Enforcement**
1.16	**General Penalty**
1.20	**Claims Against the City**

Chapter 1.01

CODE ADOPTION

Sections:

1.01.010 Adoption.
1.01.020 Title—Citation—Reference.
1.01.030 Reference applies to all amendments.
1.01.040 Title, chapter and section headings.
1.01.050 Ordinances passed prior to adoption of the code.
1.01.060 Effect of code on past actions and obligations.
1.01.070 Constitutionality.

1.01.010 Adoption.

There is hereby adopted the "Amador City Municipal Code" as compiled, edited and published by Matthew Bender & Company, Inc. (Ord. 152 § 1, 2003)

1.01.020 Title—Citation—Reference.

This code shall be known as the "Amador City Municipal Code" and it shall be sufficient to refer to said code as the "Amador City Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Amador City Municipal Code." References may be made to the titles, chapters, sections and subsections of the "Amador City Municipal Code" and such references shall apply to those titles, chapters, sections or subsections as they appear in the code. (Ord. 152 § 2, 2003)

1.01.030 Reference applies to all amendments.

Whenever a reference is made to this code as the "Amador City Municipal Code" or to any portion thereof, or to any ordinance of the city codified herein, the reference shall apply to all amendment, corrections and additions heretofore, now or hereafter made. (Ord. 152 § 3, 2003)

1.01.040 Title, chapter and section headings.

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 152 § 4, 2003)

1.01.050 Ordinances passed prior to adoption of the code.

The last ordinance included in this code is Ordinance 149, passed June 20, 2002. The following ordinances, passed subsequent to Ordinance 149, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinance 150—Establish compensation for clerk and treasurer. (Ord. 152 § 5, 2003)

1.01.060 Effect of code on past actions and obligations.

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. (Ord. 152 § 6, 2003)

1.01.070 Constitutionality.

If any section, subsection, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. (Ord. 152 § 6, 2003)

Chapter 1.04

GENERAL PROVISIONS

Chapter 1.08

ELECTIONS

Sections:

1.08.010 Consolidation with statewide election.

1.08.010 Consolidation with statewide election.

A. The general municipal election is called and ordered to be consolidated with the statewide general election in November of all even-numbered years; and the election shall be held and conducted, the votes canvassed, the returns thereof made, and, in all particulars the election shall be conducted as all other city elections; and that as a result of the change in the date of this election, the elected city office holders' terms in office will be extended and that no terms will be decreased.

B. The city clerk is directed to mail a notice to all registered voters in the city informing them of the change of the election date and consolidation thereof with the statewide general election and notifying them that the general municipal election will held in the city on the date of the statewide general election in November of even-numbered years, and that elected city office holders' terms in office will be changed in accord with the provisions of the general laws of the state and the election shall be held the same in all respects as all other general municipal elections. (Ord. 68 §§ 1, 2, 1986)

Chapter 1.12

CODE ENFORCEMENT

Sections:

1.12.010	Establishment of division.
1.12.020	Definitions.
1.12.030	Duties of code enforcement officer.
1.12.040	Initial warning.
1.12.050	Content of warning.
1.12.060	Authority of code enforcement officers.
1.12.070	Recording of notices of violations.
1.12.080	Administrative abatement of violation.
1.12.090	Administrative abatement of violations.
1.12.100	Misdemeanors—Infractions—Fines.
1.12.110	Money judgments.
1.12.120	Follow-up inspections.
1.12.130	Remedies cumulative.

1.12.010 Establishment of division.

There is established a code enforcement division. (Ord. 137 § 1.01, 2000)

1.12.020 Definitions.

For purposes of this chapter the following words and phrases shall have these meanings:

"Affected department" means the city's building, public works, planning, and/or environmental health departments or those departments' officers.

"City council" means the city council of the city of Amador City, California which has the responsibility to administer or enforce the applicable provisions of the state law or this code.

"Code enforcement officer" means any party or employee with code enforcement duties assigned to the code enforcement division by contractual agreement or otherwise.

"Person" means an individual, entity, association, corporation or partnership.

"Premises" means any parcel or parcels of real property, and/or any buildings, structures or other improvements situated thereon where any violation is alleged to have occurred. The premises may include public property to which a violator has access.

"Violation" means any person's erecting, constructing, grading, enlarging, altering, repairing, moving, improving, converting, possessing, demolishing, equipping, using, occupying or maintaining any building, structure, or premises in the incorporated area of Amador City, or causing or permitting the same to be done, contrary to or in violation of any of the provisions of state law or other city ordinances. A violation shall be deemed a separate offense for each day the violation is committed, continued, or permitted. Any such violation is declared to be a public nuisance.

"Violator" means any person who has committed or is alleged to have committed a violation of any of the provisions of state law or this code. (Ord. 137 § 1.02, 2000)

1.12.030 Duties of code enforcement officer.

The code enforcement officer shall be responsible for the contact and code compliance by persons for whom reasonable cause exists that they have committed a code violation within the jurisdiction of the city of Amador City. (Ord. 137 § 1.03, 2000)

1.12.040 Initial warning.

When an affected department has reasonable cause to believe a violation has occurred,

and the city has advised the responsible party of the violation and the party has failed to rectify the violation, the matter may be submitted to the code enforcement officer. In this instance the code enforcement officer shall issue a written warning giving a suspected violator a reasonable time to eliminate the violation, within which time the alleged violator may meet and confer with the code enforcement officer. In the event of noncompliance with the first warning, the code enforcement officer may issue further warnings to the violator or take such further action as set forth herein. (Ord. 137 § 1.04, 2000)

1.12.050 Content of warning.

Any warning given to an alleged violator shall expressly state:

A. The state law or code section of which the violator is in violation;

B. The specific action which the violator must take to eliminate the violation;

C. That unless such violation is eliminated within a certain time, or a schedule of compliance has been agreed to with the code enforcement officer, the city may take any action against the violator authorized by law;

D. The name and phone number of the code enforcement officer from whom information may be obtained;

E. The warning may be served on a violator by certified mail (return receipt requested), first class mail, or personal service;

F. If the violator maintains that the violation has been eliminated, the code enforcement officer issuing the warning shall inspect the property to determine whether the violation has been eliminated or continues.

No warning need be given and the code enforcement officer may immediately take other action upon the judgment of the code enforcement officer when there is reasonable cause to believe that the violation constitutes an immediate threat to the health and safety of any person including that of the alleged violator or to any real property.

Each code enforcement officer is authorized to issue citations for violations and to take all other lawful measures to eliminate the violation. (Ord. 137 § 1.06, 2000)

1.12.060 Authority of code enforcement officers.

Upon receipt of any violation referred to the code enforcement division by an affected department, the code enforcement officer shall evaluate the case, and determine, in conjunction with the city attorney or district attorney when appropriate, the proper means of eliminating the violation. This may include, without limitation:

A. Taking administrative action including the recording of a notice of violation (Section 1.12.070);

B. Commencing an administrative abatement proceeding (Section 1.12.080);

C. Filing and prosecuting a criminal case or issuing a citation (Section 1.12.100); and

D. Requesting that the city council authorize the filing of civil litigation to enjoin or abate the violation; or

E. Any combination of administrative action, citation, criminal prosecution, and/or civil litigation.

After the code enforcement officer has accepted the case, the code enforcement officer shall have the responsibility to enforce the provisions of the state law or any ordinance which have been violated. (Ord. 137 § 1.07, 2000)

1.12.070 Recording of notices of violations.

The code enforcement officer shall provide notice of his or her intent to record a notice of violation ("notice of intent") to all owners and possessors of the premises as the owners/possessors are shown on the most recent assessment roll. The notice of intent shall be given by posting a copy of the notice of intent in a conspicuous place on the premises and by mailing by first class mail a copy thereof to the owners at the address shown on the assessment roll and to the possessors at the premises.

A. Such notice of intent shall state that the code enforcement officer intends to record a notice of violation in the office of the county recorder sixty (60) days from the date of the notice of intent and that the owner and possessor each has the right to a hearing before the city council on the issue of whether or not a violation exists. A request for such hearing must be made in writing by the owner or possessor and delivered to the code enforcement officer within fifteen (15) days from the date of the notice of intent;

B. The hearing by the city council need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The city council may act only on the basis of evidence introduced at the hearing. A full and fair hearing shall be accorded the charge. There shall be reasonable opportunity for the presentation of evidence, the cross-examination of all witnesses, argument, and rebuttal;

C. In the event a hearing is not requested within the time specified, or if after a hearing a determination is made by the city council that one or more violations exist on the property and that such violations have not been corrected, the code enforcement officer may record a notice of violation which:

1. Contains a description of the premises, and

2. States with particularity the violation(s) found to exist on the premises.

E. If the violation has been corrected satisfactorily to the affected department, the code enforcement officer shall issue a notice of expungement of the violation to the owner/possessor and record such expungement at the owner's expense. (Ord. 137 § 1.08, 2000)

1.12.080 Administrative abatement of violation.

Pursuant to Government Code Sections 39501, 39562 the city council establishes a procedure for the administrative abatement of violations. (Ord. 137 § 1.09, 2000)

1.12.090 Administrative abatement of violations.

Whenever the code enforcement officer has knowledge of a violation he/she may provide a Notice of Proposed Abatement to all owners and/or possessors of the premises in the manner set forth in Section 1.12.070(A) and (B).

A. Such notice of proposed abatement shall state that the code enforcement officer intends to abate the violation at the owner's expense sixty (60) days from the date of the notice and that the owner and possessor each has the right to a prior hearing before the city council on the issue of whether or not a violation exists on the premises. A request for such hearing must be made in writing by the owner or possessor and delivered to the code enforcement officer within fifteen (15) days

from the date of notice of proposed abatement;

B. The hearing shall be conducted in the manner set forth in Section 1.12.070(B); and in the event a hearing is not requested within the time specified, or if after a hearing a determination is made by the hearing board that one or more violations exist on the property and that such violations have not been corrected, the code enforcement officer shall formalize the determination into a final abatement order;

C. The city council shall give notice thereof to the owner and possessor and proceed to abate the violation at the owner's expense;

D. If the owner fails to obey the abatement order, the city council may abate the violation using city workers or by contract all at the expense of the owner;

E. The owner shall be liable for all costs of abatement incurred by the city including but not limited to administrative and investigative costs and any and all costs incurred in the physical abatement of the violation;

F. In any action, proceeding, or administrative proceeding to abate a violation the city or the alleged violator, whoever is the prevailing party, shall be entitled to the amount of reasonable attorney's fees actually incurred in the action or proceeding;

G. If the owner fails to pay the costs of the abatement upon demand by the city, the city council may order the costs of the assessment to be specially assessed against the premises. The assessment may be collected at the same time and in the same manner as ordinary city property taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided for ordinary city taxes. All laws applicable to the levy, collection, and enforcement of city taxes are applicable to the special assessment; and

H. If the city council specifically assesses the cost of abatement against the premises, the council may cause a notice of abatement lien to be recorded. This notice of abatement lien shall, at a minimum, identify the record owner or possessor of property, set forth the last known address of the record owner or possessor, set forth the date upon which abatement of the violation was ordered by the city council and the date the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost. (Ord. 137 § 1.10, 2000)

1.12.100 Misdemeanors—Infractions—Fines.

The district attorney may charge any violator with a misdemeanor when the pertinent ordinance so states. Whenever any city ordinance provides that an act is a misdemeanor the violation of such ordinance may be charged as an infraction punishable by imposition of the following fines:

A. Upon a first conviction, a fine of one hundred dollars ($100.00);

B. Upon a second conviction of violating the same chapter of this code within a twelve (12) month period, a fine of two hundred dollars ($200.00);

C. Upon a third or subsequent conviction of violating the same chapter of this code within a twelve (12) month period, a fine of five hundred dollars ($500.00). (Ord. 137 § 1.11, 2000)

1.12.110 Money judgments.

Any judgment of conviction which imposes a fine shall become a money judgment as provided by Penal Code Section 1214. It shall be the responsibility of the code enforcement

officer to determine if the fine imposed has been paid. In any case where any installment of the fine remains unpaid for more than thirty (30) days after the due date, the code enforcement officer may record an abstract of the judgment in the office of the County Recorder as. provided by Code of Civil Procedure Sections 674 and 697.310. Upon notice of full payment of such a judgment, the code enforcement officer shall file and serve an acknowledgment of satisfaction of judgment as provided by Code of Civil Procedure Sections 724.030 and 724.040. (Ord. 137 § 1.12, 2000)

1.12.120 Follow-up inspections.

Following the conviction of any violator, the code enforcement officer shall make such follow-up inspections as are necessary to determine that the violation has been abated and may take such additional actions as are necessary to gain compliance with this code. (Ord. 137 § 1.13, 2000)

1.12.130 Remedies cumulative.

Nothing in this chapter shall prevent the city from pursuing any civil, criminal, or administrative remedy deemed necessary or appropriate to gain compliance with state law and this code. The provisions of this chapter are supplementary and complementary to other provisions of this code and state law and nothing herein shall be construed so as to bar or limit the city from seeking any remedy to which it may otherwise be entitled. (Ord. 137 § 1.14, 2000)

Chapter 1.16

GENERAL PENALTY

(Reserved)

Chapter 1.20

CLAIMS AGAINST THE CITY

Sections:

1.20.010 Claims generally.
1.20.020 Presentation of claim.
1.20.030 Claim requirements.
1.20.040 Claim prerequisite to suit.
1.20.050 Suit.

1.20.010 Claims generally.

No suit for money or damages shall be brought against the city unless a written claim is presented to the city in accordance with this chapter and the Government Claims Act (Government Code Sections 900, et seq.). Claims against the City for money or damages which are excepted by Section 905 from Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the Government Code, and which are not governed by any other statutes or regulations expressly relating thereto, shall be governed by the claims procedure prescribed in this chapter. All claims against the city, including claims under the Revenue and Taxation Code or statute prescribing procedures for the refund, rebate, exemption, cancellation, amendment, modification or adjustment of a tax, assessment, fee or charge or any portion thereof, or any penalties, costs or charges related thereto; and claims by the state or by a state department or agency or by another public entity, shall be presented and acted upon in accordance with this chapter.
(Ord. No. 179, § 2, 2-20-20)

1.20.020 Presentation of claim.

All claims shall be presented to the city clerk and must be presented within the time limits prescribed by Government Code Section 911.2. A claim is presented to the city clerk when it is delivered and received in the office of the city clerk. All claims must utilize the claim form adopted by the city council, as amended from time to time. A claim may be returned if it was not presented on the city council approved form. All claims shall be filed within one year after the accrual of the cause of action, unless a shorter period is provided by applicable law including in Section 911.2 of the Government Claims Act, in which case the shorter period shall apply. No claim may be filed on behalf of a class of persons unless verified by every class member.
(Ord. No. 179, § 2, 2-20-20)

1.20.030 Claim requirements.

Claims against the city shall be in writing, verified by the claimant or his or her guardian, conservator, executor, or administrator, and shall state the dollar amount claimed and the specific grounds upon which the claim is founded. All claims shall contain the information required by California Government Code Section 910.
(Ord. No. 179, § 2, 2-20-20)

1.20.040 Claim prerequisite to suit.

In accordance with Government Code Sections 935, subdivision (b), and 945.4, all claims shall be presented as provided in this chapter and the Government Claims Act and reviewed and acted upon by the city prior to the filing of any action on such claims. No such action may be maintained by a person who has not complied with the requirements of this chapter and the Government Claims Act.
(Ord. No. 179, § 2, 2-20-20)

1.20.050 Suit.

Any action brought against the city upon any claim or demand shall comply with the requirements of Sections 945 through 949 of the California Government Code. Any action brought against any employee of the

City shall comply with the requirements of Sections 950 through 951 of the California Government Code.
(Ord. No. 179, § 2, 2-20-20)

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

2.04 Conflict of Interest Code

2.08 Personnel Regulations

Chapter 2.04

CONFLICT OF INTEREST CODE

Sections:

2.04.010 Adopted by reference.

2.04.010 Adopted by reference.

The Political Reform Act, Government Code Section 81000, et seq., required state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are incorporated by reference and, along with the appendix in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the city.

Designated employees shall file statements of economic interests with the city clerk.

Also adopted are the Fair Political Practices Commission Appendix of Disclosure Categories and Fair Political Practices Commission Appendix of Designated Positions as attached to the ordinance codified in this paragraph and incorporated by reference. City may by resolution adopt such further modifications of the Fair Political Practices Act pertaining to Amador City as are hereinafter enacted by the state of California. (Ord. 149 § 1 (part), 2002, Ord. 100, 1992)

Chapter 2.08

PERSONNEL REGULATIONS

Sections:

2.08.010	Salary schedule.
2.08.020	Time cards.
2.08.030	Personnel records.
2.08.040	Employee performance evaluation reports.
2.08.050	Sick leave.
2.08.060	Vacation.
2.08.070	Holidays.
2.08.080	Overtime.
2.08.090	Public employees' retirement system membership.
2.08.100	Social Security.
2.08.110	Hourly rate employees.
2.08.120	New employees.
2.08.130	Physical examination requirement.
2.08.140	Grievance procedure.
2.08.150	Compensation of city officers.

2.08.010 Salary schedule.

A. The salary schedule is based upon the following criteria: New employees shall be appointed at the first step of the salary range in effect for the particular class of position in which the appointment is made. Salary step advancement within range shall be on an annual basis, at five percent increments, and dependent upon employee's satisfactory annual performance rating, until the employee reaches the maximum salary step of the appropriate salary range. The salary schedule will be reviewed annually and may be changed by resolution.

B. Every employee in the classified service shall have a salary anniversary date which shall be the first day of the month following the month in which he or she completes his or her first twelve (12) months of satisfactory service. Accrual for step salary increases, as well as vacation and sick leave credits, on or before the fifteenth of that month; if he or she is hired after the fifteenth, accrual begins oh the first day of the following month. Employees working less than half-time are not included in this schedule. schedule. The salary schedule may be adjusted according to council discretion for cost of living increases or decreases, effective July 1st of each year. The salary schedule ranges are as follows:

General Government

City clerk
Building inspector
Treasurer

Public Works

General maintenance
Sewer maintenance

C. The effective date of a range change for an employee who has obtained a higher level certificate shall be the first of the month following his or her qualifying for such certificate. Evidence of possession of the certificate should be submitted to the city clerk to become part of the employee's personnel record. (Ord. 67 § 1, 1986)

2.08.020 Time cards.

All employees shall keep weekly time cards. (Ord. 67 § 2, 1986)

2.08.030 Personnel records.

A. Permanent personnel records shall be kept by the city clerk including:

1. A personal employment record for each employee showing date of hire, positions held, effective dates of position changes, salary rates received and their effective dates, overall performance ratings, Social Security account number, birthdate, W4 information, marital status;

2. Records of accrued sick leave, vacation, and overtime credits for compensating time off (CTO); and

3. Performance evaluation reports.

B. The personnel records kept in the city clerk's office shall be the official records for accrued sick leave and vacation credits, overtime for compensating time off (CTO), and attendance. The original of all absence requests (sick leave and vacation), as well as performance evaluation reports, shall be filed in employees' individual personnel folders as part of their official-personnel record. (Ord. 67 § 3, 1986)

2.08.040 Employee performance evaluation reports.

A. Every newly hired employee placed in a permanently established position shall serve a six-month probationary period. An employee performance evaluation report shall be completed for the probationer at the end of his or her second, fourth, and sixth month of employment. A probationary employee must receive at least an overall rating of "average" to be kept in employment beyond his or her probationary period.

B. Permanent employees who are given promotional appointments shall also serve a six-month probationary period and must receive an overall rating of at least "average" to stay in higher level position.

C. An employee who completes a satisfactory probationary period shall attain permanent status. Thereafter, he or she will be given a performance evaluation on an annual basis beginning with the first anniversary date of his or her date of hire. He or she must receive at least an overall rating of "average" to receive a merit salary increase.

D. The evaluation report shall be made by the commissioner of the respective department. (Ord. 67 § 4, 1986)

2.08.050 Sick leave.

A. While in the continuous service of the city, full-time employees, other than temporary, shall accrue credit for one day of sick leave with pay for each month of service. Part-time employees (one-half time or more) will accrue credits on a pro rata basis; i.e., a half-time employee will accrue four hours (equivalent to one-half day) for each month of service.

B. Sick leave credit accrued during the first six calendar months of service will not be available for use by the employee until he or she completes six continuous calendar months of service. (see Section 2.08.010 for accrual date).

C. Any absence on sick leave, regardless of length, must be supported by an absence request form. An absence of three days or more requires substantiation by attending physician in the spade provided on the absence request form.

D. Sick leave may not be used in advance of accrued credit.

E. Absence requests must be approved by the commissioner of the respective department. (Ord. 67 § 5, 1986)

2.08.060 Vacation.

A. All monthly-rate employees, other than temporary, seasonal, extra-hire or less than half-time employees, shall be entitled to the following paid vacation subject to limitations provided in this chapter. (See Section 2.08.080, salary schedule, relative to accrual date):

Length of Service	Days per Year	PD	Hours Accumulated Per Month	PD
1 mo to 3 yrs	10	11	6-2/3	7-1/3
3 yrs 1 mo to 10 yrs	15		10	
10 yrs 1 mo to 15 yrs	17		11-1/3	
15 yrs 1 mo to 24 yrs	19		12-2/3	
24 yrs 1 mo (maximum)	20		13-1/3	

B. Qualifying part-time employees will accrue credits on a pro rata basis.

C. After completion of six months of continuous service, an employee may use accrued vacation credits with the prior approval of the commissioner of the respective department and city council. Department heads must have prior approval of the city council. Employees will be responsible for verifying their accrued vacation balance before requesting time off on vacation.

D. Under no circumstances will an employee be permitted to take vacation time off in excess of his or her accrued credits as of the inclusive dates of his or her vacation.

E. No employee will be permitted to have accrued vacation credits in excess of one year's credits at his or her earning rate, as of January 1st of each year, except by special approval of the city council.

F. If an employee terminates his or her employment prior to completing six months of continuous service, he or she shall not be entitled to any vacation pay. (Ord. 67 § 6, 1986)

2.08.070 Holidays.

A. The following are established as paid holidays for all monthly rate city employees:

January 1st	New Year's Day
February 12th	Lincoln's Birthday
Third Monday in February	Washington's Birthday
Last Monday in May	Memorial Day
July 4th	Independence Day
First Monday in September	Labor Day
September 9th	Admission Day
Second Monday in October	Columbus Day
November 11th	Veteran's Day
Fourth Tuesday in November	Thanksgiving Day
December 25th	Christmas Day

Any other day declared a legal holiday by the Governor of the state of California or the President of the United States.

B. When a paid holiday falls on a Sunday, the following Monday shall be deemed a holiday in lieu thereof. When a paid holiday falls on a Saturday, the preceding Friday shall be deemed a holiday in lieu thereof.

C. Should any holiday fall on a regular employee's scheduled day off, a day of compensating time off shall be granted to him or her in lieu thereof. Employees who are required to work on a holiday shall be paid overtime. (Ord. 67 § 7, 1986)

2.08.080 Overtime.

A. Full-time employees of the city shall be an established forty (40) hour work week from seven a.m. Sunday to seven a.m. the following Sunday.

B. Required work in excess of the forty (40) hour work week shall be compensated by the time off on an hour-for-hour basis unless the required overtime is determined to be an emergency in which case the overtime will be compensated by cash payment at a time and one-half rate, subject to the following conditions:

1. Prior authorization by the commissioner of the respective department shall be required for all overtime. Determination of whether the required overtime is routine or emergency shall be the responsibility of the commissioner of the respective department.

2. Emergency overtime shall be specifically designated as such when authorization for the overtime is given with a minimum payment of two hours at the one and one-half time rate to be made for any emergency overtime.

3. All emergency overtime shall be reviewed and approved by the city council at its first meeting following the month in which the overtime is worked before cash payment is made to employees.

C. Extra hours worked for compensating time off (CTO) must be taken within twelve (12) months of the time worked. Incidental CTO (up to sixteen (16) hours) may be approved by the commissioner of the respective department prior to the CTO, but any time off of more than two consecutive days must be approved by the city council prior to the compensating time off being taken.

D. The city clerk shall report quarterly to the city council the total hours accumulated for CTO by each employee. The city council may require employees to take CTO to keep the accrued overtime for later CTO to an acceptable minimum. Such CTO will be scheduled at the discretion of the council.

E. The city clerk shall be responsible for notifying an employee, at least one month in advance of the maturity date, of any accrued overtime so that the employee may arrange to take CTO prior to the twelve (12) month maturity date. CTO for maturing overtime is subject to the same approval requirements as any other CTO. (Ord. 67 § 8, 1986)

2.08.090 Public employees' retirement system membership.

A. All full-time employees or employees working half-time or more, with the exception noted in subsection B of this section, shall become members of the public employees' retirement system (PERS) and shall have a percentage of their wages withheld, based on the formula established by PERS.

B. Exception. The city has an exclusion clause in its contract with PERS excluding any employee from membership in PERS if he or she is employed for less than six months. Should such employee be continued in employment for more than six months, he or she shall become a member of PERS on the first day of his or her seventh month of continuous service. (Ord. 67 § 9, 1986)

2.08.100 Social Security.

All employees are covered by Social Security, except an employee who works less than six hundred (600) hours in any one calendar year, or who is expected to work less than six hundred (600) hours in any one calendar year. This benefit is provided for by the city. (Ord. 67 § 10, 1986)

2.08.110 Hourly rate employees.

Employees who work less than the equivalent of half-time will be classed as hourly-rate employees. They will not accrue sick leave or vacation credits, and they will not receive pay for time off on holidays. (Ord. 67 § 11, 1986)

2.08.120 New employees.

A copy of the ordinance codified herein and any amendment thereto shall be given to every employee of the city and to every appointee at the time of hire. (Ord. 67 § 12, 1986)

2.08.130 Physical examination requirement.

Prior to initial appointment to a permanent position, every prospective employee shall be required to take and satisfactorily pass a physical examination. Applicants for positions must be informed of this requirement at the time of pre-employment interview. (Ord. 67 § 13, 1986)

2.08.140 Grievance procedure.

A. Any city employee who believes he or she has a grievance against any policy set by any commissioner of the respective department shall contact that person and attempt to resolve the grievance.

B. If a grievance cannot be resolved internally within the department chain of command, the employee shall submit a letter to the city council. The letter shall contain the subject matter of the grievance, who the employee has officially contacted concerning grievance, what their solution was, if any, and what solution the employee would suggest.

C. The city council will attempt to resolve the grievance with all parties concerned. (Ord. 67 § 14, 1986)

2.08.150 Compensation of city officers.

A. The salaries provided in this chapter shall be in full compensation for all services, statutory and of every kind and description rendered by the city officers:

B. The premiums, if any, upon the official bonds required by law of all officers herein shall be city charges and payable out of the General Fund of the city of Amador City.

C. The salaries are fixed on the basis of part-time service.

D. Paydays. All warrants for salary payment to city officers shall be approved by the city council at their regular meeting each month, for the period ending on the last day of the previous month.

E. Salary Schedule. The salaries of city officials of the city of Amador City are established as follows:

CITY CLERK.....$150.00 per month.
CITY TREASURER.....$150.00 per month.
(Ord. 150 §§ 2, 3, 4, 2003)

Title 3

REVENUE AND FINANCE

Chapters:

3.04	**Transfer of Tax Assessment and Collection Duties to County**
3.08	**Claims Against the City**
3.12	**Sales and Use Tax**
3.16	**Transient Occupancy Tax**
3.20	**Special Gas Tax Street Improvement Fund**
3.21	**Transactions and Use Tax**

Chapter 3.04

TRANSFER OF TAX ASSESSMENT AND COLLECTION DUTIES TO COUNTY

Sections:

3.04.010 **Definitions.**
3.04.020 **Transfer of duties.**
3.04.030 **Abolition of offices of city assessor and city tax collector.**
3.04.040 **Filing of certified copy.**

3.04.010 Definitions.

The following words and expressions when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them as follows:

"City" means the city of Amador City, a municipal corporation, situated in the county of Amador, state of California.

"County" means the county of Amador, a political subdivision of the state of California. (Ord. 42 § 1, 1968)

3.04.020 Transfer of duties.

The assessment and tax collection duties, and the collection of assessments levied for municipal improvements, now performed by the assessor and the tax collector of the city, are transferred to the assessor and the tax collector of the county effective January 1, 1969. (Ord. 42 § 2, 1968)

3.04.030 Abolition of offices of city assessor and city tax collector.

The offices of city assessor and city tax collector are abolished as of the close of business December 31, 1968, and thereafter all duties performed by the city assessor other than the assessing of property in the city, and all duties performed by the city tax collector other than the collection of ad valorem taxes on property and the collection of assessments for municipal improvements are transferred to and may be performed by the city clerk. (Ord. 42 § 3, 1968)

3.04.040 Filing of certified copy.

The city clerk shall cause a certified copy of this chapter to be filed with the auditor of the county and the State Board of Equalization before January 1, 1969. (Ord. 42 § 4, 1968)

Chapter 3.08

CLAIMS AGAINST THE CITY

Sections:

3.08.010 Purpose and authority.
3.08.020 Local claims procedures established.

3.08.010 Purpose and authority.

The purpose of this chapter is to establish local claims procedures as authorized by Government Code Section 935 to govern money claims brought against the city that are exempt from state law claims procedures under the Tort Claims Act. (Ord. 127 § 1, 1997)

3.08.020 Local claims procedures established.

Pursuant to Government Code Section 935, the city establishes the following claims procedures to apply to those claims against the city that are exempt from the Tort Claims Act under Government Code Section 905:

A. All claims for money damages against the city that are exempt from the Tort Claims Act under Government Code Section 905, and that are not governed by any other statute or regulation expressly relating to such claim, shall be presented to the city within the time limitations and in the manner set forth in Government Code Sections 910 through 915.2.

B. When a claim required by this chapter to be presented within a period of less than one year after the accrual of the cause of action is not presented within the required time, an application for leave to file a late claim may be made and processed in accordance with Government Code Sections 911.4(b), 911.6 to 912.2, and 946.6. A late claim also shall be subject to Government Code Section 946.4. (See Gov. Code Section 935(e).)

C. Claims shall be subject to the provisions of Government Code Section 945.4 relating to the prohibition of lawsuits until the presentation of and action on a claim. No lawsuit for money or damages may be brought against the city on a cause of action for which a claim is requires to be presented in accordance with this chapter until a written claim therefore has been presented to the city and has been acted upon by the city council, or has been deemed to have been rejected by the city council, in accordance with the procedures at Government Code Sections 910 through 915. (See Gov. Code Section 935(b).)

D. Any lawsuit brought against the city on a claim subject to this chapter shall be subject to the provisions of Government Code Sections 945.6 (lawsuit filing limitations) and 946 (lawsuit barred after claim allowed in full or part). Any lawsuit against the city on a claim subject to this chapter must be commenced within the time limitations of Government Code Section 945.6. (See Gov. Code Section 935(b).) (Ord. 127 § 2 1997)

Chapter 3.12

SALES AND USE TAX

Sections:

3.12.010	Short title.
3.12.020	Rate.
3.12.030	Operative date.
3.12.040	Purpose.
3.12.050	Contract with state.
3.12.060	Sales tax.
3.12.070	Place of sale.
3.12.080	Use tax.
3.12.090	Adoption of provisions of state law.
3.12.100	Limitation on adoption of state law.
3.12.110	Permit not required.
3.12.120	Exclusions and exemptions.
3.12.130	Amendments.
3.12.140	Enjoining collection forbidden.
3.12.150	Violations—Penalties.

3.12.010 Short title.

This chapter shall be known as the "Uniform Local Sales and Use Tax Ordinance." (Ord. 58 § 1, 1983)

3.12.020 Rate.

The rate of sales tax and use tax imposed by this chapter shall be one percent. (Ord. 58 § 2, 1983)

3.12.030 Operative date.

This chapter shall be operative on January 1, 1984. (Ord. 58 § 3, 1983)

3.12.040 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 those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue And Taxation Code;

C. To adopt a sales and use tax 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 tar 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. 58 § 4, 1983)

3.12.050 Contract with state.

Prior to the operative date this city shall contract with the State Board of Equalization to perform all functions. incident to the administration and operation of this sales and use tax ordinance; provided, that if this city shall not have contracted with the State Board

of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract rather than the first day of the first calendar quarter following the adoption of the ordinance codified in this chapter. (Ord. 58 § 5, 1983)

3.12.060 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 3.12.020 of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in this city on and after the operative date. (Ord. 58 § 6, 1983)

3.12.070 Place of sale.

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his 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 shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization. (Ord. 58 § 7, 1983)

3.12.080 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 the operative date for storage, use or other consumption in this city at the rate stated in Section 3.12.020 of the sales price of the property. The sales price shall include delivery changes when such charges are subject to state sales or use tax regardless of the place to which delivery is made. (Ord. 58 § 8, 1983)

3.12.090 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. 58 § 9, 1983)

3.12.100 Limitation 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 shall be substituted therefor. The substitution, however, shall not be made when the word "state" is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, the State Treasury, or the Constitution of the State of California; the substitution shall not be made when the result of that substitution would require action to be taken by or against the city, or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter; the substitution shall not be made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of

the state of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain sales, storage, use, or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use, or other consumption remain subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain sales, storage, use, or other consumption of tangible personal property which would not be subject to tax by the state under the provisions of that code; the substitution shall not be made in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code; and the substitution shall not be made for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 or in the definition of that phrase in Section 6203. (Ord. 58 § 10, 1983)

3.12.110 Permit not required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller's permit shall not be required by this chapter. (Ord. 58 § 11, 1983)

3.12.120 Exclusions and exemptions.

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

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

C. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft and 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. 58 § 12, 1983)

3.12.130 Amendments.

All subsequent amendments of the Revenue and Taxation Code which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this chapter. (Ord. 58 § 16, 1983)

3.12.140 Enjoining collection forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or 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. 58 § 17, 1983)

3.12.150 Violations—Penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment for a period of not more than six months, or by both such fine and imprisonment. (Ord. 58 § 18, 1983)

Chapter 3.16

TRANSIENT OCCUPANCY TAX

Sections:

3.16.010	**Short title.**
3.16.020	**Definitions.**
3.16.030	**Tax imposed.**
3.16.040	**Exemptions.**
3.16.050	**Operator's duties.**
3.16.060	**Registrations.**
3.16.070	**Reporting and remitting.**
3.16.080	**Penalties and interest.**
3.16.090	**Failure to collect and report tax—Determination of tax by city clerk.**
3.16.100	**Appeals.**
3.16.110	**Records.**
3.16.120	**Refunds.**
3.16.130	**Actions to collect transient occupancy tax a debt.**
3.16.140	**Lien.**
3.16.150	**Use of revenues.**
3.16.160	**Violations—Infraction.**

3.16.010 Short title.

This chapter shall be known as the "Uniform Transient Occupancy Tax of the City of Amador City." This chapter may also be known as the "transient occupancy tax." (Ord. 140 § 1, 2000)

3.16.020 Definitions.

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

"City clerk" means the city clerk of the city of Amador City.

"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, public or private club, or other similar structure or portion thereof.

"Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel or dwelling, for lodging or sleeping purposes.

"Operator" means the person who is proprietor of the hotel whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

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

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

"Transient" means any individual who exercises occupancy or is entitled to occupancy by reason or concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or

less, counting portions of calendar days as full days. Any such individual so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the individual providing for a longer period of occupancy. In determining whether an individual 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. For the purposes of this chapter, an individual is deemed to be a physical person only as opposed to a legal person or organization. (Ord. 140 § 2, 2000)

3.16.030 Tax imposed.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in an amount equal to the prevailing state of California sales tax rate but shall not be less than the sum of the amount of seven and one-quarter percent of the rent charged by the operator. This tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the city clerk may require that such tax shall be paid directly to the city of Amador City. (Ord. 140 § 3, 2000)

3.16.040 Exemptions.

A. No tax shall be imposed upon:

1. Any transient as to whom, or any occupancy as to which it is beyond the power of the city to impose the tax here provided; or

2. Any officer or employee of a foreign or domestic government or domestic corporation that is exempt by reason of express provision of federal law or international treaty, provided billing is made directly to and payment is received from the governmental agency qualifying for this exemption. No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by city clerk.

B. Whenever an operator charges a transient rent, and such charges prove to be uncollectible, those amounts are not subject to the tax. However, if these amounts are subsequently collected, the amount of tax shall be included in the amount paid to the city when filing the next return.

C. If any operator shall fail or refuse to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax or any portion thereof required by this chapter, the city clerk shall proceed in such manner as he or she may deem best to obtain facts and information on which to base his or her estimate of the tax due. As soon as the city clerk has procured such facts and information as he or she is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he or she shall proceed to determine and assess against such operator the tax, interest and penalties provided by this chapter. In case such determination is made, the city clerk shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his or her last known place of address.

D. Such operator may within twenty (20) calendar days after the serving or mailing of

such notice, make application in writing to city clerk for a hearing on 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 city clerk shall become final and conclusive and immediately due and payable. If such application is made the city clerk shall give not less than ten (10) calendar days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in the notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the city clerk shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after twenty (20) calendar days unless an appeal is taken as provided in Section 3.16.100. (Ord. 140 § 4, 2000)

3.16.050 Operator's duties.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided. (Ord. 140 § 5, 2000)

3.16.060 Registrations.

Within thirty (30) days after the effective date of the ordinance codified in this chapter as to the hotel operators commencing business after the effective date of said ordinance, each operator of any hotel renting occupancy to transients shall register said hotel with the city clerk and obtain from him or her/her a "transient occupancy registration certificate" to be at all times posed in a conspicuous place on the premises. The certificate shall, among other things, state the following:

A. The name of the operator;

B. The address of the hotel;

C. The date upon which the certificate was issued;

D. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Tax Ordinance by registering with the city clerk for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the city clerk. 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. 140 § 6, 2000)

3.16.070 Reporting and remitting.

A. Each operator who received over one hundred thousand dollars ($100,000.00) in gross receipts during the previous calendar year shall on or before the tenth day following each month make a return to the city clerk on forms provided of the total rents charged and

submit the amount of tax collected for transient occupancies.

B. Each operator who received between five thousand dollars ($5,000.00) and ninety-nine thousand nine hundred ninety-nine dollars ($99,999.00) in gross receipts during the previous calendar year shall on or before the last day of the month following the close of each calendar quarter make a return to the city clerk on the forms provided of the total rents charged and submit the amount of tax collected for transient occupancies.

C. Each operator who received under five thousand dollars ($5,000.00) in gross receipts during the previous calendar year shall, on or before January 31st of each year, make a return to the city clerk on forms provided of the total rents collected and its amount of tax collected for transient occupancies for the preceding year. (Ord. 140 § 7, 2000)

3.16.080 Penalties and interest.

A. Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of twenty-five (25) percent of the amount of the tax in addition to the amount of the tax.

B. Fraud. If the city clerk determines that the nonpayment of any remittance due upon this chapter is due to fraud, a penalty of fifty (50) percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsection A of this section.

C. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on the amount of the tax, inclusive of penalties, from the date on which the remittance first became delinquent until paid.

D. Penalties Merged With Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid. (Ord. 140 § 8, 2000)

3.16.090 Failure to collect and report tax—Determination of tax by city clerk.

A. If any operator shall fail or refuse to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax or any portion thereof required by this chapter, the city clerk shall proceed in such manner as he or she may deem best to obtain facts and information on which to base his or her estimate of the tax due. As soon as the city clerk has procured such facts and information as he or she is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he or she shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the city clerk shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his or her last known place of address. Such operator may, within ten (10) days after the serving or mailing of such notice, make application in writing to the city clerk 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 city clerk shall become final and conclusive and immediately due and payable. If such application is made the city clerk shall give not less than five days

written notice in the manner prescribed herein to the operator to show cause at the time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed.

After such hearing the city clerk shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in Section 3.16.100.

B. Security for Collection of Tax. Whenever any operator has failed to report or remit the transient occupancy tax as required by Section 3.16.070 of this chapter, and such failure results in a continued delinquency as defined under Section 3.16.080(B), the city clerk may require such operator to deposit with him or her forthwith such security in the form of cash, bond, or other security as the city clerk may determine.

The amount of the security shall be fixed by the city clerk, but for the reporting period applicable to the operator. The estimated average liability shall be determined in the same manner as required under subsection A of this section.

C. Withdrawals From Security Deposit. Whenever any operator fails to remit any delinquent remittance due under this chapter on or before the period designated in subsection A of this section, the city clerk may notify the operator that the amount due and owing to the city from the operator for the tax, interest and penalty as imposed by this chapter, or any portion of them, shall be transferred for use as provided under Section 3.16.150 of this chapter.

The city clerk may notify the operator that he or she is required to redeposit forthwith the amount deducted from the deposit. (Ord. 140 § 9, 2000)

3.16.100 Appeals.

A. Any person or operator whose rights or interests have been directly and adversely affected by a transient occupancy tax ruling or finding of fact made by the city clerk under the authority of this chapter may appeal therefrom in writing to the city council within twenty (20) calendar days from the date of notification of such ruling or finding. The city council in individual cases may, in its exercise of reasonable discretion in administering the provision of this chapter, enlarge the twenty (20) calendar day period in which to file an appeal.

B. The city council shall give notice in writing to the aggrieved party following his or her timely request for an appeal setting forth the time and place of the hearing of the appeal. The notice of hearing of the appeal shall be directed to the address set forth on the appeal by the aggrieved party.

C. Notice of appeal by the aggrieved party shall set forth thereon the date of the hearing of the appeal. The aggrieved individual shall be allowed an opportunity to personally appear before the city council to personally present his or her or her opposition to the findings of the city clerk.

D. The hearing of the appeal shall be held at the time of the regularly scheduled meeting of the city council. The city council upon completion of the hearing shall make findings of fact in support of its decision on appeal and provide a copy of said findings of fact to the aggrieved individual.

E. The city council shall exercise its reasonable discretion in administering the provisions of this chapter in rendering a decision on appealed rulings and findings.

F. Any tax, penalty, or interest found to be owing is due and payable at the time the city council decision thereon becomes final.

G. Composition. The city council shall consist of a quorum of the members of the city council of the city of Amador and such body shall hear and determine appeals of orders or decisions of the city clerk

H. Extension of Time for Filing and Payment. On written application showing good cause, the board of review or its chairperson may, with or without hearing, by written order filed with the city clerk, extend for more than twenty (20) calendar days the time period in this chapter for filing of any transient occupancy tax return or making any payment. For the period of such extension the penalty in regard thereto shall be waived.

I. Exhaustion of Remedies. Any person whose case may be resolved by employing the administrative remedies provided by this section must exhaust those remedies before filing suit for refund, rebate, exemption cancellation, amendment, adjustment, or modification of tax, interest or penalty.

J. Review of Transient Occupancy Tax Ruling. The city council on motion of any of its councilpersons shall hold a hearing to ascertain its position regarding any transient occupancy tax ruling. The board may affirm, modify, or reverse such ruling as necessary or advisable to effectuate the purposes of this chapter. The city council's decision on such ruling shall have only prospective effect. (Ord. 140 § 10, 2000)

3.16.110 Records.

It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the city, which records the city clerk shall have the right to inspect at all reasonable times. (Ord. 140 § 11, 2000)

3.16.120 Refunds.

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter, it may be refunded as provided in subsections B and C of this section, provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the city clerk within three years of the date of payment. The claim shall be on forms furnished by the city clerk.

B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, or erroneously or illegally collected or received; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

C. A transient may obtain a refund of taxes overpaid or 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

city clerk that the transient cannot obtain a refund from the operator who collected the tax and remitted it to the city.

D. No refund shall be paid under the provisions of this section unless the claimant establishes to the satisfaction of the city clerk his or her right thereto by written records showing entitlement thereto. (Ord. 140 § 12, 2000)

3.16.130 Actions to collect transient occupancy tax a debt.

Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the operator to the city. Any person owing money to the city under provisions of this chapter shall be liable to an action brought in the name of the city of Amador City for this recovery of such amount.

An action to collect the transient occupancy tax must be commenced within three years of the date the transient occupancy tax becomes delinquent. An action to collect the penalty for nonpayment of the transient occupancy tax must be commenced within three years of the date the penalty accrues.

The amount of transient occupancy tax, penalty and interest imposed under the provisions of this chapter is assessed against the business property on which the tax is imposed in those instances where the owner/operator of the business property are one and the same. If the taxes are not paid when due, such tax, penalty and interest shall constitute a special assessment against such business property and shall be a lien on the property for the amount thereof, which lien shall continue until the amount thereof including all penalties and interest are paid, or until it is discharged of record. (Ord. 140 § 13, 2000)

3.16.140 Lien.

A. Notice of Hearing on Lien. The city clerk shall file with the city council a written notice of those persons against whose property the city will file liens. Upon receipt of such notice the city council shall forthwith, by resolution, fix a time and place for a public hearing on such notice.

The city clerk shall cause a copy of such notice to be served upon the owner of the business/business property not less than ten (10) days prior to the time fixed for such hearing. Mailing a copy of such notice to the owner of the business/business property at the address listed in the most recent property ownership records provided to the city by the county assessor as of the date that the city clerk causes notice to be mailed shall comprise proper service. Service shall be deemed complete at the time of deposit in the United States mail.

B. Collection of Delinquent Taxes by Special Tax Roll Assessment. With the confirmation of the report by the city council, the delinquent transient tax charges contained therein which remain unpaid by the owner/operator of the business/business property shall constitute a special assessment against such business property and shall be collected at such time as is established by the county assessor for inclusion in the next property tax assessment.

The city clerk shall turn over to the county assessor for inclusion in the next property tax assessment the total sum of unpaid delinquent transient occupancy tax charges consisting of the delinquent occupancy taxes, penalties, interest at the rate of ten (10) percent per annum from the date of recordation to the date

of lien, an administrative charge of fifty dollars ($50.00) and a release of lien filing fee in amount equal to the amount charged by the Amador County recorder's office.

Thereafter, the assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure of sale as provided for delinquent ordinary municipal taxes. The assessment liens shall be subordinate to liens except for those of state, county and municipal taxes with which it shall be upon parity. The lien shall continue until the assessment and all interest and charges due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessments.

C. Recordation of Lien for Delinquent Charges. Upon confirmation of the report of delinquent transient occupancy tax charges by the city council, a lien on the real property for delinquent transient occupancy tax charges which were assessed will be recorded with the recorder of the county of Amador. (Ord. 140 § 14, 2000)

3.16.150 Use of revenues.

All revenues collected pursuant to this chapter shall be placed in the general fund and shall be available for appropriation to any legitimate municipal purpose. (Ord. 140 § 15, 2000)

3.16.160 Violations—Infraction.

Any operator or other person who fails or refuses to register as required herein, or to furnish any return required to be made or who fails or refuses to furnish a supplemental return or other date required by the city clerk, or who renders a false or fraudulent return or claim, is guilty of an infraction and is punishable as provided by law. Any person required to make, render, sign or verify any report or claim who makes any false or fraudulent report or claim with the intent to defeat or evade the determination of any amount due required by this chapter to be made, is guilty of an infraction and is punishable as aforesaid. (Ord. 140 § 16, 2000)

Chapter 3.20

SPECIAL GAS TAX STREET IMPROVEMENT FUND

Sections:

3.20.010 Created.

3.20.020 Use of funds.

3.20.010 Created.

To comply with the provision of Article 5 of Chapter 1 of Division I of the Streets and Highways Code, with particular reference to the amendments made therein by Chapter 642, Statutes of 1935, there is created in the city treasury a special fund to be known as the "Special Gas Tax Street Improvement Fund." (Ord. 25 § 1, 1936)

3.20.020 Use of funds.

A. All moneys 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 the construction, maintenance or improvement of streets or highways other than state highways shall be paid into the fund.

B. All moneys in the fund shall be expended exclusively for the purposes authorized by, and subject to all of the provisions of Article 5, Chapter 1, Division I of the Streets and Highways Code. (Ord. 25 §§ 2, 3, 1936)

Chapter 3.21

TRANSACTIONS AND USE TAX

Sections:

3.21.010 Title.
3.21.020 Operative date.
3.21.030 Purpose.
3.21.040 Contract with state.
3.21.050 Transactions tax rate.
3.21.060 Place of sale.
3.21.070 Use tax rate.
3.21.080 Adoption of provisions of state law.
3.21.090 Limitations on adoption of state law and collection of use taxes.
3.21.100 Permit not required.
3.21.110 Exemptions and exclusions.
3.21.120 Annual audit.
3.21.130 Amendments.
3.21.140 Enjoining collection forbidden.
3.21.150 Severability.
3.21.160 Oversight committee.
3.21.170. Effective date.
3.21.180. Termination date.

3.21.010 Title.

This chapter shall be known as the Amador City Transactions and Use Tax Ordinance. The City of Amador City hereinafter shall be called "city." This chapter shall be applicable in the incorporated territory of the city.
(Ord. No. 186, § 1, 10-7-24)

3.21.020 Operative date.

"Operative date" means the first day of the first calendar quarter commencing more than one hundred ten (110) days after the effective date of this chapter, the effective date being as set forth below.
(Ord. No. 186, § 1, 10-7-24)

3.21.030 Purpose.

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 impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Cal. Revenue and Taxation Code and § 7285.9 of Part 1.7 of Division 2 which authorizes the city to adopt this tax chapter which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax for the sole purpose of transportation improvements at an election called for that purpose.

B. To adopt a retail transactions and use tax chapter that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code.

C. To adopt a retail transactions and use tax chapter that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration 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 California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax chapter that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code, minimize the cost of collecting the transactions 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. No. 186, § 1, 10-7-24)

3.21.040 Contract with state.

Prior to the operative date, the city shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax chapter; provided, that if the city shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.
(Ord. No. 186, § 1, 10-7-24)

3.21.050 Transactions tax rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the city at the rate of an additional one-quarter percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this chapter. Such tax is collected for the sole purpose of transportation improvements and cannot be borrowed against or transferred to the general fund.
(Ord. No. 186, § 1, 10-7-24)

3.21.060 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 agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.
(Ord. No. 186, § 1, 10-7-24)

3.21.070 Use tax rate.

An excise tax is hereby imposed on the storage, use or other consumption in the city of tangible personal property purchased from any retailer on and after the operative date of this chapter for storage, use or other consumption in said territory at the rate of an additional one-quarter percent of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.
(Ord. No. 186, § 1, 10-7-24)

3.21.080 Adoption of provisions of state law.

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Cal. Revenue and Taxation

Code are hereby adopted and made a part of this chapter as though fully set forth herein.
(Ord. No. 186, § 1, 10-7-24)

3.21.090 Limitations on adoption of state law and collection of use taxes.

In adopting the provisions of Part 1 of Division 2 of the Cal. Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this city shall be substituted therefor. However, the substitution shall not be made when:

1. The word "state" is used as a part of the title of the State Controller, State Treasurer, California Department of Tax and Fee Administration, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this city or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this chapter.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. 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 Cal. Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In §§ 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Cal. Revenue and Taxation Code.

B. The word "city" shall be substituted for the word "state" in the phrase "retailer engaged in business in this state" in § 6203 of the Cal. Revenue and Taxation Code and in the definition of that phrase in § 6203.
(Ord. No. 186, § 1, 10-7-24)

3.21.100 Permit not required.

If a seller's permit has been issued to a retailer under § 6067 of the Cal. Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.
(Ord. No. 186, § 1, 10-7-24)

3.21.110 Exemptions and exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county 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.

2. Sales of property to be used outside the city which is shipped to a point outside the city, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this division B.2., delivery to a point outside the city shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with § 4000) of Division 3 of the Cal. Vehicle Code, aircraft licensed in compliance with § 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with § 9840) of the Cal. Vehicle Code by registration to an out-of-city address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-city and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of paragraphs B.3. and 4. of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this chapter, the storage, use or other consumption in this city of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products 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. This exemption is in addition to the exemptions provided in §§ 6366 and 6366.1 of the Cal. Revenue and Taxation Code.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this chapter.

5. For the purposes of paragraphs C.3. and 4. of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional

right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in paragraph C.7., a retailer engaged in business in the city shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the city or participates within the city in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the city or through any representative, agent, canvasser, solicitor, subsidiary, or person in the city under the authority of the retailer.

7. "A retailer engaged in business in the city" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with § 4000) of Division 3 of the Cal. Vehicle Code, aircraft licensed in compliance with § 21411 of the Cal. Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with § 9840) of the Cal. Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the city.

D. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.
(Ord. No. 186, § 1, 10-7-24)

3.21.120 Annual audit.

By no later than December 31 of each year, the city shall cause an independent auditor to complete a "Amador City Transactions and Use Tax Ordinance Report." Such report shall review whether the tax revenues collected pursuant to this ordinance are collected, managed and expended for the sole purpose of transportation improvements in accordance with the requirements of this chapter.
(Ord. No. 186, § 1, 10-7-24)

3.21.130 Amendments.

All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Cal. Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Cal. Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Cal. Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter.
(Ord. No. 186, § 1, 10-7-24)

3.21.140 Enjoining collection forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or the city, or against any officer of the state or the city, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code, of any tax or any amount of tax required to be collected.
(Ord. No. 186, § 1, 10-7-24)

3.21.150 Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this

chapter and the application of such provision to other persons or circumstances shall not be affected thereby.
(Ord. No. 186, § 1, 10-7-24)

3.21.160 Oversight committee.

The city council shall establish the "City of Amador City Transactions and Use Tax Oversight Committee", which shall review the collection and expenditure of funds generated by the tax established by this chapter and shall make recommendations to the city council as appropriate. The number, qualifications and duties of committee members shall be established by ordinance or resolution of the city council.
(Ord. No. 186, § 1, 10-7-24)

3.21.170. Effective date.

Pursuant to California Revenue and Taxation Code Section 7285.9, the tax was approved by supermajority vote of qualified voters of Amador City voting in an election on the issue on March 5th, 2024. This chapter shall be effective upon the approval by supermajority vote of two-thirds of city council.
(Ord. No. 186, § 1, 10-7-24)

3.21.180. Termination date.

The authority to levy the tax imposed by this chapter shall automatically expire on December 31, 2034 without further action by the city council or the voters of the city. After said date, the tax imposed by this chapter can only be continued or reestablished by a majority vote of Amador City voters pursuant to California Proposition 218.
(Ord. No. 186, § 1, 10-7-24)

Title 4

(RESERVED)

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

5.04	**Business Licenses Generally**
5.08	**CATV Systems**
5.12	**Commercial Filming**
5.16	**Short-Term Rentals**

Chapter 5.04

BUSINESS LICENSES GENERALLY*

Sections:

5.04.010 Definitions.

5.04.020 License fee.

5.04.030 Effect on other ordinances.

5.04.040 License and fee payment required.

5.04.050 Branch establishments.

5.04.060 Exemptions.

5.04.070 Contents of license.

5.04.080 Appeal.

5.04.090 Additional power of collector.

5.04.100 License nontransferable—Changed location and ownership.

5.04.110 Posting and keeping licenses.

5.04.120 Duplicate license.

5.04.130 License fee—Expiration of license—How and when payable.

5.04.140 Outside businesses.

5.04.150 Rules and regulations.

5.04.160 Enforcement.

5.04.170 License fee shall be treated as a debt.

5.04.180 Remedies cumulative.

5.04.190 Effect of chapter on past actions—Unexpired licenses.

5.04.200 Reserved.

5.04.210 Violation—Penalty.

***Editor's note—**Ord. No. 177, adopted May 18, 2017, amended Chapter 5.04 in its entirety to read as herein set out. Former Chapter 5.04, §§ 5.04.010—5.04.210, pertained to similar subject matter, and derived from Ord. No. 54, 1979 and Ord. No. 115, 1993.

5.04.010 Definitions.

As used in this chapter:

"Business" includes professions, trades, and occupations and all and every kind of calling whether or not carried on for profit.

"City" means the City of Amador City, a municipal corporation of the State of California, in its present incorporated form, or in any later reorganized, consolidated, enlarged or re-incorporated form.

"Collector" means the city tax collector, finance director or other city officer charged with the administration of this chapter.

"Person" includes all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, associations, business, or common law trusts, societies, and individuals transacting and carrying on any business in the city other than as an employee.

"Sale" includes the transfer, in any manner or by any means whatsoever, of title to property for a consideration; the serving, supplying or furnishing for a consideration of any property; and a transaction whereby the possession of property is transferred and the seller retains the title as security for the payment of the price shall likewise be deemed a sale. The foregoing definitions shall not be deemed to exclude any transaction which is or which, in effect, results in a sale within the contemplation of law.
(Ord. No. 177, 5-18-17)

5.04.020 License fee.

A business license fee shall [be] charged to defray the cost of issuing of the license, administrative costs of regulating business activity, and the expense of enforcing this chapter.

The city council shall set the amount of the fee by resolution. The amount of the fee shall not exceed the benefit of granting the privilege of doing business or of the reasonable regulatory costs to the city of issuance

of the business license, investigations of complaints, administrative enforcement, and adjudication of licensure requirements and penalties imposed under this chapter and any other provision of the municipal code pertaining to the operation of businesses within the city.
(Ord. No. 177, 5-18-17)

5.04.030 Effect on other ordinances.

Persons required to pay a license fee for the privilege of transacting and carrying on any business under this chapter shall not be relieved from the payment of any additional permit or license fee required under any other ordinance of the city, and shall remain subject to the regulatory provisions of other ordinances.
(Ord. No. 177, 5-18-17)

5.04.040 License and fee payment required.

It is unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the city without first having procured a license from the city so to do and paying the fee hereinafter proscribed or without complying with any and all applicable provisions of this chapter.

This section shall not be construed to require any person to obtain a license prior to doing business within the city if such requirement conflicts with applicable statutes of the United States or of the State of California. Persons not so required to obtain a license prior to doing business within the city nevertheless shall be liable for payment of the tax imposed by this chapter.
(Ord. No. 177, 5-18-17)

5.04.050 Branch establishments.

A separate license must be obtained for each branch, establishment, or separate place of business in which the business is conducted.
(Ord. No. 177, 5-18-17)

5.04.060 Exemptions.

Nothing in this chapter shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the State of California from the payment of such taxes as are herein prescribed.

Any person claiming an exemption pursuant to this section shall file a sworn statement with the collector stating the facts upon which exemption is claimed, and in the absence of such statement substantiating the claim, such person shall be liable for the payment of the fees imposed by this chapter.

The collector shall, upon a proper showing contained in the sworn statement, issue a license to such person claiming exemption under this section without payment to the city of the license tax required by this chapter.

The collector, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided herein.
(Ord. No. 177, 5-18-17)

5.04.070 Contents of license.

Every person required to have a license under the provisions of this chapter shall make application as hereinafter prescribed for the same to the collector of the city, and upon the payment of the prescribed license

tax the collector shall issue to such person a license which shall contain the following information:

A. The name of the person to whom the license is issued;

B. The business licensed;

C. The place where such, business is to be transacted and carried on;

D. The date of the expiration of such license; and

E. Such other information as may be necessary for the enforcement of the provisions of this chapter.

(Ord. No. 177, 5-18-17)

5.04.080 Appeal.

Any person aggrieved by any decision of the collector with respect to the issuance or refusal to issue such license may appeal to the council by filing a notice of appeal with the clerk of the council. The council shall thereupon fix a time and place for hearing such appeal. The clerk of the council shall give notice to such person of the time and place of hearing by serving it personally or by depositing it in the United States Post Office at Amador City, California, postage prepaid, addressed to such person at his last known address. The council shall have authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provision of this chapter.

(Ord. No. 177, 5-18-17)

5.04.090 Additional power of collector.

In addition to all other power conferred upon him or her, the collector shall have the power, for good cause shown, to extend the time for filing any required sworn statement or application for a period not exceeding thirty (30) days, and in such case to waive any penalty that would otherwise have accrued.

(Ord. No. 177, 5-18-17)

5.04.100 License nontransferable—Changed location and ownership.

No license issued pursuant to this chapter shall be transferable; provided, that where a license is issued authorizing a person to transact and carry on a business at a particular place, such licensee may upon application therefor and paying a fee to be set by resolution have a license amended to authorize the transacting and carrying on of such business under said license at some other location to which the business is or is to be moved; provided further, that transfer whether by sale or otherwise, to another person under such circumstances that the real or ultimate ownership after the transfer is substantially similar to the ownership existing before the transfer, shall not be prohibited by this section. For the purpose of this section stockholders, bondholders, partnerships, or other persons holding an interest in a corporation or other entity herein defined to be a person are regarded as having the real or ultimate ownership of such corporation or other entity.

(Ord. No. 177, 5-18-17)

5.04.110 Posting and keeping licenses.

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

(Ord. No. 177, 5-18-17)

5.04.120 Duplicate license.

A duplicate license may be issued by the collector to replace any license previously issued hereunder which has been lost or destroyed upon the licensee filing statement of such fact, and at the time of filing such statement paying to the collector a duplicate license fee to be set by resolution.

(Ord. No. 177, 5-18-17)

5.04.130 License fee—Expiration of license—How and when payable.

Every person transacting and carrying on a business within the city shall pay a license fee annually. Business license fee shall be paid prior to engaging in business in Amador City and shall be paid on an annual basis thereafter.

Upon payment of a business license fee, the collector shall issue a license. Business license shall expire automatically one year after the date of issuance and shall be renewed upon payment of the business license fee. The amount of the annual business license fee shall hereinafter be set by the city council and may be adjusted from time to time by resolution.

Business license fees shall be paid to the city clerk.
(Ord. No. 177, 5-18-17)

5.04.140 Outside businesses.

Every person not having a fixed place of business within the city who engages in business within the city shall pay a license tax at the same rate prescribed herein for persons engaged in the same type of business from and having a fixed place of business within the city.
(Ord. No. 177, 5-18-17)

5.04.150 Rules and regulations.

The collector may make rules and regulations not inconsistent with the provisions of this chapter as may be necessary or desirable to aid in the enforcement of the provisions of this chapter.
(Ord. No. 177, 5-18-17)

5.04.160 Enforcement.

It shall be the duty of the collector, and he or she is directed to enforce each and all of the provisions of this chapter.
(Ord. No. 177, 5-18-17)

5.04.170 License fee shall be treated as a debt.

The amount of any license fee and penalty imposed by the provisions of this chapter shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction, for the amount of any delinquent license tax.
(Ord. No. 177, 5-18-17)

5.04.180 Remedies cumulative.

All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.
(Ord. No. 177, 5-18-17)

5.04.190 Effect of chapter on past actions—Unexpired licenses.

Neither the adoption of the ordinance codified in this chapter nor its superseding of any portion of any other ordinance of the city shall in any manner be construed to affect prosecution for violation of any other ordinance committed prior to the effective date hereof, nor be construed as a waiver of any license or any penal provision applicable to any such violation nor be construed to affect the validity of any bond or cash deposit required by any ordinance to be posted, filed, or deposited, and all rights and obligations thereunto appertaining shall continue in full force and effect. Where a license has been issued to any person by the city and the fee paid for the business for which the license has been issued under the provisions of any ordinance heretofore enacted and the term of such license has not expired, then the license fee prescribed for the business by this chapter shall not be payable until the expiration of the term of such unexpired license.
(Ord. No. 177, 5-18-17)

5.04.200 Reserved.

5.04.210 Violation—Penalty.

Any person violating any of the provisions of this chapter or knowingly or intentionally misrepresenting to any officer or employee of this city any material fact in procuring the license or permit hereinafter provided for shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.
(Ord. No. 177, 5-18-17)

Chapter 5.08

CATV SYSTEMS

Sections:

5.08.010 Definitions.

5.08.020 Franchise terms.

5.08.030 Uses permitted by grantee.

5.08.040 Duration of franchise—Termination and penalties.

5.08.050 Franchise fees.

5.08.060 General provisions.

5.08.070 Rights reserved to the city.

5.08.080 Permits, installation and services.

5.08.090 Removal and abandonment of cable system.

5.08.100 Failure to perform work.

5.08.110 Performance bond.

5.08.120 Inspection of property and records.

5.08.130 Indemnification, hold harmless and insurance.

5.08.140 Technical standards.

5.08.150 Notice requirements.

5.08.160 Refusal of service in franchise area prohibited.

5.08.170 Amendment.

5.08.180 Waiver of rights.

5.08.190 Remedies not exclusive.

5.08.010 Definitions.

As used in this chapter:

"Cable service" means: (i) the one-way transmission to subscribers of video programming; and (ii) subscriber interaction if any, which is required for the selection or use of such video programming.

"Cable system" means a system of antennas, cables, wires, lines, fiber optic cables, waveguides or other conductors, converters, equipment or facilities, used for distributing video programming to home subscribers, and/or producing, receiving, amplifying, storing, processing, or distributing audio, video, digital or other forms of signals. cable system does not include common carrier telephone service.

"City" means Amador City, a municipal corporation of the state of California, in its present incorporated form or in any later reorganized or enlarged form.

"Council" means the present governing body of the city and/or any future governing body of the city.

"Franchise" means authorization granted by the city in the form of a contract to construct, operate and maintain a cable system within the city pursuant to the Government Code of the state of California Section 53066.

"Franchise area" means the entire area within the city and shall include any future enlargements and additions to the city.

"Grantee" means the person, or legal entity and its lawful successor, transferee, or assignee, to whom the council has granted a franchise to operate a cable system and/or video provider system.

"Gross revenues" means all revenues received by the grantee from subscribers for cable services delivered over the cable system utilizing the franchise and service area within the city. The term shall include, but not be limited to, cable installation and cable re-connection fees, subscriber fees for basic service, charge for lease of channels, revenue from pay television service, revenue from cable services delivered over the cable system. The term shall not include any revenue generated from advertising, any type of converter

rentals or equipment rentals. In addition, gross revenues shall not include any taxes on services furnished by grantee imposed directly or indirectly on any subscriber by any state, city or other governmental unit or third party and collected by the grantee on behalf of such entity; and, provided further that gross revenues shall not include adjustments to cash receipts and non-operating cash receipts such as bad debts, refunds, credit adjustments, returned checks, and sales of assets.

"Material breach" means any substantial and repeated failure to comply with the consumer service standards set forth in California Government Code Sections 53055, 53088.2 and/or the terms and conditions of this chapter.

"Property of the grantee" means all property owned, installed or used by grantee in the conduct of a franchised cable system and/or video provider business within the city.

"Service area" means that part of the franchise area which passes through the public rights-of-way.

"Streets" or "public rights-of-way" means the surface of and the space above and below any public street, road, highway, freeway, lane, alley, sidewalk, parkway, driveway, public utility easement, dedicated utility strip, or right-of-way dedicated for compatible uses now or hereafter existing as such within the city.

"Subscriber" means any person or entity within the city's franchise and service area lawfully receiving for any purpose any service from the grantee and with the grantee's express permission, including, but not limited to the conventional cable television service or retransmission of television broadcast, pay television, radio signals, home alarm system monitoring services, data transmission or receiving services, any cable related services for which grantee receives compensation, and/or video provider services.

"Video provider" means any person, company, or service which provides one or more channels of video programming to a residence, including a home, condominium, apartment or mobilehome, where some fee is paid, whether directly or as included in dues and rental charges, for that services, whether or not public rights of way are utilized in the delivery of the video programming. A "video provider" shall include, but not be limited to, providers of cable television, master antenna television, satellite master antenna television, direct broadcast satellite, multipoint distribution services, and any other providers of video programming, whatever their technology. (Ord. 105.1 § 2, 1996)

5.08.020 Franchise terms.

The city may grant a nonexclusive franchise to construct, operate, and maintain a cable system and/or a cable system operating as a video provider to any person or legal entity, whether or not operating under the provisions and terms of this chapter. The grantee shall be obligated to make service available within the service area as defined by the franchise. grantee shall have the right but not the obligation to install, construct, repair, replace, rebuild, or maintain a cable system and/or video provider system in any location outside the service area, including, but not limited to, private gated communities. This chapter does not require the council to grant a franchise when, in the council's opinion, granting a franchise is not in the public interest. No franchise shall be granted on terms and conditions different from or less favorable than any other franchise granted by the council. (Ord. 105.1 § 3, 1996)

5.08.030 Uses permitted by grantee.

Any franchise granted pursuant to the provision of this chapter shall authorize and permit the grantee to engage in the business of operating and providing a CATV system in the city, and for that purpose to install, construct, repair, replace, reconstruct, and maintain in, on, over, under, upon, across and along any public street, such wires, cables, conductors, conduit, vaults, amplifiers, appliances, and other property as may be installed except where unusual circumstances exist and where express written permission is provided by the city council. (Ord. 105.1 § 4, 1996)

5.08.040 Duration of franchise—Termination and penalties.

A. No franchise shall be for a term longer than twenty-five (25) years. The council may grant a franchise for any shorter term.

B. A franchise may be terminated prior to its expiration by:

1. Mutual agreement of the council and the grantee; or

2. A finding of the council, after a public hearing set no less than thirty (30) days after notice to the grantee, that:

a. The grantee has failed to materially comply with any provision of this chapter,

b. The grantee has materially breached the terms of the franchise contract,

c. The grantee has materially breached the provisions of California Government Code Sections 53055, 53055.1, 53056, 53088.2,

d. The grantee has attempted to evade any material and fundamental provision of this chapter,

e. The grantee has failed to restore service after ninety-six (96) consecutive hours of interrupted service throughout the service area (except when approval of such interruption is obtained from city or where such interruption is caused by acts of nature),

f. The grantee has misrepresented a material fact in grantee's proposal or negotiation of the franchise, or

g. Failure of the grantee to allow inspection of the business and financial records as provided below.

C. Prior to any forfeiture or termination, city or its duly appointed agent and/or representative shall set forth the items of breach and make written demand that the grantee comply with the applicable requirement. If the failure, refusal or neglect of the grantee continues for a period of thirty (30) days following such written demand or if the failure, refusal or neglect cannot be cured, city or its duly appointed agent and/or representative may place its request for termination of the franchise upon the city council agenda for consideration, review and/or decision by the city council. At least thirty (30) days prior to the date of such city council meeting, the city or its duly appointed agent and/or representative shall cause to be served upon grantee (a) written notice of intent to request such termination, and the basis for such request, and (b) statement of the time and place of meeting.

D. In the event that the items of breach set forth above requires substantial additional financial commitments by the grantee for its cure, city shall allow an additional time. The additional time shall be reasonable in the light of the additional financial commitment required.

E. The city may, upon due notice given by city to grantee and in lieu of termination and/or forfeiture of the franchise assess monetary sanctions against grantee by fine or penalty in the hereinafter designated amounts for material breaches of this chapter or material

breaches of California Government Code Sections 53055, 53088.2.

1. The fines and/or penalties are as follows:

a. For each day of material breach the sum of fifty dollars ($50.00) to a maximum of two hundred dollars ($200.00).

b. For each subsequent material breach of the same nature occurring within twelve (12) months, for which material breach the city has previously given notice and assessed a fine or penalty, the penalty or fine will be increased by the city to one hundred dollars ($100.00) per day to a maximum of six hundred dollars ($600.00) .

2. In assessing a fine or penalty pursuant to subsection (E)(1) of this section (supra) the following shall apply:

a. The city shall give the grantee written notice of any alleged material breach of this chapter and/or Government Code Sections 53055, 53055.1, 53056, 53088.2 and allow the grantee at least thirty (30) days to from receipt of the written notice to remedy the specific breach.

b. A material breach for the purpose of assessing penalties shall be deemed to have occurred for each day, following the expiration of the period described in subsection C of this section, that any material breach has not been remedied by the grantee, irrespective of the number of customers affected.

3. In no event shall city impose a fine or penalty for material breaches against grantee where the breach is outside of the reasonable control of grantee. (Ord. 105.1 § 5, 1996)

5.08.050 Franchise fees.

For the use of the city franchise and service area and for the purpose of providing revenue to defray city's administrative costs in administering and enforcing this chapter, grantee shall, during the term of the franchise, pay to the city annually, in lawful money of the United States of America, five percent of the grantee's gross revenues collected from subscribers within the city, or in any manner gained and derived in each calendar year or portion thereof, by the grantee from the operation of the cable system and related activities within the franchise and service area of city. The fee shall not exceed the maximum fee set by state or federal law. The franchise may set out a method of adjusting the fees during the franchise period.

The grantee shall pay the franchise fee to the city clerk. The grantee shall submit, within sixty (60) days after the expiration of the calendar year, a statement detailing the gross revenues derived the preceding year. The grantee shall pay the franchise fee to the city clerk; payment must be postmarked by the tenth day after the time for filing such statement.

Each payment shall be accompanied by a statement verified by the grantee, or an officer thereof, showing, in such form and details as the city may require, the facts material to substantiate the amount and method of computation of the franchise fee.

In the event that the grantee wilfully withholds payment of the fees specified, the grantee shall pay the city liquidated damages of two percent per month on the unpaid balance. (Ord. 105.1 § 6, 1996)

5.08.060 General provisions.

All franchises shall be governed by the following provisions:

A. Franchises shall be nonexclusive as to service area.

B. No privilege shall be granted in any franchise except those granted by this chapter and in subsequent franchise agreements.

C. All transmission and distribution structures shall be located so as not to interfere with the proper use of public rights-of-way and shall be positioned to cause the least interference with the right of reasonable convenience of property owners who adjoin any such public rights-of-way.

D. In the case of any disturbance of pavement or other surfacing by the grantee, the grantee shall, at its own cost and in a manner approved by the city, replace and restore all pavement and surfacing in as good a condition as before the disturbance.

E. Whenever it is necessary to interrupt service for repairs or alterations, the grantee shall make reasonable efforts to do so at a time which will cause the least inconvenience to the subscribers.

F. A franchise is a privilege to be held in personal trust by the grantee. The franchise cannot be sold, transferred, leased, assigned, or disposed of in whole or in part by forced or involuntary sale, merger, consolidation, operation of law or otherwise without the prior consent of the council, expressed by resolution and under such conditions as set by the council. Such consent of the council shall not be unreasonably withheld. grantee shall not be required to receive the council's consent for sales, transfers, leases, or assignment of the franchise among or between commonly controlled companies.

G. Time is of the essence in the performance of a franchise. The grantee shall not be relieved of its obligation to comply promptly with any provision of this chapter or its franchise by any failure of the city to enforce prompt compliance.

H. The city may delegate any of its rights and powers to any city employee or officer;

I. The grantee shall be subject to all city ordinances, rules, regulations, building codes and other enactments relating to public works and construction, including, but not limited to, the undergrounding of utilities, street work, and relocation of property within public rights-of-way.

J. Neither this chapter nor a franchise shall relieve a grantee of any obligation involved in obtaining pole space from any utility company or other entity maintaining poles in public rights-of-way.

K. Grantee shall, at all times during the franchise, comply with all existing and future laws, rules, and regulations of general applicability of the city, the state of California, and the Untied States of America.

L. If at any time during the franchise period the city shall elect to alter or change the width or grade of any public rights-of-way, the grantee shall, upon reasonable written notice by the city to the grantee, remove, relay, or relocate its facilities. The first such move shall be at the grantee's expense; subsequent moves shall be at the city's expense.

M. Any fixtures placed in any public rights-of-way by the grantee shall be placed in such a manner that does not interfere with the travel or use of such public rights-of-way.

N. The grantee shall, when requested by any person holding a permit to move a building, temporarily relocate its wires to permit the moving of the building. The cost of moving the grantee's wires shall be borne by the requesting person. The grantee may require payment in advance.

O. Grantee is authorized to trim vegetation along any public rights-of-way in order to prevent that vegetation from contacting the grantee's wires and cables. Upon grantee's request, the city may trim the vegetation. If the city trims the vegetation, then the city may recover from grantee only that pro rata portion

of the costs that are reasonably caused as a result of grantee's wires and cables.

P. In all sections of the city where the cables, wires, and other facilities of all other public utilities are places underground, the grantee shall place its cables, wires, or other like facilities underground.

Q. It is unlawful for the owner of any privately owned area which includes a proposed public right-of-way on any tentative subdivision map approved by the city to fail to grant access to streets, individual homes, or home sites, in such privately owned area to each grantee on terms identical to or as favorable as the terms offered to any other public utility or grantee.

R. The prevailing party shall receive reasonable attorney fees and costs incurred as the result of any litigation, arbitration, or mediation of disputes between the city and the grantee.

S. Any additional franchises granted under this chapter to provide cable television service within the city shall require the grantee of such additional franchise to wire and serve the service area embraced by such franchise within a reasonable time and in a sequence which does not discriminate against the lower income or minority residents and shall contain the same requirements set forth in other cable system franchises granted by the city.

T. Subscription Agreement. Before grantee shall provide service to any subscriber, grantee shall obtain a signed contract from the subscriber containing a provision substantially as follows:

> Subscriber understands that in providing service grantee is making use of public right-of-way within the city of Amador city, and that the continued use of these public rights-of-way is in no way guaranteed. If the continued use of such rights-of-way is denied to grantee for any reason, grantee will make every reasonable effort to provide service over alternate routes. subscriber agrees he will make no claim nor undertake any action against the city, its officers, its employees, or grantee if a service to be provided by grantee hereunder is interrupted or discontinued because the continued use of such rights-of-way is denied to grantee for any reason.

U. All customer complaints, comments or suggestions regarding technical quality or programming shall be directed to the cable company. (Ord. 105.1 § 7, 1996)

5.08.070 Rights reserved to the city.

The following rights are reserved to the city:

A. The right to acquire the property of the grantee either by purchase or through eminent domain, at fair market value. Any taking of the property of the grantee through eminent domain and any subsequent valuation shall be conducted in accordance with the laws of the state of California and the Communications Act of 1934, as amended.

B. Every right and power which is required to be reserved or provided by any ordinance of the city. The grantee by its acceptance of any franchise agrees to be bound by and to comply with any action or requirements of the city in its exercise of such rights and powers.

C. The right to grant subsequent and coexisting franchises to any other persons or entities.

D. The right to enter into mutually agreeable discussions and to negotiate amendments to construction, operation, or maintenance standards that modify a franchise prior to the expiration of a franchise term. No modifications or amendments shall become effective until all grantees agree to such modifications or amendments.

E. The granting of any franchise shall not constitute a waiver to the exercise of any governmental right or power of the city. The council is hereby authorized and empowered to adjust, settle, or compromise any controversy between the grantee and the city arising from the operations of the grantee. (Ord. 105.1 § 8, 1996)

5.08.080 Permits, installation and services.

The grantee shall comply with the following time limits:

A. Within ninety (90) days after acceptance of a franchise, the grantee shall proceed with due diligence to obtain all required permits, including, but not limited to, any utility joint use agreement, microwave carrier licenses and any other permits, licenses, and authorizations required by any regulatory agencies having jurisdiction over the operation of cable systems.

B. Within ninety (90) days after obtaining all required permits, grantee shall commence construction and installation of the cable system, weather permitting.

C. Within a reasonable time, not to exceed one year after the commencement of construction, grantee shall make service available to subscribers in the service area as designated in the franchise and to all public schools within the service area.

D. Failure of the grantee to timely perform the requirements set forth in subsections A through C of this section shall be cause for termination of the franchise.

E. The time for performance of subsections A through C of this section shall be extended if the grantee, acting in good faith, experiences delays by reason of circumstances beyond its control. (Ord. 105.1 § 9, 1996)

5.08.090 Removal and abandonment of cable system.

The following shall apply to the removal of the cable system:

A. In the event that the use of a substantial part of the cable system is discontinued, except for a reasonable cause, for a continuous period of sixty (60) days, or if the franchise has been terminated, canceled or has expired, the grantee shall promptly, upon being given sixty (60) days notice, by certified mail, remove from the public rights-of-way all property of such system. Upon such removal, the grantee shall restore such public rights-of-way to as good a condition before the removal.

B. Any property of the grantee remaining in place ninety (90) days after termination, cancellation, or expiration of the franchise shall become the property of the city. For purposes of this section, lawful extensions of the franchise beyond the expiration date shall not constitute abandonment. (Ord. 105.1 § 10, 1996)

5.08.100 Failure to perform work.

In the event that the grantee fails to restore a public right-of-way to its previous condition as required by this chapter or franchise, the city may, at its option, have the restoration work performed at the grantee's expense. The grantee shall pay the cost of such work within ten (10) days after receipt of an itemized bill for the restoration work. (Ord. 105.1 § 11, 1996)

5.08.110 Performance bond.

The grantee shall with the filing of an acceptance or award of any franchise created under this chapter, file with the city clerk, a performance bond or bonds as required by the franchise. Such bond or bonds shall be maintained for the duration of the franchise, for periods and in amounts specified in the franchise and shall be at the grantee's sole expense. The bond or bonds shall be corporate surety bonds in a company and in a form approved by the city attorney. If the grantee fails to comply with any provision of this chapter or the franchise, the city shall recover damages and reasonable attorney fees and costs jointly and severally from the principal and surety of such bond up to the full amount of the bond or bonds. (Ord. 105.1 § 12, 1996)

5.08.120 Inspection of property and records.

A. Inspection of Property, Transactions and Maps Required of Grantee. At all reasonable times, grantee shall permit any duly authorized representative of city to examine its cable system, together with any appurtenant property of the grantee situated within the franchise and service area, and to examine any and all maps kept or maintained by the grantee or under its control which address or relate to the operations, affairs, transactions or property of the grantee with respect to the cable system. If any such documents are not kept in the franchise and/or service area, such documents shall, upon reasonable request, be made available to the city.

B. Inspection of Records and Reports Required of Grantee.

1. Upon thirty (30) days notice the city may request that grantee provide to city a summary of service calls for the previous month showing type of service, nature of complaint and resolution of service call.

2. City reserves the right during the life of the franchise and for one year thereafter to have access at all normal business hours and upon the giving of reasonable notice to the grantee's nonproprietary and accessible contracts, engineering plans, accounting, financial data, and service records relating to the property and the operations of the grantee within the franchise and service areas and to all other records required to be kept under this agreement. (Ord. 105.1 § 13, 1996)

5.08.130 Indemnification, hold harmless and insurance.

A. The grantee shall indemnify, protect, hold harmless and defend the city, its council members, officers, employees and agents from and against any and all claims, liability, demands, actions, costs, expenses, attorneys' fees, judgments, awards for damages, suits and proceedings of any nature whatever, arising out of or in any way connected with acts, omissions, operations or activities under, pursuant to, or authorized by this agreement by grantee or by its officers, employees, agents, contractors, subcontractors, or consultants.

B. The grantee shall, at its sole cost and expense, maintain in effect at all times during the duration of this agreement comprehensive general and automobile liability insurance in a form acceptable to the city's attorney. The insurance shall include, but shall not be limited to, protection against claims arising from death, bodily or personal injury, or damage to property resulting from grantee's construction, operation, or maintenance under this franchise, or by its employees, agents, consultants, contractors, subcontractors, or anyone directly or indirectly employee, retained or contracted by any of the foregoing. The amount of the

insurance shall not be less than one million dollars ($1,000,000.00) single limit coverage applying to death, bodily and personal injury or property damage, or a combination thereof.

Prior to commencing work under the franchise the grantee shall provide the city with a certificate of insurance evidencing that all insurance required by this franchise has been obtained and is in full force and effect. The certificate shall provide that thirty (30) days written notice of any change or cancellation of the insurance shall be provided to the city. Such insurance and certificate shall include a provision for endorsement naming the city, its council members, officers, employees and agents, as additional insured with respect to liability arising out of the performance of grantee under the franchise, and providing that, for the purposes of this provision, such insurance is primary insurance with respect to the interest of the city and that of any other insurance maintained by the city. (Ord. 105.1 § 14, 1996)

5.08.140 Technical standards.

The grantee shall construct, install, operate and maintain its system in a manner consistent with FCC technical standards. (Ord. 105.1 § 15, 1996)

5.08.150 Notice requirements.

All notices provided for in this chapter shall be prepaid, registered mail addressed to the city as follows:

City of Amador City
Box 200
Amador City, CA 95601

(Ord. 105.1 § 16, 1996)

5.08.160 Refusal of service in franchise area prohibited.

All cable system service shall be provided to subscribers on an equal and uniform basis. No person, firm, corporation, or other entity within the city limits and where trunk lines are in place, shall be refused service; provided, however, that the grantee shall not be required to provide service to any subscribers who does not pay the grantee the applicable connection fee, service charges, past due fees and service call fees as may from time to time be charged. (Ord. 105.1 § 17, 1996)

5.08.170 Amendment.

This chapter may be amended, supplemented or otherwise modified if required, only by an amended ordinance passed by city, subject to the requirements specified in Section 5.08.080(D). (Ord. 105.1 § 18, 1996)

5.08.180 Waiver of rights.

Any waiver at any time by either party hereto of its rights with respect to a breach or default, or any other matter arising in connection with this franchise and this chapter, shall not be deemed to be a waiver with respect to any other breach, default or matter. (Ord. 105.1 § 20, 1996)

5.08.190 Remedies not exclusive.

The use by either party of any remedy specified herein for the enforcement of this chapter and franchise is not exclusive and shall not deprive the party using such remedy of, or limit the application of, any other remedy provided by law. (Ord. 105.1 § 21, 1996)

Chapter 5.12

COMMERCIAL FILMING

Sections:

5.12.010	**Definitions.**
5.12.020	**Permits and exemptions.**
5.12.030	**Rules and regulations.**
5.12.040	**Liability provisions.**
5.12.050	**Application and issuance of permit.**
5.12.060	**Violation.**

5.12.010 Definitions.

As used in this chapter:

"Charitable films" means commercials, motion pictures, television. video tapes, or still photography produced by a nonprofit organization, which qualifies under Section 501 (c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes or photos.

"Motion picture, television, still photography" means and includes all activity attendant to staging or shooting commercial motion pictures, television shows or programs, videos, and commercials.

"News media" means the filming or videotaping for the purpose of spontaneous unplanned television news broadcast by reporters, photographers or camera personnel. (Ord. 133 § 1, 1998)

5.12.020 Permits and exemptions.

A. Permit Required.

1. No person(s) shall use any public property or facility for the purpose of taking commercial motion pictures or television pictures or commercial still photography without first applying for and receiving a permit from the city.

2. Projects which qualify under Section 501(c)(3) of the Internal Revenue Code (Charitable Films) require a permit and proof of liability provisions (Section 5.12.040) but will not be required to pay the permit fee.

B. Exemptions.

1. Private Use. Permit shall not be required for still photography, videotaping or motion pictures intended solely for private/family use.

2. News Media. Permit shall not be required of reporters, photographers, or cameramen in the employ of a newspaper, news service, or similar entity engaged in the broadcasting of news events in the general public interest. (Ord. 133 § 2, 1998)

5.12.030 Rules and regulations.

A. The city council finds that certain rules and regulations are required to maintain the following:

1. The health and safety of all persons;

2. Avoidance of undue disruption to all persons within the affected area;

3. The safety of property within the city;

4. Avoidance of undue traffic congestion within the city.

B. Applicants will comply with the following:

1. Public notification of any alteration of pedestrian and/or vehicular traffic must be made not later than seventy-two (72) hours in advance of the disruption. Highway, street, or road closures, and any traffic controls must be coordinated with and approved by the sheriff's department, California Highway Patrol, and/or CALTRANS, as appropriate, and in advance of public notice.

2. Any interference with normal street/sidewalk activities, equipment blocking doors

or passage ways, special parking provisions, stunt work, pyrotechnics or other special effects or any other potential disruption must be publicly noticed seventy-two (72) hours prior to occurrence.

3. Use of city property, other than streets and sidewalks, requires special request and written permission from the city.

4. Copies of permissions, authorizations, public notices will be provided to the city prior to any commencement of activity.

5. Any property altered or harmed will be returned to its previous state and appearance.

6. Any alterations to buildings will be in keeping with the city ordinance which requires the maintenance of a historic character and appearance. (Ord. 133 § 3, 1998)

5.12.040 Liability provisions.

A. Liability Insurance. Before a permit is issued, a certificate of insurance will be required in an amount no less than one million dollars ($1,000,000.00) naming the city as co-insured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. The city officers and employees shall be named as additional insureds. The certificate shall not be subject to cancellation or modification until after thirty (30) days written notification to the city. A copy of the certificate shall be provided prior to approval of the permit and shall remain on file.

B. Worker's Compensation Insurance. An applicant shall conform to all applicable federal and state requirements for worker's compensation insurance for all persons operating under the permit.

C. Hold Harmless Agreement. Applicant shall execute a hold harmless agreement as provided by the city and incorporated within the permit issued under this chapter.

D. Faithful Performance Bond. To ensure clean up and restoration of the site, applicant will be required to post a refundable faithful performance bond in an amount totaling ten thousand dollars ($10,000.00) per day for each day of operation. Bond must be submitted at time of application. Bond may be returned to applicant after completion of operation and satisfactory inspection of the site by the city. (Ord. 133 § 4, 1998)

5.12.050 Application and issuance of permit.

A. Issuing authority is the city. Designated official is the city clerk and/or the mayor.

B. Applications must be completed in full and submitted with all applicable attachments not later than two weeks prior to the scheduled operation. Any missing information or failure to comply with requirements will be reason to deny the application.

C. Fees. A nonrefundable fee of one thousand dollars ($1,000.00) shall be collected at the time application is submitted. Request for a change of date and/or rescheduling of activity must be submitted in writing, with a nonrefundable fee of one hundred dollars ($100.00), no later than ninety-six (96) hours prior to the new date/time and a new seventy-two (72) hour public notice must be given.

D. Reimbursement of Personnel/Operating Costs. Applicant shall reimburse the city of Amador city or other appropriate agency (sheriff, fire, medical, etc.) for any personnel or operating cost associated with assisting the applicant before, during, or after the production. Costs shall be determined and fifty (50) percent of the anticipated costs shall be paid in advance of any activity. (Ord. 133 § 5, 1998)

5.12.060 Violation.

Violation of any provision of this chapter or a permit issued pursuant to, will result in immediate cancellation of the permit. Violation of the terms and conditions of this chapter and/or the permit is a misdemeanor. (Ord. 133 § 6, 1998)

Chapter 5.16

SHORT-TERM RENTALS

Sections:

5.16.010 Title.

5.16.015 Purpose.

5.16.020 Definitions.

5.16.030 Authorized agent or representative.

5.16.040 Short-term rental permit required.

5.16.050 Application.

5.16.060 Criteria for approval and renewal of a short-term rental permit.

5.16.070 Operational requirements and standard conditions.

5.16.080 Operations.

5.16.090 Violations.

5.16.010 Title.

This chapter shall be referred to as the "Short-term Rental Ordinance."
(Ord. No. 175, § 1, 3-16-17)

5.16.015 Purpose.

A. The purpose of this chapter is to establish regulations for the use of privately owned residential dwellings as short-term rentals that minimize the negative secondary effects of such use on their surroundings.

B. This chapter is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term rental purposes.

C. Nothing in this chapter is intended to convey a permanent entitlement, nor shall it convey a right which runs with the land. The use of any residential dwelling within R1, R2, or R3 for the purposes of short-term rentals is a violation of Title 17 of the Amador City Code of Ordinances and shall be deemed a per se nuisance subject to the enforcement provisions of Chapters 17.84 and 1.12 of the municipal code.
(Ord. No. 175, § 1, 3-16-17)

5.16.020 Definitions.

For purposes of this chapter, the following words and phrases shall have the following meanings:

"Applicable laws, rules and regulations" means any laws, rules, regulations and codes (whether local, state or federal) pertaining to the use and occupancy of a privately owned dwelling unit as a short-term rental.

"Applicant" means the owner of the short-term rental unit or the owner's authorized agent or representative, referred to within as an "operator."

"City clerk" means that person acting in the capacity of the city clerk or deputy city clerk of the City of Amador City or his or her designee.

"Good neighbor brochure" means a document prepared by the city that summarizes the general rules of conduct, consideration, and respect, including without limitation provisions of the Amador City Municipal Code and other applicable laws, rules, or regulations, pertaining to the use and occupancy of short-term rental units.

"Local contact person" means the person designated by the owner or the operator who shall be available twenty-four (24) hours per day, seven days per week for the purpose of:

1. Responding within sixty (60) minutes to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit; and

2. Taking remedial action to resolve any such complaints. The local contact person may be the owner or operator.

"Operator" means the owner or the designated agent or representative of the owner who is responsible for compliance with this chapter.

"Owner" means the person(s) or entity(ies) that hold(s) legal and/or equitable title to a short-term rental.

"Property" means a residential legal lot on which a short-term rental unit is located.

"Responsible person" means an occupant of a short-term rental unit who is at least twenty-one (21) years of age and who is legally responsible for ensuring that all occupants of the short-term rental unit and their guests comply with all applicable laws, rules, and regulations pertaining to the use and occupancy of a short-term rental unit.

"Short-term rental permit" means a permit that allows the use of a privately owned residential dwelling as a short-term rental unit pursuant to the provisions of this chapter.

"Short-term rental unit" means a privately owned residential dwelling, including, but not limited to, a single-family detached or multiple-family attached unit, apartment house, condominium, cooperative apartment, duplex, or any portion of such dwellings, rented for occupancy for dwelling, lodging, or sleeping purposes for any period of fewer than thirty (30) consecutive days. A short-term rental unit does not include a hotel, motel, bed and breakfast, or other business in which rooms are rented as the principal use of a building devoted to lodging.

"Transient" for purposes of this chapter means any person who seeks to rent or who does rent a short-term rental unit for a period less than thirty (30) consecutive days.
(Ord. No. 175, § 1, 3-16-17)

5.16.030 Authorized agent or representative.

A. Unless an owner intends to directly provide for the short-term occupancy of a short-term rental unit, the owner shall designate an operator who shall ensure compliance with the requirements of this chapter on behalf of the owner.

B. Notwithstanding subsection A, the owner shall not be relieved from any personal responsibility for compliance with the requirements of this chapter and shall be subject to any applicable remedies for noncompliance, regardless of whether such noncompliance was committed by the operator or the occupants of the short-term rental unit or their guests.
(Ord. No. 175, § 1, 3-16-17)

5.16.040 Short-term rental permit required.

A. The owner or operator is required to obtain a short-term rental permit from the city, pursuant to the provisions of this chapter, before renting any short-term rental unit to any transient.

B. A short-term rental permit shall be required to be renewed on an annual basis based on the anniversary of the original permit issuance in order to remain valid.

C. A short-term rental permit shall not be assignable and shall automatically terminate if the subject dwelling or accessory building is sold or transferred.
(Ord. No. 175, § 1, 3-16-17)

5.16.050 Application.

A. The owner or operator must submit the following information on a short-term rental permit application form provided by the city:

1. The name, address, and telephone number of the owner of the short-term rental unit;

2. The name, address, and telephone number of the operator, if the owner will not directly provide for the short-term rental;

3. The name, address, and twenty-four (24) hour telephone number of the local contact person;

4. The address of the proposed short-term rental unit;

5. The number of bedrooms and the applicable overnight and daytime occupancy limit of the proposed short-term rental unit;

6. Acknowledgement that the operator has received and reviewed the good neighbor brochure and will provide the brochure to all transients;

7. A copy of a transient occupancy registration permit issued under Section 3.16.060 of this code;

8. Such other information as the city clerk deems reasonably necessary to administer this chapter; and

9. Payment of the application fee established separately by resolution of the city council.

B. A short-term rental permit application may be denied if the applicant has had a prior short-term rental permit for the same unit revoked within the twelve (12) calendar months that preceded the effective date of the application.

C. An owner or operator must notify the city clerk within seven days of a change in any material facts pertaining to the information contained in the short-term rental application. Such notice shall occur in accordance with instructions given on the application form.
(Ord. No. 175, § 1, 3-16-17)

5.16.060 Criteria for approval and renewal of a short-term rental permit.

A. The applicant has the burden of proof to demonstrate compliance with each applicable criterion for approval or renewal of the permit.

B. To receive permit approval, an applicant must demonstrate the following:

1. The owner or operator shall demonstrate that it will comply with all the obligations and requirements of this chapter.

2. A completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) shall be required with each annual permit application and renewal. It is the owner's responsibility to ensure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.

3. At the time of application, the owner or operator of a short-term rental shall not have received a civil citation regarding compliance of the subject short-term rental property with any provision of this code. A voluntary assurance of compliance or negotiated compliance agreement will satisfy the requirement that there be no pending actions or violations.

4. The owner or operator shall have a current business license in accordance with the Chapter 5.04 of this code.

5. The owner or operator shall have obtained a transient occupancy registration certificate for purpose of its obligation to pay transient occupancy taxes under Chapter 3.16 of this code.

6. The owner or operator shall provide notice to all residents within three hundred (300) feet of the short-term rental unit with notice that the property will be used as a short-term rental.
(Ord. No. 175, § 1, 3-16-17)

5.16.070 Operational requirements and standard conditions.

A. The owner or operator shall use reasonably prudent business practices to ensure that the short-term rental unit is used in a manner that complies with all applica-

ble laws, rules, and regulations pertaining to the use and occupancy of the subject short-term rental unit, including this chapter.

B. The maximum number of overnight guests for a short-term rental unit shall not exceed two persons per bedroom, except that children under the age of four shall not be counted for purposes of calculating this limitation so long as the children sleep in the same bedroom as at least one of their parents or legal guardians. Additional daytime guests are allowed between the hours of 7:00 a.m. and 10:00 p.m., with the maximum daytime guests not to exceed two persons per bedroom with a maximum of 20 guests allowed for five bedrooms or more. The following table illustrates the maximum number of occupants:

Number of Bedrooms	Total of Overnight Occupants	Total Daytime Occupants (Including Number of Overnight Occupants)
0—Studio	2	4
1	2	4
2	4	8
3	6	12
4	8	16
5	10	20
6	12	20
7	14	20

C. A short-term rental unit shall not change the residential character of the outside appearance of the residence, either by the use of colors, materials, lighting, or any advertising mechanism.

D. All parking associated with a short-term rental unit shall be entirely on-site, in the garage, carport, and driveway or otherwise off of the public street.

E. Occupants of the short-term rental unit shall comply with all standards and regulations stated in Chapter 8.08 of this code concerning noise.

F. The owner or operator shall provide each occupant of the short-term rental unit with the following information prior to occupancy of the unit and shall post such information in a prominent location within the unit:

1. The contract information for the operator, with twenty-four (24) hour availability;

2. The maximum number of overnight occupants and the maximum number of daytime occupants as permitted under this chapter;

3. Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property;

4. A copy of the Chapter 10.50 of this code concerning noise; and

5. Notification that the occupant or owner may be cited or fined by the city in accordance with this code.

G. The owner or operator shall provide to all residents within three hundred (300) feet of the short-term rental unit the contact information of the owner, the operator and local contact person, if different. Such contact information shall include the telephone number and email address of the owner or operator.

(Ord. No. 175, § 1, 3-16-17)

5.16.080 Operations.

A. While a short-term rental unit is rented, the owner, operator, or local contact person shall be available twenty-four (24) hours per day, seven days per week for the purpose of responding within sixty (60) minutes to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit or their guests.

B. The owner, operator, or local contact person shall use reasonably prudent business practices to ensure that the occupants and/or guests of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental unit.

C. Prior to occupancy of a short-term rental unit, the owner or operator shall obtain the name, address, and a copy of a valid government identification of the responsible person and require such responsible person to execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants of the short-term rental unit and their guests with all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term rental unit.

D. The owner, operator, or local contact person shall upon notification that the responsible person and/or any occupant and/or guest of the short-term rental unit has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term unit, promptly respond within sixty (60) minutes and appropriate manner to immediately halt or prevent a recurrence of such conduct by the responsible person and/or any occupants and/or guests. Failure of the owner, and/or operator to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term rental unit within sixty (60) minutes and appropriate manner shall be subject to all administrative, legal, and equitable remedies available to the city, including revocation of short-term rental permit.

E. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by waste haulers on scheduled trash collection days. The owner or operator shall use reasonably prudent business practices to ensure compliance with all the provisions of Amador City's Municipal Code.

F. The owner or operator shall post the current short-term rental permit number on or in any advertisement appearing in any newspaper, magazine, brochure, trade paper, website, etc., that promotes the availability or existence of a short-term rental unit.

G. The city clerk shall have the authority to impose additional conditions on the use of any short-term rental unit to ensure that any potential secondary effects unique to the subject short-term rental unit are avoided or adequately mitigated.
(Ord. No. 175, § 1, 3-16-17)

5.16.090 Violations.

A. A violation of any provision of this chapter by any occupant, owner, or operator shall constitute grounds for modification, suspension, or revocation of the short-term rental permit. In addition, the failure of the owner or operator to satisfy any of its obligations and requirements of Chapter 3.16 concerning transient occupancy taxes shall be an independent basis for modification, suspension, or revocation of any permit issued under this chapter.

B. Whenever any owner or operator fails to comply with any provision of this chapter, the city, after giving the operator

or owner ten (10) days written notice specifying the time and place of a hearing before the city council, and requiring him to show cause why the short-term rental permit should not be modified, suspended, or revoked, may modify, suspend, or revoke the permit held by the operator or owner.

C. The city may enforce this chapter, including the terms and conditions of any permit granted under this chapter, by any means provided for in Chapter 1.12, 8.12, or 17.84 of this code or by any other means authorized by law.

(Ord. No. 175, § 1, 3-16-17)

Title 6

ANIMALS

Chapters:

6.04 County Animal Code Adopted

Appendix to Title 6

Chapter 6.04

COUNTY ANIMAL CODE ADOPTED

Sections:

6.04.010 Adoption of county provisions.

6.04.010 Adoption of county provisions.

The city adopts Title 8 of the Amador County Code (Ordinance No. 1436 – May 6, 1997) with the exception of the kennel regulations as set forth in Chapter 8.32 of the Amador County Code. Ordinance 1436 of the county is set out in its entirety in an Appendix at the end of this chapter. (Ord. 144, 2001)

APPENDIX TO TITLE 6

ORDINANCE NO. 1436

The board of supervisors of the County of Amador ordains as follows:

SECTION I

Animals Chapters 8.04 through Chapters 8.44 are hereby amended and will replace Title 8 last amended in July 1990 to read as follows:

Title 8

ANIMALS

Chapters:

8.04	Definitions
8.08	General Provisions
8.12	Administration; Penalties; Appeal Procedure
8.16	Impoundments
8.20	Rabies Control
8.24	Dogs

Chapter 8.04

DEFINITIONS

8.04.010 Definitions. As used in this title, the words defined in this chapter shall have the meanings prescribed in this chapter.

8.04.020 Animal. "Animal" means any members of the kingdom Animalia exclusive of homo sapiens.

8.04.030 Animal control. "Animal control" or "animal control department" means that department of the county government which is specifically charged with the regulation of, and the enforcement of laws dealing with animals, existing within the unincorporated territory of the county and the incorporated areas thereof which may, from time to time, contract with the county for such services upon terms which include, without limitation, adoption of the provisions of this title within such incorporated area(s).

8.04.040 Animal control director. "Animal control director" or "director" means the person designated by the county as the person in charge of animal control in the county.

8.04.050 Animal control officer. "Animal control officer" means an employee of the animal control department trained and employed to carry out the duties of and enforce the provisions of this title.

8.04.055 Animal control supervisor. "Animal control supervisor" means the employee of the animal control department assigned as direct supervisor under the animal control director and generally in direct supervision of animal control officers.

8.04.060 Animal shelter. "Animal shelter" means the facilities provided by the county for the impounding, relinquishment, quarantine, and adoption of animals.

8.04.070 At large. An animal (except a domestic cat) shall be considered "at large" if it is off the premises of its owner and not under restraint by leash, or not under the control and in the immediate presence of its owner.

8.04.080 Domestic animal. "Domestic animal" means dogs and cats as well as horses, donkeys, mules, burros, cattle, sheep,

goats, swine, rabbits, llamas, camels, potbelly pigs, ostriches, emus, rheas, cassowaries, and fowl kept or raised in Amador County as farm animals or beasts of burden. The term "livestock," as used in this title, includes all domestic animals except dogs or cats.

8.04.090 Feral animal. "Feral animal" means any domestic animal which is known to live in a wild or semi-wild state without an owner, or any domestic animal which has escaped for a substantial period of time and is existing in a wild state without being domesticated.

8.04.100 Health department. "Health department" means the health department of the County of Amador.

8.04.110 Health officer. "Health officer" means the public health officer or other person duly authorized by the public health officer or designated by the board of supervisors to act as the public health officer.

8.04.120 Impoundment. "Impoundment" means the taking up and confining of an animal by the animal control officer in accordance with the provisions of this title or other applicable law or regulation.

8.04.130 Kennel, commercial. "Commercial kennel" means any facility or parcel within or upon which five or more dogs are boarded, trained, bred, treated or otherwise kept for remuneration or within or upon which ten or more dogs are kept, regardless whether for remuneration or not. For the purpose of applying this section, the number of dogs shall not include puppies less than six months old.

8.04.140 Kennel, noncommercial. "Noncommercial kennel" means any facility or parcel upon which not less than five and not more than nine dogs are kept, other than for remuneration. For the purpose of applying this section, the number of dogs shall not include puppies less than six months old, nor shall this section or the regulatory provisions of this code dealing with noncommercial kennels apply to parcels zoned AG—exclusive agriculture district.

8.04.150 Owner. "Owner" means a person who possesses, has title to or an interest in, harbors, or has custody, control, or possession of an animal, and the verb form of "to own" as used in this title includes all these shades of meaning.

8.04.160 Person. "Person" includes one or more individuals, as well as corporations, partnerships, associations, estates, and trusts, and in general every type of natural person or entity capable of owning or possessing property, real or personal.

8.04.170 Quarantine. "Quarantine" means the confinement of an animal upon the premises of the owner or elsewhere as approved by the health officer.

8.04.180 Vaccination. "Vaccination" means the inoculation of a dog with a vaccine approved by, and in the manner approved or prescribed by, the State Department of Public Health.

8.04.190 Veterinarian. "Veterinarian" means a person licensed by the state to practice veterinary medicine.

8.04.200 Wild animal. "Wild animal" means and includes any of the following:

A. The following members of the class MAMMALIA:

1. Order Carnivora, expressly excepting the domestic dog (canis familiaris) and the domestic cat (felis catus), but including, but not limited to, the family Felidae (such as ocelots, margays, tigers, jaguars, leopards, and cougars), and the family Canidae (such as wolves, dingos, coyotes, and jackals);

2. Order Marsupialia (such as, but not limited to, kangaroos and opossums);

3. Order Chiroptera (bats);

4. Order Edentata (such as, but not limited to, sloths, anteaters, and armadillos);

5. Order Proboscidea (elephants);

6. Order Primata (including, but limited to, monkeys, chimpanzees, and gorillas); and

7. Order Ungulata (expressly excluding any animal which would be included within the definition of "domestic animal," in Section 8.04.080), including, but not limited to, antelope, deer, and bison.

B. The following members of the class REPTILIA:

1. Order Ophidia (such as, but not limited to, racers, boas, water snakes, and pythons) over eight (8) feet in length;

2. Order Loricata (such as, but not limited to, alligators, caymans, and crocodiles) over three (3) feet in length; and

3. Order Sauriaa (excepting iguanas) over three (3) feet in length.

C. The following members of the class AVES:

Order Falconiformes (such as, but not limited to, hawks, eagles, and vultures which are not kept pursuant to federal or state permit); and

D. Any nondomestic species when kept, maintained, or harbored in such numbers or in such a manner as to constitute the likelihood of danger to the animals themselves, to human beings, or to the property of human beings.

E. Any species of animal which is venomous to human beings whether its venom is transmitted by bite, sting, touch, or other means, except honey-producing bees.

F. Any hybrid animal which is part wild animal and is capable of transmitting rabies, except livestock hybrids, and for which no rabies prophylaxis is recognized or authorized by the State of California.

Chapter 8.08

GENERAL PROVISIONS*

* For the statutory provisions authorizing counties to fix limits within which animals may not run at large, see Government Code §25802.

8.08.010 Title. This title shall be known as and may be cited and referred to as the "Animal Control Ordinance."

8.08.020 Legal effect of license. The issuance of any license or permit to keep an animal or animals as provided for in this title is prima facie evidence that the owner has satisfied the basic licensing requirements under this title, but such issuance shall be given no evidentiary weight to indicate that the owner has conformed to zoning regulations, building regulations, health and safety regulations, or to any other applicable rule, regulation, or statute, unless, pursuant to the issuance, official written approval has been given by the office or agency responsible for the administration of the rule, regulation, or statute in question. If such approval has been given, it shall be deemed prima facie evidence that the matter approved is in accordance with the rule, regulation, or statute in question.

8.08.030 Prohibited conduct. No owner of any animal, wild or domestic, except the domestic cat, shall permit or allow said animal to do any of the following things:

A. Run at large;

B. Trespass upon public property or upon any private property;

C. Habitually make loud noise for a period of fifteen consecutive minutes or longer, or act in such a manner so as to constitute a public nuisance. Violation of this subsection shall constitute an infraction.

8.08 040 Proper care. The owner of any animal, wild or domestic, shall provide proper and adequate food, water, shelter, care, and attention for such animal.

8.08.050 Cooperation of public. No person shall prevent, oppose, resist, or otherwise interfere with the animal control officer in the performance of his or her duties as provided in this title.

8.08.060 Duty to report bite. It is the duty of any person having knowledge that any animal capable of transmitting rabies has bitten a human being within Amador County to immediately report the fact to the health department, the animal control officer, or the sheriff, and to furnish complete information concerning the bite incident.

8.08.070 Display and offering animals in public prohibited. Except as provided herein, the placing on display in any public place in Amador County, including without limitation streets, sidewalks, parking lots, malls, walkways, or common areas of shopping centers, of any dog, cat, puppy, kitten, or other animal for the purpose of offering to sell, give away, or otherwise dispose of said animal is prohibited. This section shall not apply to the display or offering of animals for adoption or sale from the animal shelter, when such display or offering is performed by animal control department personnel, or any humane organization acting under the auspices of the animal control department or in conjunction with said department. Violation of this section is an infraction.

Chapter 8.12

ADMINISTRATION; PENALTIES; APPEAL PROCEDURE

8.12.010 Jurisdiction. All functions and duties of the Amador County Department of Animal Control, including without limitation the animal control director, animal control officers, the animal shelter, and department personnel, shall be under the supervision of the Amador County Board of Supervisors.

8.12.020 Responsibility. The animal control director is responsible for the enforcement of this title, and his/her duties shall include, but not be limited to, the following:

A. To administer the Amador County animal shelter and keep such records as may be required by the board;

B. To take up and impound animals which are in violation of this title. The foregoing notwithstanding, whenever any animal control officer has knowledge of any livestock at large on any public highway or in any other public place said officer shall go to the site and turn said livestock into the nearest appropriate fenced pasture or other enclosure. First priority shall be the owner's pasture or enclosure. The officer shall notify the livestock's owner, if the owner is known or can be identi-

fied, of the livestock's location and shall notify the pasture owner (if different from the livestock owner) of the presence of the livestock in his/her pasture or enclosure. If necessary for the protection of the public the officer shall impound the livestock at any appropriate place at the owner's expense. While the livestock is on a public highway or in a public place, the officer shall take reasonable precautions to warn motorists or others of the presence of the livestock. The owner's allowing of livestock to be at large on any public highway or in any other public place shall constitute a misdemeanor.

C. To remove and dispose of the carcass of any animal found on any county road, street, alley, or other public place; provided, however, that this duty shall not apply to any private property, nor to state highway or other state public place over which the state of California or CalTrans has jurisdiction to perform those duties unless otherwise directed by the county;

D. To quarantine animals and to cooperate in that regard with the health officer; and

E. To administer licensing programs as provided for in this title.

8.12.030 Rules and regulations. The animal control director may formulate rules and regulations in conformity with, and for the purpose of carrying out the intent of this title, and compliance with such rules and regulations shall be a prerequisite to the issuance and continued validity of any license or permit provided for in this title.

8.12.040 Authority to arrest. In the performance of his/her duties, the animal control director and each animal control officer shall have the authority and immunities of public officers and employees, as set forth in Penal Code Section 836.5, to make arrests, and to issue citations without a warrant whenever he/she has reasonable cause to believe that the person to be arrested has committed a misdemeanor or infraction in his/her presence which is a violation of any of the provisions of this title, or of any ordinance or statute which he/she has the duty to enforce.

8.12.060 Authority to use tranquilizer gun. In the performance of his/her duties, the animal control director and each animal control officer shall have the authority to use a tranquilizer gun and any and all other animal control equipment, services, and techniques commonly used by other animal control agencies located within this state.

8.12.070 Administrative appeal. Any person aggrieved by any decision or action resulting from the application of this title may appeal to the board of supervisors. Such appeal must be in writing and must be received by the clerk of the board not more than fifteen days after the person aggrieved has actual notice of such action.

8.12.080 Violation—Penalty. Except as otherwise provided in this title, any person violating any provision of this title is guilty of a misdemeanor, and upon conviction thereof is punishable by a fine of not more than five hundred dollars, or by imprisonment for a period of not more than six months, or by both such fine and imprisonment.

8.12.090 Continuing violation—separate offense for each day. Every person violating any provision of this title is guilty of a separate offense for each day or portion thereof during which such violation continues,

and is punishable therefor as provided in Section 8.12.090.

Chapter 8.16

IMPOUNDMENT*

* For statutory authority empowering counties to maintain, regulate, and govern public pounds, see Gov. Code §25802.

8.16.010 Animals subject to impoundment. Any animal which is, to the knowledge of the animal control director or any animal control officer, engaged in an activity or existing in a condition prohibited by this title or any other activity or condition otherwise prohibited by State law or regulation, shall be taken and impounded at the Amador County animal shelter or at such other place as may be approved by the board of supervisors.

8.16.020 Duration.

A. All impounded dogs found wearing a current dog license tag shall be kept in the animal shelter for a period of not less than three days unless redeemed within such period.

B. All impounded dogs not wearing a current dog license tag shall be kept in the animal shelter for a period of not less five days unless redeemed within such period.

C. Any impounded animal which is of a type referred to in Section 17003 of the State Food and Agricultural Code shall be kept in the animal shelter for at least three days unless it is redeemed within that period. If the animal is a bovine animal and is not redeemed, it shall be turned over to the State Bureau of Livestock Identification for disposition by that office.

D. Any other impounded animal, with the exception of feral cats, shall be kept in the animal shelter for at least three days unless redeemed within that period.

E. Any animal which is voluntarily surrendered to or deposited with the animal shelter or authorized personnel thereof, by the owner, shall not be deemed to be impounded and need not be kept or retained for any minimum period of time.

8.16.030 Redemption. Except as provided in section 8.16.035, below, the owner of any animal impounded may, at any time before the disposition thereof, redeem the same by paying all proper fees and charges accrued as provided for by this title; provided, however, that if the animal is one which is subject to a license herein, the licensing requirements must be satisfied before the animal's release, except that an impounded dog that has not been vaccinated against rabies, or exempted therefrom by an exemption as provided in this title, may be released to an owner who has paid all fees required herein, including the license fee, on condition that such owner shall:

A. Have the dog vaccinated against rabies within ten days; and

B. Present to the animal control director or officer a valid certificate of vaccination within ten days, at which time the license will be issued.

C. Upon the third (3rd) impound of the same intact (un-neutered) dog, the owner must either (1) have the dog spayed or neutered prior to release from the animal shelter, or pay a fee of one hundred fifty dollars ($150.00), in addition to all other fees provided for elsewhere in this title.

8.16.035 Limitations on redemption. Notwithstanding the provisions of Section 8.16.030, above, if an animal has been im-

pounded because of a violation of Section 8.08.040 of this title or any other provision of state law or regulation relating to cruelty to or improper treatment of animals, such impounded animal shall not be released for redemption unless and until, in addition to the requirements set forth in Section 8.16.030, the owner of such animal demonstrates to the reasonable satisfaction of the animal control director that the conditions which led to the impoundment of the animal have been remedied.

8.16.040 Disposition of impounded animals.

A. Except as otherwise provided in this title, an impounded animal which is not redeemed within the applicable holding period specified herein may, in the discretion of the animal control director, be adopted or destroyed; provided, however, that no live animal shall be adopted or destroyed or otherwise disposed of until not less than seventy-two hours after notice of the impoundment has been given to the owner, if the owner is known; and provided further, no live animal may be sold or otherwise disposed of for the purpose of experimentation or medical research.

B. Notwithstanding any other provision of this title to the contrary, an impounded animal which is determined by the animal control director or the director's designee to constitute a public health hazard may be destroyed, quarantined, or otherwise disposed of as ordered by the animal control director upon the concurrence of the county health officer.

8.16.050 Fees. Animal control personnel shall charge and collect all fees established from time to time by resolution of the board of supervisors.

8.16.060 Absence of liability. No liability shall be incurred for the disposition of any animal made pursuant to the provisions of this title.

Chapter 8.20

RABIES CONTROL

8.20.010 Quarantine.

A. The animal control director shall ensure that all animals falling into the following categories shall be isolated or quarantined at the place and under the conditions prescribed by the health officer and pertinent state laws and regulations:

1. Known rabid animals;
2. Suspect rabid animals;
3. Animals that have bitten or otherwise exposed a human to rabies;
4. Animals, of a species subject to rabies, which have been bitten by a known rabid or suspected rabid animal or have been in intimate contact with a rabid or suspected rabid animal.

B. It is unlawful for the owner or keeper of an animal to violate any of the conditions of isolation or quarantine prescribed by the health officer.

8.10.020 Delivery of carcass. Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the animal control director or any animal control officer shall obtain and turn over to the health officer or the health officer's designee the carcass of said animal or an adequate specimen thereof.

8.20.030 Epidemics. The health officer may determine and declare that a rabies epi-

demic or other unusually dangerous health situation exists among dogs or other animals in the county, or 'in any part thereof, including incorporated cities within the county. Upon making such a declaration, the health officer shall prepare and promulgate, with the approval of the board of supervisors, such rules and regulations as are necessary for the conduct of all persons within the area where the dangerous condition exists and such rules and regulations as are necessary for the control of the dogs and other animals within said area. These rules and regulations of the health officer may include, but are not limited to, quarantine, vaccination, and destruction of diseased or suspected or stray animals by humane methods. It shall be the duty of the animal control director to comply with all directives of the health officer in the enforcement of such rules and regulations. A violation of any of such rules or regulations shall be a violation of this title.

8.20.040 Vaccination—Required.

A. Every dog over four months of age shall have a medically current vaccination with a canine antirabies vaccine approved by the State Health Department. Such vaccination shall be administered by a veterinarian or as provided through county recognized vaccination clinics.

B. Every person who owns or comes to own an unvaccinated dog shall have ten days in which to comply with the provisions of this section.

C. Notwithstanding any provisions to the contrary herein, no dog need be vaccinated for rabies where:

1. A licensed veterinarian has examined said dog and certified at such time that a vaccination would endanger the dog's health because of physiological reasons; and

2. Such certificate is presented to the health officer or the health officer's designee with five days of such examination; and

3. The health officer (or his/her designee) concurs in the opinion of the veterinarian, contained in such certificate, and endorses on such certificate his approval thereof. Such certificate must bear the date of issuance and must be renewed each year.

8.20.050 Vaccination—Certificate. Every veterinarian after vaccinating a dog for rabies, shall issue a certificate to the owner. The certificate shall include the following information:

A. The owner's full name, address, and telephone number;

B. The vaccination tag number;

C. The breed, age, sex, and color or markings of the dog;

D. A statement which provides: "This certificate that the dog described herein was vaccinated against rabies with an approved rabies vaccination approved by the State Department of Health."

E. The signature of the veterinarian administering the vaccination, or the veterinarian's agent; and

F. The date of the vaccination and date of renewal.

Chapter 8.24

DOGS

8.24.010 Control—In public places. No person shall permit any animal in his possession or under his ownership to run at or bite any person or animal on any public street or in any public place or public park, or to drop excreta upon or befoul any public street, public park, or public place in the county.

8.24.020 Control—Dog which has bitten person. The animal control director, upon receiving an affidavit or declaration under penalty of perjury from any person who has been bitten by a dog or from any person who has witnessed such occurrence, which affidavit or declaration is sufficiently specific to particularly identify the dog in question, shall notify the owner of the dog in writing of the report of occurrence, and shall direct the owner top such dog at all times on the property or premises where such owner resides or on the property or premises of the person to whom the owner has given the custody of such dog, or to securely hold the dog by a leash or other device or means so as to prevent the dog from wandering, straying, or getting beyond the control of its custodian.

8.24.030 Control—Owner responsibility. After the receipt by the owner of a dog of a notice referred to in Section 8.24.020, above, the owner shall at all times keep the dog on the property or premises where such person resides or on the property or premises of the person to whom the owner has given the cust6dy of such dog, or to securely hold the dog by a leash or other device or means so as to prevent the dog from wandering, straying, or getting beyond the control of its custodian.

8.24.040 Unlicensed dogs. Every owner of an unlicensed or untagged dog shall be in violation of this title except as otherwise provided herein.

8.24.050 Unvaccinated dogs. Every owner of a dog which does not have a current vaccination certificate for rabies as provided for in this title shall be in violation of this title except as otherwise provided herein.

8.24.060 Kenneled dogs. Dogs kept in or at a kennel shall be subject to all the regulations and controls herein pertaining to non-kenneled dogs.

8.24.070 Animal license fee—when due. Dogs over four months of age shall be subject to license fees. The fees shall be due and payable upon the dog reaching the age of four months, being brought into the county initially, or upon the expiration of the current license. A penalty shall be imposed on every dog owner who fails to license his or her dog within thirty calendar days after the date license fees are due and payable. The animal control director shall not deliver a license tag for any dog until all license fees and applicable penalties have been paid in full. This penalty is in addition to, and not in lieu of, any other penalty imposed by this chapter.

8.24.080 Additional license required. In addition to the dog licensing requirement set forth in Section 8.24.070, above, any breeder who owns or breeds dogs for the purpose of selling or giving away the dogs shall pay an annual breeder's license fee. This fee shall be waived by the animal control director upon being provided with satisfactory proof that the dog subject to the fee has been neutered or spayed within thirty (30) days after notice is given of the spaying/neutering of the affected animal.

8.24.090 License tags. The animal control director shall procure and issue serial-numbered license tags stamped with the name of the county. With the approval of the animal control director, which approval may be revoked at any time by the animal control director in the director's sole discretion, any li-

censed veterinarian within the county may issue the license tag and retain that percentage of the license fees as specified by resolution of the board of supervisors. the tags shall only be issued upon the application of owners who have complied with the vaccination and fee provisions of this title.

8.24.100 License tags—attachment to collar. Every dog shall at all times wear a suitable collar or other device to which the dog license tag shall be attached.

8.24.110 License fee not required for certain dogs. Dogs owned by the county, any city in the county, or any special district located in the county, and service dogs for medical or public protection, shall be licensed without the owner having to pay the fee established by this chapter.

8.24.120 Validity of out-of-county license. When an owner brings into the county a dog which has been licensed in another county or city within the state, such license shall be valid until its expiration.

8.24.130 Rabies vaccination—reporting requirements. Any veterinarian who vaccinates a dog for rabies, whether or not in the office of the veterinarian or elsewhere, shall submit a report of all dogs vaccinated for rabies, which report shall include (1) the date of vaccination, (2) the name and address of the dog's owner or the person who was in control of the dog when it was vaccinated, (3) a description of the dog, and (4) the term for which the vaccination was given (e.g. one-year, two years, etc.).

8.24.140 Violations of this chapter—Infractions. The violation of any of the provisions of this chapter shall be an infraction.

SECTION II

This ordinance or a summary thereof shall be published in the manner prescribed in Government Code 25124 and shall become effective thirty (30) days after the date of adoption.

The foregoing resolution was duly passed and adopted by the board of supervisors of the county of Amador at a regular meeting thereof, held on the 6th day of May, 1997 by the following vote:

AYES: Edward T. Bamert, Richard P. Vinson, Louis D. Boitano, and Rich F. Escamilla

NOES: Stephanie A. Moreno

ABSENT: None

_____

Chairman, Board of Supervisors

ATTEST:

LISA M. BAKER-DALMAU, Clerk of the Board of Supervisors, Amador County, California

_____

Deputy

Title 7

PARK AND RECREATION

Chapters:

7.04 Park and Recreation Impact Fees

Chapter 7.04

PARK AND RECREATION IMPACT FEES

Sections:

7.04.010	**Findings.**
7.04.020	**Definitions.**
7.04.030	**Adoption of development mitigation fees for parks.**
7.04.040	**Applicability of fees.**
7.04.050	**Exemptions and fee reductions.**
7.04.060	**Timing of fee payment.**
7.04.070	**Fee adjustments.**
7.04.080	**Administration and use of funds.**
7.04.090	**Fee account.**
7.04.100	**Developer construction of facilities.**
7.04.110	**Condition for refunds.**
7.04.120	**Annual report.**
7.04.130	**Automatic annual adjustment.**
7.04.140	**Fee revision by resolution.**

7.04.010 Findings.

A. In order to implement the goals and objectives of the Amador County park and recreation master plan and to mitigate park impacts caused by new residential development projects within the incorporated portions of Amador City, a development mitigation fee for parks is necessary. The fee is needed to finance park and recreation facilities necessary to serve new residential development projects and to assure that new residential development projects pay their fair share for these facilities.

B. Title 7, Chapter 5, Section 66000 et seq. of the California Government Code provides that development mitigation fees for parks may be enacted and imposed on development projects. The city council finds and determines that:

1. New residential development projects cause the need for construction, acquisition, expansion and/or improvement of park and recreation facilities within the incorporated areas of Amador City.

2. Funds for construction, acquisition, expansion and/or improvement of park and recreation facilities are not available to accommodate the needs caused by new residential development projects which will result in inadequate park and recreation facilities within the incorporated areas of Amador City.

C. The city council finds that the public health, safety and general welfare will be promoted by the adoption of development mitigation fees for parks for the construction, acquisition, expansion and/or improvement of park and recreation facilities, the need for which is caused by new residential development projects.

D. Pursuant to Government Code Section 65913.2, the city council has considered the effects of the fees with respect to the city's housing need as established in the housing element of the general plan.

E. Pursuant to Title 14 of California Code of Regulations, Sections 15061 and 15273(b)(4), the city council finds that this chapter is exempt from the California Environmental Quality Act. (Ord. 165 § 1 (part), 2007)

7.04.020 Definitions.

Words when used in this chapter, and in resolutions adopted under the authority of the ordinance codified in this chapter, shall have the following meanings:

"Agency" means the Amador County recreation agency.

"City" means the city of Amador, a political subdivision of the state of California.

"City council" means the city council of the city.

"Development" or "development project" means any residential project undertaken for the purpose of development which involves the issuance of an Amador City building permit for new construction. The term "development" or "development project" shall also include the erection of manufactured buildings and building structures moved into the city.

"Fee" means a monetary exaction, other than a tax or special assessment that is charged by Amador City in connection with approval of a residential development project for the purpose of defraying all, or a portion of, the cost of park facilities related to the residential development project.

"Park and recreation capital facilities plans" means the plan for park and recreation capital improvements as identified in the capital facilities plan contained in the Amador County park and recreation master plan or its successor, as adopted or updated by the city council. The park and recreation capital facilities plan indicates the estimated cost of capital improvements to be financed with development mitigation fees and appropriate money for capital improvement projects.

"Park and recreation facilities" means and includes public park and recreation facilities, open space, ancillary facilities, and any other capital park and recreation facility projects identified in the Amador City general plan, the Amador County park and recreation master plan, or the city's park and recreation capital facilities plans or other public park and recreation facilities considered by the Amador County recreation agency and approved by the city council.

"Park and recreation impact" means and includes any residential development project that does not involve the subdivision of land which requires a city permit and generates increased demand for park and recreation facilities within each recreational demand area.

"Residential," "residential development," or "residential unit" means and includes, but is not limited to, condominiums, townhomes, duplexes, apartments, second units, and mobilehomes and other types of residential units. (Ord. 165 § 1 (part), 2007)

7.04.030 Adoption of development mitigation fees for parks.

A. Pursuant to this chapter, development mitigation fees for parks shall be adopted from time to time by resolution of the city council after a noticed public hearing to address identified park and recreation facility impacts within the city. Such fee, when adopted, shall be a condition of the issuance of permits for new residential development within the city.

B. In adopting the resolution, the city council shall:

1. Identify the purpose of the fee;

2. Identify the use to which the fee is to be put;

3. Determine a reasonable relationship between the fee's use and the type of residential development project on which the fee is imposed;

4. Determine a reasonable relationship between the need for the park and recreation facility and the impacts from the type of residential development project on which the fee is imposed;

5. Determine a reasonable relationship between the amount of the fee and the cost of

the park and recreation facility, or portion of the park and recreation facility; and

6. Establish a schedule of fees for park and recreation facilities. (Ord. 165 § 1 (part), 2007)

7.04.040 Applicability of fees.

A. A development mitigation fee for parks shall be charged as a condition of the issuance of a building permit for construction or installation of new residential units.

B. The development impact fee established by this chapter is in addition to any other fees, charges, dedications, or taxes required by state law or city ordinance as a condition of development, including but not limited to Quimby Act dedications/fees. (Ord. 165 § 1 (part), 2007)

7.04.050 Exemptions and fee reductions.

A. Exemptions. The following will be exempted from payment of the development mitigation fees for parks referenced herein:

1. Any residential development project which does not generate any increased demand for park and recreation facilities;

2. Any development project that does not require a city building permit.

B. Fee Reductions.

1. The city council may establish by resolution categories of "beneficial projects" which are eligible for fee reductions or waivers. The resolution will establish administrative procedures for granting fee reductions or waivers.

2. Any fee reduction or waiver granted as a result of a fee reduction policy shall apply only to the permit being sought. Any new development application (e.g., condominium conversion of apartments) shall be subject to re-evaluation by the city and may result in the imposition of fees previously reduced or waived. (Ord. 165 § 1 (part), 2007)

7.04.060 Timing of fee payment.

A. Imposition of Fees.

1. Fees shall be imposed at the time of building permit issuance. The applicant pays according to the schedule of fees in place on the date the fees are paid.

2. When the applicant applies for a new permit following the expiration of a previously issued building permit for a development project for which fees were paid, another fee payment is not required, unless (a) the project has been changed in a way that alters its park and recreation impact, or (b) the schedule of fees has been amended since the previous approval, in this event, the appropriate increase or decrease in the fees shall be applied.

3. When fees are paid for a development project and the development project is abandoned without any further action beyond the obtaining of a permit, the payor shall be entitled to a refund of the fees paid, less a portion of the fees sufficient to cover costs of collection, accounting for and administration of the fees paid.

B. Payment of Fee.

1. Except as set forth in subsections (B)(2) and (3) of this section, development mitigation fees for parks shall be paid on the date the final inspection is approved.

2. For residential development containing more than one dwelling unit, the developer may request that the fees be paid in installments based on the phasing of their development project. The decision whether to allow installment payments shall be determined by the agency director. Any fee installment shall be paid at the time when the first dwelling unit within each phase of development has received its final inspection.

3. The city shall require the payment of fees at an earlier time if the fees will be collected for public improvements of facilities for which an account has been established and funds appropriated and for which the city has adopted a proposed construction schedule or plan prior to final inspection, or the fees are to reimburse the local agency for expenditures previously made.

4. No building permit for any development project shall be issued unless a contract has been executed to pay the fees, and no final inspection or certificate of occupancy for any development project shall be issued unless fees have been paid. (Ord. 165 § 1 (part), 2007)

7.04.070 Fee adjustments.

A. A developer of any project subject to the payment of fees pursuant to this chapter may appeal to the city council for a reduction, adjustment, or waiver of any development mitigation fee(s) based upon the absence of any reasonable relationship or nexus between the park and recreation impacts of the residential project and either the amount of the fee(s) charged or the type of park and recreation facilities to be financed. The appeal shall be made in writing, shall state the factual basis for the claim of reduction, adjustment or waiver, and shall be submitted to the clerk of the city council within fifteen (15) calendar days following determination of the fee amount.

B. The agency director shall review the appeal, develop recommended actions to be taken by the city council, and submit the recommended actions to the city council for their consideration at a public hearing to be conducted within sixty (60) days after the filing of the appeal. The decision of the city council shall be final. If a reduction adjustment or waiver is granted, any change in use from the residential project as approved shall invalidate the waiver, adjustment or reduction of the fee(s). (Ord. 165 § 1 (part), 2007)

7.04.080 Administration and use of funds.

A. Any fee collected by the city pursuant to this chapter shall be remitted to the agency in accordance with a written agreement between the city and the agency in a form approved by the city council. No fee shall be remitted until such agreement has been duly executed by the agency and the city.

B. Funds collected from development mitigation fees for parks shall be used as follows:

1. Funds may be used to acquire, construct, and install park and recreation facilities or reimburse costs of previously constructed facilities.

2. No funds collected pursuant to this chapter shall be used for periodic or routine maintenance.

3. Funds may also be used to pay debt service on bonds or similar debt instruments to finance the acquisition, construction and installation of related equipment to the park and recreation facilities.

4. Funds may also be used to offset the cost of administration of the fund including audits, yearly accounting and reports, and other costs associated with maintaining the fund. (Ord. 165 § 1 (part), 2007)

7.04.090 Fee account.

A. Upon receipt of a fee subject to this chapter, the agency shall deposit, invest, account for and expend the development mitigation fees pursuant to California Government Code 66006.

B. Development mitigation fees for parks paid shall be held by the agency in a separate development mitigation fee account for parks to be expended for the purpose for which they were collected. The agency shall retain all interest earned on the fees in such accounts and shall allocate the interest to the accounts for which the original fee was imposed. (Ord. 165 § 1 (part), 2007)

7.04.100 Developer construction of facilities.

In-lieu fee credit for the construction of park and recreation facilities and service improvements is allowable under the following conditions:

A. The costs of park and recreation facilities listed on, or exempted from, the applicable park and recreation capital improvement plan, or city comprehensive plan land use element recreation section, or the adopted park, recreation, and trail maps, or other public park and recreation facilities approved by the agency director or her/his designee, may be eligible for in-lieu credit.

B. With prior approval of the agency director or her/his designee, an in-lieu credit of fees may be granted for actual construction costs (or a portion thereof) of park and recreation facilities provided by the developer.

C. If the actual construction cost is greater than the required relevant fees, the city shall have no obligation to pay the excess amount.

D. An amount of in-lieu credit that is greater than the specific fee(s) required under this chapter may be reserved and credited toward the fee of any subsequent phases of the same residential development, if such credit is determined to be appropriate and timely, and approved in advance by the park director.

E. If an applicant is required, as a condition of approval for a development permit, to construct any off-site park facilities, and the cost of the facilities is determined to exceed the fee due under this chapter, a reimbursement agreement may be offered in writing by the agency director. The reimbursement agreement shall contain terms and conditions approved by the agency director, auditor-controller, county counsel and the city council. This section shall not create any duty to offer a reimbursement agreement.

F. Park and recreation facilities specifically serving the residential project exclusively may be eligible for partial in-lieu fee credit based on the adopted credit schedule.

G. A developer seeking credit and/or reimbursement for construction or improvements of park and recreation facilities, or dedication of land or rights-of-way, shall submit documentation acceptable to the agency director to support the request for credit or reimbursement. The agency director shall determine whether the facilities or improvements are eligible for credit or reimbursement, and the amount of such credit or reimbursement due the developer if so eligible.

H. Any claim for credit must be made at or before the time of application for an approval permit. Any claim not so made shall be deemed waived.

I. Exemptions, credits, reductions, adjustments, or waiver of fees shall not be transferable from one residential project to another without the city council's approval.

J. Determination made by the agency director pursuant to this section may be appealed to the city council by filing a written request with the clerk of the board, together with a fee established by the city council, within ten (10) working days of the determination of the agency director. (Ord. 165 § 1 (part), 2007)

7.04.110 Condition for refunds.

A. If a permit expires without commencement of construction, the feepayer shall be entitled to a refund of the development mitigation fee(s) paid, with any interest accrued thereon, as a condition for the issuance of the permit. The feepayer shall submit a written request for a refund to the agency director within two years after the expiration date of the permit. Failure to timely submit a request for a refund may constitute a waiver of any right to a refund.

B. The agency director shall report to the city council, once each fiscal year, any portion of development mitigation fees remaining unexpended or uncommitted in an account five or more years after deposit and identify the purpose for which the fee was collected. In accordance with Government Code Section 66001, the city council shall make findings once each fiscal year on any portion of the fee remaining unexpended or uncommitted in its account five or more years after deposit of the fee, to (1) identify the purpose to which the fee is put; (2) demonstrate a reasonable relationship between the fee and the purpose for which it is charged; (3) identify all sources and amounts of funding anticipated to complete financing of the park and recreation facilities and; (4) designate the approximate dates on which the funding is deposited into the appropriate account.

C. For all unexpended or uncommitted fees for which the findings set forth in subsection B of this section cannot be made, the city shall refund to the current record owner or owners of lots or units of the development project(s) on a prorated basis the unexpended or uncommitted fees, and any interest accrued.

D. If the administrative costs of refunding unexpected and uncommitted revenues collected pursuant to this chapter exceeds the amount to be refunded, the city council, after a public hearing, for which notice has been published pursuant to Government Code Section 66001 and posted in three prominent places within the area of the development project, may determine that the revenues shall be allocated for some other purpose for which the fees are collected pursuant to Government Code Section 66001 et seq. and that serves the project on which the fee was originally imposed. (Ord. 165 § 1 (part), 2007)

7.04.120 Annual report.

A. At least once every year, a proposed park and recreation capital improvement plan detailing the specific park and recreation facilities to be funded by development mitigation fees shall be presented to the city council for adoption by resolution. Notice of the plan shall be given pursuant to Government Code Section 65090 and Section 66002, as they now exist or may be amended.

B. Except for the first year that this chapter is in effect, no later than sixty (60) days following the end of each fiscal year, the agency director shall submit a report to the city council identifying the balance of fees in the development mitigation fee program fund established pursuant to this chapter, and the facilities proposed for construction during the next fiscal year. In preparing the report, the park director shall adjust the estimated costs of the public improvements in accordance with the appropriate engineering construction cost index as published by Engineering News Record, or its successor publication, for the elapsed time period from the previous July 1st or the date that the cost estimate was developed.

C. At a public hearing, the city council shall review estimated costs of the park and

recreation facilities described in the park and recreation capital improvement plan, the continued need for these facilities, and the reasonable relationship between the need and the impacts of development for which the fees are charged. The city council may revise the development mitigation fees to include additional projects not previously foreseen as being needed. (Ord. 165 § 1 (part), 2007)

7.04.130 Automatic annual adjustment.

Each fee imposed by this chapter shall be adjusted automatically on July 1st of each fiscal year, beginning on July 1, 2007, by a percentage equal to the appropriate engineering cost index as published by Engineering News Record, or its successor publication, for the preceding twelve (12) months. (Ord. 165 § 1 (part), 2007)

7.04.140 Fee revision by resolution.

The amount of each fee established pursuant to this chapter may be set and revised periodically by resolution of the city council. This chapter shall be considered enabling and directive in this regard. (Ord. 165 § 1 (part), 2007)

Title 8

HEALTH AND SAFETY

Chapters:

8.04	**Firearms**
8.08	**Noise**
8.10	**Cannabis**
8.12	**Nuisances Generally**
8.13	**Separation of Household Garbage from Garden Green Waste**
8.16	**Organic Waste Disposal Reduction**

Chapter 8.04

FIREARMS

Sections:

8.04.010 Definitions.
8.04.020 Discharge unlawful.
8.04.030 Violation—Misdemeanor.

8.04.010 Definitions.

As used in this chapter:

"Firearm" means any device from which is expelled a projectile by the force of any explosion or other form of combustion.

"Projectile" means any object, expelled from a firearm, that is designed with the intended capability of causing bodily harm. (Ord. 145 § 1, 2001)

8.04.020 Discharge unlawful.

It is unlawful for a person to discharge a firearm within five hundred (500) feet of any dwelling within the city limits of the city, except when it may be necessary to do so to protect the lives of humans or domestic animals, or in lawful protection of property. (Ord. 145 § 2, 2001)

8.04.030 Violation—Misdemeanor.

Any person or persons convicted of violating the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 145 § 3, 2001)

Chapter 8.08

NOISE

Sections:

8.08.010	Declaration of policy.
8.08.020	Definitions.
8.08.030	Sound level measurement criteria.
8.08.040	Presumed ambient noise level.
8.08.050	Radios, television sets, and similar devices.
8.08.060	Schools, hospitals and churches.
8.08.070	Machinery, equipment, fans and air conditioning.
8.08.080	Construction.
8.08.090	Violations—Misdemeanors.

8.08.010 Declaration of policy.

It is declared to be policy of the city to prohibit unnecessary, excessive, and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests shall be systematically proscribed. (Ord. 49 § 1, 1975)

8.08.020 Definitions.

As used in this chapter, unless the context otherwise clearly indicates the words and phrases used in this chapter are defined as follows:

"Ambient noise" is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purpose of this chapter, ambient noise level is the level obtained when the noise level is averaged over a period of fifteen (15) minutes without inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made.

"Decibel" (dB) means a unit of level which donates the ratio between two quantites which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.

"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 an imminent exposure to danger or work by private or public utilities when restoring utility service, or scheduled off-hour work to prevent customer inconvenience.

"Frequency" of a function periodic in time means the reciprocal of the smallest increment of time for which the function repeats itself. The unit is the cycle per second or hertz.

"Person" means a person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private in nature.

"Sound level" (noise level) in decibels is sound measured using the A weighting network of a sound level meter. Slow response of the sound level meter needle shall be used except where the sound is impulsive or rapidly varying in nature in which case fast response shall be used.

"Sound level meter" means an instrument including a microphone, an amplifier, an output meter, a frequency weighting networks for the measurement :of sound levels which satisfies the pertinent requirements in American National Standards Institute's Specification S1.4 -1971 or the most recent revision thereof for type S-2A general purpose sound level meters.

"Motor vehicles" shall include, but not be limited to, mini-bikes and go-carts.

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

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

"Commercial purpose" means and include the use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.

"Noncommercial purpose" means the use, operation, or maintenance of any sound equipment for other than a "commercial purpose." "Noncommercial purpose" means and include, but shall not be limited to, philanthropic, political, patriotic, and charitable purposes.

Supplementary Definitions of Technical Terms. Definitions of technical terms not defined herein shall be obtained from the American National Standards Institute's Acoustical Terminology S1-s-1971 or the most recent revisions thereof. (Ord. 49 § 2, 1975)

8.08.030 Sound level measurement criteria.

Any sound level measurement made pursuant to the provisions of this chapter shall be measured with a sound level meter using the "A" weighting. (Ord. 49 § 3, 1975)

8.08.040 Presumed ambient noise level.

When "ambient noise level" is referred to in this chapter, it means the higher of the following: (1) actual measured ambient noise level; or (2) presumed ambient noise level as determined from the chart below.

Ambient Noise Level
Sound Level A, Decibels
Community Environment
Classification—Rural

Zone	Time	Very Quiet
R1 and R2	10 pm to 7 am	35
R1 and R2	7 pm to 10 pm	40
R1 and R2	7 am to 7 pm	45
R3 and R4	10 pm to 7 am	40
R3 and R4	7 am to 10 pm	45
Commercial	10 pm to 7 am	50 (55)*
Commercial	7 am to 10 pm	55 (60)*

* Sound levels recommended by Pacific Gas and Electric Company.

(Ord. 49 § 4, 1975)

8.08.050 Radios, television sets, and similar devices.

A. Uses Restricted. It is unlawful for any person within the city to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the

peace, quiet, and comfort of neighboring residents or any reasonable person or normal sensitiveness residing in the city.

B. Prima Facie Violation. Any noise level exceeding the ambient noise level at the property line of any property (or, if a condominium or apartment house, within any adjoining apartment) by more than five decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section. (Ord. dated 9-25-75; Ord. 49 § 7, 1975)

8.08.060 Schools, hospitals and churches.

It is unlawful for any person to create any noise on any street, sidewalk, or public place adjacent to any school, institution of learning, or church while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, church or hospital. (Ord. 49 § 8, 1975)

8.08.070 Machinery, equipment, fans and air conditioning.

It is unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five decibels. For the purposes of this section, "noise level" means measured sound level with the following values added as corrections for time duration and character of the noise.

A. Add one and only one of the following corrections for time duration:

1. Noise persists for more than five minutes out of any one hour.	0
2. Noise persists for more than one minute but not more than five minutes out of any one hour.	-5
3. Noise persists for one minute or less out of any one hour.	-10

B. Add one and only one of the following corrections for unusual character:

1. Noise has no unusual character.	0
2. Noise contains a piercing pure tone.	+5
3. Noise is impulsive or rattling in nature	+5
4. Noise carries speech, music, or other information content.	+5

(Ord. 49 § 9, 1975)

8.08.080 Construction.

It is unlawful for any person within a residential zone or within a radium of five hundred (500) feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures, or projects or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device (between the hours of ten p.m. of one day and seven a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance unless beforehand a permit therefor has been duly obtained from (the officer or body of the city having the function to issue permits of this kind). No permit shall be required to perform emergency work as de-

fined in Section 8.08.020. (Ord. 49 Art. 3, 1975)

8.08.090 Violations—Misdemeanors.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars ($500.00) or be imprisoned in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 49 § 5, 1975)

Chapter 8.10

CANNABIS

Sections:

8.10.010 Title.

8.10.020 Purpose and intent.

8.10.030 Definitions.

8.10.040 Nuisance declared; cannabis cultivation and related activities are prohibited and unlawful in all zones; exceptions.

8.10.050 All sales, distribution, and deliveries prohibited.

8.10.060 Commercial cannabis activity, and retail dispensaries prohibited.

8.10.070 Enforcement.

8.10.010 Title.

This chapter shall be referred to as the "Cannabis Ordinance."
(Ord. No. 178, 12-21-17)

8.10.020 Purpose and intent.

It is the purpose and intent of this chapter to prohibit, to the maximum extent allowed under state law, the commercial, medical, and recreational cultivation, manufacture, testing, distribution, transportation, and storage of cannabis in order to preserve the public peace, health, safety, and general welfare of the citizens of Calaveras County and the environment while retaining the ability of patients to have access to medical cannabis in the county to the extent deemed necessary under state law. It is also the intent of this chapter to prevent the retail sales of cannabis from any storefront, home, or delivery business within the city limits. Any ambiguity in this chapter should be construed in whatever manner best effectuates this intent.
(Ord. No. 178, 12-21-17)

8.10.030 Definitions.

Unless the context clearly indicates a different meaning, the definitions in this section are intended to apply to this chapter only:

"Accessory use" or "accessory" has the same meaning as is listed in Section 17.04.030 of the Amador City Municipal Code.

"Cannabis" shall have the same meaning as it does in B&P § 26001. "Cannabis" shall also include "cannabis products" as defined in B&P § 26001, which includes both "edible cannabis products" as defined in B&P § 26001 and topical cannabis, meaning a cannabis product that is applied to the skin.

"Cannabis distribution" shall have the same meaning as "distribution" in B&P § 26001.

"Cannabis manufacturing" shall have the same meaning as "manufacture" in B&P § 26001.

"Caregiver" or "primary caregiver" shall have the same meaning as it does in H&S § 11362.7.

"Child resistant" shall have the same meaning as it does in B&P § 26001.

"Commercial," as used in this chapter, refers to the cultivation, manufacture, distribution, laboratory testing, transport, storage, possession, processing, labeling, dispensing, sale, or other activities involving cannabis that are or will be subject to state licensure under the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and its subsequent amendments. "Commercial," for purposes of this chapter, shall also refer to all collective and cooperative cannabis cultivation under Health and Safety Code § 11362.775.

"Costs of enforcement" or "enforcement costs" means all costs, direct or indirect, actual or incurred related to the performance of various administrative acts

required pursuant to the enforcement of this chapter, which include but are not limited to: Administrative overhead, salaries and expenses incurred by city employees, the city attorney, and enforcement officers, site inspections, investigations, evidence storage, notices, telephone contacts and correspondence, conducting hearings, as well as time expended by city staff in calculating the above expenses. The costs also include the cost of time and expenses associated with bringing the matter to hearing, the costs associated with any appeals from any decision rendered by any hearing body, hearing officer or court, the costs of judicially abating a violation, and all costs associated with removing, correcting or otherwise abating any violation, including administrative penalties of this chapter.

"City" means the City of Amador City.

"Cultivation" shall have the same meaning as it does in B&P § 26001.

"Cultivation area" shall mean that portion of the cultivation site containing live cannabis plants.

"Cultivation site" means the location where cannabis has been planted, grown, harvested, dried, cured, graded, or trimmed.

"Delivery" shall have the same meaning as it does in B&P § 26001.

"Dispensing," "dispensary," or "medical cannabis dispensary" refers to the premises from which a cannabis retailer, as defined in B&P § 26070, conducts commercial activities related to the retail sales and delivery of cannabis, as well as the actions involved in conducting such activities.

"Distribution" shall have the same meaning as it does in B&P § 26001.

"Dwelling" has the same meaning as is listed in Section 17.04.030 of the Amador City Municipal Code.

"Enforcement official" means any employee designated by the City of Amador City, including, but not limited to the city clerk, the city attorney, the Amador County Sheriff, or Amador County Code Enforcement officials, operating under contract with the city.

"Labeling" shall have the same meaning as it does in B&P § 26001.

"Manufacture" or "manufacturing," when referring to medical cannabis, has the same meaning as it does in B&P § 26001.

"Medical cannabis" shall have the same meaning as "medicinal cannabis" as defined in B&P § 26001.

"Minor" or "minors" means a person or people under twenty-one (21) years of age. "Minor" or "minors" does not include a person or people between eighteen (18) and twenty (20) years of age who use medical cannabis in compliance with the Compassionate Use Act (CUA), Medical Marijuana Program Act (MMPA), and MAUCRSA.

"Multi-family dwelling" is a "dwelling" has the same meaning as is listed in Section 17.04.030 of the Amador City Municipal Code.

"Nonmedical," "non-medical" or "non-medical cannabis" refers to all cannabis that is not "medical cannabis."

"Nursery," when referring to medical cannabis, shall have the same meaning as it does in B&P § 26001.

"Owner" means the person(s) or entity identified as the owner on the recorded deed for the parcel.

"Parcel" means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with Section 66410 of the Government Code).

"Person" means an individual.

"Plant" has the same meaning as "live plant" in B&P § 26001.

"Possessing" or "possession," when referring to medical cannabis, has the same meaning as it does for purposes of the Health and Safety Code.

"Private residence" means a lawfully permitted house, apartment unit, mobile home, or other similar dwelling.

"Residence" shall have the same meaning as "dwelling," as listed in Section 17.04.030 of the Amador City Municipal Code.

"Testing" or "laboratory testing," when referring to medical cannabis, has the same meaning as laboratory testing" as defined in B&P § 26001.

"Transport," "transporting," or "transportation," refers to the transporting of cannabis and cannabis products between holders of state-issued licenses under MAUCRSA.
(Ord. No. 178, 12-21-17)

8.10.040 Nuisance declared; cannabis cultivation and related activities are prohibited and unlawful in all zones; exceptions.

A. All cultivation of cannabis, whether indoor or outdoor, is hereby declared to be unlawful in all zones and a public nuisance that may be abated and subject to enforcement pursuant to Chapter 8.12 of the Amador City Municipal Code.

B. All cannabis manufacturing, testing, distributing, or transporting, is hereby declared to be unlawful in all zones and a public nuisance that may be abated and subject to enforcement pursuant to Chapter 8.12 of the Amador City Municipal Code. This provision shall also not apply to the lawful transportation of medical cannabis by a licensed medical cannabis distributor (holding a current, valid M-Type 11 license or similar temporary license pursuant to MAUCRSA) to a licensed medical cannabis dispensary in compliance with MAUCRSA.

C. Notwithstanding subsection A above, this section shall not apply to the non-commercial cultivation of recreational cannabis by a person(s) aged twenty-one (21) or older, or the non-commercial cultivation of medical cannabis by a person(s) aged eighteen (18) years or older, provided that such cultivation complies with all of the following conditions:

1. No more than six live cannabis plants per private residence may be cultivated indoors at any one time regardless of:

a. Whether the cannabis is medical or recreational;

b. Whether the cannabis is grown inside the private residence or in an accessory structure thereto;

c. The size or maturity of the plant(s); or

d. The number of recreational users, medical users, or primary caregivers residing together in the private residence.

2. If a person cultivating cannabis does not own the parcel on which the private residence is located, express written permission from the owner(s) consenting to cannabis cultivation and any associated material alterations to the property must be obtained prior to commencing cultivation, shall be maintained at the private residence, and shall be provided to the county upon request of any enforcement officer.

3. If an individual cultivating cannabis within a dwelling (or within an accessory structure thereto) is not an owner of that dwelling, and the owner of the dwelling is different than the owner of the parcel on which it lies, the express written permission from the owner(s) of the dwelling consenting to cannabis cultivation (and to any associated material alterations to the property) must be obtained before commencing

cultivation, shall be maintained at the private residence, and shall be provided to the city upon request of any enforcement officer.

4. Cultivation may only occur on a parcel with a permitted dwelling. Cannabis cultivation shall only occur within a single designated area of a dwelling or within a single accessory structure thereto which complies with all local ordinances, codes, regulations, and permitting requirements for the accessory structure's type, size, and intended use. The cultivation shall be subordinate, incidental, and accessory to the residential use.

5. There shall be no light pollution, glare, or brightness of artificial illumination associated with the cultivation.
(Ord. No. 178, 12-21-17)

8.10.050 All sales, distribution, and deliveries prohibited.

It shall be unlawful within the City of Amador City to sell, exchange, or distribute cannabis or cannabis related products from one person or business entity to another.
(Ord. No. 178, 12-21-17)

8.10.060 Commercial cannabis activity, and retail dispensaries prohibited.

It shall be unlawful to engage in manufacturing, testing, distributing, or to operate a dispensary within the city limits of Amador City.
(Ord. No. 178, 12-21-17)

8.10.070 Enforcement.

A. Any violation of this chapter is hereby declared a public nuisance which shall be subject to enforcement pursuant to the provisions of Chapter 8.12 of the Amador City Municipal Code.

B. Violations of this ordinance shall be subject to injunction, abatement or any other administrative, criminal, or civil remedy available the city under applicable state and city laws, including but not limited Government Code 38771 et seq., Chapter 8.12 of the Amador City Municipal.
(Ord. No. 178, 12-21-17)

Chapter 8.12

NUISANCES GENERALLY

Sections:

8.12.010 Definitions.

8.12.020 Abatement and removal.

8.12.030 Enforcement.

8.12.040 Chapter not exclusive regulation.

8.12.010 Definitions.

As used in this chapter:

"Nuisance" includes anything which is injurious to human health, is indecent, or is offensive to the senses. A nuisance interferes with the comfortable enjoyment of life or property. A nuisance affects at the same time an entire community, neighborhood, or a considerable number of persons although the extent of annoyance or damage inflicted upon the individual may be unequal. A nuisance includes all conditions of property including but not limited to, that condition which occurs as a result of the storage, removal, transport, processing or disposal of solid waste. A nuisance includes dry grasses, weeds, dead shrubs, dead trees, rubbish and waste matter that constitute a fire hazard in the R-1, R-2, R-3, R-4, C-1 and C-2 zones.

"Solid waste" includes all solid or semi-solid wastes such as refuse, garbage, rubbish, paper, ashes, industrial waste, demolition and construction waste, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal matter, and other discarded solid and semi-solid wastes. Solid waste also includes any liquid wastes generated by solid or semi-solid wastes, or liquid wastes disposed of in conjunction with solid waste disposal sites, but excludes any waste collected, treated or generated by a municipal or regional sewage system. (Ord. 128 (part), 1997: Ord. 108 (part), 1993: Ord. 81 § 1.00.010, 1988)

8.12.020 Abatement and removal.

A. Whenever any nuisance exists on property within Amador City, the owner of the property and the residents of the property shall be notified of the existence of the nuisance.

B. Notice shall be personally served on at least one resident if possible after due diligence. If a resident cannot be served, personal service on an owner may be substituted. A copy of the notice shall also be posted in plain view on the property. A copy of the notice shall also be mailed to the owner of the property by first class mail.

C. Posting of the notice and mailing to the owner shall be deemed adequate service if the property is vacant. If the property is vacant and an owner cannot, with due diligence, be found, posting of the notice on the property shall be deemed adequate service.

D. The required notice shall clearly state:

1. The street address of the property;

2. The nature and extent of the nuisance;

3. The date the notice is given;

4. That the nuisance must be removed within thirty (30) days of the date of the notice;

5. That failure to remove the nuisance shall constitute a misdemeanor violation of the law punishable by not more than one year in jail and a fine not to exceed five hundred dollars ($500.00);

6. And that the resident and owner shall be jointly liable to the city for the cost of removal of the nuisance.

E. Service of the notice shall be deemed complete on the earliest of the date of personal service or thirty (30) days after the notice is posted, whichever is earlier.

F. Upon the expiration of the notice period, the city may, without further notice, enter the property and remove the nuisance. (Ord. 128 (part), 1997: Ord. 108 (part), 1993: Ord. 81 § 1.00.030, 1988)

8.12.030 Enforcement.

A. The city council shall, with at least five days notice to the resident or if none found, the owner, shall meet to determine the existence and extent of a specific nuisance. All interested parties shall be given an opportunity to be heard before the city council determines the existence of a nuisance.

B. At the direction of the city council, the mayor, city clerk, or city attorney, shall enforce this chapter including but not limited to giving notice, removing the nuisance, and issuing a citation for the violation of this chapter.

C. Violation of this chapter is a misdemeanor. (Ord. 128 (part), 1997: Ord. 108 (part), 1993: Ord. 81 § 1.00.030, 1988)

8.12.040 Chapter not exclusive regulation.

This chapter does not excuse the residents or owners of property from prosecution for maintaining a nuisance according to any other statute, ordinance or law. (Ord. 128 (part), 1997: Ord. 108 (part), 1993: Ord. 81 § 1.00.040, 1988)

Chapter 8.13

SEPARATION OF HOUSEHOLD GARBAGE FROM GARDEN GREEN WASTE

Sections:

8.13.010 Established.
8.13.020 Franchise.
8.13.030 Separation of waste.
8.13.040 Placement and removal of containers.

8.13.010 Established.

The city of Amador City shall designate standardized collection and recycling services. Within its incorporated limits, the franchisee shall provide to each customer after the date of adoption of these rules and regulations (a) one or more approved mechanically loaded metal or plastic containers or bins for accumulation of garbage and rubbish, according to the quantity of waste generated and the collection interval, and (b) a designated container or bag(s) for the collection of the following recyclable materials: newspaper, cardboard, beverage glass, aluminum and plastic containers, bi-metal containers and other items which may vary as markets and economic conditions dictate. Each such refuse container shall be clearly marked to identify ownership of the container. Upon request of the customer, franchisee shall provide a wheeled container or twenty (20) gallon "mini-can". Further, the franchisee shall provide at the customer's request an approved mechanically loaded metal or plastic container approved by the city for accumulation and storage of organic green/garden wastes. Franchisee shall not impose rental for said containers. (Ord. 156 § 1, 2003)

8.13.020 Franchise.

The franchisee shall be responsible for maintaining each container in good working order, and shall repair or replace any damaged containers. If franchisee determines that such repair or replacement is not due to normal wear and tear or from the franchisee's actions, and such determination is concurred to by a representative of the city, then the franchisee may charge the cost of repair or replacement to the customer. In the event the franchisee finds that a customer does not segregate green waste from the household waste, the franchisee is to notify the customer by placing an approved tag on the customer's container notifying the customer of the violation and or requirement. In such cases where the customer continues to disregard the requirements, the franchisee shall not service the customer, shall tag the container and notify the city of Amador City. (Ord. 156 § 2, 2003)

8.13.030 Separation of waste.

Each customer small be responsible for segregating its residential organic green/garden from general household waste. In the cases where the customer wishes separate collection for the separated organic green/garden waste, the customer shall contact the franchisee for said service and place only clean garden and green waste within the designated container(s) provided by the franchisee. The customer shall be responsible for the container(s) and maintaining supervision over container(s) at their dwelling or premises, and shall maintain such container(s) in a sanitary and safe condition. (Ord. 156 § 3, 2003)

8.13.040 Placement and removal of containers.

Each customer after the date of adoption of these rules and regulations shall place the

container(s) in the parkway portion of the road or street nearest to the customer's premises, if available, otherwise on the curb or in the public right of way along the road or street nearest to the customer's premises that may be traveled by the franchisee's vehicles. The customer shall remove the container(s) from the road or street no later than twenty-four (24) hours following collection.

Any head of household residential customer who provides both (i) a letter from his or her medical doctor attesting to that customer's physical inability to bring containers to the place of collection specified above, and (ii) a certification that there is no other occupant in the household physically capable of so placing the containers, may request the franchisee collect the containers from the customer's private property or back yard. In such case, the franchisee shall manually retrieve that customer's container(s) from their storage location, bring the containers to the collection vehicle, and return the containers to their original storage location without additional charge to the customer, so long as the distance does not exceed one hundred fifty (150) feet in either direction. In such cases where the franchisee provides "back yard" collection services, the franchisee may apply a service fee as approved by the city of Amador City.

Where collection is currently being conducted from private property or back yard service, such collection procedures shall continue until such time as the city of Amador City imposes mandatory curbside collection. (Ord. 156 § 4, 2003)

Chapter 8.16

ORGANIC WASTE DISPOSAL REDUCTION

Sections:

8.16.010 Title.

8.16.020 Purpose and findings.

8.16.030 Definitions.

8.16.040 Requirements for the recordkeeping and reporting authority.

8.16.050 Requirements for education and outreach.

8.16.060 Requirements for commercial businesses.

8.16.070 Requirements for commercial edible food generators.

8.16.080 Requirements for food recovery organizations and services.

8.16.090 Compliance with CALGreen recycling requirements.

8.16.100 Compliance with model water efficient landscaping ordinance requirements.

8.16.110 Procurement requirements for jurisdiction departments, direct service providers, and vendors.

8.16.120 Solid waste facility requirements.

8.16.130 Inspections and investigations by jurisdiction.

8.16.140 Enforcement.

8.16.150 Effective date.

8.16.010 Title.

This chapter may be cited as the Organic Waste Disposal Reduction Ordinance. (Ord. No. 182, 5-17-22)

8.16.020 Purpose and findings.

The City of Amador City finds and declares:

A. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) solid waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

B. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and multi-family property owners that generate a specified threshold amount of solid waste to arrange for recycling services and requires jurisdictions to implement a mandatory commercial recycling program.

C. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations,

and food recovery services to support achievement of statewide organic waste disposal reduction targets.

D. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations applicable to their jurisdiction. This chapter will also help reduce food insecurity by requiring commercial edible food generators to arrange to have the maximum amount of their edible food, that would otherwise be disposed, be recovered for human consumption.

E. Amador County meets the definition of Rural Jurisdiction as defined in Section 42649.8 of the Public Resources Code and has therefore applied for the Rural Exemption in compliance with Section 18984.12 (c) of Chapter 12 (Short-lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations ("SB 1383 Regulations" or "Regulations"). The city submitted and received approval of its Rural Exemption Application and therefore is not subject to Article 3 Organic Waste Collection Services, Section 18992.1 of Article 11 Organic Waste Capacity Planning, and Sections 18993.1 and .2 of Article 12 Procurement of Recovered Organic Waste Products through December 31, 2026. Collection of recyclables and organics may occur in exempt rural areas and that collection is not subject to SB 1383 Regulations or this chapter unless otherwise required.

F. City of Amador City is subject to providing education and outreach information to organic waste generators, enforcing certain provisions of the CALGreen Building Standards and Model Water Efficient Landscape Ordinance, implementing an edible food recovery program and edible food recovery capacity planning, procurement of paper products, facility sampling for contamination of materials, inspections and enforcement, and recordkeeping and reporting to CalRecycle in compliance with the SB 1383 Regulations.
(Ord. No. 182, 5-17-22)

8.16.030 Definitions.

For purposes of this chapter, the following words or phrases are defined as follows:

A. "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on Jurisdictions (and others).

B. "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

C. "City" means City of Amador City.

D. "Commercial business" or "commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A multi-family residential dwelling that consists of fewer than five (5) units is not a commercial business for purposes of implementing this chapter.

E. "Commercial edible food generator" includes a Tier one or a Tier two commercial edible food generator as defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, food recovery organizations and food recovery services are not commercial edible food generators pursuant to 14 CCR Section 18982(a)(7).

F. "Compliance review" means a review of records by a jurisdiction to determine compliance with this chapter.

G. "C&D" means construction and demolition debris.

H. "Designee" means an entity that a jurisdiction contracts with or otherwise arranges to carry out any of the jurisdiction's responsibilities of this chapter as authorized in 14 CCR Section 18981.2. A designee may be a government entity, a hauler, a private entity, or a combination of those entities.

I. "Edible food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this chapter or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not solid waste if it is recovered and not discarded. Nothing in this chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

J. "Enforcement action" means an action of the jurisdiction to address noncompliance with this chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

K. "Food" has the same meaning as in Section 113781 of the Health and Safety Code. "Food" means 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.

L. "Food distributor" means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

M. "Food facility" has the same meaning as in Section 113789 of the Health and Safety Code.

N. "Food recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

O. "Food recovery organization" means an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

1. A food bank as defined in Section 113783 of the Health and Safety Code;

2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety Code; and,

3. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A food recovery organization is not a commercial edible food generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for food recovery organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this chapter.

P. "Food recovery service" means a person or entity that collects and transports edible food from a commercial edible food generator to a food recovery organization or other entities for food recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A food recovery service is not a commercial edible food generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

Q. "Food service provider" means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with

these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

R. "Grocery store" means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

S. "Implementation record" means the records and documentation required to be kept under Section 18995.2 of the SB 1383 Regulations.

T. "Inspection" means a site visit where a jurisdiction reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of organic waste or edible food handling to determine if the entity is complying with requirements set forth in this chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).

U. "Jurisdiction" means the City of Amador City.

V. "Jurisdiction enforcement official" means the City of Amador City or their authorized designee(s) who is/are partially or wholly responsible for enforcing the ordinance.

W. "Large event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than two thousand (2,000) individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this chapter.

X. "Large venue" means a permanent venue facility that annually seats or serves an average of more than two thousand (2,000) individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one (1) large venue that is contiguous with other large venues in the site, is a single large venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this chapter.

Y. "Local education agency" means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

Z. "Multi-family" or "muti-family residential dwelling" means of, from, or pertaining to residential premises with five or more swelling [dwelling] units. Multi-family premises do not include hotels, motels, or other transient occupancy facilities, which are considered commercial businesses.

AA. "MWELO" refers to the Model Water Efficient Landscape Ordinance (MWELO), 23 CCR, Division 2, Chapter 2.7.

BB. "Non-local entity" means the following entities that are not subject to the jurisdiction's enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):

1. Special district(s) located within the boundaries of the jurisdiction.

2. Federal facilities, including federal parks, located within the boundaries of the jurisdiction.

3. Prison(s) located within the boundaries of the jurisdiction.

4. Facilities operated by the state park system located within the boundaries of the jurisdiction.

5. Public universities (including community colleges) located within the boundaries of the jurisdiction.

6. County fairgrounds located within the boundaries of the jurisdiction.

7. State agencies located within the boundaries of the jurisdiction.

CC. "Notice of violation (NOV)" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

DD. "Paper products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

EE. "Person(s)" means any corporation, company, partnership, firm, or association as well as a natural person.

FF. "Printing and writing papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

GG. "Recycled-content paper" means paper products and printing and writing paper that consists of at least thirty (30) percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

HH. "Reporting authority" means the Amador Waste Management Department.

II. "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

JJ. "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

KK. "SB 1383 Regulations" or "regulations" means or refers to, for the purposes of this chapter, the Short-Lived Climate Pollutants: Organic Waste Reduction Regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

LL. "State" means the State of California.

MM. "Supermarket" means a full-line, self-service retail store with gross annual sales of two million ($2,000,000.00) dollars, or more, and which sells a line of dry gro-

cery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

NN. "Tier one commercial edible food generator" means a commercial edible food generator that is one of the following:

1. Supermarket.

2. Grocery store with a total facility size equal to or greater than ten thousand (10,000) square feet.

3. Food service provider.

4. Food distributor.

5. Wholesale food vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier one commercial edible food generator is amended in the future and differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall automatically apply to this chapter.

OO. "Tier two commercial edible food generator" means a commercial edible food generator that is one of the following:

1. Restaurant with two hundred fifty (250) or more seats, or a total facility size equal to or greater than five thousand (5,000) square feet.

2. Hotel with an on-site food facility and two hundred (200) or more rooms.

3. Health facility with an on-site food facility and one hundred (100) or more beds.

4. Large venue.

5. Large event.

6. A state agency with a cafeteria with two hundred fifty (250) or more seats or total cafeteria facility size equal to or greater than five thousand (5,000) square feet.

7. A local education agency facility with an on-site food facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier two commercial edible food generator is amended in the future and differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall automatically apply to this chapter.

PP. "Wholesale food vendor" means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).
(Ord. No. 182, 5-17-22)

8.16.040 Requirements for the recordkeeping and reporting authority.

A. In conformance with Section 18995.2 of the SB 1383 Regulations, the city will store and maintain the implementation record in a manner as required in the regulations and shall provide that information to the reporting authority upon request.

B. Upon request by a CalRecycle representative, the city will provide access to the implementation record within ten (10) business days in conformance with the California Public Records Act (Government Code § 6250 et seq.). The city or responsible department shall each notify the other and the reporting authority if a request for all or part of the implementation record is received and shall coordinate a response to such request.
(Ord. No. 182, 5-17-22)

8.16.050 Requirements for education and outreach.

A. A list of food recovery organizations as identified in the SB 1383 Regulations at Section 18982(a)(25)(A)-(B) and food recovery services operating within the jurisdiction shall be maintained on the jurisdiction's website. The list shall be updated annually and include, at a minimum,

the following information about each food recovery organization and each food recovery service:

1. Name and physical address.
2. Contact information.
3. Collection service area.
4. An indication of types of food the food recovery service or organization can accept for food recovery.

(Ord. No. 182, 5-17-22)

8.16.060 Requirements for commercial businesses.

A. A business that generates more than four cubic yards of commercial solid waste per week or is a multifamily residential dwelling of five units or more shall arrange for recycling services, consistent with state laws and the mandatory commercial recycling requirements of the city.

B. The commercial solid waste recycling program shall include education, outreach to, and monitoring and enforcement of businesses and multifamily residential dwelling of five units or more.

(Ord. No. 182, 5-17-22)

8.16.070 Requirements for commercial edible food generators.

A. At the time of passage, Amador City has no Tier one or Tier two commercial edible food generators. This section is in effect only if Tier one or Tier two commercial edible food generators are established in Amador City at a future date.

B. Tier one commercial edible food generators must comply with the requirements of this Section 8.16.070 commencing January 1, 2022, and Tier two commercial edible food generators must comply commencing January 1, 2024, in accordance with Section 18991.3 of the SB 1383 Regulations.

C. Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of this section, commencing January 1, 2024.

D. Commercial edible food generators shall comply with the following requirements:

1. Arrange to recover the maximum amount of edible food that would otherwise be disposed.

2. Contract with or enter into a written agreement with food recovery organizations or food recovery services for:

a. The collection of edible food for food recovery; or,

b. Acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.

3. Shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.

4. Allow the city or the city's designated enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4 of the regulations.

5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:(A) of the regulations.

a. A list of each food recovery service or organization that collects or receives its edible food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b) of the regulations.

b. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b) of the regulations.

c. A record of the following information for each of those food recovery services or food recovery organizations:

(1) The name, address and contact information of the food recovery service or food recovery organization.

(2) The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.

(3) The established frequency that food will be collected or self-hauled.

(4) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a food recovery service or food recovery organization for food recovery.

(5) No later than March 1st of each year commencing no later than March 1, 2023 for Tier one commercial edible food generators and March 1, 2025 for Tier two commercial edible food generators, provide an annual food recovery report to the reporting authority that includes all information listed above in 8.16.070D.5.c. of the regulations.

E. Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

(Ord. No. 182, 5-17-22)

8.16.080 Requirements for food recovery organizations and services.

A. Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b) of the SB 1383 regulations, shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1) of the regulations:

1. The name, address, and contact information for each commercial edible food generator from which the service collects edible food.

2. The quantity in pounds of edible food collected from each commercial edible food generator per month.

3. The quantity in pounds of edible food transported to each food recovery organization per month.

4. The name, address, and contact information for each food recovery organization that the food recovery service transports edible food to for food recovery.

B. Food recovery organizations collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b) of the regulations, shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2) of the regulations:

1. The name, address, and contact information for each commercial edible food generator from which the organization receives edible food.

2. The quantity in pounds of edible food received from each commercial edible food generator per month.

3. The name, address, and contact information for each food recovery service that the organization receives edible food from for food recovery.

C. Food recovery organizations and food recovery services that have their primary address physically located in the jurisdiction and contract with or have written agreements with one or more commercial edible food generators pursuant to 14 CCR Section 18991.3(b) of the regulations shall report to the jurisdiction the total pounds of edible food recovered in the previous

calendar year from the Tier one and Tier two commercial edible food generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) of the regulations no later than March 1.

D. Food Recovery Capacity Planning.

1. In order to support edible food recovery capacity planning assessments or other studies conducted by the city or its designated entity, food recovery services and food recovery organizations operating in the jurisdiction shall provide information and consultation to the city, upon request, regarding existing, or proposed new or expanded, food recovery capacity that could be accessed by the jurisdiction and its commercial edible food generators. A food recovery service or food recovery organization contacted by the city shall respond to such request for information within sixty (60) days, unless a shorter timeframe is otherwise specified by the jurisdiction.

2. The county shall conduct edible food recovery capacity planning, in coordination with the cities. If the county identifies that new or expanded capacity to recover edible food is needed, then the city will work with the county to expand edible food recovery.

(Ord. No. 182, 5-17-22)

8.16.090 Compliance with CALGreen recycling requirements.

A. The city is responsible for CALGreen Building Code compliance, and shall annually report to the reporting authority the number of projects subject to the following:

1. The adequate space requirements for recycling containers for new construction of multi-family dwelling units of five or more units on a building site and new commercial construction and additions.

2. Requirements and applicable laws related to management of Construction and Demolition (C&D) from disposal, including tracking of C&D debris.

B. Persons applying for a permit from the jurisdiction for new construction and building additions and alterations shall comply with all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen.

Project applicants shall refer to the jurisdiction's building department for complete CALGreen requirements. See Ordinance 180.

(Ord. No. 182, 5-17-22)

8.16.100 Compliance with model water efficient landscaping ordinance requirements.

A. The city is responsible for Model Water Efficient Landscaping Ordinance (MWELO) compliance, including the tracking and reporting of compost and mulch use requirements and upon request annually reporting to the reporting authority in compliance with the SB 1383 Regulations.

B. Persons applying for a permit from the jurisdiction for new construction requiring a permit with a landscape area greater than five hundred (500) square feet or rehabilitating an existing landscape with a total landscape area greater than two thousand five hundred (2,500) square feet shall comply with all required components of the MWELO.

Project applicants shall refer to the city for complete MWELO requirements. See Chapter 17.88—Water Efficient Landscape Design and Irrigation.

C. If, after the adoption of this chapter, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections

492.6(a)(3)(B) (C), (D), and (G) of the MWELO September 15, 2015 requirements in a manner that requires jurisdictions to incorporate the requirements of an updated MWELO in a local ordinance, and the amended requirements include provisions more stringent than those required in this section, the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.
(Ord. No. 182, 5-17-22)

8.16.110 Procurement requirements for jurisdiction departments, direct service providers, and vendors.

The jurisdiction is responsible for paper procurement in compliance with their procurement policy, including the tracking and reporting of procurement by each department and annually reporting to the reporting authority in compliance with the SB 1383 Regulations.
(Ord. No. 182, 5-17-22)

8.16.120 Solid waste facility requirements.

The applicable sampling and monitoring requirements found in Article 6.0, Transfer/Processing Operations and Facilities Regulatory Requirements of Title 14, Division 7, Chapter 3 in the California Code of Regulations shall apply.
(Ord. No. 182, 5-17-22)

8.16.130 Inspections and investigations by jurisdiction.

A. City employees and any entity acting on behalf of the city, are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or source separated materials to confirm compliance with this chapter by solid waste generators, commercial businesses (including multi-family residential dwellings), property owners, haulers, self-haulers, food recovery services, and food recovery organizations, subject to applicable laws. This section does not allow jurisdiction to enter the interior of a private residential property for inspection.

B. Regulated entities shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the jurisdiction's employee or its designated entity/designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, edible food recovery activities, records, or any other requirement of this chapter described herein. Failure to provide or arrange for: (1) access to an entity's premises; or (2) access to records for any inspection or investigation is a violation of this chapter and may result in penalties described.

C. Any records obtained by the city and/or its designated entities during its inspections, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

D. The city and/or its designated entities shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.
(Ord. No. 182, 5-17-22)

8.16.140 Enforcement.

A. Violation of any provision of this chapter shall constitute grounds for issuance of a notice of violation and assessment of a fine by a jurisdiction enforcement official or representative. Enforcement ac-

tions under this chapter are issuance of an administrative citation and assessment of a fine. The jurisdiction's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter, except as otherwise indicated in this chapter.

B. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. Jurisdiction may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. Jurisdiction may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of jurisdiction staff and resources.

C. Enforcement pursuant to this chapter may be undertaken by the city enforcement official, or their designated entity, legal counsel, or combination thereof.

D. Process for Enforcement.

1. Enforcement officials and/or their designee will monitor compliance with the ordinance randomly and through compliance reviews, investigation of complaints, and an inspection program. Section 8.16.130 establishes city's right to conduct inspections and investigations.

2. The city may issue an official notification to notify regulated entities of its obligations under the ordinance.

3. The city shall issue a notice of violation requiring compliance within sixty (60) days of issuance of the notice.

4. Absent compliance by the respondent within the deadline set forth in the notice of violation, city shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the jurisdiction's requirements contained in Section 8.16.140(j).

Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the jurisdiction or if no such address is available, to the owner at the address of the dwelling or commercial property or to the party responsible for paying for the collection services, depending upon available information.

E. Penalty Amounts for Types of Violations. The penalty levels are as follows:

1. For a first violation, the amount of the base penalty shall be fifty ($50.00) dollars to one hundred ($100.00) dollars per violation.

2. For a second violation, the amount of the base penalty shall be one hundred ($100.00) dollars to two hundred ($200.00) dollars per violation.

3. For a third or subsequent violation, the amount of the base penalty shall be two hundred fifty ($250.00) dollars to five hundred ($500.00) dollars per violation.

F. Factors Considered in Determining Penalty Amount. The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

1. The nature, circumstances, and severity of the violation(s).

2. The violator's ability to pay.

3. The willfulness of the violator's misconduct.

4. Whether the violator took measures to avoid or mitigate violations of this chapter.

5. Evidence of any economic benefit resulting from the violation(s).

6. The deterrent effect of the penalty on the violator.

7. Whether the violation(s) were due to conditions outside the control of the violator.

G. Compliance Deadline Extension Considerations. The jurisdiction may extend the compliance deadlines set forth in a notice of violation issued in accordance with Section 8.16.130 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters,

2. Delays in obtaining discretionary permits or other government agency approvals; or,

3. Deficiencies in organic waste recycling infrastructure or edible food recovery capacity and the jurisdiction is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

H. Appeals Process. Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with jurisdiction's procedures in the jurisdiction's codes for appeals of administrative citations. Evidence may be presented at the hearing. The jurisdiction will appoint a hearing officer who shall conduct the hearing and issue a final written order.

I. Education Period for Non-Compliance. Beginning January 1, 2022 and through December 31, 2023, the city, or other designated entity by agreement, will conduct inspections, and compliance reviews, depending upon the type of regulated entity, to determine compliance, and if the city determines that Tier one commercial edible food generator, food recovery organization, food recovery service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this chapter and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

J. Enforcement Table. The following is a list of potential violations for entities subject to this chapter:

Table 1. List of Violations

Requirement	Description of Violation
Commercial Business and Commercial Business Owner Responsibility Requirement	Commercial Business fails to provide or arrange for Organic Waste collection services consistent with Jurisdiction requirements for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage.
Facility Sampling and Monitoring	Solid Waste Facilities fail to conduct required sampling and monitoring.
Commercial Edible Food Generator Requirement	Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2022.
Commercial Edible Food Generator Requirement	Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2024.

Table 1. List of Violations	
Commercial Edible Food Generator Requirement	Tier One or Tier Two Commercial Edible Food Generator intentionally spoils Edible Food that is capable of being recovered by a Food Recovery Organization or Food Recovery Service.
Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service	Failure to provide or arrange for access to an entity's premises for any Inspection or investigation.
Recordkeeping Requirements for Commercial Edible Food Generator	Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 8.16.070.
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations	A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by Section 8.16.080.

(Ord. No. 182, 5-17-22)

8.16.150 Effective date.

This chapter shall be effective commencing thirty (30) days after its final adoption and publication according to law.

(Ord. No. 182, 5-17-22)

Title 9

PUBLIC PEACE AND WELFARE

Chapters:

9.04 Drug-Free Zones

Chapter 9.04

DRUG-FREE ZONES

Sections:

9.04.010 Designated.

9.04.010 Designated.

The city parks and public library are designated as "drug free zones" pursuant to California Health and Safety Code Section 11380.5 and the city parks and public library shall be posted as "drug free zones." (Ord. 136 § 1, 1999)

Title 10

VEHICLES AND TRAFFIC

Chapters:

10.04 One-way Streets

10.08 Parking Regulations

10.12 Abandoned Vehicles

Chapter 10.04

ONE-WAY STREETS

Sections:

10.04.010 Adoption.
10.04.020 Determination.

10.04.010 Adoption.

Ordinance No. 45, which designated certain streets one-way, is repealed.

The adoption of the repealing ordinance codified in this section does not affect prosecutions or actions instituted under the repealed ordinance for violations committed prior to the effective date of the repealing ordinance codified in this section nor, if applicable, the validity of any bond nor cash deposit previously posted, filed or deposited pursuant to the repealed ordinance prior to the effective date of the repealing ordinance codified in this section. (Ord. 162 § 1, 2005)

10.04.020 Determination.

In order to expedite the determination and designation of one-way streets for the purpose of regulating vehicular traffic upon city streets, the city council may designate, by resolution, which streets should be one-way. Following any such resolution, proper and adequate signage shall be installed. (Ord. 162 § 2, 2005)

Chapter 10.08

PARKING REGULATIONS

Sections:

10.08.010	**Parking regulations.**
10.08.020	**Overnight parking or camping.**
10.08.030	**Recreational vehicles, campers, trailers, truck tractors or similar vehicles.**
10.08.040	**Repairs of vehicles.**
10.08.050	**Violations—Penalties.**

10.08.010 Parking regulations.

A. Designation—Authority. In order to expedite the determination and designation of parking for the purpose of regulating vehicular traffic upon city streets, the city council may designate, by resolution, no parking, limited parking or restricted parking on city streets.

B. Parking—Conformity With Markings and Signs Required. No person shall leave a vehicle standing or parked, whether attended or unattended, upon a city street in violation of any curb marking or sign.

C. Red Curb—No Parking Area. No person shall stop, allow to stand, or park any vehicle, whether attended or unattended on any portion of the street where the curbing adjacent thereto is painted red.

D. Yellow Curb—Loading Zone. No person shall stop, allow to stand, or park any vehicle, whether attended unattended, on any portion of the street where the curbing adjacent thereto is painted yellow except for the purpose of loading or unloading passengers or freight for such time as may be specified by resolution.

E. White Curb. No person shall stop, allow to stand, or park any vehicle, whether attended or unattended, on any portion of the street where the curbing is painted white except for the loading or unloading of passengers for such time as may be specified by resolution.

F. Green Curb. No person shall stop, allow to stand, or park any vehicle, whether attended or unattended on any portion of the street where the curbing adjacent thereto is painted green for a period longer than fifteen (15) minutes unless outside of posted times.

G. Blue Curb. No person shall stop, allow to stand, or park any vehicle, whether attended or unattended, other than a vehicle of a physically handicapped person as described in Section 5007, 22511.55 and 22511.59 of the California Vehicle Code, on any portion of the street where the curbing adjacent thereto is painted blue. (Ord. 149 § 1 (part), 2002; Ord. 143, 2000)

10.08.020 Overnight parking or camping.

A. No overnight parking or camping in public parking lots.

B. No overnight camping on public streets. (Ord. 101 § 1, 1991)

10.08.030 Recreational vehicles, campers, trailers, truck tractors or similar vehicles.

A. It is unlawful within the city for any person to park or allow to park any recreational vehicle, camper, trailer, truck tractor, or similar vehicle or vessels on any street, alley or highway, or any other public place within the city limits of the city except as provided in this chapter.

B. Parking is permitted on any street, alley or highway for not longer than seventy-two

(72) hours subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

C. It is unlawful for any person to use as sleeping quarters any motor vehicle, recreational vehicle, camper, trailer or vessel parked on any street, alley or highway or other public place within the city limits of the city.

D. Trailers to be used for commercial or business purposes (i.e. office space, night watchman's trailer) can be approved by the city council on appropriately zoned land; upon application to the city for a use permit for a period not exceeding two years, No extensions of the use permit shall be permitted and the trailer must be removed from the premises at the end of the use permit period. (Ord. 139 (part), 2000)

10.08.040 Repairs of vehicles.

A. It is unlawful, within the limits of the city for any person to perform repairs on any type of vehicle, recreational vehicle, camper or other type of trailer while said vehicle, recreational vehicle, camper or trailer is parked on any public street, alley, highway, roadway or other public place except as provided in subsection B of this section.

B. Emergency repairs (flat tire, jump start) not exceeding twelve (12) hours duration may be performed subject to any other prohibitions, regulations or limitations imposed by the traffic and parking regulations for that street, alley or highway. (Ord. 139 (part), 2000)

10.08.050 Violations—Penalties.

Any person found guilty of violating any provisions of this chapter shall be deemed guilty of an infraction and shall be fined no less than one hundred dollars ($100.00) and all cost of removal and every day such violation exists shall constitute a separate offense and be punishable as such hereunder. (Ord. 139 (part), 2000)

Chapter 10.12

ABANDONED VEHICLES

Sections:

10.12.010 Declaration of nuisance.
10.12.020 Definitions.
10.12.030 Exceptions.
10.12.040 Chapter not exclusive regulation.
10.12.050 Enforcement authority—Right of entry.
10.12.060 Contract or franchise—Right of entry for removal of a vehicle.
10.12.070 Administrative costs determination.
10.12.080 Notice of intention to abate and remove vehicle.
10.12.090 Conduct of hearing.
10.12.100 Appeal to authority.
10.12.110 Order of vehicle removal—Assessment of costs.
10.12.120 Exceptions to hearing requirement.
10.12.130 Disposition of vehicle or parts.
10.12.140 Notice to Department of Motor Vehicles.
10.12.150 Collection of delinquent assessment.
10.12.160 Collection of costs.
10.12.170 Refusal to remove vehicle—Misdemeanor.

10.12.010 Declaration of nuisance.

In addition to and in accordance with the determination made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the city council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property 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 hazard to the health and safety of children, 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, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in this chapter. (Ord. 117 § 1 (part), 1995)

10.12.020 Definitions.

As used in this chapter:

"Abandoned vehicle" means a motor vehicle left on a highway, public property, or private property in such inoperable or neglected condition that it may be reasonably inferred that the owner's intention is to relinquish all further rights or interests in the vehicle.

A vehicle is presumed to be "abandoned" when it is left on a highway for seventy-two (72) hours or more without being moved, is parked, resting, or otherwise immobilized on any highway or public right of way and lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highway. Vehicles found in such a condition on a highway or public right of way are presumed to be a hazard to public health, safety, and welfare and may be removed immediately upon dis-

covery by a peace officer or other designated employee.

"Authority" means the Amador County abandoned vehicle abatement authority.

"Collector" means the owner of one or more vehicles who collects, purchases, acquires, trades or disposes of such vehicle(s), or vehicle parts thereof, for his or her own or her own use, in order to preserve, restore and maintain such vehicle(s) for hobby or historical purpose.

"Designated employee" means a representative of the Amador City council or of the Amador County sheriff and/or the code enforcement division of the Amador County district attorney.

"Dismantled vehicle" means any motor vehicle that is partially or wholly disassembled.

"Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Highway" includes "street."

"Inoperative vehicle" means any motor vehicle which either:

1. Cannot move under its own power; or

2. Has mechanical violations which would constitute an unsafe vehicle within the meaning of Section 24002 of the Vehicle Code.

"Public property" includes "streets" and "highways."

"Street" includes all or part of, or any right in, a state highway or other public highway, road, street, avenue, alley, lane, driveway, place, court, trail, or other public right-of-way or easement, or purported public street or highway, and rights connected therewith, including, but not limited to, restrictions of access or abutters' rights, sloping easements, or other incidents to a street or highway.

"Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

"Wrecked vehicle" means any motor vehicle that is damaged to such an extent that it cannot lawfully be operated upon the highway. A vehicle which has been wrecked in a traffic collision, then removed from the roadway to a storage facility, but not yet claimed by its owner, will not be considered an abandoned vehicle. (Ord. 126, 1996; Ord. 117 § 1.00.010, 1995)

10.12.030 Exceptions.

A. This chapter shall not apply to:

1. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

2. Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under the provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this chapter.

B. Collector may maintain one or more vehicles on private property as long as the:

1. Storage area does not exceed ten (10) percent of the total parcel;

2. Vehicle storage is designated to one area of the parcel;

3. Storage area will have a twenty (20) foot setback from street edge;

4. Stored vehicles are maintained in a manner as not to constitute a health and safety hazard i.e, dry grass, broken glass, leaking fuel from stored vehicles;

5. Vehicles shall not be stacked on top of one another;

6. Vehicle storage area shall be cleared of all vegetation that constitutes a fire hazard, refuse and vehicle parts including tires that are not stored within a vehicle;

7. Stored vehicles that are visible from private or public property shall be screened by either a solid wood or masonry fence which complies with city requirement, or alternative screening such as vegetation, terrain or other screening approved by the abandoned vehicle authority directors. (Ord. 117 § 1.00.020, 1995)

10.12.040 Chapter not exclusive regulation.

The provisions of this chapter are not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles. It is in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the county, the state or any other legal entity or agency having jurisdiction. (Ord. 117 § 1.00.030, 1995)

10.12.050 Enforcement authority—Right of entry.

Except as otherwise provided herein, the provisions of this chapter may be administered and enforced by the Amador County sheriff and the code enforcement division of the Amador County district attorney's office. In enforcing this chapter such employees may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle (and to remove or cause the removal of a vehicle or parts thereof) declared to be a nuisance pursuant to this chapter, provided, however, that such entry shall be made in a lawful manner. (Ord. 117 § 1.00.040, 1995)

10.12.060 Contract or franchise—Right of entry for removal of a vehicle.

When the council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter, provided, however, that such entry shall be made in a lawful manner. (Ord. 117 § 1.00.050, 1995)

10.12.070 Administrative costs determination.

The authority shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or part thereof) under this chapter. Such amount shall be based on an analysis of the staff time reasonably necessary to process each case involving the removal of a vehicle, and shall not exceed the good-faith estimate of such administrative costs based on such analysis. (Ord. 117 § 1.00.060, 1995)

10.12.080 Notice of intention to abate and remove vehicle.

Unless both the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof, not less than ten days before the date of intended removal of the vehicle pursuant to the provisions of this chapter, a notice of intention to abate and remove the abandoned, wrecked, dismantled, or inoperative vehicle shall be sent by the designated employee by registered or certified mail, to the owner of the land on which the vehicle is located, as shown on the last equalized assessment roll, and to the last registered and

legal owners of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. It shall not be a prerequisite to removal of the vehicle pursuant to this section that the return receipt be received showing delivery of the notice. Such notice of intention shall contain a statement that the owner of the property and the owner of the vehicle have a right to request a hearing before the designated employee, at which hearing the property owner may in lieu of appearing, submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his or her reasons for such denial. If such a statement is submitted, it shall be construed as a request for hearing on the issue of assessment of costs which does not require the presence of the property owner submitting such request, although the submission of such a statement shall not preclude the owner from presenting testimony at the hearing if he or she should decide to do so. If, based on the inspection by the designated employee or his or her designed representative, there is evidence that a known third party who is not the property owner or the vehicle owner left the vehicle on the property without the consent of the vehicle owner or the property owner, the notice referenced above in this section shall be sent to said third party in the manner specified in this section, at the best known address available to the designated employee. The request shall be made to the designated employee within ten (10) days after the mailing of the notice of intention to abate and remove the vehicle. If such a request is not received within such period, the designated employee shall have authority to remove or cause the removal of the vehicle. (Ord. 117 § 1.00.070, 1995)

10.12.090 Conduct of hearing.

If either the property owner or the vehicle owner requests a hearing within ten days after the mailing of the notice of intention to abate and remove the vehicle, the person or persons making such request shall be entitled to a hearing before the designated employee, who shall hear all facts and testimony the designated employee deems pertinent. (Ord. 117 § 1.00.080, 1995)

10.12.100 Appeal to authority.

A. Any interested party may appeal the decision of the designated employee by filing a written notice of appeal with the designated employee within five days of his or her decision.

B. Such appeal shall be heard by the authority, which may affirm, amend, or reverse the order or take such other action as it deems appropriate.

C. The authority shall give written notice of the time and place of the hearing to the appellant and those persons specified as entitled to notice under Section 10.12.080.

D. In conducting the hearing, the authority shall not be limited by the technical rules of evidence. (Ord. 117 § 1.00.090, 1995)

10.12.110 Order of vehicle removal—Assessment of costs.

If no request for a hearing is received by the designated employee within ten (10) days after the notice is mailed, or both the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle, and the designated employee finds, at the conclusion of the hearing, that the vehicle or part there of is abandoned, wrecked, dismantled, or inoperative within the meaning of this chapter, and in the event of an appeal to the authority, the

authority upholds such officer's findings, such officer may order the vehicle removed from the property as a public nuisance and disposed of as hereinafter provided, and determine the administrative costs and the costs of removal to be charged against the owner of the vehicle, the owner of the property on which it is located, and/or the person who placed the vehicle on the property if that fact has been determined at the hearing. Such officer may impose such conditions and take such other action as he or she deems appropriate under the circumstances to carry out the purposes of this chapter, including without limitation delaying the time for removal of the vehicle or part thereof if, in his or her opinion, the circumstances justify it. If the vehicle is ordered removed, the order shall include a description of the vehicle or part thereof and the correct identification number and license number, if available. (Ord. 117 § 1.00.100, 1995)

10.12.120 Exceptions to hearing requirement.

A hearing as provided above in this chapter shall not be required in the following circumstances:

A. When both the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof; or

B. When the vehicle is located upon a parcel zoned A, AG, or R1-A, or not improved with a residential structure, is inoperable due to the absence of a motor, transmission, or wheels and is incapable of being towed, is valued at less than three hundred dollars ($300.00) by the designated employee or any of his or her designated representatives, the Amador County sheriff or any of his or her deputies, or any California Highway Patrol officer, is determined by the designated employee or any of his or her designated representatives to be a public nuisance presenting an immediate threat to public health or safety, and the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof. Prior to final disposition pursuant to Section 10.12.130 of this chapter, of such a low-valued vehicle for which evidence of registration is available, the designated employee shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within ten days after the notice is mailed, from the disposal site to which the vehicle was taken, final disposition may proceed. (Ord. 117 § 1.00.110, 1995)

10.12.130 Disposition of vehicle or parts.

Vehicles or parts thereof removed pursuant to this chapter may be disposed of by removal to a scrap yard, automobile dismantler's yard, or any suitable site authorized under applicable county ordinances to receive junk and/or dismantled vehicles. After a vehicle or part thereof has been removed, it shall not be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Vehicle Code Section 5004, in which case the vehicle may be reconstructed or made operable. (Ord. 117 § 1.00.120, 1995)

10.12.140 Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle pursuant to this chapter, notice shall be given by the designated employee to the department of motor vehicles, identifying the vehicle or part thereof any evidence of

registration available, including, but not limited to, the registration card, certificates of ownership, or license plates. (Ord. 117 § 1.00.130, 1995)

10.12.150 Collection of delinquent assessment.

If the administrative costs and costs of removal are charged against the owner of the land pursuant to Section 10.32.110 and are not paid within thirty (30) days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 25845 of the Government Code, and shall be transmitted to the tax collector for collection subject to collection in any manner specified in said section. Such assessment shall have the same priority as other county taxes. (Ord. 117 § 1.00.140, 1995)

10.12.160 Collection of costs.

If the administrative costs and costs of removal are not paid within thirty days after the date of the order, or the final disposition of an appeal therefrom, the designated employee shall have the right, in addition to any other manner provided by law for the collection of such costs, to recover such administrative costs and costs of removal from the property, from the registered owner and/or legal owner of any vehicle removed from property pursuant to this chapter, and/or from the third party, if any, responsible for placing such vehicle on the property from which it was removed in an action in a court of competent jurisdiction over the amount of such costs. (Ord. 117 § 1.00.150, 1995)

10.12.170 Refusal to remove vehicle—Misdemeanor.

It is unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle 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 state law is applicable. This offense is punishable by a fine of not more than five hundred dollars ($500.00) or imprisonment in the county jail not to exceed six months, or by both such fine or imprisonment. (Ord. 117 § 1.00.160, 1995)

Title 11

(RESERVED)

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.04	**Streets and Sidewalk Maintenance**
12.08	**Encroachments**
12.12	**Miscellaneous Street and Sidewalk Use Regulations**
12.48	**Special Events**

Chapter 12.04

STREETS AND SIDEWALK MAINTENANCE

Sections:

12.04.010 Maintenance responsibility and liability for injuries.

12.04.010 Maintenance responsibility and liability for injuries.

The owners of lots or portions of lots fronting on any portion of a public street or place when that street is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a part or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger third persons or the general public.

Further by this chapter such adjacent landholders shall have a duty of care to third persons and the general public and express liability to third persons and the general public for sidewalk injuries, including but not limited to slips and falls and other injuries occurring because of such adjacent property owner's lack of maintenance of the sidewalks. (Ord. 132 § 1, 1998)

Chapter 12.08

ENCROACHMENTS

Sections:

12.08.010 Permit required.

12.08.020 Permit issuance.

12.08.030 Sidewalk restaurant and bar revocable encroachment permits.

12.08.010 Permit required.

All encroachments of every kind, nature or description (excluding public utilities) upon any city street, sidewalk, or public space without a permit issued in accordance with the provisions of Sections 12.08.020 and 12.08.030, is prohibited. (Ord. 60 § 1, 1984)
(Ord. No. 181, § 1, 9-21-21)

12.08.020 Permit issuance.

A. The city engineer is authorized to issue road encroachment permits to persons applying therefor when he or she finds that its construction will not hinder, delay or interfere with the normal flow of traffic on said street or jeopardize the public safety. He or she shall use a form of permit as approved by the city and incorporate therein all conditions that are necessary to comply with the General Provisions Regulating Work Performed Under Encroachment Permits as established by the city, set out in subsection B of this section.

B. General Provisions Regulating Work Performed Under Encroachment Permits.

1. This permit is issued under, and is subject to, all laws and ordinances of agencies governing the encroachment herein permitted. See the following references:

STREET AND HIGHWAYS CODE

1. Division 1, Chapter 3 (State Highways)

2. Division 2, Chapter 2 (County Highways)

CITY OF
AMADOR ORDINANCES

2. It is understood and agreed by the Permittee that, the performance of any work under this permit shall constitute an acceptance of all the provisions contained herein, and failure on the Permittee's part to comply with any provision will be cause for revocation of this permit. This permit is revocable on five (5) days' notice.

3. All work shall be done subject to the inspection of, and to the satisfaction of, the grantor. The Permittee shall leave the City Streets and properties in a thoroughly neat, clean and useable condition, as much as is possible at the end of each work day, and at the completion of the encroachment granted herein.

4. The Permittee agrees by the acceptance of this permit to properly maintain any encroachment structure placed by him and to immediately repair, at his own expense, any injury to any portion of the City Streets, or properties, which occurs as a result of the maintenance of the said encroachment structure.

5. The Permittee agrees that whenever future construction, reconstruction or maintenance work may require, the installation, provided for herein shall, upon request of the Grantor, be immediately moved by the Permittee at his sole expense.

6. No materials used for fill or backfill in the construction of the encroachment shall be borrowed or taken from within the City Streets or properties except by special permission of the Street Commissioner.

7. All work shall be planned and carried out so that there will be as little incon-

venience as possible to the traveling public. No material shall be stacked within eight feet (8') of the edge of the pavement or travel way unless otherwise provided herein. Barricades shall be placed, with approved signs and lights at night, and flagmen shall be employed, all as may be required by the particular work in progress.

8. The Permittee, by the acceptance of this permit, shall assume full responsibility for all liability for personal injury or damage to property which may arise out of the work herein permitted or which may arise out of the failure of the part of the Permittee to do the work provided for under this permit. In the event any claim of such liability is made against the City of Amador City or any official or employee thereof, the Permittee shall defend, indemnify, and hold them and each of them harmless for such claim.

9. Whenever necessary to secure permission from abutting property owners, such authority must be secured by the Permittee prior to starting work.

10. All backfill material is to be moistened as necessary and thoroughly compacted by mechanical means. If required by the Street Commissioner, such backfill shall consist of gravel or crushed rock. The Permittee shall maintain the surface over structures placed hereunder as may be necessary to insure the return of the roadway to a completely stable condition. Permittees responsibility for said maintenance of stable condition shall continue for a period of one year. Wherever a gravel, crushed rock or asphalt surfacing is cut or damaged in the work of placing an encroachment structure, such material shall be replaced and the roadway shall be left in at least as good a condition as it was before the commencement of operations of placing the encroachment structure.

11. The Permittee may be required to repair City facilities which may be damaged as a result of the work performed under this permit.

12. All costs for conforming to the requirements of this permit shall be the responsibility of the permittee.

13. Immediately following the completion of the construction permitted herein, the Permittee shall notify the City Engineer that the subject works are ready for final inspection. The Permittee shall pay all costs incurred in the inspection. (Ord. 60 § 2, 1984)

12.08.030 Sidewalk restaurant and bar revocable encroachment permits.

A. Establishments in the business primarily of serving food and beverages may be permitted on a city sidewalk, boardwalk, alleys, or other public space located in the public right-of-way, subject to location and issuance of a sidewalk revocable encroachment permit under this section and compliance with the application, and operational requirements of this section.

B. Applications for a sidewalk revocable encroachment permit shall be made to the city engineer. A completed sidewalk revocable encroachment permit application must be accompanied by two (2) sets of plans drawn to scale. The site plan must show the location of tables, chairs, a perimeter barrier element, and any fixed elements on the sidewalk, boardwalk, alley, or public space within a twenty-five (25) foot radius around the sidewalk café area. Plans must include the dimension of the clear zone, as defined in subsection E. of this section, from outer perimeter of the sidewalk trade fixtures to nearest sidewalk infrastructure features.

C. The terms restaurant and bar use shall mean and refer to an establishment in

the primary business of offering food and drink services, including alcoholic beverages, to the general public.

D. Sidewalk permits shall not obstruct pedestrian traffic, accessibility to vehicles parked adjacent to the curb, or create public health or safety hazards.

E. A minimum three-foot clear zone is required between the outside edge of any sidewalk trade fixture and any fixed element within the sidewalk, alley, or public space within the pedestrian right-of-way. Fixed elements include, but are not limited to, light and sign poles, trees and landscape strips, traffic poles, parking meters, curbs, tree-wells, flower pots, and waste containers. "Clear zone" means a pedestrian area that is maintained free of all obstructions for purposes of foot passage.

F. The sidewalk revocable encroachment permit holder is responsible for compliance with all federal and state laws relating to disabled access in the operation of a sidewalk restaurant or bar establishment and in maintaining the clear zone required by subsection E., as may be applicable.

G. No additional parking shall be required for sidewalk business establishments permitted under this section.

H. Permitted areas under this section shall be used only as seating areas for service by the restaurant or bar. All other uses, including storage, kitchen, or restroom uses, are not allowed. Tables and chairs must be movable unless otherwise approved by the city engineer.

I. Placement of tables and chairs shall be limited to the public right-of-way frontage adjacent to the associated restaurant and bar use as determined by the city engineer unless the applicant demonstrates to the satisfaction of the city that the areas proposed for use under the encroachment permit are areas over which the applicant exercises lawful dominion and control. All tables and chairs subject to the permitting requirements of this section must be approved in advance by the city engineer.

J. Service and consumption of alcoholic beverages in a sidewalk café shall comply with applicable laws and licensing requirements.

K. A decorative element separating the sidewalk permit seating area from adjacent pedestrian traffic must be provided. The design and materials of this element must complement and be compatible to the architectural design features of the city. Decorative elements of the permitted area must be approved in advance by the city engineer or designee as established by the city council.

L. Areas permitted for use under this section may be uncovered, partially covered, or fully covered by means of umbrellas, awnings or canopies. Width and height of awnings and canopies shall meet applicable building code requirements. Awnings, canopies and umbrellas must be made of fire-treated or nonflammable materials. Decorative or accent lighting may be incorporated into the permitted area and shall meet all City Code requirements.

M. Permit approval under this section is subject to the applicant obtaining all required building and electrical permits prior to construction, and satisfactorily demonstrating compliance with applicable building and fire safety standards as may be applicable.

N. The permit issued under this section shall be displayed in a prominent location easily accessible to the public together with a copy of the approved design submitted in conjunction with the application for issuance.

O. The business establishment applying for a permit under this section shall utilize an application developed by the city engineer and approved for mandatory use

by the city council. The application shall include an application fee established by the city council as well as agreement to terms and conditions as established by the city council, including but not limited to indemnity and insurance requirements. A permit issued under this section is revocable in the sole discretion of the city council, or designee, at any time without notice. The city council may, by resolution, establish such other administrative procedures and standards not inconsistent with this section as may be necessary or convenient in administering this section. A permit issued under this section shall not give right to an expectation of continued use, nor a right to possession.

(Ord. No. 181, § 1, 9-21-21)

Chapter 12.12

MISCELLANEOUS STREET AND SIDEWALK USE REGULATIONS

Sections:

12.12.010 Skateboards—Prohibited.

12.12.010 Skateboards—Prohibited.

It is unlawful for any person or party to operate, ride, or use, skateboards on or within any pubic roadway, street, sidewalk, pathway, or other public service or activity area within the city limits of the city. (Ord. 124 § 1, 1996)

Chapter 12.48

SPECIAL EVENTS

Sections:

12.48.010 Definitions.

12.48.020 Special event permit—Scope and unlawful participation.

12.28.030 Special event permit exemptions.

12.48.040 Special event permit waiver.

12.48.050 Special event permit application fee.

12.48.060 Special event permit fees.

12.48.070 Special event permit cancellation fees.

12.48.080 Special event permit—Application and notice.

12.48.090 Amplified sound restrictions.

12.48.100 Special event permit insurance and indemnity requirements.

12.48.110 Special event permit—Application and approval

12.48.120 Special event permit—Denial or revocation.

12.48.130 Alternative dates and places.

12.48.140 Appeal of action on permit.

12.48.010 Definitions.

For purposes of this chapter, the following words or phrases are defined as follows:

"Alcoholic beverages" means alcohol, spirits, liquor, beer, wine, or any other liquid that contains one-half of one percent or more of alcohol by volume.

"Amplified sound" means speech, music, or other sound projected or transmitted by electronic equipment, including amplifiers, loud speakers, microphones, or similar devices, or combinations of devices that are powered by electricity, battery, or combustible fuel and which are intended to increase the volume, range, distance, or intensity of speech, music, or other sound.

"City event manager" means the city council or the city event manager as designated by the city council of the City of Amador City.

"Commercial activity" means selling, offering for sale, or solicitation for future delivery or performance of, any merchandise, food, beverages, or service.

"Decibel" or "dB" means unit which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten (10) times the logarithm to the base of ten (10) of this ratio.

"Free speech right" means expressive activity protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution, provided that such activity is the primary purpose of the special event.

"Noise level" means the: A: 'weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty (20) microPascals. The unit of measurement shall be designated as dBA.

"Park" means and includes ell [all] parks. parkways, medians, pedestrian malls, plazas, greenbelts, gardens, lakes, and any other property owned or controlled by the city, including structures thereon and off street parking areas that are used in connection therewith, which are operated or maintained for passive or active recreational purposes. The term "park" also includes any property owned or controlled by the city as

open space, including undeveloped sites for future parks. The term "park" does not include the City Hall Facility.

"Pyrotechnics" or "fireworks" mean a device consisting of a combination of explosives and combustibles, which when ignited generates fire, light, smoke, or noise for amusement.

"Special event" means an organized assembly of more than fifty (50) persons who occupy all or a portion of a public street, sidewalls alley, or park for a period of more than thirty (30) minutes. The term "special event" includes an assembly or [of] more than fifty (50) persons to conduct a parade, march, or procession that will occupy ail [all] or any portion of a public street, sidewalk, alley, or park for a period of more than thirty (30) minutes.

"Special event permit" means a permit issued by the city manager to conduct a special event.

"Temporary fencing" means a removable barrier to close off access to all or a portion of a public street, sidewalk, alley, or park.

"Temporary structure" means a booth, canopy, or tent that is larger than two hundred (200) square feet in size.
(Ord. No. 173, 8-20-15)

12.48.020 Special event permit—Scope and unlawful participation.

A. No person shall organize, sponsor, conduct or participate in any special event unless a special event permit has been issued under this chapter except for special events that meet the permit exception provisions as provided in Section 12.48.030, or the permit requirement is waived by the city council or the city event manager. A special event permit shall be publicly displayed during the special event and shown upon demand of any city official.

B. No person shall:

1. Join or participate in any special event conducted under a special event permit either in violation of any of the terms of the permit, or without the consent and over the objection of the permittee; or

2. Interfere in any manner with the special event.

C. Any person violating this provision Section 12.48.020 is guilty of a misdemeanor.
(Ord. No. 173, 8-20-15)

12.28.030 Special event permit exemptions.

A. A person organizing, sponsoring, conducting, or participating in a special event that meets all of the following criteria is not required to obtain a special event permit, but the public street, sidewalk, alley, or park where the special event is to [take] place shall not be subject to reservation or closure to exclude occupancy or use by other members of the public:

1. The special event does not require closure of all or any portion of a public street, sidewalk, alley, or park because:

a. The assembly will not impede, obstruct, impair, or interfere with the use of the public street, sidewalk, alley, or park by other members of the public, or block fire lanes and paths for pedestrians and vehicles access; and

b. The participants comply with normal and usual traffic regulations or controls;

2. If held in a park, the special event complies with all of the park use regulations set forth herein.

3. The special event does not include the use of amplified sound, pyrotechnics, temporary fencing, temporary structures, commercial activity, or the sale or consumption of alcoholic beverages.

B. Other Exceptions. The requirement to obtain a permit under this chapter to conduct a special event does not apply to the following activities:

1. A funeral procession organized by a licensed mortuary; and

2. Film-making activities under a permit issued pursuant to Chapter 6.50 ACMC Section 5.12.

(Ord. No. 173, 8-20-15)

12.48.040 Special event permit waiver.

A. The city council and/or the city event manager shall waive the requirement to obtain a special event permit when the special event:

1. Includes only the exercise of free speech rights and without the use of amplified sound;

2. Is organized on short notice in response to a recent event occurring within the sixty (60) days prior to the date of the special event; and

3. The applicant certifies in writing that preparing the application, waiting the five day period for the permit to be issued, obtaining the required insurance coverage? and paying the application and permit fees as required under this chapter would deprive the applicant or sponsoring organization the opportunity for an assembly in response to the recent event.

B. The city council and/or the city event manager may waive the requirement to obtain a special event permit where circumstances make it impractical or unnecessary to meet the permit application requirements as provided in Section 12.48.080 and the insurance requirement as provided in Section 12.48.100.

C. Notwithstanding the waiver of the requirement to obtain a special event permit as provided in this section, all persons that organize, sponsor, conduct or participate in a special event without a special event permit must nonetheless undertake all reasonable measures so that the event participants and activities comply with the city code and all applicable state and local laws and regulations.

(Ord. No. 173, 8-20-15)

12.48.050 Special event permit application fee.

An application for a special event permit shall be accompanied by a nonrefundable application fee to cover the costs for review of the application and processing the permit in the amount established by resolution of the city council. Applications submitted less than sixty (60) days prior to the date of the special event shall be subject to payment of a late application fee in the amount established by resolution of the city council.

(Ord. No. 173, 8-20-15)

12.48.060 Special event permit fees.

A. Prior to issuance of a special event permit, the applicant shall pay the following fees in the amounts established by resolution of the city council;

B. The special event permit fee for the exclusive use of all or a portion of a public street, sidewalk, alley, or park by the special event participants;

C. If applicable, surcharge fees for staff costs to confirm issuance of required permits by other agencies, to investigate compliance with safety requirements for use of certain types of equipment, and to monitor the activities during the special event";

D. If applicable, surcharge fees for extraordinary utility costs and for police, fire prevention, and park ranger services as may be required to conduct the special event; and

E. If applicable, a deposit for damages to city property that may be caused by the special event.

(Ord. No. 173, 8-20-15)

12.48.070 Special event permit cancellation fees.

A. There shall be no refund of all or any portion of the special event permit fee if the applicant cancels a special event after the permit is issued unless either:

1. The applicant submits a written notice that the special event is to be cancelled at least fifteen (15) days prior to the scheduled date of the special event; or

2. The applicant submits a written notice that the special event is to be cancelled at least three days prior to the scheduled date of the special event, and the applicant reschedules the special event to a later date within a twelve (12) month period in that case, the special event permit fee will be applied for that subsequent date in lieu of forfeiture. However, any subsequent change in the date of the special event shall require payment of a new special event permit fee.

B. The applicant shall be reimbursed for the special event surcharge fees for costs and services that have not yet been incurred or rendered as the date the applicant cancels a special event, along with the deposit, if any, within thirty (30) days from the date of receipt of the written notice of cancellation.

(Ord. No. 173, 8-20-15)

12.48.080 Special event permit—Application and notice.

A. Any person desiring to conduct a special event for which a special event permit is required shall file an application with the city clerk no less than sixty (60) days prior to the proposed date for the special event.

B. Such application shall be completed on a city form and contain at a minimum the following information:

1. The name of the applicant; the sponsoring organization, if any, with the approval of the sponsoring organization for the applicant to apply for the permit on its behalf; the special event organizer who promotes and manages the special event, the name, address, telephone and cell number of the person in charge of the event on the day of the event, and the mailing addresses, e-mail addresses, if any, and telephone numbers of each of the foregoing persons and organization; and the proposed date, time, duration, and location of the special event.

2. If applicable, the proposed location of the assembly and disbanding areas, the route to be traveled, and the assembly starting and ending time.

3. The nature and purpose for the special event and a description of all of the equipment and planned activities, including, without limitation, all of the following:

a. The sale, distribution, donation, or collection of any merchandise, food, beverages, or services;

b. Cooking of food or open fires;

c. The sale or consumption of alcoholic beverages;

d. The use of temporary fencing or temporary structures and whether the fencing or structures will be prefabricated or site built;

e. The use of pyrotechnics;

f. The operation of carnival or animal rides and any demonstration with animals; and the use of specialized recreational equipment that is to be operated as part of an event activity.

4. The approximate total number of anticipated special event participants and approximate number of participants in each of the following categories: spectators, staff, volunteers, security personnel, and first aid and medical services personnel.

5. The plan to accommodate vehicles and bicycle parking by participants, including parking for the disabled, reservation or prohibition of on-street parking, and a parking shuttle plan, if applicable. For special

events in parks, whether vehicle access into the park is requested, the number of vehicles, the planned path of travel, and whether the vehicles(s) will remain in the park overnight. For special events that will involve temporary street, alley, or sidewalk closures, or temporary on-street parking restrictions, a traffic control and/or parking management plan consistent with the California Manual on Uniform Traffic Control Devices for Streets and Highways may be required.

6. An event site plan to identify locations and number of all equipment and facilities including, without limitation, temporary fencing, temporary structures, staging bleachers, portable restrooms and hand washing stations, cooking facilities, tables and chairs, waste and recycling containers, electrical and water sources and connections, fuel storage, emergency medical services area(s), pyrotechnics, carnival and animal rides, and specialized recreational equipment. The site plan shall also identify the paths for access by participants, vehicles and emergency vehicles, and the area(s) for the sale or consumption of alcoholic beverages, if applicable.

7. Whether the special event will involve the use of amplified sound, the type, location, and direction of the amplified sound, and the type of amplified sound equipment.

8. For parades, including marches or processions, the maximum parade length; the total number of bands, sound vehicles or musical units, if any, and the type and number of members in each unit; the number of animals, if any, and type; the number of floats, if any, and their size, type and how the floats are powered; and the space between the units and floats and their speed.

9. Any other information that the city manager may reasonably require.

C. Any changes to the application including, without limitation, an increase in the number of participants, and any additional vehicles, equipment, or activities, shall be submitted in writing no later than ten (10) days before the date of the special event. Such changes may result in additional or modified special event permit conditions, denial of the proposed changes, or revocation of the permit pursuant to Section 12.48.110 and 12.48.120.

D. For special events that involve a street closure, amplified sound, pyrotechnics, the sale of alcohol, or more than five hundred (500) participants; the applicant shall, at least thirty (30) days prior to the date of the event, notify in writing all persons residing along the street to be closed and all persons residing with two city blocks of the proposed special event route or site with the following information:

1. The proposed date, time, and duration of the special event;

2. The use of amplified sound and pyrotechnics, if any;

3. The proposed street closure and alternative route(s), if applicable; and the applicant and city contact information.

E. In lieu of a mailing or other methods of distribution of the required written notice, the applicant may collect signatures of such persons to verify they have received the foregoing information.
(Ord. No. 173, 8-20-15)

12.48.090 Amplified sound restrictions.

A. For a special event that is to include amplified sound, the following restrictions shall apply:

1. Amplified sound shall not be used before 9:00 a.m. and after 10:00 p.m. Sunday through Thursday and before 9:00 a.m. and after 10:00 p.m. on Friday, Saturday, and the day prior to a federal, state, or city designated holiday, unless more or less re-

strictive rules are set for certain parks or park areas, or the city manager expressly authorizes such use under a special event permit; and

2. Amplified sound shall not exceed a noise level of 98 dBA at a distance of one hundred fifty (150) feet from a noise source or sources, 80 dBA when measured from the nearest residential property, or 24 dBA above ambient noise levels, whichever noise level is lower.

B. The provisions of subsection A. of this section shall not apply to:

1. Broadcasts from any vehicle to which the provisions of Chapter 10.60 are applicable;

2. Use of amplified sound by any peace officer or employee of the city while engaged in the performance of his or her duties;

3. The amplified sound is infrequent, for a short duration, and is required for the operation of the special event.
(Ord. No. 173, 8-20-15)

12.48.100 Special event permit insurance and indemnity requirements.

The applicant for a special event permit shall furnish evidence of insurance and shall be obligated to indemnify the city as follows:

A. Prior to issuance of special event permit, the applicant shall submit evidence of general liability insurance coverage, which shall be at no cost to the city, which insurance policy shall comply with all of the following:

1. Coverage must be at least as broad as ISO CGL Form 00 01 and provided on an occurrence basis for bodily injury, including death, of one or more persons, property damage, and personal injury;

2. The policy limit per occurrence shall be in an amount as determined by the city's risk manager;

3. The policy shall cover all losses and damages as specified in subsection C. of this section;

4. The policy shall be endorsed to provide that the city, its officers, employees, and agents are named as additional insureds;

5. The policy shall be endorsed to stipulate that the policy will operate as primary insurance and that no other insurance covering the city or other named insured will be called on to contribute to a covered loss; and

6. If the special event includes the sale or consumption of alcoholic beverages, a liquor liability endorsement is also required.

B. No person shall conduct a special event under a special event permit without the insurance coverage as required by this section being in full force and effect. However, the insurance requirement for special events involving only the exercise of free speech rights may be waived by the city manager if the applicant certifies in writing that:

1. The applicant and/or sponsoring organization does not maintain such insurance coverage;

2. The cost to obtain insurance coverage for the special event is not commercially reasonable or is so cost prohibitive as to prevent the applicant or sponsoring organization from holding the special event; and

3. The special event will not include pyrotechnics, commercial activity, the sale or consumption of alcoholic beverages, operation of carnival or animal rides or demonstrations with animal, floats or other nonstandard vehicles, specialized recreational equipment, or cooking, open fires, or fuel storage.

C. The applicant or the sponsoring organization if different than the applicant, shall indemnify, and hold harmless the city, its officers, employees and gents from and against all actions, losses, damages, liability, costs, and expenses of every type and description, including, but not limited to, attorneys fees, arising directly or indirectly, in whole or in part, from the acts or omissions of the applicant, sponsoring organization, or its officers, employees, or agents. (Ord. No. 173, 8-20-15)

12.48.110 Special event permit—Application and approval

A. The city council and/or the city event manager shall act on all complete applications in the following manner:

1. Applications received not less than sixty (60) days before the proposed special event date shall be acted upon not later than forty-five (45) days from the date of receipt of the application.

2. Applications received less than sixty (60) days before the proposed special event date shall be acted upon as soon as reasonably practicable, but the special event permit shall be deemed denied if not issued at least three days prior to the proposed special event date.

3. Applications for spontaneous special events involving only the exercise of free speech rights and that are organized in response to news or affairs coming into public knowledge within sixty (60) days of the date of the proposed special event shall be acted upon within five days of receipt of the application.

4. Prior to issuance of the special event permit, the city council and/or the city event manager may inform the applicant that the permit is conditionally approved pending submittal of evidence of insurance coverage, permits from other agencies, and such other documents as may be required to be submitted before the permit can be issued.

5. After review of an application and receipt of all required documents, the city council and/or the city event manager shall issue the special event permit unless the city council and/or the city event manager denies issuance of the permit pursuant to the provisions herein. The city council and/or the city event manager may impose conditions on approval of the special event permit as the city council and/or the city event manager determines to be reasonably necessary to protect the public, health, safety, or welfare.

6. Any changes in the application filed after the special event permit has been issued may result in additional or modified special event permit conditions, denial of the proposed changes, or revocation of the permit pursuant to Section 12.48.120.

B. No application for a special event permit shall be submitted earlier than twelve (12) months prior to the proposed special event date. The city council and/or the city event manager may reserve use of a city street, sidewalk, alley, or park for certain dates when a special event is usually held in such location on an annual or regular basis, or when the date is a federal or state holiday or of historic significance and a special event is traditionally held on the specific date and location during such holiday or in remembrance of a historic event.

C. If more than one complete application is filed for a special event on the same date and at the same location, the first submitted application shall be acted upon first. (Ord. No. 173, 8-20-15)

12.48.120 Special event permit—Denial or revocation.

A. Permits for special events involving only the exercise of free speech rights may be denied by the city manager by written notice to the applicant of the city council and/or the city event manager's findings

that approving the permit would be contrary to the public interest for one or more of the following reasons:

1. A large number of persons would be seriously inconvenienced by the special event for one or both of the following reasons:

a. The time and duration of street closures and parking restrictions will unduly interfere with the operation of businesses, schools, hospitals, churches, or other private, public or quasi-public institutions located adjacent to the proposed special event site, and the applicant is unable or unwilling to modify the special event scope, location, date, time, or duration to minimize such interference; or

b. The time and duration of the use of amplified sound would unduly interfere with the quiet enjoyment of residential property for an extended period of time, and the applicant is unable or unwilling to modify the special event scope, location, time or duration to minimize such interference.

2. Approving the permit would be contrary to the public health, safety, or welfare for one or more of the following reasons:

a. The special event will unduly interfere with ingress to, egress from, or travel on a freeway or state designated highway;

b. The special event requires a temporary street closure that will unduly interfere with the orderly and safe movement of traffic, the provisions of public services such as transit services or emergency police and fire services, and the applicant is unable or unwilling to modify the special event scope, location, date, time or duration to minimize such interference;

c. The special event will require a significant diversion of police officers such that police protection for other areas of the city may be adversely impacted, and the applicant is unable or unwilling to modify the special event scope, location, date time or duration to minimize such impact;

d. The anticipated number of special event participants would exceed the capacity of the street, sidewalk, alley, or park; or

e. The proposed activity is in violation of law.

B. For special events involving activities other than only the exercise of free speech rights, the special event permit may be denied by the city council and/or the city event manager by written notice to the applicant of the city council and/or the city event manager's findings that:

1. Approving the permit would be contrary to the public interest or the public health, safety, or welfare for the reasons set forth in subsection A.; or

2. The assembly to occupy all or any portion of a public street, sidewalk, alley, or park would detract from the use of such public facilities for their intended and ordinary purposes and the special event scope, location, date, time or duration would adversely impact the surrounding neighborhood.

C. Applications for a special event permit may be denied by the city council and/or the city event manager, by written notice to the applicant of the city council's and/or city event manager's findings that the applicant or the sponsoring organization either was issued a citation within the prior three-year period for: (i) failure to obtain a special event permit; (ii) material misrepresentation of the special permit scope or number of participants; or (iii) violation of the permit conditions; or the prior event caused damage to city property and the debt remains outstanding.

D. Special event permits may be revoked by the city council and/or the city event manager, and the city council and/or the city event manager may order cancellation or termination of a special event, by written notice to the applicant of the city council and/or city event manager's find-

ings that allowing the special event to occur or continue would be contrary to the public interest, or the public health, safety, or welfare for one or more of the following reasons:

1. The applicant, after receiving a special event permit:

a. Fails or refuses to inform the city of significant changes to the special event from what was set out in the application;

b. Has submitted false or misleading information as part of the application;

c. Fails to comply with a special event permit condition; or

d. Fails to obtain or comply with any other required city, state, or local permit;

2. A significant number of the participants expected to attend the special event have made it known that they have a specific intent, manifested by specific plans, to engage in or provoke violence;

3. A fully enforced general curfew will be in existence at the time and place for the special event, creating the need to prevent the special event from occurring or continuing at the date, time, and place specified in the special event permit;

4. There is an emergency that creates the need to prevent the special event from occurring or continuing at the date, time, and place specified in the special event permit;

5. The special event organizer failed to make a timely application for a special event permit, and the special event does not qualify for a permit waiver as provided herein

6. After issuance of the special event permit, the city council and/or the city event manager discovered that: (i) the special event will conflict with a previously scheduled special event or street closure at the same or adjacent location; (ii) the special event activities would violate a city, state, or local law or regulation; or (iii) the permit was otherwise issued in error; or

7. There are grounds for denial of the special event permit as stated in subsections A, B, and C.

E. No special event permit shall be denied or revoked, except in an emergency, without providing a reasonable opportunity for a hearing for the applicant to challenge the basis of the permit denial or revocation as provided in Section 12.48.140.
(Ord. No. 173, 8-20-15)

12.48.130 Alternative dates and places.

Any denial or revocation of a special event permit because the date, time, or place of the proposed special event is not available, or because the number of participants would exceed the capacity of the street, sidewalk, alley, or park, shall contain a counteroffer of alternative acceptable dates, times or places, if reasonably available.
(Ord. No. 173, 8-20-15)

12.48.140 Appeal of action on permit.

An applicant may appeal the city event manager's decision to deny issuance of a special event permit, to impose permit conditions that would materially change the special event as planned by the applicant based on the content of its application, or to revoke a special event permit. The appeal shall be to the city council. A notice of appeal, accompanied by an appeal fee in an amount set by resolution of the city council, must be filed with the city clerk within ten (10) days after the date of the city event manager's written decision issued to the applicant or permit holder to deny, condition, or revoke a special event permit.
(Ord. No. 173, 8-20-15)

Title 13

PUBLIC SERVICES

Chapters:

13.04 Sewer Service System

13.08 Underground Utility Districts

Chapter 13.04

SEWER SERVICE SYSTEM

Article 1.
Purpose and Definitions

Sections:

13.04.010 Purpose.
13.04.020 Definitions.

Article 2.
General Provisions

Sections:

13.04.030 Rules and regulations.
13.04.040 Violation unlawful.
13.04.050 Relief on application.
13.04.060 Relief on own motion.
13.04.070 City inspector—Compensation.
13.04.080 Permits and fees.

Article 3.
Use of Public Sewers Required

Sections:

13.04.090 Disposal of wastes.
13.04.100 Treatment of wastes required.
13.04.110 Unlawful disposal.
13.04.120 Occupancy prohibited.
13.04.130 Sewer required.
13.04.140 Governmental or public premises.

Article 4.
Private Sewage Disposal

Sections:

13.04.150 Sewer not available.
13.04.160 Permit required.
13.04.170 Inspection required.
13.04.180 Design requirements.
13.04.190 Abandonment of facilities.
13.04.200 Cost of maintenance by owner.
13.04.210 Additional requirements.

Article 5.
Building Sewers, Lateral Sewers and Connections

Sections:

13.04.220 Permit required.
13.04.230 Construction requirements.
13.04.240 Minimum size and slope of side sewers.
13.04.250 Separate side sewers.
13.04.260 Old building sewers.
13.04.270 Clean-outs.
13.04.280 Sewer too low.
13.04.290 Connection to public sewer.
13.04.300 Protection of excavation.
13.04.310 Maintenance of side sewer.
13.04.320 Backwater prevention devices—Maintenance.

Article 6.
Public Sewer Construction

Sections:

13.04.330 Permit required.
13.04.340 Plans, profiles and specifications required.
13.04.350 Subdivisions.
13.04.360 Easements of rights-of-way.
13.04.370 Persons authorized to perform work.
13.04.380 Grade stakes.
13.04.390 Compliance with regulations.
13.04.400 Protection of excavation.

13.04.410 Design and construction standards.
13.04.420 Completion of sewer required.
13.04.430 Improvement security.
13.04.440 Financing—General.
13.04.450 Partial reimbursement for off-site sewers.
13.04.460 Partial reimbursement for oversize sewers.
13.04.470 Partial reimbursement for pumping stations or treatment facilities.
13.04.480 Special reimbursement agreements.
13.04.490 City participation.

Article 7.
Use of Public Sewers

Sections:

13.04.500 Drainage into sanitary sewers prohibited.
13.04.510 Use of storm sewers required.
13.04.520 Types of wastes prohibited.
13.04.530 Interceptors required.
13.04.540 Maintenance of interceptors.
13.04.550 Preliminary treatment of wastes.
13.04.560 Maintenance of pretreatment facilities.
13.04.570 Control manholes.
13.04.580 Measurements and tests.
13.04.590 Special agreements.
13.04.600 Swimming pools.
13.04.610 Car washes.

Article 8.
Permits, Fees and
Sewer Service Charges

Sections:

13.04.620 Permit required.
13.04.630 Application for permit and payment of charges.
13.04.640 Compliance with permit.
13.04.650 Agreement.
13.04.660 Classes of permits.
13.04.670 Fees—Annexation charges.
13.04.680 Special equalization charges and benefit zones.
13.04.690 Connection charges.
13.04.700 Sewer permit and inspection fees.
13.04.710 Collector and trunk sewer charges.
13.04.720 Billing and collecting.
13.04.730 Fees and deposits—Environmental Quality Act.
13.04.740 Disposition of fees.
13.04.750 All work to be inspected.
13.04.760 Notification.
13.04.770 Condemned work.
13.04.780 All costs paid by owner.
13.04.790 Outside sewers.
13.04.800 Special outside agreements.
13.04.810 Street excavation permit.
13.04.820 Liability.
13.04.830 Time limit on permits.

Article 9.
Enforcement

Sections:

13.04.840 Violation.
13.04.850 Public nuisance.
13.04.860 Disconnection.

13.04.870 Public nuisance—Abatement.
13.04.880 Violation—Penalty.
13.04.890 Liability for violation.

Article 10. Miscellaneous Provisions

Sections:

13.04.900 Protection from damage.
13.04.910 Right of entry for inspection.

Article 1. Purpose and Definitions

13.04.010 Purpose.

This chapter is intended to provide rules and regulations for the use and construction of sanitary sewer facilities hereafter installed, altered or repaired within the city. This chapter shall not apply retroactively and in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein.

The purpose of the sewer service charge is for the purpose of defraying proper and reasonable expenses of operation, repair, replacement, maintenance and accumulation of a wastewater capital reserve fund of the city sewerage facilities used for the collection, treatment and disposal of sewage, pursuant to Division 5, Part 3, Chapter 5, Article 7 (commencing with Section 5040) and Chapter 6, Part 1 of the Health and Safety Code of the state of California. (Ord. 147 § 1.00, 2002)

13.04.020 Definitions.

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter are applicable for this chapter only and do not necessarily correspond to definitions that may be used by city or county zoning, planning or assessment designations and shall be as follows:

Additional Definitions. For the purpose of this chapter, additional terms shall have the meaning indicated in Chapter 1 of the last edition of the Western Plumbing Officials Uniform Plumbing Code, adopted by the Western Plumbing Officials Association, copies of which are on file with the city clerk.

"Applicant" means the person making the application for a permit for a sewer installation and shall be the owner of premises to be served by the sewer for which a permit is requested or his or her authorized agent.

"Building" means any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

"Building sewer" means that portion of any sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line or to a private sewage disposal system.

"City" means city of Amador, Amador County.

"City engineer" means the engineer appointed by and acting for the council and shall be a registered civil engineer.

"City inspector" means the inspector acting for the council and may be a member of the council, the manager, the city engineer or inspector appointed by the council.

"Clerk" means the city clerk of the city.

"Combined sewer" means a sewer receiving both surface runoff and sewage.

"Contractor" means an individual, firm, corporation, partnership or association duly licensed by the state of California to perform the type of work to be done under the permit.

"Council" means the city council of the city.

"County" means the county of Amador, California.

"Garbage" means solid wastes from the preparation, cooking, and the dispensing of food, and from the handling, storage and sale of produce.

"Lateral sewer" means the portion of a sewer lying within a public street (or easement) connecting a building sewer to the main sewer.

"Main sewer" means a public sewer designed to accommodate more than one lateral sewer.

"Manager" means the person or persons appointed by the council to administer and enforce the rules and regulations of the city.

"Multifamily dwelling" means any premises designed, imposed or used as a residence for two or more families living independently of each other in two or more structurally joined dwelling units with separate entrances; this term shall include apartment house and duplexes, but it shall not include hotels, motels, dormitories or similar structures.

"Outside sewer" means a sanitary sewer beyond the limits of the city not subject to the control or jurisdiction of city.

"Permit" means any written authorization required pursuant to this or any other regulation of city for the installation of any sewer works.

"Person" means any human being , individual, firm, company, partnership, association and private or public or municipal corporations, the United States of America, the state of California, districts and all political subdivisions, governmental agencies and mandataries thereof.

"Private sewer" means a sewer serving an independent sewage disposal system not connected with a public sewer and which accommodates one or more buildings or industries.

"Public sewer" means a sewer lying within a street (or easement) and which is controlled by or under the jurisdiction of the city.

"Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

"Sewage" means a combination of water carried wastes from residences, business buildings, institutions and industrial establishments.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Sewage works" means facilities for collecting, pumping, treating and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Sewer service charge" means fees, tolls, rates, rentals or other charges for service and facilities furnished by city in connection with its sewerage system.

"Side sewer" means the sewer line beginning at the foundation wall of any building and terminating at the main sewer and includes the building sewer and lateral sewer together.

"Single-family dwelling" means premises designed, improved or used as a residence for one family only and for no other purpose.

"Storm sewer or storm drain" means a sewer which carries storm and surface or ground waters and drainage, but excludes sewage and polluted industrial wastes.

"Street" means any public highway, road, street, avenue, alley way, public place, public easement or right-of-way.

"Superintendent" means the person designated by the council to manage the city sewer system and to perform the services or make the determinations permitted or required under this chapter to be to made by the superintendent. (Ord. 147 §§ 1.01—1.33, 2002)

Article 2.
General Provisions

13.04.030 Rules and regulations.

The following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of the city are adopted and all work in respect thereto shall be performed as herein required and not other wise. (Ord. 147 § 2.01, 2002)

13.04.040 Violation unlawful.

Following the effective date of this chapter it is unlawful for any person to connect to, construct, install or provide, maintain and use any other means of sewage disposal from any building in the city except by connection to a public sewer in the manner as in this chapter provided. (Ord. 147 § 2.05, 2002)

13.04.050 Relief on application.

When any person by reason of special circumstances, is of the opinion that any provision of this chapter is unjust or inequitable as applied to his or her premises, he or she may make written application to the council, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his or her premises. If such application be approved, the council may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances. (Ord. 147 § 2.06, 2002)

13.04.060 Relief on own motion.

The council, may, on its own motion, find that by reason of special circumstances any provision of this regulation and chapter should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof. (Ord. 147 § 2.07, 2002)

13.04.070 City inspector—Compensation.

The council shall employ some fit and qualified person or persons to perform the duties of inspecting the installation, connection, maintenance and use of inspecting the installation, connection, maintenance and use of all side sewers, public sewers, private sewers and facilities in connection therewith in the city, to be known as the city inspector. The person so employed shall receive as compensation for his or her services for making inspections required to be made by the ordinances, and orders and regulations from time to time enacted and ordered by the council, a sum to be fixed by the council. He or she shall serve during the pleasure of the council and may be another official of the city. (Ord. 147 § 2.08, 2002)

13.04.080 Permits and fees.

No public sewer, side sewer, building sewer or other sewerage facility shall be installed, altered or repaired within the city until a permit for the work has been obtained from the city and all fees paid in accordance with the requirements of Article 8 of this chapter. (Ord. 147 § 2.09, 2002)

Article 3. Use of Public Sewers Required

13.04.090 Disposal of wastes.

It is unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animals excrement, garbage, or other objectionable waste. (Ord. 147 § 3.01, 2002)

13.04.100 Treatment of wastes required.

It is unlawful to discharge to any stream or water course any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter. (Ord. 147 § 3.02, 2002)

13.04.110 Unlawful disposal.

Except as herein provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit, or other facility intended or used for the disposal of sewage. (Ord. 147 § 3.03, 2002)

13.04.120 Occupancy prohibited.

No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of city. (Ord. 147 § 3.04, 2002)

13.04.130 Sewer required.

The owner of any building now situated within the city and abutting on any street in which there is now located or may in the future be located a public sewer of the city, is required at his or her expense to connect the building directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so; provided, that the public sewer is within two hundred fifty (250) feet of the building. (Ord. 147 § 3.05, 2002)

13.04.140 Governmental or public premises.

The provisions of this chapter shall apply to governmental or public premises as well as to premises which are not governmental or public premises. As used herein, the term "governmental or public premises" means and includes premises which are owned, controlled or used by: (1) the United States Government or any department or agency thereof; (2) the state of California or any department or agency there of; (3) any city, county, town, or city and county, or any of their departments or agencies; (4) any school district; and (5) any other governmental or public entity. (Ord. 147 § 3.06, 2002)

Article 4. Private Sewage Disposal

13.04.150 Sewer not available.

Where a public sewer is not available under the provisions of Section 13.04.130, the building sewer shall be connected to a private sewage disposal system complying with

the provisions of this chapter. (Ord. 147 § 4.01, 2002)

13.04.160 Permit required.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the manager. The application for such a permit shall be made on a form furnished by the city which the applicant shall supplement by adding plans, specifications and other information as are deemed necessary by the manager. A permit and inspection fee shall be paid to the city at the time application is filed in accordance with the provision of Article 8 of this chapter. (Ord. 147 § 4.02, 2002)

13.04.170 Inspection required.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the city inspector. He or she shall be allowed to inspect the work at any stage of construction and, in any event the applicant for the permit shall notify the city inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours, Sundays and holidays excluded, of the receipt of the notice by the city inspector. (Ord. 147 § 4.03, 2002)

13.04.180 Design requirements.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of California, the Amador County health department and the city. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than forty thousand (40,000) square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or any stream or water course. (Ord. 147 § 4.04, 2002)

13.04.190 Abandonment of facilities.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 13.04.130, a direct connection shall be made to the public sewer in compliance with the ordinances, rules and regulations of city and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable materials determined by the city inspector. (Ord. 147 § 4.05, 2002)

13.04.200 Cost of maintenance by owner.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 147 § 4.06, 2002)

13.04.210 Additional requirements.

No statement contained in this article shall be construed to interfere with any law, ordinance, rule or regulation or by the health officer of the county. (Ord. 147 § 4.07, 2002)

Article 5. Building Sewers, Lateral Sewers and Connections

13.04.220 Permit required.

In accordance with Article 6 of this chapter, no person shall construct a building sewer, lateral sewer or make a connection

with any public sewer without first obtaining a written permit from the city and paying all fees and connection charges as required therein. (Ord. 147 § 5.01, 2002)

13.04.230 Construction requirements.

Construction of building sewers and lateral sewers shall be in accordance with the requirements of the county and requirements of the city. In case of conflict, the more stringent shall apply. (Ord. 147 § 5.02, 2002)

13.04.240 Minimum size and slope of side sewers.

Pipe for side sewers shall have an internal diameter equal to or greater than that of the building drain to which it connects and in any case the minimum diameter shall be four inches. Where more than one hundred fifty (150) fixture units are to be connected to a single side sewer, the side sewer from the point of intersection of one or more building sewers to the public sewer shall be not less than six-inch diameter.

The minimum slope for four-inch diameter side sewers shall be one and one-half feet per one hundred (100) feet (1.5 percent) provided, however, that where unusual conditions exist making it impractical to obtain this slope, a four-inch diameter side sewer may have a slope of not less than one foot per one hundred (100) feet (1.0 percent) when specifically approved by the city engineer. The minimum slope for side sewers greater than four inches in diameter shall be one-half foot per one hundred (100) feet (0.5 percent). (Ord. 147 § 5.03, 2002)

13.04.250 Separate side sewers.

Each separate building shall be connected to the main sewer with a separate side sewer, except that one or more buildings located on property owned by the same person may be served by the same side sewer if the city engineer determines that it is unlikely that the ownership of the property can or will be divided in the future. However, if for any reason, the ownership of the property is subsequently divided, each building under separate ownership shall be provided with a separate side sewer and it is unlawful for the owner thereof to continue to use or maintain such common side sewer.

Not withstanding the provisions hereof, single-family residential units with common walls, condominium, stock co-operative, community apartment or other similar improvement which entitles owners of interests therein to occupy independent ownership interests and to make joint use of utility and other services, which may be provided by facilities owned in common, may, upon issuance of a permit authorizing such common use by the city engineer, be permitted to maintain a common side sewer or sewers. (Ord. 147 § 5.04, 2002)

13.04.260 Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the city inspector, to meet all requirements of city. (Ord. 147 § 5.05, 2002)

13.04.270 Clean-outs.

Clean-outs in building sewers shall be provided in accordance with the rules, regulations and ordinances of the city. Clean-outs shall be the same diameter as the building sewer. All clean-outs shall be maintained as watertight and shall be constructed with a forty-five (45) degree riser and a cast iron one-eighth bend set in concrete at the

surface of the ground and shall be sealed with a watertight brass screw plug or cap in accordance with either the detailed drawing on file in the inspector's office. A clean-out shall be installed at the junction of each building sewer and lateral sewer in an accessible location within the street between the curb and property line, except, that where the sewer main and lateral is located within a public easement or right-of-way at the rear or side of the lot, no clean out need be installed if the run to the first building sewer clean-out is less than one hundred (100) feet. (Ord. 147 § 5.06, 2002)

13.04.280 Sewer too low.

In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the manager, and discharged to the public sewer at the expense of the owner. (Ord. 147 § 5.07, 2002)

13.04.290 Connection to public sewer.

The connection of the building sewer into the public sewer shall be made at the lateral or "Y" branch, if such lateral or "Y" branch is available at a suitable location. Where no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building or lateral sewer, with entry in the downstream direction at an angle of about forty-five (45) degrees. A wye saddle shall be used for the connection and in no case shall the pipe protrude inside the main sewer. The invert of the building or lateral sewer at the point of connection shall be at a higher elevation than the invert of the public sewer. A smooth neat joint shall be made, and the connection made secure and watertight by encasement in concrete. The connection to the public sewer shall be made in the presence of the city inspector and under his or her supervision and direction. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the city inspector. (Ord. 147 § 5.08, 2002)

13.04.300 Protection of excavation.

All excavations for a side sewer installation shall be adequately guarded with barricades of lights so as to protect the public from hazard. Streets, side walks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the city and the county or any other person having jurisdiction. (Ord. 147 § 5.09, 2002)

13.04.310 Maintenance of side sewer.

Side sewers shall be maintained by the owner of the property served thereby. Where a side sewer provides service to more than one single-family residential unit in a development with common walls, condominium, stock co-operative, community apartment or other similar improvements, the obligations to maintain the side sewer shall be in the homeowner's association or entity responsible for the maintenance of the property and facilities owned in common. (Ord. 147 § 5.10, 2002)

13.04.320 Backwater prevention devices—Maintenance.

Where a side sewer serves plumbing fixtures that are located less than one foot above the rim elevation of the upstream manhole or rod hole in the reach of main sewer into which the side sewer connects, it shall be protected from back-flow of sewage by installing a backwater prevention device of a type and in the manner prescribed by

the manager. Any such back flow device shall be installed by the applicant for sewer service at the sole cost and expense of the applicant. The maintenance of the back flow device shall be the sole obligation of the permittee or his or her successor in interest. The city shall be under no obligation to ascertain that the back flow device continues in operating condition. (Ord. 147 § 5.11, 2002)

Article 6.
Public Sewer Construction

13.04.330 Permit required.

In accordance with Article 8 of this chapter, no person shall construct, extend or connect to any public sewer without first obtaining a written permit from the city and paying all fees and connection charges and furnishing bonds as required therein. The provisions of this section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the city. (Ord. 147 § 6.01, 2002)

13.04.340 Plans, profiles and specifications required.

The application for a permit for public sewer construction shall be accompanied by complete plans, profiles, and specifications, complying with all applicable ordinances, rules and regulations of city prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the manager who shall within ten (10) days approve them as filed or require them to be modified as he or she deems necessary for proper installation. After examination on behalf of the city, the application, plans, profiles and specifications shall be submitted to the council at its next regular meeting for its consideration. When the council is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, it shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the city. The permit shall prescribe such terms and conditions as the council finds necessary in the public interest. (Ord. 147 § 6.02, 2002)

13.04.350 Subdivisions.

For purposes or this chapter, a subdivision shall be defined as improved or unimproved land or lands divided for the purpose of sale or lease, whether immediate or future, into two or more lots or parcels.

The requirements of Sections 13.04.330, 13.04.340 and 13.04.430 shall be fully complied with and all fees and connection charges required under Article 8, excepting connection permit and inspection fees required under Section 13.04.700 shall be paid before any final subdivision map shall be approved by the city and before any permit to install sewerage facilities to serve the subdivision is issued. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights-of-way in which public sewers are to be constructed. (Ord. 147 § 6.03, 2002)

13.04.360 Easements of rights-of-way.

In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the council a proper easement or grant of right-of-way

sufficient in law to allow the laying and maintenance of such extension or connection. (Ord. 147 § 6.04, 2002)

13.04.370 Persons authorized to perform work.

Only properly licensed contractors shall be authorized to perform the work of public sewer construction within the city. All terms and conditions of the permit issued by the city to the applicant shall be binding on the contractor. (Ord. 147 § 6.05, 2002)

13.04.380 Grade stakes.

Grade and line stakes shall be set by a registered civil engineer prior to the start of work on any public sewer construction. The contractor shall be responsible for accurately transferring grades to grade bars and sewer invert. (Ord. 147 § 6.06, 2002)

13.04.390 Compliance with regulations.

Any person constructing a sewer within a street shall comply with all state, county, or city laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protection of trenches, back filling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the city. Any person requesting a permit shall also comply with all applicable guidelines, including the local guidelines of city, adopted pursuant to the Environmental Quality Act of 1970, and shall make all deposits required and pay all fees which may be established by the city to process applications to comply with the act. (Ord. 147 § 6.07, 2002)

13.04.400 Protection of excavation.

The applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. He or she shall also likewise protect the public in the use of the sidewalk against any such conditions in connection with the construction of the sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the city and the county or any other person having jurisdiction thereover. (Ord. 147 § 6.08, 2002)

13.04.410 Design and construction standards.

Minimum standards for the design and construction of sewers within the city shall be in accordance with the specifications for sewer construction heretofore or hereafter adopted by the city, copies of which are on file in the city office. The city may permit modifications or may require higher standards where unusual conditions are encountered. "As built" drawings showing the actual location of all mains, structures, Y's, laterals and clean out shall be filed with the city before final acceptance of the work. (Ord. 147 § 6.09, 2002)

13.04.420 Completion of sewer required.

Before any acceptance of any sewer line by the city and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the specifications for sewer construction and to the satisfaction of the city engineer. If the work

of constructing public sewerage facilities is not completed within the time limit specified in the permit, the council may extend the time limit or may complete the work an take appropriate steps to enforce the provisions of the improvement security furnished by the permittee pursuant to Section 13.04.430 of this chapter. (Ord. 147 § 6.10, 2002)

13.04.430 Improvement security.

Prior to issuance of a permit for public sewer construction, the applicant shall furnish to the city a faithful performance bond, cash, or other improvement security acceptable to the council, in the amount of the total estimated cost of the work as determined by the city engineer. Such faithful performance bond, cash deposit, or other improvement security shall be conditioned upon the performance of the terms and considerations of the permit and, unless more stringent requirements are otherwise specified by the council, shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one year from and after the date of acceptance of the work by the council. The applicant shall also furnish to the city a labor and material bond, or other security acceptable to the council, in the amount of the total estimated cost of the work. (Ord. 147 § 6.11, 2002)

13.04.440 Financing—General.

Except as hereinafter provided in Sections 13.04.450 through 13.04.490, the extension of the public sewerage facilities to serve any parcel or tract of land shall be done by and at the expense of the owner, although the city reserves the right to perform the work and bill the owner for the cost thereof, to perform the work itself, or to perform the work pursuant to special assessment proceedings. The size of all sewer mains and other sewer facilities shall be as required by the city. (Ord. 147 § 6.12, 2002)

13.04.450 Partial reimbursement for off-site sewers.

Whenever a public sewer is required to be extended more than two hundred (200) feet from the existing public sewerage facilities of the city to the nearest corner or point on the property line of the installer and the city finds that the sewer will potentially serve property other than that of the installer, the installer shall be entitled to an off site sewer reimbursement credit in an amount determined by the council based upon the estimated number of side sewer connections which may, in the future, be made by other property owners to the sewer paid for by the installer beyond the limits of his or her property.

Any person proposing to construct an off site sewer as herein defined, shall submit a written request for a reimbursement agreement to the city manager no less than two weeks prior to the date of the council meeting at which council action is desired. If the manager finds that the sewer to be constructed may reasonably be expected to benefit properties owned by persons other than the installer, he or she shall cause a reimbursement agreement to be prepared and submitted to the council for approval, which agreement shall provide for partial reimbursement for off site sewer construction through payment to the installer of an amount equal to eighty-five (85) percent of the collector sewer charges paid to the city pursuant to Section 13.04.710(A) by others making side sewer connections to the off site sewer beyond the limits of the installer's property within ten (10) years from the date

of acceptance of the sewer by the city. The total amount of the partial reimbursement shall not exceed the installer's entitlement to off site sewer reimbursement credit as determined above. Payments by the city to the installer will be made in July of each year. The agreement shall be made and entered into prior to the issuance of a permit to the work by the city. (Ord. 147 § 6.13, 2002)

13.04.460 Partial reimbursement for oversize sewers.

Whenever a public sewer larger than eight inches in diameter is required to be installed, and the city finds that the sewer will potentially serve property other than that of the installer, the installer shall be entitled to an oversize sewer reimbursement credit determined by the city to the difference between the estimated cost of installing the size of the line required to serve the installer's needs (eight-inch minimum) and the estimated cost of installing the lager size line. In the event that all or part of the oversize sewer to be constructed is an off site sewer, the installer's credit for oversize sewer reimbursement shall be in addition to an off site sewer reimbursement credit for which he or she is eligible under Section 13.04.450.

Any person proposing to construct an oversize sewer, as herein defined, shall submit a written request for a reimbursement agreement to the city manager no less than two weeks prior to the date of the council meeting at which council action is desired. If the manager finds that the sewer to be constructed may reasonably be expected to benefit properties owned by persons other than the installer, he or she shall cause a reimbursement agreement to be prepared and submitted to the council for approval, which agreement shall provide for partial reimbursement for oversize sewer construction though annual payments to the installer from the oversize sewer reimbursement fund of the city. Payments by the city to the installer will be made in July of each year following the first full year after acceptance of the oversize sewer by the city. The amount of each of the payments shall be equal to that potion of the total trunk sewer charges deposited in the oversize sewer reimbursement fund of the city pursuant to Section 13.04.710 during the previous twelve (12) month period as the installer's over size sewer reimbursement credit bears to the total of all unexpired oversize sewer reimbursement entitlement. The agreement shall be entered into prior to the issuance of a permit for the work by the city and shall terminate upon payment by the city of the full amount of the installer's oversize sewer reimbursement credit, or after the expiration of ten (10) years from the date of acceptance of the oversize sewer by the city. (Ord. 147 § 6.14, 2002)

13.04.470 Partial reimbursement for pumping stations or treatment facilities.

When ever sewage pumping facilities or sewage treatment facilities are required to be constructed by a developer, and the city finds that the facilities will potentially serve property other than that of the installer, the installer shall be entitled to a facilities reimbursement credit determine by the city equal to the difference between the estimated cost of the size of facilities required to serve the installer's needs and the estimated cost of installing the larger facilities.

Any person proposing to construct sewage pumping or treatment facilities shall

submit a written request for a reimbursement agreement to the city manager no less than two weeks prior to the date of the council meeting at which council action is desired. If the manager finds that the sewerage facilities to be constructed may reasonably be expected to benefit properties owned by persons other than the installer, he or she shall conduct a special study of the proposed project and the service area involved and shall cause a reimbursement agreement to be prepared and submitted to the council for approval, together with recommendations concerning the establishment of an appropriate special benefit zone and special equalization charge pursuant to Section 13.04.680. The reimbursement agreement shall provide for partial reimbursement through payment to the installer of all or part of such special equalization charges as may be collected from other properties connecting directly to or indirectly to the sewage pumping or treatment facilities to be constructed. Payments by the city to the installer will be made in July of each year. The agreement shall be entered into prior to the issuance of a permit for the work by the /city and shall terminate upon payment by the city of the full amount of the installer's facilities reimbursement credit, or after the expiration of ten (10) years from the date of acceptance of the facilities by the city. (Ord. 147 § 6.15, 2002)

13.04.480 Special reimbursement agreements.

Where special conditions exist in the opinion of the city, relating to any reimbursement agreement pursuant to the provisions of this article, the council may, either in addition to or in lieu of any of the provisions of this article, authorize a special reimbursement contract between the city and the person or persons constructing public sewerage facilities. The special reimbursement agreement shall be made and entered into prior to the issuance of a permit for the work by the city. (Ord. 147 § 6.16, 2002)

13.04.490 City participation.

The city may, at its discretion, pay that portion of the costs of extending its trunk sewer system or constructing sewage pumping or treatment facilities equal to the difference in cost between the size of facility required by installer's development and the size of facility that the city requires under it long range master plan when all of the following conditions are present:

A. The facility to be constructed replaces presently inadequate facility;

B. The facility to be constructed is one of those described in the master plan heretofore or hereafter adopted by the council, and is part of a currently planned capital improvement program of the city, and

C. The council has determined that it is within the city's financial ability to finance its share of the improvement.

Article 7. Use of Public Sewers

13.04.500 Drainage into sanitary sewers prohibited.

No leaders from roofs and no surface drains for rain water shall be connected to any sanitary sewer. No surface or sub surface drainage, rain water, storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever. (Ord. 147 § 7.01, 2002)

13.04.510 Use of storm sewers required.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the manager. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the manager, to a storm sewer, combined sewer or natural outlet. (Ord. 147 § 7.02, 2002)

13.04.520 Types of wastes prohibited.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

A. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit;

B. Any water or waste which may contain more than one hundred (100) parts per million, by weight, of fat, oil or grease;

C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

D. Any garbage that has not been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half inch in any dimension;

E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;

F. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to human or animals, or create a hazard in the receiving waters of the sewage treatment plant;

H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

I. Any noxious or malodorous gas or substance capable of creating a public nuisance;

J. Any septic tank sludge.

(Ord. 147 § 7.03, 2002)

13.04.530 Interceptors required.

Grease, oil and sand interceptors shall be provided when in the opinion of the city engineer and/or the Amador County department of environmental health they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the city engineer and shall be so located as to be readily and easily accessible for cleaning and inspection. Grease traps shall be required at all public premises where food is prepared, such as restaurants, cafeterias and boarding houses.

Grease, oil and sand interceptors shall be of a type and constructed in accordance with the specifications approved by the city engi-

neer and/or the Amador County department of environmental health and shall be made of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water tight and equipped with easily removable covers which, when bolted in place, shall be gas tight and water tight. (Ord. 147 § 7.04, 2002)

13.04.540 Maintenance of interceptors.

A. All grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operations at all times.

B. Each user shall regularly inspect, clean and repair interceptors owned by the user. Such inspection, cleaning and repairing will be conducted at least annually. Cleaning or pumping of grease traps shall be at such a frequency to prevent the over flow of grease into the city public sewer main. Records of inspections, cleaning and repairs and the costs associated with these actions shall be kept for three years and be made available for inspection by city personnel upon request. The debris from interceptors shall be disposed of through a licensed waste hauler. Waste disposal records, including receipts, shall be kept for three years and be made available for inspection by city personnel upon request.

C. If in the opinion of the city engineer, sanitation engineer and/or public works department more frequent scheduled maintenance is necessary, then the user will comply with more frequently scheduled maintenance as determined by the city engineer, sanitation engineer and/or public works department (Ord. 147 § 7.05, 2002)

13.04.550 Preliminary treatment of wastes.

The admission into the public sewers of any waters or wastes having:

A. A five-day biochemical oxygen demand greater than three hundred (300) milligrams per liter (mg/l);

B. Containing more than three hundred fifty (350) mg/l of suspended solids;

C. Containing any quantity of substance having the characteristics described in Section 13.04.520; or

D. Having an average daily flow greater than two percent of the average daily sewage flow of the service area;

Shall be subject to the review and approval of the city engineer. Where necessary in the opinion of the city engineer, the owner shall provide, at his or her expense, such treatment as may be necessary to:

1. Reduce the biochemical oxygen demand to 300 mg/l and the suspended solids to 350 mg/l,

2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 13.04.520, or

3. Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city engineer and/or Amador County department of environmental health, and such other agencies as the city may from time to time direct, and no construction of such facilities shall be commenced until the approvals are obtained in writing. (Ord. 147 § 7.07, 2002)

13.04.560 Maintenance of pretreatment facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. (Ord. 147 § 7.07, 2002)

13.04.570 Control manholes.

When required by the manager, the owner of any property served by a side sewer carrying industrial wastes shall install a suitable control manhole in the side sewer to facilitate observations, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times. (Ord. 147 § 7.08, 2002)

13.04.580 Measurements and tests.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in Sections 13.04.520 and 13.04.550 shall be determined in accordance with standard methods and shall be determined at the control manhole provided for in Section 13.04.570, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the side sewer is connected. (Ord. 147 § 7.09, 2002)

13.04.590 Special agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern and subject to such terms and conditions as might be required by city. (Ord. 147 § 7.10, 2002)

13.04.600 Swimming pools.

It is unlawful for any person to discharge the contents of a swimming pool into a sanitary sewer. (Ord. 147 § 7.11, 2002)

13.04.610 Car washes.

From and after the effective date of this regulation, the manager may require that the applicant for any permit which includes a car wash within the facilities to be covered by the permit provide facilities for reclamation and reuse of all or a portion of the water used in the car wash process and the submittal of plans and specifications for the installation of such reclamation and reuse facilities acceptable to the manager. (Ord. 147 § 7.12, 2002)

Article 8. Permits, Fees and Sewer Service Charges

13.04.620 Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance or perform any work on any drainage system without first obtaining a written permit from the city. (Ord. 147 § 8.01, 2002)

13.04.630 Application for permit and payment of charges.

Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the city for that purpose. He or she shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The manager may require plans, specifications or drawings and such other information as he or she may deem necessary.

In the event the applicant for a permit is required to provide plans, specifications or drawings and information as a condition to the issuance of the permit, the applicant shall pay all engineering, legal, administrative and other expenses and charges prior to the issuance of the permit.

If the manager determines, with the advice and consent of the engineer, that the plans, specifications, drawings and other information furnished by the applicant are satisfactory and are in compliance with the ordinances, rule and regulations of the city, he or she shall issue the permit applied for upon payment of the charges herein referred to and of the fees as hereinafter fixed. (Ord. 147 § 8.02, 2002)

13.04.640 Compliance with permit.

After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the city, the manager or other authorized representatives. (Ord. 147 § 8.03, 2002)

13.04.650 Agreement.

The applicant's signature on an application for any permit as set for in Section 13.04.660, shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the city, and with the plans and specifications he or she has filed with his or her application, if any, together with such corrections or modifications as may be made or permitted by the city, if any. Such agreement shall be binding upon the applicant and may be altered only by the city upon the written request for the alteration from the applicant. (Ord. 147 § 8.04, 2002)

13.04.660 Classes of permits.

There shall be five classes of permits as follows:

A. Single-family residential sewer permit;

B. Trailer court and multiple dwelling sewer permit;

C. Commercial, industrial, church, school, public and other user sewer permit;

D. Public sewer construction permit;

E. Private sewage disposal permit.

(Ord. 147 § 8.05, 2002)

13.04.670 Fees—Annexation charges.

The owner or owners of lands within areas proposed to be annexed to the city shall deposit with the clerk of the city a sum to be fixed by the manager, prior to the commencement of proceedings by the council on the proposed annexation. The amount to be fixed by the manager shall be in a sum estimated to equal the engineering, legal and

publication costs and all other charges which may be incurred by the city in preparing and examining maps, legal descriptions, and other documents in relation thereto, and other expenses regularly incurred in connection therewith. Should the amount of the deposit exceed the costs incurred by the city the excess shall be refunded to the owner or owners following the conclusion of the final hearing of the proposed annexation. Should the amount of the deposit be insufficient to pay such costs incurred by the city the owner or owners shall advance such additional sums as shall be necessary to pay the costs prior to the final hearing on the proposed annexation. (Ord. 147 § 8.06, 2002)

13.04.680 Special equalization charges and benefit zones.

In addition to any other fees and charges established by the ordinances, rules and regulations of the city, there shall be collected, prior to the issuance of a permit for connection to the sanitary sewerage system of the city, such special equalization charges as may be specified by the council in order to establish condition of equality between the installers of downstream sewerage facilities and those benefiting from but not participating in the cost of these facilities.

When special equalization charges are deemed necessary and appropriate by the council, a special benefit zone shall be established which shall define the area of properties that may reasonably be expected to benefit from the construction of specific sewerage facilities which have been or are to be constructed. The boundaries of each special benefit zone and the amount of special equalization charges to be levied therein shall be established by resolution of the council. The amount of the special equalization charges to be levied within a given special benefit zone will generally be determined as follows:

A. Where the sewerage facilities have been financed through special assessment proceedings or a city approved co-operative project, the amount of the special equalization charges shall be the equivalent of the assessment to similar properties within the assessment district or co-operative project area which paid for the facilities.

B. Where the sewerage facilities have been privately financed and the city has entered into a reimbursement agreement with the installer pursuant to Section 13.04.470, the amount of special equalization charges shall be computed by the city based on the cost of installation of the facilities, including all expenses incidental thereto, and all engineering, legal inspection and other charges, and based on the relative benefit derived by properties within the special benefit zone. (Ord. 147 § 8.07, 2002)

13.04.690 Connection charges.

A. Connection fees shall be the sum of four thousand five hundred dollars ($4,500.00) per connection. Hereafter, connection fees may be changed by resolution of the city council.

Additional costs incurred by the city for the services of the city engineer, city planner, city attorney and any additional administrative costs related to the sewer connection shall also be paid by the applicant.

Connection fees may be paid in advance of construction, however, at the end of eighteen (18) months following payment of fee, structure must either be connected and become subject to monthly service charges or fee will remain with the city as a down payment for additional fee on structure during year actually connected.

B. Annual Increase of Connection Charge. As of the month of July of each subsequent year beginning in 2004, the connection fee will be increased by three and one-half percent.

Schedule of Fees

Year	Increase	Amount
2004	$157.50	$4657.50
2005	163.01	4820.51
2006	168.72	4989.23
2007	174.62	5163.85
2008	180.73	5344.58

C. Prepayment—Subdivisions. Prepayment of the connection charges required under this article shall be paid to the city before any final subdivision map is approved by the city and before any permit to install sewerage facilities to serve the subdivision is issued. An exception to the requirement for the prepayment at the time of subdivision may be made by the council when, in its judgment, the type of development which will occur within the subdivision cannot be accurately determined for purposes of calculating appropriate connection charges. Whenever such an exception is made by the council, the charges which have been deferred shall be paid prior to the issuance of individual building sewer connection permits at the rates in existence at the time of issuance of the connection permits.

D. Alteration of Use. The connection charges herein established are applicable to the use proposed to be made of the building at the time the connection permit is issued. In the event of alteration of the building or of additional use of the sewer facilities for which the connection charge was originally established, additional charges shall be paid for the added family units as herein defined at the connection charge rate in effect at the time such alterations or additions are made.

E. Credit for Advance Payments. Whenever the connection charges, established in subsection A of this section, have been advanced or prepaid, or whenever any area or connection charges have been advanced or prepaid pursuant to regulations of the city which were previously in effect, persons obtaining permits for new connections shall be entitled to a credit against the connection charges provided herein. Such credit shall be applicable in those instances where the payments have been made to the city and where the actual connections to the sewer facilities of the city have not yet been made as of the effective date of the ordinance codified in this chapter. The credit shall be computed on the same basis and rate as that used at the time of collection but, in no case, shall the amount of such credit exceed the amount of connection charges required to be paid under subsection A of this section. (Ord. 157 (part), 2003; Ord. 147 § 8.08, 2002)

13.04.700 Sewer permit and inspection fees.

Sewer permit and inspection fees shall be one hundred fifty dollars ($150.00) and may be changed by resolution.

Prior to construction of connection to city sewers, inspection fees shall be deposited with city. All sewer work outside city streets shall be under a plumbing permit issued by city. All work in city streets shall be in accordance with encroachment provision of Chapter 12.08. All re-inspections charges shall be responsibility of permittee and will be 1.5 times cost billed to city for any re-inspection services. (Ord. 147 § 8.09, 2002)

13.04.710 Collector and trunk sewer charges.

A. Sewer Service Rate Charge. Hereafter, sewer service rate charges shall be established by ordinance and a process that is in compliance with the California Constitution Article XIII Section D (also known as "Proposition 218").

Residential Units. All residential rates shall be based on the equivalent single-family residence (ESFR) rate of ninety-one dollars and forty-seven cents ($91.47) and shall be charged as follows:

Classification of Use	Monthly Charges
Residential:	
Single-family dwelling	$91.47
Multi-Family Dwelling	$91.47 per unit
Multi-family dwelling 4 or more units	$91.47 for first unit, $45.74 for 2nd unit and up
Trailer or mobile home parks	$91.47 per unit
Churches:	
Houses of worship and public facilities in connection therewith (excluding residences)	$91.47

Commercial Establishments. Charges for commercial establishments shall be determined by first dividing each commercial establishment's average daily amount of water used during the winter months (December, January, February) by the ESFR unit, and then multiplying the quotient by the equivalent single family residential (ESFR) rate of ninety-one dollars and forty-seven cents ($91.47). A commercial establishment shall not be billed less than a single-family dwelling unit rate of ninety-one dollars and forty-seven cents ($91.47). An ESFR unit is determined by the average daily amount of water used during the winter months (December, January, February) by all metered single-family residences divided by the number of residences. The ESFR unit shall be determined by the city sanitation engineer. (Ord. 157 (part), 2003; Ord. 147 § 8.10, 2002)
(Ord. No. 171, § 1, 9-20-12; Ord. No. 174, 3-17-16; Ord. No. 184, 6-15-23)

13.04.720 Billing and collecting.

A. Collection of Sewer Service Charges. All sewer service charges shall be billed and collected and deposited in a special fund established and maintained for that purpose.

B. Due Date of Charge. All sewer service charges shall become due and payable at the end of each month from the date of connection. Billings shall be made on the first day of the month for the charges due in the preceding month.

C. Persons Responsible. All sewer service charges shall be billed to the person who requested the connection to the city sewer system or his or her successor in interest, or if no such request was made, then to the owner of such premises on the date on which such premises are required to connect to the city sewer system, or to the successor in interest of such person, or to any person requesting that such bill be charge to him or her. It shall be and is made the duty of all owners and users of all premises to inform the city clerk immediately of all circumstances, and of any change or changes in any circumstances, which will in any way affect the applicability of any charge to premises owned or used by him or her or the amount of any such charge. In particular, but not by way of limitation, an owner or user of any

premises shall immediately inform the city clerk of any sale or transfer of such premises by or to such owner or user. The owner of the premises is and shall be responsible for payment of any and all sewer service charges applicable to premises owned by him or her.

D. Delinquency Date. Except as otherwise provided elsewhere in this chapter, each sewer service charge shall be delinquent if not paid on or before the thirtieth day immediately following the date upon which such sewer service charge became due and payable.

E. Penalties for Nonpayment. All bills not paid within thirty (30) days after the date the bill was rendered shall be delinquent and a penalty of ten (10) percent of the bill or amount due plus a penalty of not exceeding one-half of one percent per month shall accrue for the period of the nonpayment and be collected as a part of the principal thereof.

F. Enforcement In the event of the failure any person or the owner of the premises to pay when due any sewer service charges applicable to premises owned by him or her, the city may enforce payments of such delinquent charges in any of the following manners:

1. The city may have such premises disconnected from the sanitary sewer system. In the event such a disconnection should create a public health hazard or nuisance, the superintendent or his or her representatives may enter upon the premises for the purpose of doing such things a may be reasonably necessary to alleviate or remove such hazard or menace. The owner of such premises shall have a duty to reimburse the city for all expenses incurred by city in disconnecting any such premises, or in doing other things authorized by this section; and no reconnection shall be made until all such charges are paid.

2. The city clerk may institute action in any court of competent jurisdiction to collect any charges which may be due and payable in the same manner as any other debts owing to the city may be collected.

3. As an alternative procedure, the city may provide any and all delinquent payments be placed on the tax roll, and collected with property taxes, as hereinafter provided.

Collection on Tax Roll Procedure. The city may elect to use the tax roll on which general city taxes are collected for the current or delinquent sewer service charges, and in such case proceedings therefor shall be as now or hereafter provided in Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code.

4. The city may provide otherwise for the collection of such delinquent charges. All remedies provided for here in for their enforcement and collection are cumulative and may be pursued alternatively or collectively as the city determines. If any remedy is invalid, all valid remedies shall remain effectual. (Ord. 147 § 8.11, 2002)

13.04.730 Fees and deposits—Environmental Quality Act.

Where city is the lead agency or a responsible agency for any project under the state and local guidelines adopted pursuant to the Environmental Quality Act of 1970, the person or persons beneficially interested shall deposit with the city the estimated cost of city preparation of materials, reports and the making of evaluations of the proposed project as estimated by the city engineer. Should the amount of deposit be inadequate

to meet the city's costs as lead agency or as a responsible agency involved in providing consultation to the lead agency, as required by law, city shall, prior to completion of the city's evaluation of the proposed project, notify the person or persons beneficially interested of the amount necessary to complete the review of the proposed project which shall be immediately deposited with city. Should there be a surplus remaining in the deposit following completion of the city's evaluation of the project, the surplus shall be returned to the person or persons making such deposit. (Ord. 147 § 8.12, 2002)

13.04.740 Disposition of fees.

All fees collected on behalf of the city shall be deposited with the proper authority provided by the city to receive such funds. (Ord. 147 § 8.13, 2002)

13.04.750 All work to be inspected.

All sewer construction work, building sewers and drainage systems shall be inspected by an inspector acting for the city to insure compliance with all requirements of the city. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the city's public sewer until the work covered by the permit has been completed, inspected and approved by the city inspector. All sewers shall be tested for leakage in the presence of the city inspector and shall be cleaned of all debris accumulated from construction operations. If the test proves satisfactory, the inspector shall issue a certificate of satisfactory completion. (Ord. 147 § 8.14, 2002)

13.04.760 Notification.

It shall be the duty of the person doing the work authorized by permit to notify the office of the inspector in writing that the work is ready for inspection. Such notification shall be given no less than twenty-four (24) hours before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the city before giving the above notification. (Ord. 147 § 8.15, 2002)

13.04.770 Condemned work.

When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the city. (Ord. 147 § 8.16, 2002)

13.04.780 All costs paid by owner.

All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the work. (Ord. 147 § 8.17, 2002)

13.04.790 Outside sewers.

Whereas the capacity of the Amador City sewer system is limited and future needs of parcels in the city will require sewer hookups. Therefore as of this date the city reserves the use of the sewer facility for parcels located inside the city limits and will deny hook-up applications for those parcels

located outside the city limits. (Ord. 147 § 8.18, 2002)

13.04.800 Special outside agreements.

Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the city. (Ord. 147 § 8.19, 2002)

13.04.810 Street excavation permit.

A separate permit must be secured from the county or any other person having jurisdiction there over by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections. (Ord. 147 § 8.20, 2002)

13.04.820 Liability.

The city and its officers, agents and employees shall not be answerable for any liability of injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for, and shall save the city and its officers, agents and employees harmless from any liability imposed by law upon the city or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his or her work or any failure which may develop therein. (Ord. 147 § 8.21, 2002)

13.04.830 Time limit on permits.

Unless an extension of time is granted by the council, if work under a permit is not commenced and completed within the time specified in the permit, the permit shall become void and no further work shall be done until a new permit shall have been secured. (Ord. 147 § 8.22, 2002)

Article 9. Enforcement

13.04.840 Violation.

Any person found to be violating any provision of this or any other ordinance, rule or regulation of the city, except Section 13.04.330 and 13.04.900, shall be served by the manager or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The time limit shall be not less than two nor more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the city. Upon being notified by the manager of any defect arising in any sewer or of any violation of this chapter, the person or persons having charge of the work shall immediately correct the same. (Ord. 147 § 9.01, 2002)

13.04.850 Public nuisance.

Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of the city is declared to be a public nuisance. The city may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

Health Hazard. If a health hazard is found to exist by either: (a) the city department

responsible for enforcing health or other code regulation; or (b) the county environmental health department, the property occupants are required to follow the reasonable orders of that health authority. (Ord. 147 § 9.02, 2002)

13.04.860 Disconnection.

As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the city, the manager shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the city. Upon disconnection the manager shall estimate the cost of disconnection from and re-connection to the system, and such user shall deposit the cost, as estimated, of the disconnection and re-connection before such user is reconnected to the system. The manager shall refund any part of the deposit remaining after payment of all costs of disconnection and re-connection. (Ord. 147 § 9.03, 2002)

13.04.870 Public nuisance—Abatement.

During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the city shall cause proceedings to be brought for the abatement for the occupancy of the premises by human beings during the period of such disconnection. In such event, and as a condition of re-connection, there is to be paid to the city a reasonable attorney's fee and cost of suit arising in the action. (Ord. 147 § 9.04, 2002)

13.04.880 Violation—Penalty.

Any person or persons, firm, association or corporation, or other entities violating any term or terms of this chapter is guilty of a misdemeanor, and upon conviction thereof is punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment for a period of not more than six months or by both fine and imprisonment. (Ord. 147 § 9.05, 2002)

13.04.890 Liability for violation.

Any person violating any of the provisions of the ordinances, rules or regulations of the city shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation. (Ord. 147 § 9.06, 2002)

Article 10. Miscellaneous Provisions

13.04.900 Protection from damage.

No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the city's sewage works. Any person violating this provision shall be subject to the penalties provided by law. (Ord. 147 §10.01, 2002)

13.04.910 Right of entry for inspection.

A. When ever any officer or employee or agent of the city is authorized to enter any building or premises for the purpose of making an inspection to enforce this chapter, the officer or employee may enter such building or premises at all reasonable times to inspect the same; provided, that the officer or employee or agent shall effect entry in the manner provided in subsection B of this section, except in emergency situations, or when consent of the person having charge or

control of such building or premises has been otherwise obtained.

B. If the building or premises to be inspected is occupied, the authorized officer or employee or agent shall first present proper credentials and demand entry; and if such building or premises is unoccupied, the officer or employee or agent shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry. If consent to such entry is not given, the authorized officer or employee or agent shall have recourse to every remedy provided by law to secure entry.

C. This chapter shall be controlling over any other ordinance or part of an ordinance on the same subject, whether heretofore or hereafter adopted, unless such ordinance or part of an ordinance provided differently by an express reference to this chapter. Notwithstanding any other ordinance of this city, whether heretofore or hereafter adopted, it shall not be a violation of this chapter to refuse or fail to consent to an entry for inspection. (Ord. 147 § 10.02, 2002)

Chapter 13.08

UNDERGROUND UTILITY DISTRICTS

Sections:

13.08.010	**Definitions.**
13.08.020	**Public hearing by council.**
13.08.030	**Council may designate underground utility districts by resolution.**
13.08.040	**Unlawful acts.**
13.08.050	**Exception, emergency or unusual circumstances.**
13.08.060	**Other exceptions.**
13.08.070	**Notice to property owners and utility companies.**
13.08.080	**Responsibility of utility companies.**
13.08.090	**Responsibility of property owners.**
13.08.100	**Responsibility of city.**
13.08.110	**Extension of time.**
13.08.120	**Violation—Penalty.**

13.08.010 Definitions.

Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions;

"Commission" means the Public Utilities Commission of the state of California.

"Person" means and include individuals, firms, corporations, partnerships, and their agents and employees.

"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 useful in supplying electric, communication or similar or associated service.

"Underground utility district" or "district" means that area in the city within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 13.08.030.

"Utility" includes all persons or entities supplying electric communication or similar or associated service by means of electrical materials or devices. (Ord. 41 § 1, 1968)

13.08.020 Public hearing by council.

The council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated structures within designated areas of the city and round installation of wires and facilities for supplying electric, communication, or similar or associated service The city clerk shall notify all affected property owners as shown on qualified assessment roll and utilities concerned by mail of the time and place of such hearings at least fifteen (15) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard The decision of the council shall be final and conclusive. (Ord. 149 § 1 (part), 2002; Ord. 41 § 2, 1968)

13.08.030 Council may designate underground utility districts by resolution.

If, after any such public hearing the council finds that the public necessity, health,

safety or welfare requires such removal and such underground installation within a designated area, the council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. 41 § 3, 1968)

13.08.040 Unlawful acts.

Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 13.08.030, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by such resolution, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 13.08.090, and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this chapter. (Ord. 41 § 4, 1968)

13.08.050 Exception, emergency or unusual circumstances.

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten (10) days, without authority of the council in order to provide emergency service. The council may grant special permission, on such terms as the council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Ord. 41 § 5, 1968)

13.08.060 Other exceptions.

This chapter and any resolution adopted pursuant to Section 13.08.030 shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

A. Any municipal 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 a district within which overhead wired have been prohibited, or connecting to buildings on the perimeter of a district, when such sires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;

D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages I excess of thirty-four thousand five hundred (34,500) 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 to or an adjacent building without crossing any public street;

F. Antennae, associated equipment and supporting structures, used by a utility for furnishing 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. (Ord. 41 § 6, 1968)

13.08.070 Notice to property owners and utility companies.

Within ten (10) days after the effective date of a resolution adopted pursuant to Section 13.08.030, the city clerk shall notify all affected utilities and all persons owning real property within the district created by the resolution of the adoption thereof. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility on utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.,

Notification by the city clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 13.08.030, together with a copy of this chapter to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (Ord. 41 § 7, 1968)

13.08.080 Responsibility of utility companies.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 13.08.030, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the commission. (Ord. 41 § 8, 1968)

13.08.090 Responsibility of property owners.

A. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall perform construction and provide that portion of the service connection on his or her property between the facilities referred to in Section 13.08.080 and the termination facility on or within the building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.

B. In the event any person owning, operating leasing occupying or renting the property does not comply with the provisions of subsection A of this section within the time provided for in the resolution enacted pursuant to Section 13.08.030, the city engineer shall post written notice on the property being served and thirty (30) days thereafter shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facili-

ties supplying utility service to the property. (Ord. 41 § 9, 1968)

13.08.100 Responsibility of city.

City shall remove at its own expense all city-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 13.08.030. (Ord. 41 § 10, 1968)

13.08.110 Extension of time.

In the event that any act required by this chapter or by a resolution adopted pursuant to Section 13.08.030 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. 41 § 1, 1968)

13.08.120 Violation—Penalty.

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by such person, and shall be punishable therefor as provided for in this chapter. (Ord. 41 § 12, 1968)

Title 14

TRAFFIC MITIGATION FEES

Chapter:

14.04 **Local And Regional Traffic Mitigation Fees**

CHAPTER 14.04

LOCAL AND REGIONAL TRAFFIC MITIGATION FEES

Sections:

14.04.010 Purpose and findings.

14.04.020 Definitions.

14.04.030 Adoption and amendment of the local and regional traffic mitigation fees.

14.04.040 Collection of local and regional traffic mitigation fees.

14.04.050 Additional conditions.

14.04.060 Fee calculation.

14.04.070 Management of the regional traffic mitigation fund.

14.04.080 Management of the local traffic mitigation fund.

14.04.090 Adjustments to previously imposed fees.

14.04.100 Fee exemptions.

14.04.110 Construction.

14.04.120 Adjustment to or waiver of fees.

14.04.130 Acceptance of real property in lieu of fee.

14.04.010 Purpose and findings.

A. In order to implement the goals and objectives of the city's general plan; to meet the city's requirement to mitigate significant adverse impacts as set forth in the California Environmental Quality Act; and to mitigate impacts on local and regional roads caused by new development within the city, local and regional traffic mitigation fees ("fee" or "fees") are necessary. Such impacts to local and regional roads include, but are not limited to, physical injury, wear and tear, and reductions in level of service. The purpose of this chapter is to provide for the imposition of local and regional traffic mitigation fees on development projects and to establish provisions for the collection and management of these fees.

B. This chapter is enacted pursuant to and shall be administered in compliance with the Mitigation Fee Act, Government Code Section 66000 et seq.

C. The city council finds and determines that:

1. The local traffic mitigation fee program developed by the Amador County transportation commission in consultation with the city's contract engineer is based on the nexus plan which addresses local roads to the satisfaction of requirements contained in Government Code Section 66001(a) and provides adequate findings to support the imposition of the fee for local roads.

2. The regional traffic mitigation fee program developed by the Amador County transportation commission based on a nexus plan addressing regional roads satisfies the requirements of Government Code Section 66001(a) and provides adequate findings to support the imposition of the fee for regional roads.

3. New development projects in the city will create additional traffic. This traffic will increase the need for the construction and improvement of local and regional roads within the city and in adjacent areas of Amador County ("county"). The funds currently available for construction and improvement of these local and regional roads are insufficient to accomplish the mitigation needed to address these traffic impacts. If no additional funds are available, this shortfall will result in inadequate local and regional roads and level of service within the city and county.

4. The purpose of the fees imposed under this chapter is to mitigate the impact of development projects on local and regional roads.

5. There is a reasonable relationship between the need for the construction and improvement of local and regional roads and the type of development projects to which these fees apply because the traffic generated by residential and non-residential projects impacts regional roads so as to create a need for additional construction and improvement of local and regional roads.

6. There is a reasonable relationship between the use of these fees and the type of development projects to which theses fees apply because these fees will be used for the construction and improvement of local and regional roads which is needed, in part because of traffic generated by residential and non-residential building projects.

7. There is a reasonable relationship between the amount of fees imposed and the costs of the construction improvement of local and regional roads which is needed because of traffic generated by residential and non-residential projects; this relationship is shown in part because the amount of fees imposed are calculated based on the estimated number of trips generated by the type of development on which the fees are imposed.

8. The public health, safety, convenience, comfort, prosperity and general welfare of all city residents will be promoted by the adoption of this chapter, in that the fees collected hereunder will generate a portion of the funds necessary for the construction and improvement of regional roads.

(Ord. No. 166, § 1, 9-20-07)

14.04.020 Definitions.

"Construction" includes all phases of work related to physical construction, including, but not limited to, development, design, environmental studies and right of way acquisition.

"Local roads" are the city streets and roads, the section of old State Highway 49 relinquished to the city and its bridge over Amador Creek, as well as city-owned public rights of way, appurtenant surface transportation infrastructure and supporting facilities including sidewalks, bus stops, parking lots, and transportation enhancements located within the city limits of Amador City and which it is the city's duty to operate and maintain.

"Local road traffic mitigation fee program" means the program developed by the Amador County transportation commission in consultation with the city contract engineer based on its nexus plan as said program may be amended.

"Nexus plan" means a plan which describes the connection between a mitigation fee imposed on development and the purposes for which the mitigation fee will be used and meets the requirements of Government Code Sections 66001(a) and (b).

"Regional roads" are those roads, streets, state highways, public bridges, public rights of way, appurtenant surface transportation infrastructure and supporting improvements located in Amador County which are regional arterial and collector roadways or otherwise adjuncts to the Amador County regional roadway system.

"Regional traffic mitigation fee program" means the program developed by the Amador County transportation commission based on its nexus plan as said program may be amended.

Words which are defined in the Mitigation Fee Act shall have those meanings when used in this chapter.

(Ord. No. 166, § 1, 9-20-07)

14.04.030 Adoption and amendment of the local and regional traffic mitigation fees.

There is hereby imposed on all new development within the city a non-refundable local and regional traffic mitigation fee. The city council shall set the amounts of each of these fees by resolution. Prior to adoption or amending the amount of each fee, the city council shall hold a public hearing, at which oral or written presentations can be made, as part of a regularly scheduled public meeting. Notice of said meeting shall be given as provided in Government Code Section 66018. No new fee amount or fee increase shall be imposed sooner than sixty (60) days following the city council's final action on the adoption of or increase in the fee.
(Ord. No. 166, § 1, 9-20-07)

14.04.040 Collection of local and regional traffic mitigation fees.

A. For non-residential development projects, the fees authorized by this chapter shall be paid to the city at issuance of a building permit.

B. For residential development projects, the fees authorized by this chapter shall be paid to the city prior to the date of the final inspection or the date of the certificate of occupancy, whichever occurs first. However, if the residential development contains more than one dwelling, the city may determine whether the fees or charges shall be paid on a pro rata basis for each dwelling when it receives its final inspection or certificate of occupancy, whichever occurs first; on a pro rata basis when a certain percentage of the dwellings have received their final inspection or certificate of occupancy, whichever occurs first; or on a lump-sum basis when the first dwelling in the development receives its final inspection or certificate of occupancy, whichever occurs first.

C. "Final inspection" and "certificate of occupancy" as used in this section shall be defined as indicated in Government Code Section 66007(e).
(Ord. No. 166, § 1, 9-20-07)

14.04.050 Additional conditions.

This chapter is not intended to, and shall not, limit the city's ability to impose additional conditions of approval to mitigate traffic impacts.
(Ord. No. 166, § 1, 9-20-07)

14.04.060 Fee calculation.

The regional traffic mitigation fee shall be calculated based on the number of trip-ends generated by a development project as determined by the most recent edition of the standard text "Trip Generation," published by the Institute of Transportation Engineers.
(Ord. No. 166, § 1, 9-20-07)

14.04.070 Management of the regional traffic mitigation fund.

A. The city shall collect regional traffic mitigation fees and hold them and any interest in a separate fund until such time as the city is to turn them over to the Amador County transportation commission pursuant to a separate agreement. This agreement must require the Amador County transportation commission to comply with requirements of the Mitigation Fee Act with respect to establishment and maintenance of a regional traffic mitigation fund.

B. The city's accounting, reporting and management of regional traffic mitigation fees shall comply with Government Code Section 66001 and other applicable provisions of the Mitigation Fee Act.

C. The city shall maintain records of all building permits and other land use entitlements granted and all regional traffic mitigation fees collected.

D. The Amador County transportation commission shall expend the fees only on those projects listed in the regional traffic mitigation fee nexus plan, as said plan may be amended. Additional findings need not be made for such expenditures.

E. The Amador County transportation commission shall administer the regional traffic mitigation fee funds for those projects listed in the nexus plan, as said plan may be amended.
(Ord. No. 166, § 1, 9-20-07)

14.04.080 Management of the local traffic mitigation fund.

A. The city shall collect local traffic mitigation fees and hold them and any interest in a separate fund as required by the Mitigation Fee Act.

B. The city's accounting, reporting and management of the separate local traffic mitigation fund shall comply with Government Code Section 66001 and other applicable provisions of the Mitigation Fee Act.

C. The city shall maintain records of all building permits and other land use entitlements granted and all regional traffic mitigation fees collected therefrom.

D. The city shall expend the fees only on those projects listed in the local traffic mitigation fee program nexus plan, as said plan may be amended. Additional findings need not be made for such expenditures.

E. The city shall administer the local traffic mitigation fee funds for those projects listed in the nexus plan, as said plan may be amended.
(Ord. No. 166, § 1, 9-20-07)

14.04.090 Adjustments to previously imposed fees.

A. A fee imposed under this chapter shall not apply to a development project that obtained a building permit before chapter's effective date ("previously approved project").

B. In the event that subsequent development occurs with respect to a development for which fees have been paid, additional fees may be required if the subsequent development includes:

1. The addition of square footage (non-residential development only);

2. A change in use of all or part of the property (as uses are defined in the city's zoning ordinance); or

3. The addition of one or more dwelling units.
(Ord. No. 166, § 1, 9-20-07)

14.04.100 Fee exemptions.

The following new development shall be exempt from the regional traffic mitigation fee:

A. Government/public buildings, public schools and public facilities.

B. The rehabilitation and/or reconstruction of any legal, residential structure and/or the replacement of a previously existing legal dwelling unit. This exemption does not apply if the rehabilitation and/or reconstruction involves an increase in the number of dwelling units or the addition of a non-residential use.

C. The rehabilitation and/or reconstruction of any non-residential structure where there is no net increase in square footage. Any increased square footage shall be subject to the fee based on the application of the appropriate current rate to the area of the increase.

D. Development projects that were issued a building permit prior to the effective date of this chapter, except as provided in Section _____.

E. Affordable housing, meeting the criteria provided in the city's housing element and state law and providing adequate guarantees of continuing affordability can be met as determined by the city council.
(Ord. No. 166, § 1, 9-20-07)

14.04.110 Construction.

This chapter, the nexus plan, and any resolution adopting or amending these fees and any subsequent amendments to the aforementioned documents shall be construed together.
(Ord. No. 166, § 1, 9-20-07)

14.04.120 Adjustment to or waiver of fees.

A developer of any project subject to the fee described in this chapter may apply to the city council for reduction or adjustment to that fee, or a waiver of that fee, following the procedures set forth in Government Code Sections 66020 and 66021.
(Ord. No. 166, § 1, 9-20-07)

14.04.130 Acceptance of real property in lieu of fee.

The city may accept, by dedication or grant, real property from the developer in lieu of fees otherwise imposed pursuant to this chapter provided that the developer shall show proof satisfactory to the city that the value of the real property offered by the developer is at least equal in value to the fee for which the real property is a substitute.
(Ord. No. 166, § 1, 9-20-07)

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

15.04	Uniform Construction Codes Adopted
15.08	Property Numbering System
15.12	State Historical Building Code Adopted
15.16	Historical Building Preservation, Sign and Outdoor Merchandise Display Regulations
15.20	In Lieu Parking Fees for Development Projects

Chapter 15.04

UNIFORM CONSTRUCTION CODES ADOPTED

Sections:

15.04.010 Adoption of Codes and Related Appendices.

15.04.020 Board of Appeals.

15.04.030 Expiration.

15.04.040 Roof Snow Load.

15.04.050 Foundation systems.

15.04.060 Interior wall and ceiling coverings.

15.04.070 Safety glazing (Repealed).

15.04.080 Expanded use of plastic (Repealed).

15.04.090 Violation of Codes—Penalties.

15.04.100 Notices of building code violations.

15.04.110 Temporary power permits.

15.04.120 Utility company connections.

15.04.130 Emergency repairs.

15.04.010 Adoption of Codes and Related Appendices.

The 2019 Edition of the California Administrative Code contained in Part 1 of Title 24 of the California Code of Regulations is hereby adopted by reference as the Administrative Code of the City of Amador City;

The 2019 Edition of the California Building Code contained in Part 2, Volume 1 and Volume 2, of Title 24 of the California Code of Regulations, which incorporates and amends the 2018 Edition of the International Building Code published by the International Code Council, including Chapter 1, is hereby adopted by reference as the Building Code of the City of Amador City;

The 2019 Edition of the California Residential Code contained in Part 2.5 of Title 24 of the California Code of Regulations, which incorporates and amends the 2018 Edition of the International Residential Code as published by the International Code Council, including Chapter 1, is hereby adopted by reference as the Residential Code of the City of Amador City;

The 2019 Edition of the California Electrical Code contained in Part 3 of Title 24 of the California Code of Regulations, which incorporates and amends the 2017 Edition of the National Electric Code published by the National Fire Protection Association, including Chapter 1, is hereby adopted by reference as the Electrical Code of the City of Amador City;

The 2019 Edition of the California Mechanical Code contained in Part 4 of Title 24 of the California Code of Regulations, which incorporates and amends the 2018 Edition of the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials, including Chapter 1, is hereby adopted by reference as the Mechanical Code of the City of Amador City;

The 2019 Edition of the California Plumbing Code contained in Part 5 of Title 24 of the California Code of Regulations, which incorporates and amends the 2018 Edition of the Uniform Plumbing Code published by the International Association of Plumbing and Plumbing Officials, including Chapter 1, is hereby adopted as the Plumbing Code of the City of Amador City;

The 2019 Edition of the California Energy Code contained in Part 6 of Title 24 of the California Code of Regulations is hereby adopted by reference as the Energy Code of the City of Amador City;

The 2019 Edition of the California Historical Building Code contained in Part 8 of

Title 24 of the California Code of Regulations is hereby adopted by reference as the Historical Building Code of the City of Amador City;

The 2019 Edition of the California Fire Code contained in Part 9 of Title 24 of the California Code of Regulations, which incorporates and amends the 2018 Edition of the International Fire Code as published by the International Code Council, including Chapter 1, is hereby adopted as the Fire Code of the City of Amador City;

The 2019 Edition of the California Existing Building Code contained in Part 10 of Title 24 of the California Code of Regulations is hereby adopted by reference as the Existing Building Code of the City of Amador City;

The 2019 Edition of the California Green Building Standards Code contained in Part 11 of Title 24 of the California Code of Regulations is hereby adopted by reference as the Green Building Standards Code of the City of Amador City;

The 2019 Edition of the California Referenced Standards Code contained in Part 12 of Title 24 of the California Code of Regulations is hereby adopted by reference as the Referenced Standards Code of the City of Amador City;

The 2018 Edition of the International Property Maintenance Code as published by the International Code Council is hereby adopted by reference as the Property Maintenance Code of the City of Amador City;

The 2018 Edition of the Uniform Swimming Pool, Spa and Hot Tub Code as published by the International Association of Plumbing and Mechanical Officials is hereby adopted by reference as the Swimming Pool Code of the City of Amador City;

The 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials, is hereby adopted by reference as the Dangerous Buildings Code of the City of Amador City;

The 1997 Edition of the Uniform Housing Code, published by the International Conference of Building Officials, as referenced and adopted by the California Department of Housing and Community Development in Title 25 of the California Code of Regulations pursuant to Sections 17958, 17958.5, 17958.7, 17958.9 and 17959 of the Health & Safety Code is hereby adopted by reference as the Housing Code of the City of Amador City;

The 1997 Edition of the Uniform Building Security Code, published by the International Conference of Building Officials, is hereby adopted by reference as the Security Building Code of the City of Amador City;

Permit fees shall be established by resolution of the city council.

The above-identified codes in this Section 15.04.010 (hereinafter collectively referred to as the "uniform codes") are adopted for the purpose of prescribing regulations for the erection, construction, modification, repair, maintenance, demolition, use and occupancy of buildings and structures. One copy of each of the uniform codes shall be maintained for use and examination of the public in the Office of the Building Official. (Ord. 106 § 92.04.010, 1992)

(Ord. No. 180, § 3, 5-20-21)

15.04.020 Board of Appeals.

Section 113 of the California Building Code (CBC) shall be amended to read:

General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretations of the technical code, there shall be and is hereby created a Board of

Appeals which shall consist of the City Council. The Building Official shall be an exofficio member and shall act a [as] secretary to said board but shall have no vote upon any matter before the board. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

(Ord. 106 § 92.04.014, 1992; Ord. No. 180, § 3, 5-20-21)

15.04.030 Expiration.

Section 105.5 of the California Building Code (CBC) shall have the following added at the end of the first paragraph:

For the purpose of this section "suspended or abandoned" shall be determined based upon satisfactory completion of scheduled inspections.

(Ord. 106 § 92.04.015, 1992; Ord. No. 180, § 3, 5-20-21)

15.04.040 Roof Snow Load.

The provisions of this Section 15.04.040 shall constitute local amendments to the cross-referenced provisions of the 2019 Edition of the California Building Standards Code, Title 24 of the California Code of Regulations, and shall be deemed to amend the cross-referenced section in said Code with the respective provisions set forth in this Section 15.04.040.

(a) Section 1608.1 of the California Building Code is amended to add the following sentence at the end of the subsection as follows:

The snow load for the City of Amador City shall be 20 pounds per square foot.

(b) Section 2308.7.10 of the California Building Code is amended to add the following sentence at the end of the subsection as follows:

All roof sheathing shall be a minimum of 15/32 inch five ply.

(Ord. 106 § 92.04.020, 1992; Ord. No. 180, § 3, 5-20-21)

15.04.050 Foundation systems.

All foundation systems shall consist of reinforced concrete or reinforced masonry construction in conformance with Chapters 18, 19 and 21 of the California Building Code. This section shall supplement Chapters 18, 19 and 21 of the California Building Code. Said system shall require two No. 4 rebars three (3) inches from the top and bottom and a maximum of eighteen (18) inches apart.

(Ord. 106 § 92.04.022, 1992; Ord. No. 180, § 3, 5-20-21)

15.04.060 Interior wall and ceiling coverings.

All interior wall and ceiling coverings for structures intended for human occupancy shall consist of minimum one-half inch gypsum wallboard or plaster pursuant to Chapter 25 of the California Building Code (CBC), or wood products of equal thickness, but not a combination of those materials. The coverings shall be applied in conformance with Chapter 25 of the California Building Code.

(Ord. 106 § 92.04.024, 1992; Ord. No. 180, § 3, 5-20-21)

15.04.070 Safety glazing (Repealed).

This section is repealed in its entirety.

(Ord. 106 § 92.04.025, 1992; Ord. No. 180, § 3, 5-20-21)

15.04.080 Expanded use of plastic (Repealed).

This section is repealed in its entirety.
(Ord. 106 § 92.04.026, 1992; Ord. No. 180, § 3, 5-20-21)

15.04.090 Violation of Codes—Penalties.

Violation of any provision of the Uniform Codes shall subject the violator to any or all of the following: suit for civil remedy or criminal penalty.

The criminal penalty for the first or second offense shall be punishable as an infraction as defined by the Penal Code, as amended from time to time. The criminal penalty for a third offense or more, shall be punishable as a misdemeanor as defined by the Penal Code, as amended from time to time.
(Ord. 106 § 92.04.050, 1992; Ord. No. 180, § 3, 5-20-21)

15.04.100 Notices of building code violations.

A. Whenever the department has knowledge of a violation of the provisions of the building codes, as referenced in this title, it may provide a notice of intent to record a notice of building code violation to the owner or reported owner of the property upon which the violation exists. Notice shall be given by posting a copy of the notice of intent to record a notice of building code violation in a conspicuous place on the affected property, and by mailing a coy [copy] thereof to the owner of the property as shown on the most recent assessment roll, or at such other more current address as may be known to the building department. Such notice shall state that the building department intends to

B. In the event a hearing is not requested within the time specified, or if after a hearing of determination is made by the building official or his or her representative that one or more violations of building codes exist on the property, and such violation(s) have not been corrected, the building department may record a notice of building code violation which:

1. Contains a description of the property affected sufficient to identify it with particularity; and

2. States with particularity the violation(s) of the building codes found to exist on the property.

C. If the violation(s) of building codes have been corrected, and evidence thereof satisfactory to the building department has been presented to said department, the department shall issue a notice of expungement of the building codes violation to the property owner. The property owner may record such expungement at the property owner's expense.

D. Neither the building department nor any official or employee thereof shall be liable to any person for the recording of or failure to record such a notice of violation, as provided for in this section.
(Ord. 106 § 92.04.051, 1992; Ord. No. 180, § 3, 5-20-21)

15.04.110 Temporary power permits.

It is unlawful for any person to use electric power in any building or structure for which a building permit is required by this chapter prior to final inspection and approval thereof by the building department, except in strict conformance with all of the provisions and conditions of an unrevoked and unexpired temporary power permit issued therefor by the building department. Such temporary power permit shall contain provisions with respect to the nature, location and duration of use, load and circuit limitations, fuse or circuit breaker requirements, and such other conditions as the building department determines are nec-

essary to eliminate any hazard which might result from the use of such power. The building department may revoke any such temporary power permit for violation of any provision or condition contained therein, or for any practice in the use of such power which causes fire or safety hazard, by posting written notice of revocation of such permit in a conspicuous place on such building or structures. (Ord. 106 § 92.04.060, 1992)

15.04.120 Utility company connections.

It is unlawful for any person or utility company to supply electric power to any building or structure for which a building permit is required by this chapter prior to the final inspection and approval thereof by the building department unless a temporary power permit has been issued therefor, or to continue supplying electric power to such building or structure after such temporary power permit has expired, or after receipt of a written notice of revocation of such permit. (Ord. 106 § 92.04.070, 1992)

15.04.130 Emergency repairs.

Where emergency repair work for which a permit is required by this chapter is made necessary by storm, flood, fire, explosion, earthquake or similar calamity, such work may be done without first obtaining the required permit therefor, providing an application for such permit is filed with the building department before five p.m. of the next business day following the commencement of such work. In such case, the permit requirements of this chapter shall not be deemed to have been violated, and the fee for such permit shall not be doubled. (Ord. 106 § 92.04.080, 1992)

Chapter 15.08

PROPERTY NUMBERING SYSTEM

Sections:

15.08.010	**Uniform property numbering system adopted.**
15.08.020	**Numbering system.**
15.08.030	**Display of numbers.**
15.08.040	**Legal description of property not affected.**
15.08.050	**Violation—Penalty.**

15.08.010 Uniform property numbering system adopted.

The uniform property numbering system as set forth in this chapter is adopted for the city. (Ord. 66 § 1, 1985)

15.08.020 Numbering system.

The basis for the uniform property numbering system shall be a point of origin which shall be the intersection of a west base line and a south base line. The west base line shall run due north and south to include the westernmost territory of the county. The south base line shall run due east and west to include the southernmost territory of the county. Index lines shall run parallel with their respective base lines at one-mile intervals. Numbers shall be assigned along each base line in increasing magnitude in easterly and northerly directions in accordance with the distance from the point of origin. One thousand (1,000) numbers shall be assigned to each mile along each base line. For the purpose of determining the property number for a particular location, the number assigned shall be proportioned to the distance of the location from its adjoining index lines and shall be in sequence with numbers established on adjacent properties. On all streets and roads, the numbers on the north side and the west side shall be odd numbers and the numbers on the south side and the east side shall be even numbers. (Ord. 66 § 2, 1985)

15.08.030 Display of numbers.

After the effective date of any sub-index map, or revision thereof, the Amador County surveyor shall give written notice to the owner or occupant of buildings or land which are assigned, or reassigned numbers pursuant to this chapter, which notice shall contain the new number assigned. Written notice may be given by posting, personal delivery or first class mail. Notice for new construction shall be given to the Amador City building department which shall require display of the number prior to the issuance of a final inspection permit. Within thirty (30) days after the Amador County surveyor has given notice, the owner or occupant of the building or property shall cause the number to be displayed horizontally on the building or land in such manner as to be visible from the street or road on which the building or land fronts and shall remove or obscure from public view any old or previous numbers not in accordance with this chapter; provided, however, that where buildings are removed a considerable distance from any public street or road such number shall be displayed at the entrance of any roadway or driveway leading to such building; provided further, however, that in rural areas where rural free delivery of mail is provided, the number may be displayed horizontally upon receptacles designed for the delivery of mail where the receptacle is in the proximity of the roadway or driveway leading to the building. Numbers shall be maintained in a. neat and orderly manner so as to remain readable. Numbers displayed shall be a minimum

height of three inches, shall not exceed a maximum height of one foot, a minimum of two feet six inches above ground and not to exceed eight feet unless approved by the Amador County board of supervisors and shall be of a contrasting color from the basic background. (Ord. 66 § 3, 1985)

15.08.040 Legal description of property not affected.

The adoption and implementation of this chapter shall in no manner affect the legal description of any property. (Ord. 66 §4, 1985)

15.08.050 Violation—Penalty.

Any person, either owner or occupant, firm, partnership, co-partnership, corporation, whether as principal, agent employee, failing or refusing to display any assigned number or displaying or permitting to be displayed a number not assigned, or removing or failing to maintain an assigned number shall be guilty of an infraction punishable by a fine not exceeding fifty dollars ($50.00) for a first violation, a fine not exceeding one hundred dollars ($100.00) for a second violation within one year and a fine not exceeding two hundred fifty dollars ($250.00) for each additional violation within one year. Each day of a violation of this chapter shall constitute an additional and separate offense. (Ord. 66 § 5, 1985)

Chapter 15.12

STATE HISTORICAL BUILDING CODE ADOPTED

Sections:

15.12.010 Adoption by reference.

15.12.010 Adoption by reference.

That certain documents, three copies of which are on file and are open for inspection of the public in the office of the city clerk of the city, being marked and designated as follows:

> State Historical Building Code, California Administrative Code, Title 24 "Building Standards", Part 8. State Historical Building Code of August 25, 1979, published by the Office of Administrative Hearings, Department of General Services, is adopted as an alternative code of the city for regulating the building standards for certain qualified historical buildings and structures in the city, which is on file in the office of the city;

Is referred to, adopted and made a part hereof as if fully set out in this section. (Ord. 149 § 1 (part), 2002; Ord. 84 § 1, 1988)

Chapter 15.16

HISTORICAL BUILDING PRESERVATION, SIGN AND OUTDOOR MERCHANDISE DISPLAY REGULATIONS*

Sections:

15.16.010 Purpose.
15.16.020 Applicability to signs.
15.16.030 Existing historic buildings.
15.16.040 Damage to historic buildings—Removal allowed when.
15.16.050 Mother Lode architecture, defined.
15.16.060 Permit issuance.
15.16.070 Preservation of historic rock walls.
15.16.080 Sign committee.
15.16.090 Signs.
15.16.100 Outdoor or sidewalk merchandise displays.

* Prior ordinance history: Ord. Nos. 44, 61, 90, 94, 112, 131 and Ords. dated 12-10-70 and 12-13-79.

15.16.010 Purpose.

The purpose of this chapter is to provide conditions and regulations for the protection, enhancement and perpetuation of the old and historical commercial buildings within the city and the perpetuation of the Mother Lode type of architecture within the city which has special historical and esthetic interest and value, and to provide for the appearance of structures and signs on neighboring and adjacent property within the public view. Also to assign the five-member design review committee and five-member sign review committee to regulate the provisions of this chapter. (Ord. 161 (part), 2006)

15.16.020 Applicability to signs.

This chapter shall apply to signs within the city limits. (Ord. 161 (part), 2006)

15.16.030 Existing historic buildings.

No presently existing commercial building of special historic or esthetic value or of Mother Lode type of architecture situated within the city limits of Amador City shall be torn down, demolished or otherwise destroyed. (Ord. 161 (part), 2006)

15.16.040 Damage to historic buildings—Removal allowed when.

In the event that any Mother Lode type of architecture commercial building or any other commercial building of esthetic or historic value or interest shall be damaged by fire, act of God, or in any other manner, or become unsafe or in such state of disrepair or dilapidation as to be untenable by reason of any of these causes that it cannot with reasonable diligence be repaired and restored, the same may be removed upon issuance of a permit for such removal as hereinafter provided. (Ord. 161 (part), 2006)

15.16.050 Mother Lode architecture, defined.

A. All commercial buildings and new commercial construction which shall be hereafter constructed or altered as to their exterior appearance, as to their exterior architecture, shall conform to the style of architecture commonly known as and called the Mother Lode type of architecture.

B. For the purpose of this chapter, Mother Lode type of architecture referred to herein is

defined as being, the type of architecture generally used in the Mother Lode area in the state of California in the period of 1849 to 1870, inclusive, and the type of architecture exemplified by the buildings known as the Imperial Hotel and the Fleehart Store on Main Street. (Ord. 161 (part), 2006)

15.16.060 Permit issuance.

A. No permit for demolition or removal of any commercial building of Mother Lode type of architecture or special historic or esthetic interest situated within Amador City shall be issued without the approval of the three-member historical advisory committee and the city council.

B. No permit for construction or alteration of any commercial building or sign hanging within the city shall be issued until the plans for the construction or alteration or sign hanging shall have been approved by the design review committee for buildings, the sign review committee for signs and outdoor/sidewalk merchandise displays and the city council. No permit shall be issued for any signs other than restricted to buildings.

C. The design review committee and sign review committee of the city shall not approve plans for the construction or alteration of any commercial building or any signs unless plans shall conform to the provisions of this chapter.

D. No permit for construction or alteration of any commercial building within the city shall be issued until the plans for the construction or alteration shall have been approved by the design review committee of Amador City and the city council. No permit shall be issued for any signs other than restricted to buildings.

E. The design review committee shall not approve plans for the construction or alteration of any commercial building unless plans shall conform to the provisions of this chapter. (Ord. 161 (part), 2006)

15.16.070 Preservation of historic rock walls.

A. The purpose of this section is to provide conditions and regulations for the protection, enhancement, and perpetuation of the old historical rock walls within the city which have special historical and esthetic interest and value.

B. No presently existing rock walls, either dry stacked or cement adhered shall be torn down, removed, demolished, covered over with earth, rocks, or any other material or be in any way stressed to cause their destruction.

C. In the event a section must be removed to provide egress and ingress from a parcel that otherwise has no possible access, the city council may at their discretion issue a permit for removal of a section not to exceed twelve (12) feet.

D. If a rock wall precludes building on a parcel, the city council may issue a variance.

E. If a section is to be removed and if the city council issues a permit, the remaining walls must be repaired and strengthened so no further collapse will occur. (Ord. 161 (part), 2006)

15.16.080 Sign committee.

A sign review committee is established to review all sign applications submitted, assuring compliance with the ordinance codified in this chapter and to report to the city council their recommendation for approval or disapproval. If at any time the sign committee lacks required membership to attain a quorum or does not meet within thirty (30) days of a sign application being filed with the city clerk all responsibilities of the sign committee will be assumed by the city council at the next meet-

ing of the city council. Final approval of all signs will rest solely with the city council. The Amador City council shall appoint a committee comprised of five persons to include one person from the city council, three persons from the business community, each possessing a current Amador City business license, and one Amador City resident from the public at large. The term of the committee shall be two years. (Ord. 161 (part), 2006)

15.16.090 Signs.

A. Signs within the city limits of the city are an item of sign committee review and approval. Consideration is given to their size, location, color and material of construction. Signs should be designed specifically for the business location and harmonize with surrounding signs and historical architecture of the buildings. Signs within the city are not to be used for advertising, but to indicate the location of the business and type of business therein. All signs must be displayed in a way that will not obstruct pedestrian or vehicular traffic.

B. The fee for obtaining a sign permit for a commercial sign shall be twenty-five dollars ($25.00) and may be set by resolution. The fee will be due and payable upon submitting a sign application form to the city clerk.

C. A list of all approved signs will be kept on record by the city clerk. Any sign displayed without a permit or believed to be in violation of the conditions of this or other pertinent city codes should be reported to the city clerk. A review of such sign will be conducted by the city council at the next regular meeting of the council. If the sign is found to be unlawful, a letter will be issued by the city and the owner will have seventy-two (72) hours to remove the sign. If such sign is not removed the owner will be in violation of this chapter and will be subject to misdemeanor violation.

D. Signs within the city limits of the city shall be designed and constructed in a professional manner and shall be restricted as follows:

1. Commercial Identifying Signs.

a. Commercial businesses may have up to two signs totaling not more than ten (10) square feet. (Exception see subsections (D)(1)(b) and (c) of this section.) Signs may be double or single faced depending on the method of display. For irregular shaped signs, the area shall be that of a ten (10) square foot rectangle that wholly contains the sign. More than two signs will be left to the discretion of the city council.

b. When more than one business occupies one building or one shop space, special conditions may apply to sign size in order to avoid excessive clutter.

c. When a single business occupies one of the larger commercial buildings in Amador City (i.e., Imperial Hotel, Amador House, Amador Hotel, Mine House, Culbert House) exceptions may be made as to sign size.

d. No sign shall have moving parts or be self-illuminated, or have any characteristics which will make it glow or shine.

e. Signs shall be restricted to their related building.

f. Sandwich board signs are not permitted.

g. No signs shall be permitted on roofs.

h. Interior signs of over six square feet are subject to review if visible from the street or sidewalk.

i. No sign shall have color or be constructed of any material other than that approved by sign committee.

j. The fee for obtaining a sign permit for a commercial sign shall be twenty-five dollars ($25.00) and may be set by resolution. The fee

will be due and payable upon submitting a sign application form to the city clerk.

2. Exterior Open/Closed Signs and Flags.

a. Businesses may have either an "Open/Closed" sign constructed of rigid material or a flag.

b. "Open/Closed" signs may not exceed two square feet and need not be submitted for sign approval as long as they comply with subsection (D)(1)(a) of this section. "Open/Closed" signs are not included in the ten (10) square foot allowance.

c. Flags are permitted but may not exceed six square feet and need not be submitted for approval.

d. "Open/Closed" signs and flags must be displayed in a way that will not obstruct pedestrian or vehicular traffic.

e. Eating establishments may apply for a permit to display a menu board not to exceed eight square feet. Menu board is to be located in proximity to the business entrance and must not impede pedestrian traffic. A fee will be incurred for this permit and be set by resolution.

E. All signs in use for existing businesses in Amador City prior to January 1, 1998 are permitted.

F. Signs which have been abandoned due to a closing of a business, a change in business name or for any other reason rendering the sign not applicable to the property involved, shall be removed by the permit holder or the owner of the building within thirty (30) days from the date of the action that caused the sign to be considered abandoned. An abandoned sign may be removed by the city after the thirty (30) day period stated above and the permit holder or owner may be charged for the cost of removal.

G. Violation of this section is a misdemeanor. (Ord. 161 (part), 2006)

15.16.100 Outdoor or sidewalk merchandise displays.

Outdoor/sidewalk displays are restricted to merchandise constructed of materials available in the Mother Lode area in the state of California in the period of 1849 to 1870. Materials such as plastic, nylon, rayon, polyester and neon did not exist during this period and products constructed of these types of materials are prohibited from outdoor display.

Outdoor/sidewalk merchandise displays cannot impede pedestrian traffic, dominate the esthetic landscape or create any danger to public safety.

All conditions of this chapter will take effect thirty (30) days after passage by the city council and will supercede any previous ordinances on the same subject. Existing business not in compliance with the terms of this section may continue to display noncomplying merchandise, but during that business's normal business hours only. (Ord. 161 (part), 2006)

Chapter 15.20

IN LIEU PARKING FEES FOR DEVELOPMENT PROJECTS

Sections:

15.20.010 Application.
15.20.020 Purpose.
15.20.030 Fee.
15.20.040 Credit.
15.20.050 Payment.
15.20.060 Expenditures.
15.20.070 Alternative mitigation.
15.20.080 Additional finding.
15.20.090 Repair or replacement.

15.20.010 Application.

This chapter shall establish in lieu parking fees to be applied when and where appropriate for development projects within the city. This chapter and the provisions herein contained are in addition to any and all requirements heretofore established relating to parking as set forth in existing ordinances of the city. (Ord. 120 § 1, 1995)

15.20.020 Purpose.

The purpose of this chapter is to establish fees upon new development projects to minimize the impact of new development upon the parking availability within the city. This chapter will assist in implementing provisions in the city general plan that encourage use of fees or other measures to minimize the burden that new development imposes upon existing parking capabilities. It is also anticipated that this chapter will assist the council in determining that new development does not have a significant adverse environmental impact (as defined under the California Environmental Quality Act) in regard to the parking capabilities of the city. (Ord. 120 § 2, 1995)

15.20.030 Fee.

A. The city council has held public hearings relative to the establishment of fees to be charged hereunder, and the initial fee established herein to be charged on new development projects which effect existing parking capabilities within the city is as hereinafter set forth in subsection C of this section. The purpose of the fees referred to herein is to maintain at a minimum the existing level of parking capabilities with the city, not withstanding any new development.

B. The city may from time to time establish fees different from the fees set forth herein as the appropriate fees required by this chapter. Any modification to the fees established herein shall take place only after the city shall have noticed and held a public hearing or hearings for the purpose of obtaining public input on any proposed modification to such fees. Modification of fees shall be established by resolution.

C. The city council finds, after the conducting of a public hearing allowing public input thereon, that new development projects, new buildings, and the addition of new square footage to existing buildings within the city impacts the parking capabilities available to the city and imposes the need for additional parking within the city, which need for increased parking and impacts cannot be met by the collection of increased taxes by the city; and the city further finds that additional parking required by new development projects, new buildings, or the changing of existing buildings within the city from residential to commercial should be paid by the individual, individuals, or entity creating the parking impact; and the city finds that the fee schedule established herein is reasonably related to the maintenance of existing parking levels in the

city for improved parcels and further maintaining an appropriate level of public safety and parking a primary goal of the city, and further that the fees established herein are required to partially off set the impact and burden that new development projects, new buildings, and the enlargement of existing buildings imposes within the city where adequate parking cannot be provided on site. Change of ownership does not generate mitigation fees.

The initial fee established by this chapter as of the effective date of its adoption shall be as follows: The sum of three thousand dollars ($3,000.00) per required parking space on additions to commercially used buildings or buildings converted to commercial use. (Ord. 120 § 3, 1995)

15.20.040 Credit.

If an in lieu parking fee has, prior to the adoption of the ordinance codified in this chapter been paid to the city on a particular project, the fee herein provided for shall be waived for such project. The burden of providing proof of such prior payment shall lie with the individual requesting the waiver and shall be verified by the city. (Ord. 120 § 4, 1995)

15.20.050 Payment.

Payment herein shall be required prior to the issuance of a building permit. (Ord. 120 § 5, 1995)

15.20.060 Expenditures.

The fees collected and interest generated herein by the city shall be kept in a separate parking fee fund and used solely to offset parking impacts to the city. (Ord. 120 § 6, 1995)

15.20.070 Alternative mitigation.

Nothing herein shall prevent a developer and the city from entering into an alternative means or basis for payment of the fees required herein. (Ord. 120 § 7, 1995)

15.20.080 Additional finding.

The city council finds that the fee provided for herein is reasonably related to the maintenance of existing parking facility levels within the city and is necessary for public safety. The city council further finds that the fee provided for herein is reasonably calculated to offset the impact and burden that development imposes upon parking within the city, and that the fee herein provided for is reasonably related to the cost of providing parking facilities for new development occurring with the city. (Ord. 120 § 8, 1995)

15.20.090 Repair or replacement.

Any rehabilitation, remodel, repair or replacement of an existing structure shall be exempt from payment under this chapter unless square footage is increased. (Ord. 120 § 9, 1995)

Title 16

SUBDIVISIONS

Chapters:

16.04 Subdivision Regulations—Purpose
16.08 Definitions Relating to Subdivisions
16.10 General Requirements
16.12 Tentative Maps
16.16 Subdivision Design
16.20 Final Maps
16.22 Parcel Maps
16.23 Park Land Dedication
16.24 Improvements
16.26 Improvement Security
16.27 Merged Parcels—Reversion to Acreage
16.28 Boundary Line Adjustments
16.29 Certificate of Compliance
16.30 Exceptions
16.31 Appeal
16.32 Penalties

Chapter 16.04

SUBDIVISION REGULATIONS—PURPOSE

Sections:

16.04.010 **Title purpose.**
16.04.020 **Planning commission—Designated.**
16.04.030 **Planning commission—Duties.**
16.04.040 **Compliance required.**
16.04.050 **Administrative costs.**

16.04.010 Title purpose.

This title is adopted:

A. To establish minimum permissible regulations and standards for the division and subdivision of land, for the design, improvement, and survey data related thereto, and for the physical alteration of the land involved therein; and

B. To provide a guide for owners in the proper division of their land, and to provide for orderly development of the city consistent with the general plan. (Ord. 159 (part), 2005)

16.04.020 Planning commission—Designated.

The planning commission of the city, hereinafter referred to as the planning commission, is designated as the advisory agency with respect to subdivisions as provided in the Subdivision Map Act of the state of California. The city council shall act as the planning commission. (Ord. 159 (part), 2005)

16.04.030 Planning commission—Duties.

The planning commission shall assume all the duties with respect to the division and subdivision of land, the design and improvement thereof and the procedures relating thereto, which are specified by law and by this title. The planning commission shall impose those conditions required to insure compliance with the purposes of this title. (Ord. 159 (part), 2005)

16.04.040 Compliance required.

It is unlawful for any individual, firm, association, trust, or any other legal entity, as a principal, agent, or otherwise to offer to sell or lease, to contract to sell or lease, or to sell or lease any division or subdivision of land or any part thereof in the city, unless and until all of the requirements hereinafter provided have been complied with. (Ord. 159 (part), 2005)

16.04.050 Administrative costs.

The city council may, by resolution, establish fees and charges to administer the provisions of this title and the provisions of the Subdivision Map Act. (Ord. 159 (part), 2005)

Chapter 16.08

DEFINITIONS RELATING TO SUBDIVISIONS

Sections:

16.08.010 Lot.
16.08.020 Map Act.
16.08.030 Owner.
16.08.040 Subdivider.
16.08.050 Subdivision.
16.08.060 Other definitions.

16.08.010 Lot.

"Lot" means a parcel of land under one ownership or capable of being used under the regulations of this title and the zoning ordinances of the city. (Ord. 159 (part), 2005)

16.08.020 Map Act.

"Map Act" means the Subdivision Map Act of the state of California. (Ord. 159 (part), 2005)

16.08.030 Owner.

"Owner" means the individual, firm, association, syndicate, co-partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title. (Ord. 159 (part), 2005)

16.08.040 Subdivider.

"Subdivider" means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this title to effect a subdivision of land thereunder for the subdivider or for others except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers." (Ord. 159 (part), 2005)

16.08.050 Subdivision.

"Subdivision" means any subdivision as defined in the Subdivision Map Act of the state of California and also includes any unit or part or parts of a unit or contiguous units of real property improved or unimproved, which is divided for the purpose of sale or lease, whether immediate or future, by any subdivider into two or more parcels or lots, any one of which contains not less than seven thousand (7,000) square feet of area; provided that this title shall not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park; nor shall this title apply to mineral, gas, or oil leases, or any agency having the power of eminent domain. (Ord. 159 (part), 2005)

16.08.060 Other definitions.

The definitions and meanings of the following words and phrases as contained in the Subdivision Map Act of the state of California and amendments thereto are adopted as definitions of such words and phrases wherever they appear in this title: advisory agency, design, final map, improvement, record of survey map, and tentative map. (Ord. 159 (part), 2005)

Chapter 16.10

GENERAL REQUIREMENTS

Sections:

16.10.010 Tentative maps.
16.10.020 Vesting tentative map.
16.10.030 Vesting tentative maps—Option with subdivider.
16.10.040 Proof of access.
16.10.050 Parcel maps.
16.10.060 Parcel map waiver.
16.10.070 Boundary line adjustments.
16.10.080 Reversion to acreage or lot mergers.
16.10.100 Remainders.
16.10.120 Soils and/or hazardous materials report.

16.10.010 Tentative maps.

(Section 66425*) A tentative map shall be required as set forth in this title and Title 7, Division 2, Chapter 2, Article 1 of the Subdivision Map Act. (Ord. 159 (part), 2005)

* Section references are to the Subdivision Map Act of the state of California.

16.10.020 Vesting tentative map.

(Section 66498.1 et seq. and Section 66474.2) All tentative maps approved pursuant to this title are deemed to be vesting tentative maps. (Ord. 159 (part), 2005)

16.10.030 Vesting tentative maps—Option with subdivider.

It is recognized that a subdivider may wish to identify a tentative map as a "vesting" tentative map. When the subdivider requires such an identification, the subdivider shall so indicate on both the tentative map and the application for subdivision. (Ord. 159 (part), 2005)

16.10.040 Proof of access.

No parcel or final map shall be approved unless there is proof, to the satisfaction of the city engineer, that there is legal access to each parcel.

A. No tentative map shall be accepted as complete unless there are references on the tentative map to the type of legal access. The reference shall be to recorded deed, parcel or final map, court order or other right to access.

B. Access to new parcels shall be in accordance with this title and the city improvement standards as adopted by the city council. (Ord. 159 (part), 2005)

16.10.050 Parcel maps.

(Section 66463) A parcel map shall be filed, in accordance with this chapter, for all subdivisions for which a final map is not required. (Ord. 159 (part), 2005)

16.10.060 Parcel map waiver.

(Section 66428) Applications may be made to the planning commission for a parcel map waiver. Such application shall be accompanied by a tentative map drawn in compliance with the requirements of this title. The planning commission may approve the request for a parcel map waiver, when it finds the parcel(s) to be created is consistent with the provisions of this title, the Subdivision Map Act, the general plan, community, special, or specific plans, the zoning ordinance, applicable requirements for flood control, drainage plans, parcel design, roads, deeded access, sanitary disposal facilities, water supply availability, and environmental protection. When a parcel map is waived, the division of land shall be finalized by recordation of a deed and record

of survey. The record of survey shall reference the date and resolution of the planning commission granting of waiver. (Ord. 159 (part), 2005)

16.10.070 Boundary line adjustments.

A property owner, or adjacent property owners, may enter into an agreement to adjust the boundary lines of contiguous parcels under the provisions of Chapter 16.28 of this title. No tentative map shall be required. (Ord. 159 (part), 2005)

16.10.080 Reversion to acreage or lot mergers.

Previously subdivided lands may be reverted to acreage or merged subject to the procedures in Chapter 16.27 of this title. (Ord. 159 (part), 2005)

16.10.100 Remainders.

(Section 66424.6, Section 66434e) Requirements for remainder parcels and the application of fees and regulations therefore shall be as set forth herein.

A. Remainder parcels shall not be counted as a parcel for purposes of determining if a parcel or final map is required for the subdivision.

B. A remainder shall be counted as a parcel for purposes of determining the total amount of per-parcel application fees for the proposed project.

C. No conditions of project approval, except for those conditions related to construction of a single-family home (proof of domestic water supply, proof of method of sewage disposal, legal access to a public road) shall be imposed upon a remainder of more than five acres gross land area, provided that the parcel is designated so that it may be developed with not more than one single-family residence consistent with zoning requirements. If a remainder parcel is less than five acres of gross land area, the planning commission may treat the remainder as a parcel for purposes of imposing conditions so that the parcel may be subsequently sold. When a parcel is designated as a "remainder" or "not a part of this subdivision (NAPOTS)," it shall be counted as the "existing parcel" for purposes of school, traffic, and other mitigation fees based upon the number of lots created.

D. A remainder parcel shall not be subsequently sold unless the subdivider either:

1. Files a parcel map for the remainder pursuant to this title; or

2. Obtains a conditional certificate of compliance for the parcel pursuant to this title.

E. If the map includes a remainder parcel with a gross land area of five acres or more, that remainder parcel need not be shown on the final or parcel map unless specifically required by the planning commission. (Ord. 159 (part), 2005)

16.10.120 Soils and/or hazardous materials report.

A. A preliminary soils report and/or a hazardous materials report prepared by a civil engineer or engineering geologist registered in California, and based upon adequate test borings and/or other testing or analysis, may be required by the city engineer for any subdivision for which a final map is required by this title.

B. When the city engineer determines that a preliminary soils report is necessary, the planning commission may include the preparation of such report as a condition of approval of the tentative map.

C. When the preliminary soils report indicates the presence of critically expansive soils or other hazardous soils problems which, if

not corrected or adequately addressed, would lead to structural defects, a soils investigation of each lot in the subdivision may be required.

D. Soils investigation shall be done by a professional engineer or engineering geologist of proper registration in California, who shall recommend the corrective actions necessary to prevent structural damage to structures proposed to be constructed in the area where such soils problems exist. (Ord. 159 (part), 2005)

Chapter 16.12

TENTATIVE MAPS

Sections:

16.12.010	**Tentative map.**
16.12.020	**Tentative map submittal.**
16.12.040	**Fees.**
16.12.080	**Review of a tentative map.**
16.12.100	**Planning commission action on the tentative map.**
16.12.110	**Alternative planning commission approval.**
16.12.120	**Time limit extensions for application processing.**
16.12.140	**Appeal of the planning commission decision.**
16.12.160	**Subdivider's action.**

16.12.010 Tentative map.

A tentative map shall identify the total property proposed to be subdivided, shall show the plan of development proposed in detail, and shall be filed with the planning commission. The planning commission shall accept the tentative map for filing when the foregoing requirements have been complied with.

Tentative maps shall contain the following information:

A. The tract name or number, date, north point, scale, sufficient description to define the location and boundaries of the proposed tract and ties to existing permanent monument of record;

B. Name and address of record owner or owners;

C. Name and address of the subdivider;

D. Name and business address and number of the registered engineer or licensed surveyor who prepared the tentative map;

E. Sufficient elevations or contours to determine the general slope of the land, the high and low points thereof, and all drainage features. Areas subject to inundation or overflow shall be so indicated. If any portion of the subject property is identified on the Flood Hazard Boundary Maps, the subdivider shall identify the flood hazard area and elevation of the base flood in accordance with Chapter 16.16 of this title;

F. The locations, names, widths, and approximate grades and curve radii and horizontal alignment of all streets in the proposed subdivision;

G. The locations, names and existing pavement and right-of-way widths of all adjoining and contiguous streets and highways;

H. Private roads may be allowed where the city council determines that the road cannot in the future serve more than four parcels. If private roads are allowed, the standards shall be the same as required by this title, or other street improvement ordinances of the city;

I. The approximate widths, locations, purposes, and restrictions of all existing and proposed easements;

J. Approximate layout and approximate dimensions of each lot. Lots shall be numbered, and total acreage of tract shall be shown;

K. The dimensions and locations of any existing buildings which are to remain in place on the property;

L. Existing use or uses of the property;

M. Proposed use or uses of the property;

N. Statement of the improvements and public utilities proposed to be made or in-

stalled, and of the time at which such improvements are proposed to be completed;

O. Provisions for water supply and sewerage disposal;

P. Public areas proposed;

Q. Proposed tree planting and removal;

R. Justification and reasons for any exceptions to the provisions of this title;

S. A description of existing zoning and any rezoning or variance proposed;

T. A preliminary copy of any proposed restrictive covenants shall be filed with the tentative map;

U. A preliminary grading plan, if any grading outside road rights-of-way is proposed;

V. All other requirements as set forth on the application required by the planning commission; and

W. A tentative map shall include a certificate signed and dated by the owner or agent stating: "I am the [owner] [agent of owner] of record and [I][he/she/they] consent(s) to the filing of this parcel map in compliance with the requirements of this title, and Title 7, Division 2 of the California Government Code, the Subdivision Map Act." (Ord. 159 (part), 2005)

16.12.020 Tentative map submittal.

Any subdivider seeking approval of a tentative map shall submit a completed application to the city planner. No tentative map shall be accepted as complete unless it complies with the requirements for submittal as established by the city council. (Ord. 159 (part), 2005)

16.12.040 Fees.

The city council shall, by resolution, adopt a schedule of fees for the processing of subdivisions to recover the costs incurred in reviewing proposed subdivisions. The fees shall include costs incurred in reviewing tentative maps, final maps, and parcel maps. The city council may review and adjust such fees if it deems necessary to cover all processing and review costs. (Ord. 159 (part), 2005)

16.12.080 Review of a tentative map.

A. Each tentative map and required forms and information shall be reviewed by the city planner prior to acceptance as a completed application. When the city planner does not require additional information, the application shall be deemed complete thirty (30) calendar days after submission of the application. When additional information is required by the city planner, the application shall be deemed complete thirty (30) calendar days after all information is received and accepted by the city planner.

B. The city planner may forward copies of the application to all persons, agencies, and districts the city planner deems should be notified.

C. No less than ten (10) calendar days prior to the planning commission meeting for which the proposed tentative map is set for hearing, the city planner shall notice the meeting as required.

D. No less than three calendar days prior to the planning commission hearing, the city planner shall serve the subdivider a copy of the report to be presented to the planning commission.

E. All time limits not specified in this title shall be as specified by state law. (Ord. 159 (part), 2005)

16.12.100 Planning commission action on the tentative map.

The planning commission shall take action on a tentative map within fifty (50) calendar days of the date on which the application is

deemed complete. If an environmental impact report is required, the planning commission shall render its report or decision required by this section within forty-five (45) calendar days after certification of the environmental impact report.

The planning commission shall determine whether the tentative map is in conformity with the general plan, with the proper standards for lot and street design, with the improvement standards of the city, and with all provisions of this title. As conditions of approval, the commission may require a dedication of real property within the proposed subdivision for roads, including access and abutter's rights, drainage, public utility and other easements, may require the construction of reasonable off-site and on-site improvements for the parcels being created, and may impose other conditions of approval as the commission deems are necessary to ensure the public health, safety, and welfare.

Approval of a tentative or final map shall be denied by the city when it makes any of the following findings:

A. The proposed subdivision is not consistent with the general plan, any applicable specific, special or community plan, or the city subdivision ordinance;

B. The subject property is not physically suitable for the type of development proposed;

C. The design of the proposed subdivision or its proposed improvements is likely to cause serious public health problems;

D. The design of the proposed subdivision or its improvements is likely to cause substantial environmental damage or substantially and avoidable injury to fish or wildlife in their habitat;

E. The design of the proposed subdivision or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The local agency may approve a map if it finds that alternative easements for access or for use will be substantially equivalent to those previously acquired by the public. This subsection shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction;

F. The discharge of liquid or solid waste into a sewer or individual sewage disposal system would result in violation or add to a violation of existing requirements prescribed by the local health officer or the Central Valley Regional Water Quality Control Board; or

G. The proposed subdivision does not provide, to the extent feasible, for future passive or natural heating or cooling opportunities for the proposed new parcels in accordance with Section 66473.1 of the Subdivision Map Act. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. (Ord. 159 (part), 2005)

16.12.110 Alternative planning commission approval.

Notwithstanding Sections 16.12.100(A) through (G) of this chapter, the city may approve a tentative map provided that:

A. An environmental impact report was prepared and certified as complete pursuant to the California Environmental Quality Act; and

B. A "statement of overriding considerations" is adopted pursuant to Section 21081 of the Public Resources Code, finding that "specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report." (Ord. 159 (part), 2005)

16.12.120 Time limit extensions for application processing.

The time limits for application processing specified in this chapter and Title 7, Division 2 of the California Government Code may be extended upon mutual agreement of the city and the subdivider.

If an environmental impact report is required pursuant to Section 21000 et seq. of the Public Resources Code, the time limits shall be automatically extended to conform with the requirements of the California Environmental Quality Act. (Ord. 159 (part), 2005)

16.12.140 Appeal of the planning commission decision.

The subdivider or any aggrieved party may appeal the decision of the city planner or the city engineer, or any conditions thereof, to the city council. Refer to Chapter 16.31 of this title for an explanation of the appeal process. (Ord. 159 (part), 2005)

16.12.160 Subdivider's action.

Following approval of a tentative map, the subdivider shall proceed to fulfill all conditions to such approval, and shall cause to be prepared and submitted to the city engineer, the plans, specifications, and other information related to subdivision improvements in accordance with city standards.

A. No work on any subdivision improvements shall be commenced without the written approval and authorization of the city council.

B. No sale or lease of any lot shall be made between the subdivider and any other party prior to recordation of the final map.

C. Completion of the required improvements shall not be required prior to the approval of the final map if the subdivider has entered into an agreement with the city to complete such improvements within a mutually agreed time. In any case, construction of the improvements shall be required prior to the issuance of a permit or other grant of approval for development on any proposed new parcel. Performance required under any agreement entered into pursuant to this section shall be secured as provided in this title. (Ord. 159 (part), 2005)

Chapter 16.16

SUBDIVISION DESIGN

Sections:

16.16.010	**Public improvements.**
16.16.060	**Nonaccess and planting strips.**
16.16.080	**Street names.**
16.16.100	**Lots.**
16.16.110	**Sidewalks and walkways.**
16.16.120	**Block—Length—Width.**
16.16.130	**General plan.**
16.16.140	**Covenants of restrictions.**
16.16.150	**Land subject to inundation.**
16.16.160	**Public areas—Dedications—Fees.**
16.16.170	**Storm drainage.**
16.16.180	**Grading and erosion control.**
16.16.190	**Additional access.**

16.16.010 Public improvements.

Public improvements shall conform to the requirements of Chapter 16.24 of this title and the city improvement standards. The planning commission may require any public improvements required for the orderly development of all public facilities.

Streets shall be designed and constructed in accordance with city standards and be dedicated to the city. Off-site improvement to existing city streets may be required where traffic study or other determinations of city justify this requirement. (Ord. 159 (part), 2005)

16.16.060 Nonaccess and planting strips.

When the rear or side lines of any lot borders a state highway, city arterial, or collector street, the subdivider may be required to dedicate a "no access" strip across the appropriate line(s) of such lots. When the rear or side lines of any lots border any state highway or city arterial, the subdivider may be required to dedicate a planting strip adjacent thereto. (Ord. 159 (part), 2005)

16.16.080 Street names.

All street names shall be approved by the planning commission and no duplication of street names shall be permitted. (Ord. 159 (part), 2005)

16.16.100 Lots.

The design of lots shall be in conformance with the zoning ordinance and Title 16 of this code. (Ord. 159 (part), 2005)

16.16.110 Sidewalks and walkways.

The subdivider may be required to dedicate and improve walkways on-site to provide access to schools, parks, and other public areas. (Ord. 159 (part), 2005)

16.16.120 Block—Length—Width.

Unless the proposed subdivision is part of a planned development (PD) project, blocks shall be not more than eight hundred (800) feet nor less than two hundred (200) feet in length and shall be of a width to contain two tiers of lots of approved dimensions, except that the planning commission may approve variations justified by preexisting improvements or physical or natural features. (Ord. 159 (part), 2005)

16.16.130 General plan.

In all respects, the subdivision will be considered in relation to the general plan of the city. (Ord. 159 (part), 2005)

16.16.140 Covenants of restrictions.

Two copies of proposed covenants of restrictions shall be filed with the tentative map, and two copies of any revisions thereof shall be filed with the city planner prior to approval of the final map. (Ord. 159 (part), 2005)

16.16.150 Land subject to inundation.

All lands within the subdivision subject to inundation or flooding by storm or overflow or other causes shall be identified on the final map. Limits shall be clearly identified by distance or elevation and shall be certified by a professional engineer or surveyor. (Ord. 159 (part), 2005)

16.16.160 Public areas—Dedications—Fees.

The subdivider may be required to dedicate sites for schools, parks, and other public areas as set forth on the general plan or as required by the planning commission. (Ord. 159 (part), 2005)

16.16.170 Storm drainage.

The subdivider shall dedicate right-of-way for storm drainage purposes conforming substantially with the lines of any natural water course or channel, stream, or creek that traverses the subdivision. All storm drain improvements shall be in accordance with city improvement standards.

The planning commission may require adequate fencing or other protection of all ditches and streams.

Where drainage facilities are necessary on an area-wide basis to permit safe, healthful and convenient development of the area, the subdivider may be required to pay a pro rata share of such facilities' cost, as determined by the city council. (Ord. 159 (part), 2005)

16.16.180 Grading and erosion control.

All grading and erosion control shall be in accordance with applicable provisions of the Uniform Building Code and an approved erosion control plan. Erosion control plan shall implement "best management practices" that will prevent construction pollutants from contacting storm water. All products of erosion shall be prevented from moving off-site into receiving waters.

Construction practices shall be in accordance with an approved erosion control plan and methods contained in "Volume 3 of California Storm Water Best Management Practice Handbook." (Ord. 159 (part), 2005)

16.16.190 Additional access.

The commission may find that secondary access to a project is necessary, and require additional access(s) as a condition of approval. The commission may consider, among other things, the size of the project, its design, traffic volume, and location in determining secondary access requirements.

All subdivisions requiring secondary access shall be designed to provide more than one access from existing streets or future streets. Secondary access road(s) shall be constructed to the boundary of the subdivision on a vertical and horizontal alignment consistent with city improvement standards. Temporary cul-de-sac or other approved turnaround shall be constructed in lieu of secondary access(s) when approved by the planning commission.

When secondary access is part of phased development of a subdivision, the planning commission may require security sufficient to guarantee construction within the time specified by the commission. (Ord. 159 (part), 2005)

Chapter 16.20

FINAL MAPS

Sections:

16.20.010	**Filing.**
16.20.020	**Final map procedures, form, and content.**
16.20.030	**Certificates.**
16.20.040	**Action on final maps by city engineer.**
16.20.045	**City clerk review of final map.**
16.20.050	**Approval by city council.**
16.20.060	**City clerk's certificate.**
16.20.070	**Recordation.**

16.20.010 Filing.

Within two years after approval or conditional approval of the tentative map, the subdivider shall cause the subdivision, or any part thereof, to be surveyed and a final map thereof to be prepared in conformance with the tentative map and this chapter. Submittal for final map processing shall be filed with the city engineer, together with a checking fee, to be paid at such times and in such amounts as set forth by the city council.

Extensions of time up to twelve (12) months each for filing of the final map may be granted by the planning commission provided written application is received by the planning commission at least thirty (30) calendar days prior to expiration of the map.

At the time of filing of the final map with the city engineer, the subdivider shall also file therewith the following:

A. A preliminary title report issued by a title insurance company in the name of the owner of the land, issued to or for the benefit and protection of the city showing all parties whose consent is necessary and their interests therein;

B. Calculations, record maps, and traverse sheets used in computing or the distances, angles and courses shown on the final map and ties to existing and proposed monuments; and

C. All other submittals required or authorized by this title. (Ord. 159 (part), 2005)

16.20.020 Final map procedures, form, and content.

(Section 66433) The final map shall be based on a field survey in accordance with the Land Surveyors Act, and shall conform to all applicable sections of this chapter.

A. The final map shall indicate the tract designation and drawings, certificates, acknowledgment, endorsements, offers and acceptances of dedication and notarial seals within the margin lines of the map. The first sheet of the map shall contain all certificates, including owner's consent to subdivision, and all acknowledgments, endorsements, offers and acceptances of dedication and notarial certificates required, by the Subdivision Map Act and this chapter.

B. When the final map consists of two or more sheets, a key map showing the relation of the sheets shall be placed on sheet one. Every sheet comprising the map shall bear the scale, north point, title sheet number and number of sheets comprising the map. Sheet one shall also contain a subtitle giving an exact description of the property being subdivided by reference to recorded maps.

C. Maps filed for the purpose of reverting subdivided land to acreage shall be conspicuously designated with the title "The Purpose of this Map is a REVERSION TO ACREAGE." Such maps may be prepared from record data.

D. Lots containing one acre or more shall show net acreage to nearest one-hundredth, and the total acreage of the subdivision shall be shown upon the map.

E. Whenever there has been established the monument line of a street or alley adjacent to or in the proposed subdivision, the data shall be shown on the final map, indicating all monuments found, the width of street or alley, and reference to supporting record information.

F. The map shall show the location and description of all monuments found in making the survey of the subdivision and determining its boundaries and location, and shall include bearings and distances to such other existing monuments as may be necessary to establish the position of the proposed subdivision in relation thereto.

G. The map shall show the monuments and side lines of all streets, the total width of all streets, the width of the portion being dedicated and the width of utility and other rights-of-way appearing on the map. The subdivider shall provide adequate monuments on the right-of-way line of all at intersections and at the ends of all tangents.

H. The map shall show the side lines of all easements to which any lots are subject and reference to restrictions pertaining thereto. The easements shall be clearly labeled and identified. Any easement not of record shall be offered for dedication on the title sheet. Easements for storm drain, sewers, utilities, and other purposes shall be noted on the map. The widths, lengths, and bearings of easements and sufficient ties thereto shall be shown on the map. All easements dedicated by the map shall be properly set forth in the owner's certificate of dedication.

I. City limit lines abutting the subdivision shall be clearly designated and referenced.

J. Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision or each unit thereof with no omission or duplications, and all other parcels shall be identified by letters.

K. The final map shall particularly define, delineate, and designate all lots or parcels intended for private purposes; all parcels offered for dedication for any purpose, public or private; with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication shall be so designated. (Ord. 159 (part), 2005)

16.20.030 Certificates.

The following certificates and acknowledgments must appear on the title sheet of a final map:

A. Owner's certificate and acknowledgment and offers of dedication, where required;

B. Certificate of engineer or surveyor;

C. Certificate of approval of the city engineer;

D. Certificate of the city clerk of approval of the city council and acceptance or other action taken regarding easements and rights-of-way offered for dedication thereon;

E. Certificate of the redemption officer of the county that the requirements of Sections 66492 through 66494 of the Map Act relative to payment of unpaid state, county, city, or local taxes or special assessments are in compliance;

F. The certificate of the county recorder that the map is accepted for recording as required by Section 66449 of the Subdivision Map Act;

G. Any other certificates required by the Subdivision Map Act or this chapter. (Ord. 159 (part), 2005)

16.20.040 Action on final maps by city engineer.

Prior to recordation of a final or parcel map, the map shall be examined by the city engineer to determine that: the subdivision as shown is substantially in conformance with the approved tentative map; that any alterations or conditions approved or required by the planning commission have been met; that all provisions of local ordinance have been complied with; and that the city engineer is satisfied that the map is technically correct. When the map is found to be correct and in conformance with regulations of this chapter, the city engineer shall so certify on the map and transmit it to the city clerk for presentation to the city council. (Ord. 159 (part), 2005)

16.20.045 City clerk review of final map.

The city clerk shall receive from each officer, department, or agency responsible for verifying compliance of the final map, a written report as to the compliance or noncompliance of the map with conditions as to matters under its jurisdiction. When all letters from departments of concern indicate that all conditions of the approved tentative map are in compliance, the city clerk shall schedule the map with the city council for final action. (Ord. 159 (part), 2005)

16.20.050 Approval by city council.

At its first regular meeting following the filing of the map with the city clerk, the city council shall consider the map and all offers of dedication. The city council may reject any or all offers of dedication. When the city council determines that all improvements have been installed or will be installed as provided by this chapter, it shall approve the map. No map shall have any force of effect until it has been approved by the city council, and no title to any property shown thereon or to any offer of dedication shall pass until the map has been recorded in the office of the county recorder. (Ord. 159 (part), 2005)

16.20.060 City clerk's certificate.

All offers of dedication for public utility (facility) easements that appear on this map were accepted (rejected) by the City Council on _____ by Resolution No. _____. All offers of dedication for rights-of-way that appear on this map were accepted (rejected) by the City Council on _____ by Resolution No. _____.

*(Said easements and rights-of-way remain subject to acceptance by resolution of the City Council at any later time.)

Date _____ Signed _____
City Clerk

* To be deleted if all easements and rights-of-way are to be accepted.

The city engineer may provide for additional or alternative wording for the city clerk's certificate required for compliance with the conditions of approval or policies of the city council. (Ord. 159 (part), 2005)

16.20.070 Recordation.

After the city clerk has executed the certificate of approval of the city council, and all monies due the city have been paid, the final map shall be submitted to the county recorder for recording.

A. It shall be the responsibility of the subdivider to comply with all requirements of the county recorder.

B. The subdivider shall furnish to the county recorder evidence of title certifying

that the names of all persons whose consent is necessary to pass clear title to the land being subdivided, and all acknowledgments thereto, appear on the certificates, consenting to the preparation of the map and making offers of dedication.

C. The subdivider shall pay all recording fees and charges required by county recorder for map recordation.

D. Maps shall be recorded within ten (10) calendar days after received by county recorder or they shall be returned to the city clerk. (Ord. 159 (part), 2005)

Chapter 16.22

PARCEL MAPS

Sections:

16.22.010 Parcel map requirements.
16.22.020 Evidence of title.
16.22.030 Parcel map certificates.

16.22.010 Parcel map requirements.

(Section 66445) Within the time limits set by Chapter 16.20 of this title and after approval or conditional approval of a tentative map, the applicant may submit to the city engineer two prints of a parcel map, which shall substantially conform to the approved or conditionally approved tentative map. The parcel map shall meet all the requirements of this chapter.

(Section 66448) Parcel maps shall be based on a field survey made in conformity with the Land Surveyor's Act or be compiled from recorded data when a record map delineates the exterior boundary of the land being divided and monumentation exists that completely delineates the parcels being formed. All angle points in lot lines shall be monumented. Monument requirements may be waived in special cases where natural boundaries of a permanent nature constitute a portion of the lot line. All street rights-of-way shall have a curvilinear alignment with the beginning and end of each curve monumented. (Ord. 159 (part), 2005)

16.22.020 Evidence of title.

Evidence of title required by the provisions of Section 66465 of the Subdivision Map Act shall be a parcel map guarantee, a land division guarantee, or an equivalent title guarantee issued by a title insurance company authorized by the laws of the state. (Ord. 159 (part), 2005)

16.22.030 Parcel map certificates.

(Section 66448) The following certificates shall appear on all parcel maps.

A. Engineer's (surveyor's) certificate:

This map was prepared by me or under my direction (and was compiled from record data) (and is based on a field survey) in conformance with the requirements of the Subdivision Map Act and local ordinances at the request of (name of person authorizing map) on (date). I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any.

Signed _____
R.C.E. (or L.S.) No. _____

B. Recorder's certificate:

Filed this ____ day of _____, _____, at ____m. in Book _____ of Parcel Maps at page _____, at the request of the City of Amador City City Clerk.

Signed _____ by
County Recorder

C. City engineer's certificate:

This map conforms with the requirements of the Subdivision Map Act and local ordinance. All offers of dedication for public utility easements that appear on this map are hereby accepted (rejected) on behalf of the public. All offers of dedication for rights-of-way that appear on this map are hereby accepted (rejected) on behalf of the public.

Date _____ Signed _____
(name and no.) City Engineer

D. Owner's certificate:

The undersigned, being the part(y)-(ies) holding a record title interest in the lands shown on this map, hereby consent(s) to the preparation and recordation of this parcel map and hereby irrevocably and in perpetuity offer(s) for dedication to the City of Amador City any and all easements and dedications that appear on this map except those easements otherwise designated thereon.

Signed _____
Owner(s)

The City Engineer may require additional or alternative wording for the owner's certificate required for compliance with the conditions of approval or policies of the City Council.

E. City clerk's certificate:

This Parcel Map conforms to the provisions of local ordinance.

Date _____ Signed _____
City Clerk

The City Engineer may provide for additional or alternative wording for the City Clerk's certificate required for compliance with the conditions of approval or policies of the City Council.

F. The parcel map shall contain a certificate by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy that positions indicated, or that they will be set in such positions on or before a specified date. The certificate shall also state that the monuments are sufficient to enable the survey to be retraced.

The certificate required by this subsection may be combined with that certificate required by subsection A of this section. (Ord. 159 (part), 2005)

Chapter 16.23

PARK LAND DEDICATION

Sections:

16.23.010 Purpose.
16.23.020 Definitions.
16.23.030 Requirements.
16.23.040 General standard.
16.23.050 Formula for dedication of land.
16.23.060 Formula for fees in lieu of land dedication.
16.23.070 Criteria for requiring both dedication and fee.
16.23.080 Amount of fee in lieu of land dedication.
16.23.090 Determination of fair market value.
16.23.100 Determination of land or fee.
16.23.110 Credit for private open space.
16.23.120 Procedure.
16.23.130 Disposition of fees.
16.23.140 Exemptions.
16.23.150 Subdivider provided park and recreation improvements.
16.23.160 Agency to accept land and fees.
16.23.170 Access.
16.23.180 Sale of dedicated land.
16.23.190 Validity.

16.23.010 Purpose.

The ordinance codified in this chapter is enacted pursuant to the authority granted by Section 66477 of the Government Code of the state of California. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this chapter are in accordance with the conservation and open space element of the general plan of the city of Amador City, adopted by the city of Amador City on May 18, 2006. (Ord. 160 § 1, 2006)

16.23.020 Definitions.

For the purpose of this chapter, the following words shall have the meanings described to them in this section:

"Duplex dwelling" means a building of permanent location, which is planned, designed or used for residential purposes, for two families living independently of each other in independent dwelling units.

"Multiple dwelling" means a building of permanent character, placed in a permanent location, which is planned, designated or used for residential purposes, for three or more families living independently of each other in independent dwelling units.

"Single-family dwelling" means a detached building of permanent character, placed in a permanent location, which is planned, designed or used as a residence for one family only, living independently of other families or persons. (Ord. 160 § 2, 2006)

16.23.030 Requirements.

At the time of approval of the tentative map or parcel map, the city council shall determine pursuant to Section 16.23.040 of this chapter, the land required for dedication or in lieu fee payment. As a condition of approval of a final subdivision map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city, for neighborhood and community park or recreational purposes at the time and according to the standards and formula contained in this chapter. In the event park and recreational services are provided by a public agency other than the

city, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the city and such public agency. (Ord. 160 § 3, 2006)

16.23.040 General standard.

It is found and determined that the public interest, convenience, health, welfare, and safety require that five acres of property for each one thousand (1,000) persons residing within this city be devoted to neighborhood and community park and recreational purposes. (Ord. 160 § 4, 2006)

16.23.050 Formula for dedication of land.

Where a park or recreation facility has been designated by the city pursuant to "Trails, Parks, and Recreational Facilities" a section of conservation and open space, an element of the general plan of the city, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography that bears a reasonable relationship to serve the present and future needs of the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following formulas:

Formula Based on Population Estimate. The formula for determining acreage to be dedicated shall be as follows:

$$\text{Average No. of Persons/Unit} \div \frac{1{,}000 \text{ population}}{\text{park acreage standard (5 acres, from Section 16.23.040)}} = \text{minimum acreage dedication}$$

(Example for single-family dwelling unit (DU)):

$$2.66 \div \frac{1{,}000}{5} = .0133 \text{ acres/DU}$$

The following table of population density has been established pursuant to Section 66477(b) of the Government Code:

Park Land Dedication Formula Table

Types of Dwellings	Average Density/DU.	Acreage/DU (5 acre std.)
Single-Family (including but not limited to single-family and multi-family)	2.66	.0133

Dedication of the land shall be made in accordance with the procedures contained in Section 16.23.160 of this chapter.

For the purposes of this section, the number of new dwelling units shall be based upon the number of parcels indicated on the map when in an area zoned for one dwelling unit per parcel. When all or part of the subdivision is located in an area zoned for more than one dwelling unit per parcel, the number of proposed dwelling units in the area so zoned shall equal the maximum allowed under that zone. In the case of a condominium project, the number of new dwelling units shall be the number of condominium units. The term "new dwelling unit" does not include dwelling units lawfully in place prior to the date on which the parcel or final map is filed.

The subdivider shall, without credit: 1) provide full street improvements and utility connections including, but not limited to, curbs, gutters, street paving, traffic control devices, street trees, and sidewalks to land

which is dedicated pursuant to this section; 2) provide for fencing along the property line of that portion of the subdivision contiguous to the dedicated land; 3) provide improved drainage through the site; and 4) provide other minimal improvements which the city council determines to be essential to the acceptance of the land for recreational purposes.

The land to be dedicated and the improvements to be made pursuant to this section shall be approved by the Amador City council. (Ord. 160 § 5, 2006)

16.23.060 Formula for fees in lieu of land dedication.

A. General Formula. If there is no park or recreation facility, designated by the city pursuant to "trails, parks, and recreational facilities" a section of conservation and open space, an element of the general plan of the city, to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of that land, plus twenty (20) percent toward costs of off-site improvements, prescribed for dedication in Section 16.23.040 of this chapter and in an amount determined in accordance with the provisions of Section 16.23.080 of this chapter, such fee to be used for a local park which bears a reasonable relationship to serve the present and future residents of the area being subdivided.

For the purposes of this chapter, off-site improvements are defined as those improvements which would have been required if land had been dedicated using the provisions of Section 16.23.040 of this chapter.

B. Fees in Lieu of Land; Fifty (50) Parcels or Less. If the proposed subdivision contains fifty (50) parcels or less, the subdivider shall pay a fee equal to the land value, plus twenty (20) percent toward costs of off-site improvements, of the portion of the local park required to serve the needs of residents of the proposed subdivision as prescribed in Section 16.23.040 of this chapter and in an amount determined in accordance with the provisions of Section 16.23.080 of this chapter.

However, nothing in this section shall prohibit the dedication and acceptance of land for park and recreation purposes in subdivisions of fifty (50) parcels or less, where the subdivider proposes such dedication voluntarily and the land is acceptable to the city council.

C. Use of Money. The money collected hereunder shall be used only for the purpose of acquiring necessary land and developing new or rehabilitating existing park or recreational facilities reasonably related to serving the subdivision. (Ord. 160 § 6, 2006)

16.23.070 Criteria for requiring both dedication and fee.

In subdivisions of more than fifty (50) parcels, the subdivider shall both dedicate land and pay a fee in lieu thereof in accordance with the following formula:

A. When only a portion of the land to be subdivided is proposed, pursuant to "trails, parks, and recreational facilities" a section of conservation and open space, an element of the general plan of the city, as the site for a local park, such portion shall be dedicated for local park purposes and a fee computed pursuant to the provision of Section 16.23.080 of this chapter shall be paid for the value of any additional land, plus twenty (20) percent toward costs of off-site improvements, that would have been required to be dedicated pursuant to Section 16.23.040 of this chapter.

B. When a major part of the local park or recreation site has already been acquired by

the city (county) and only a small portion of land is needed from the subdivision to complete the site, such remaining portion shall be dedicated and a fee computed pursuant to the provision of Section 16.23.080 of this chapter shall be paid in an amount equal to the value of the land, plus twenty (20) percent toward costs of off-site improvements, which would otherwise have been required to be dedicated pursuant to Section 16.23.040 of this chapter, such fees to be used for the improvement of the existing park and recreation facility or for the improvement of other local parks and recreation facilities in the area serving the subdivision. (Ord. 160 § 7, 2006)

16.23.080 Amount of fee in lieu of land dedication.

When a fee is to be paid in lieu of land dedication, value of the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required for dedication pursuant to Section 16.23.040, plus twenty (20) percent toward costs of off-site improvements, such as extension of utility lines. The fee shall be determined by the following formula:

$$\text{DUs} \times \frac{\text{Pop.}}{\text{DU}} \times \frac{\text{5 acres}}{\text{1,000 people}} \times \frac{\text{FMV}}{\text{Buildable}} = \text{in lieu fee}$$

Where:

DUs = Number of dwelling units as defined in Section 16.23.020.

Pop. = population per dwelling unit DU.

FMV = fair market value, as determined by Section 16.23.090.

Buildable acre = a typical acre of the subdivision, with a slope less than 20%, and located in other than an area on which building is excluded because of flooding, easements, or other restrictions.

Fees to be collected pursuant to this section shall be approved by the Amador City council. (Ord. 160 § 8, 2006)

16.23.090 Determination of fair market value.

The fair market value shall be determined by the city with a written appraisal report prepared and signed by an appraiser acceptable to the city. The appraisal shall be made immediately prior to the filing of the final map. The subdivider shall notify the city of the expected filing date at least six weeks prior to filing of the final map. If more than one year elapses prior to filing the final map, the city will prepare a new appraisal and will bill the subdivider for the cost of the reappraisal. For the purposes of this chapter, the determination of the fair market value of a buildable acre, as defined in Section 16.23.080 of this chapter, shall consider, but not necessarily be limited to, the following:

A. Approval of and conditions of the tentative subdivision map;

B. The general plan;

C. Zoning;

D. Property location;

E. Off-site improvements facilitating use of the property;

F. Site characteristics of the property.

If the subdivider objects to the determined fair market value, he or she may appeal to the city council who shall hear the appeal under the same rules and obligations current for local board of equalization hearings, except that the burden of proof shall lie with the subdivider.

* Acreage standard from Section 16.23.040 of this chapter. (Ord. 160 § 9, 2006)

16.23.100 Determination of land or fee.

Whether the city council accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

A. The natural features, access, and location of land in the subdivision available for dedication;

B. The size and shape of the subdivision and land available for dedication;

C. The feasibility of dedication;

D. The compatibility of dedication with the Amador City "conservation and open space" general plan element; and

E. The location of existing and proposed park sites and trailways.

The determination of the city council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive. (Ord. 160 § 10, 2006)

16.23.110 Credit for private open space.

No credit shall be given for private open space in the subdivision except as hereinafter provided. Where private open space usable for active recreational purposes is provided in a proposed planned development or real estate development as defined in Sections 11003 and 11003.1 of the Business and Professions Code, partial credit, not to exceed fifty (50) percent, shall be given against the requirement of land dedication or payment of fees in lieu thereof if the city council finds that it is in the public interest to do so and that all the following standards are met:

A. Yards, court areas, setbacks, and other open areas required by the zoning and building ordinances and regulations shall not be included in the computation of such private open space;

B. Private park and recreation facilities shall be owned by a home's association composed of all property owners in the subdivision and being an incorporated nonprofit organization capable of dissolution only by a one hundred (100) percent affirmative vote of the membership, operated under recorded land agreements through which each lot owner in the neighborhood is automatically a member, and each lot is subject to a charge for a proportionate share of expenses for maintaining the facilities;

C. Use of the private open space is restricted for park and recreation purposes by recorded covenant which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the city or its successor;

D. The proposed private open space is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access and location;

E. Facilities proposed for the open space are in substantial accordance with the provisions of the recreation element of the general plan;

F. The open space for which credit is given is generally a minimum of three acres and provides all of the local park basic elements listed below, or a combination of such and other recreation improvements that will meet the specific recreation needs of future residents of the area:

1. Recreational open spaces, which are generally defined as parks areas for active recreation pursuits such as walking trails and have at least one acre of maintained turf with less than twenty (20) percent slope.

2. Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts, or similar hard-surfaced areas especially designed and exclusively used for court games.

3. Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving, or both. They must also include decks, lawn area, bathhouses, or other facilities developed and used exclusively for swimming and diving and consisting of no less than fifteen (15) square feet of water surface area for each three percent of the population of the subdivision with a minimum of eight hundred (800) square feet of water surface area per pool together with an adjacent deck and/or lawn area twice that of the pool.

4. Recreation buildings and facilities designed and primarily used for the recreational needs of residents of the development.

The determination of the city council as to whether credit shall be given and the amount of credit shall be final and conclusive. (Ord. 160 § 11, 2006)

16.23.120 Procedure.

At the time of approval of the tentative map or parcel map, the city council shall determine pursuant to Section 16.23.040 of this chapter, the land required for dedication. If the city council requires in-lieu fee payment by the subdivider, the city council will set the amount of land upon which the in-lieu fee will be based at the time of final map approval.

At the time of the filing of the final subdivision map or parcel map, the subdivider shall dedicate the land as required by the city council. Where the city council has determined that fees shall be paid in lieu of or in addition to the dedication of land, the city council shall set the in-lieu fees based on the land dedication requirements as established at the time of tentative map approval using current land values at the time of final map approval with the formula set forth in Section 16.23.080 of this chapter and using the process for determining fair market value as set forth in Section 16.23.090 of this chapter. The subdivider shall pay such fees in accordance with the following schedule:

A. For any subdivision consisting of ten (10) or more lots, fees shall be paid, in their entirety, prior to the issuance of any building permit for any building or structure to be located upon any lot in the subdivision.

B. For any subdivision consisting of nine or less lots, fees shall be paid on a lot-by-lot basis and prior to the issuance of any building permit for any building or structure to be located upon any one of the lots in the subdivision.

Open space covenants for private park or recreation facilities shall be submitted to the city prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map or parcel map. (Ord. 160 § 12, 2006)

16.23.130 Disposition of fees.

Fees determined pursuant to Section 16.23.080 of this chapter shall be paid to the city treasurer and shall be deposited into the city's park fund (fund #5), or its successor. Money in such fund, including accrued interest, shall be expended solely for acquisition or development of park land, or improvements related thereto.

Collected fees shall be appropriated by the local agency to which the land or fees are conveyed or paid for a specific project to serve residents of the subdivision in a budgetary year within five years upon receipt of payment or within five years after the issuance

of building permits on one-half of the lots created by the subdivision, whichever occurs later.

If such fees are not so committed, these fees, less an administrative charge, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots in the subdivision.

The city treasurer shall report to the city council at least annually on income, expenditures, and status of the subdivision park trust fund. (Ord. 160 § 13, 2006)

16.23.140 Exemptions.

Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this ordinance; provided, however, that a condition shall be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

The provisions of the ordinance do not apply to commercial or industrial subdivision; nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added. (Ord. 160 § 14, 2006)

16.23.150 Subdivider provided park and recreation improvements.

The value of park and recreation improvements provided by the subdivider to the dedicated land shall be credited against the fees or dedication of land required by this ordinance. The city council reserves the right to approve such improvements prior to agreeing to accept the dedication of land and to require in-lieu fee payments should the land and improvements be unacceptable. (Ord. 160 § 15, 2006)

16.23.160 Agency to accept land and fees.

Land or fees required under this chapter shall be conveyed or paid directly to the local public agency which provides park and recreational services on a community wide level and to the area within which the proposed development will be located, if such agency elects to accept the land or fee. At the time of tentative map approval, the city council shall determine whether the city is the appropriate local agency. The city, county, or other local public agency to which the land or fees are conveyed or paid shall develop a schedule pursuant to Section 66477 of the Government Code specifying how, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve residents of the subdivision. (Ord. 160 § 16, 2006)

16.23.170 Access.

All land offered for dedication to local park or recreational purposes shall have access to at least one existing or proposed public street. This requirement may be waived by the city council if the city council determines that public street access is unnecessary for the maintenance of the park area or use thereof by residents. (Ord. 160 § 17, 2006)

16.23.180 Sale of dedicated land.

If during the ensuing time between dedication of land for park purposes and commencement of first-stage development, circumstances arise which indicate that another site would be more suitable for local park or

recreational purposes serving the subdivision and the neighborhood (such as receipt of a gift of additional park land or a change in school location), the land may be sold upon the approval of the city council with the resultant funds being used for purchase of a more suitable site. (Ord. 160 § 18, 2006)

16.23.190 Validity.

If any part of this chapter is found for any reason to be invalid, the remaining portions thereof shall remain in full force and effect. (Ord. 160 § 19, 2006)

Chapter 16.24

IMPROVEMENTS

Sections:

16.24.010	**Standards and approval.**
16.24.020	**On-site improvements required.**
16.24.030	**Improvement agreement.**

16.24.010 Standards and approval.

All improvements required by the city for subdivision of land, including the placing of monuments, shall be installed in accordance with the standard specifications and improvement standards adopted by resolution of the city council, and shall be subject to inspection and approval by the city engineer and formal acceptance by resolution of the city council. (Ord. 159 (part), 2005)

16.24.020 On-site improvements required.

Subdivider shall improve all streets, highways, or public ways in the subdivision. Improvements shall be installed to permanent line and grade and to the satisfaction of the city engineer, in accordance with the city improvement standards.

All utility distribution facilities (including but not limited to electric, communication, and cable television lines) installed in and for the purpose of supplying service to any residential (or commercial) subdivision shall be placed underground except as follows:

A. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts;

B. Poles supporting only high voltage wires, switches, transformers, or street lights.

The subdivider is responsible for complying with the requirements of this chapter, and shall make the necessary arrangements with utility companies involved for the installation of such facilities. City may defer subdivider's obligation to install improvements provided the subdivider executes an improvement agreement with the city council. (Ord. 159 (part), 2005)

16.24.030 Improvement agreement.

Prior to approval of the final or parcel map by the city council, the subdivider may execute and file an agreement with the city deferring improvements provided agreement specifies the period within which he or she shall complete all required improvement work to the satisfaction of the city council and provided improvement agreement complies with Section 66462 of the Subdivision Map Act.

Improvement agreements shall be reviewed and approved by city engineer and city attorney for compliance with this chapter prior to submittal to the city council. Improvement agreements shall be guaranteed by security in accordance with Chapter 16.26 of this title. (Ord. 159 (part), 2005)

Chapter 16.26

IMPROVEMENT SECURITY

Sections:

16.26.010	**Manner set forth in state provisions.**
16.26.020	**Amount.**
16.26.030	**Reduction in amount.**
16.26.040	**Release.**

16.26.010 Manner set forth in state provisions.

Any improvement agreement, contract or act required or authorized by the Subdivision Map Act, for which security is required, shall be secured in the manner provided for in Section 66499 et seq. of the California Government Code. (Ord. 159 (part), 2005)

16.26.020 Amount.

The improvement security shall be in the amount set forth in the improvement standards. When the improvement security is other than a bond or bonds furnished by duly authorized corporate surety, an additional amount shall be included as determined by the city council as necessary to cover the cost and reasonable expenses and fees, including reasonable attorney's fees, that may be incurred by the city in successfully enforcing the obligation secured. (Ord. 159 (part), 2005)

16.26.030 Reduction in amount.

When required subdivision improvements are financed and installed pursuant to special assessment proceedings, the subdivider may apply to the city council for a reduction in the amount of the improvement security required under this chapter to an amount corresponding to the amount of faithful performance and labor and material bonds required by the special assessment act being used. The city council may grant such reduction if it finds that such bonds have been in fact provided and that the obligations secured thereby are substantially equivalent to those required by this title. (Ord. 159 (part), 2005)

16.26.040 Release.

Security given for the faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work, subject to the following:

A. The city engineer may release a portion of the security in conjunction with the acceptance of the performance of the act or work as it progresses, upon application by the subdivider; provided, however, that no such release shall be for an amount less than fifteen (15) percent of the total improvement security given for faithful performance of the act or work, and that the security shall not be reduced to an amount less than twenty-five (25) percent of the total improvement security given for faithful performance until final completion and acceptance of the act or work. In no event shall the city engineer authorize a release of the improvement security that would reduce such security to an amount below that required to guarantee the completion of the act or work and any other obligation imposed by this title, the Subdivision Map Act, or the improvement agreement.

B. Security securing the payment to the contractor, his or her subcontractors and to persons furnishing labor, materials, or equipment may, after passage of the time within which claims of lien are required to be recorded pursuant to Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 of the Civil Code, and after acceptance of the work, be reduced to an amount not less than the total claimed by all

claimants for whom claims of lien have been recorded and notice thereof given in writing to the city council, and if no such claims have been recorded, the security may be released in full.

C. No security given for the guarantee or warranty of work shall be released until the warranty period has expired and the guarantee is released by resolution of the city council. (Ord. 159 (part), 2005)

Chapter 16.27

MERGED PARCELS—REVERSION TO ACREAGE

Sections:

16.27.020 Merged parcels—Reversion to acreage.
16.27.025 Merger of contiguous parcels.

16.27.020 Merged parcels—Reversion to acreage.

(Section 66499.11) No parcel legally created under the provisions of the subdivision ordinance in effect at the time of its creation shall be merged by any action of the city except where requested by the record owner of the subject property pursuant to this chapter except where a subdivider fails to complete subdivision improvements pursuant to Sections 16.24.010 and 16.24.020 of this title. Action by the city council pursuant to this section shall be in accordance with Chapter 6, Article 1, "Reversion to Acreage" of the Subdivision Map Act. (Ord. 159 (part), 2005)

16.27.025 Merger of contiguous parcels.

(Section 66499.20 1/4) Parcel map or record of survey may be filed for reverting to acreage, or merging land previously subdivided, and consisting of four or less contiguous parcels under common ownership. Mergers shall be subject to approval of the city council. Application for merger shall be in accordance with the procedures established by the city council. When a record of survey is the instrument evidencing the merger, it shall contain a city clerk certificate setting forth the date and resolution of the city council.

When easements exist along the common boundary of lots to be merged, a parcel map shall be filed as the instrument evidencing the merger. No tentative map shall be required for parcel maps required by this section. (Ord. 159 (part), 2005)

Chapter 16.28

BOUNDARY LINE ADJUSTMENTS

Sections:

16.28.010	**Record of survey and parcel maps not required.**
16.28.020	**Record of survey or parcel map required.**
16.28.030	**Procedure.**

16.28.010 Record of survey and parcel maps not required.

(Section 66412) No record of survey or parcel map shall be required for a boundary line adjustment, meaning the relocation of the boundary line of adjoining property, when such relocation by deed does not result in the creation of an additional, separate and distinct parcel of real property. Such boundary line adjustment is not a subdivision of real property and is excluded from the provisions of this title; provided the boundary line adjustment is approved by resolution of the city council and no easements of record are affected by the adjustment.

A lot line adjustment in accordance with this section shall be reflected in a deed which shall be recorded within three hundred sixty-five (365) calendar days of boundary line adjustment approval by the city. The deed shall make specific reference to the resolution and date of approval by city. (Ord. 159 (part), 2005)

16.28.020 Record of survey or parcel map required.

Whenever a proposed boundary line adjustment requires the relocation of existing utilities, easements, rights-of-way, or public improvements, a record of survey or parcel map shall be recorded. No tentative map will be required for any parcel map required by this section. An alternative method of abandonment and rededication of easements or rights-of-way may be followed subject to approval of the city attorney. (Ord. 159 (part), 2005)

16.28.030 Procedure.

Applicants for a boundary line adjustment shall submit a completed application to the city. Applicants shall also submit at the time of application:

A. An application fee as established by resolution of the city council;

B. If an existing easement is involved, the applicant(s) must present, with the application, proof of approval of all public utilities affected;

C. A preliminary title report covering all parcels affected;

D. An eight and one-half inch by eleven (11) inch drawing of the proposed boundary line adjustment that adequately shows the following:

1. Existing boundaries of all parcels affected,
2. Proposed boundary,
3. Location of all structures with dimensions to property lines, easements, roads, fences, wells, on-site septic systems, sewage disposal facilities, storm drainage systems, and other significant features,
4. All easements to remain, be relocated, or abandoned,
5. Drawing shall be to scale and show approximate distances of all lines,
6. Estimated area to the nearest 0.01 acre shall be noted on drawing.

E. The city clerk will transmit copies of the application to the city planner, the building official, and the city engineer, and on receipt of written recommendation of approval

or conditional approval of the proposed boundary line adjustment by the above-mentioned staff, city clerk will schedule the application for consideration by the city planning commission. Upon application approval by planning commission, applicant will be authorized to cause submittal of the instrument evidencing the boundary line adjustment as set forth in this section. (Ord. 159 (part), 2005)

Chapter 16.29

CERTIFICATE OF COMPLIANCE

Sections:

16.29.010	**Illegally created parcels.**
16.29.020	**Certificates of compliance.**
16.29.030	**Appeals.**

16.29.010 Illegally created parcels.

(Section 65499.34) No permit shall be issued for the development on any illegally created parcel. (Ord. 159 (part), 2005)

16.29.020 Certificates of compliance.

(Section 65499.35) Any person owning real property may request the city to determine whether such real property complies with the provisions of the Subdivision Map Act and of this chapter.

A. Applications for such determinations shall be filed with the city clerk and shall contain a plot plan of the property and all record deeds and maps pertaining to the property together with a fee established by resolution of the city council.

B. Within fifteen (15) days of a filing of a request for the issuance of a certificate of compliance, the city engineer shall commence a review of the request to determine whether the property or the division thereof complies with the provisions of the Subdivision Map Act and this chapter, and whether a certificate of compliance shall be issued.

C. A certificate of compliance, when issued, shall be issued in accordance with Section 66499.35 of the Subdivision Map Act.

D. Any certificate of compliance issued conditionally shall specify such conditions and shall be reviewed by the planning commission.

E. When the city engineer determines that such real property does not comply with the provisions of the Subdivision Map Act or local ordinance and that conditions cannot be imposed to protect the public health and public safety, the city engineer shall deny the application for a certificate of compliance and advise the city council at its next regular meeting. Notice of denial of the application for a certificate of compliance shall be in accordance with Section 66499.35 of the Subdivision Map Act.

F. A recorded final map or parcel map shall constitute a certificate of compliance with respect to parcels of property described therein. (Ord. 159 (part), 2005)

16.29.030 Appeals.

Any decision of the city engineer regarding a notice of violation or certificate of compliance may be appealed to the city council. No notice of violation or certificate of compliance shall be recorded until the city council's decision thereon has become final. (Ord. 159 (part), 2005)

Chapter 16.30

EXCEPTIONS

Sections:

16.30.010 Application.
16.30.020 City council action.

16.30.010 Application.

The city council may authorize conditional exceptions to any of the requirements and regulations set forth in this chapter. Application for any such exceptions shall be made by a petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the application. In order for the property referred to in the petition to come within the provisions of this section, the city council shall find the following facts:

A. That there are special circumstances or conditions affecting the property;

B. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner;

C. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area where the property is situated. (Ord. 159 (part), 2005)

16.30.020 City council action.

Upon approval of the exception, the city council may by resolution authorize the planning commission to approve the tentative map with the exceptions and conditions the council deems necessary to substantially secure the objectives of this title. (Ord. 159 (part), 2005)

Chapter 16.31

APPEAL

Sections:

16.31.010 Appeal—Notice.
16.31.020 Appeal—Filing—Report.
16.31.030 Appeal—Action.

16.31.010 Appeal—Notice.

Appeal may be made from any decision, determination or requirement of the planning commission, city planner, or city engineer by filing a notice thereof in writing with the city clerk within ten (10) calendar days after such decision. The notice shall set forth in detail the action and the grounds upon which the subdivider or any aggrieved party is deemed to be aggrieved. The city council shall establish a schedule of fees for appeals to recover the costs incurred in reviewing such appeals. The city council may review and adjust such fees if it deems necessary to cover all processing and review costs. (Ord. 159 (part), 2005)

16.31.020 Appeal—Filing—Report.

The city clerk shall report the filing of such notice to the planning commission, the city planner, and the city engineer. A written report shall be submitted to the city council by the agency or person whose decision, determination, or requirement is being appealed. Appeals of city planner or city engineer shall be to the city council. (Ord. 159 (part), 2005)

16.31.030 Appeal—Action.

The city council at its next regular meeting following the filing of an appeal, or within thirty (30) calendar days following the filing thereof, shall set the appeal for hearing. Any hearing may for good cause be continued by order of the city council. Following the hearing, the city council may, by minute order, overrule or modify the decision, determination or requirement appealed from. (Ord. 159 (part), 2005)

Chapter 16.32

PENALTIES

Sections:

16.32.010 Penalties.

16.32.010 Penalties.

Any person, firm, corporation, partnership, or co-partnership who willfully violates any of the provisions or fails to comply with any of the mandatory requirements of this title is guilty of a misdemeanor, and upon conviction thereof is punishable by a fine of not to exceed five hundred dollars ($500.00) or by imprisonment in the county jail for not to exceed six months or by both fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal equitable or summary remedy to which the city or other political subdivision, or any person, firm, corporation, partnership, or co-partnership may otherwise be entitled, and the city, or any other political subdivision or person, firm, corporation, partnership, or co-partnership may file a suit to the superior court of the county to restrain or enjoin any attempted or proposed subdivision or sale in violation of this title. (Ord. 159 (part), 2005)

Title 17

ZONING

Chapters:

17.04	**Introductory Provisions and Definitions**
17.08	**Zoning Districts Designated**
17.12	**R-1 One-Family Dwelling Zone**
17.16	**R-2 Two-Family Dwelling Zone**
17.20	**R-3 Limited Multiple-Family Zone**
17.24	**R-4 Multiple-Family Zone**
17.28	**C-1 Limited Commercial Zone**
17.32	**C-2 Commercial Zone**
17.36	**M-1 Limited Manufacturing Zone**
17.40	**A-T Agricultural Transition Zone**
17.44	**SP Special Planning Zone**
17.48	**PS Public Service Combining Zone**
17.52	**AE Agricultural Estate Zone**
17.56	**Manufactured Home Combining Zone**
17.60	**Design and Use Regulations Generally**
17.64	**Off-Street Parking Requirements**
17.68	**Home Occupations**
17.72	**Design Review Requirements**
17.76	**Variances and Zone Changes**
17.80	**Conditional Use Permits**
17.84	**Administration and Enforcement**
17.88	**Water Efficient Landscape Design and Irrigation**

Chapter 17.04

INTRODUCTORY PROVISIONS AND DEFINITIONS

Sections:

17.04.010 General purpose.
17.04.020 Short title.
17.04.030 Definitions.

17.04.010 General purpose.

An official land use zoning ordinance for the city is adopted and established to serve the public health, safety, comfort, convenience and general welfare and to provide the economic and social advantages resulting from an orderly planned use for the future growth and development of the city. (Ord. 55 § 1.00, 1980)

17.04.020 Short title.

This title shall be known as the "Land Use Zoning Ordinance for the City of Amador City." (Ord. 55 § 2.00 (part), 1980)

17.04.030 Definitions.

For the purpose of this title certain terms and words are defined.

When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number and the masculine includes the feminine. The word "shall" is always mandatory and not merely directory.

"Accessory building" means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located in the same lot with the main building or use.

"Accessory use" means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

"Alley" means a public way permanently reserved as a secondary means of access to abutting property.

"Apartment hotel" means a building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

"Apartment house" means a building, or portion thereof, designed for or occupied by three or more families living independently of each other.

"Automobile service station" means a filling station to supply gasoline and oil to motor vehicles and provide minor servicing and sales of motor vehicle accessories.

"Boarding and rooming house" means a building or portion thereof which is used to accommodate, for compensation, five or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word "compensation" shall include compensation in money, services or other things of value.

"Building" means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind.

"Building height" means the vertical distance from the average finished ground level of the site to the highest point of the structure.

"Building site" means the ground area of a building or group of buildings together with all open spaces as required by this title.

"Bungalow court" means a group of three or more detached one-story, one-family, or two-family dwellings located upon a single lot, together with all open spaces as required by this title, but not including tourist courts.

"Carport" means a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter or storage.

"Club" means an association of persons, whether incorporated or unincorporated, for some common purpose but not including groups organized primarily to render a service carried on as a business.

"Dwelling" means a building or portion thereof designed for or occupied for residential purposes, including one-family, two-family, and multiple dwellings, but not including hotels, boarding and lodging houses and trailers.

Dwelling, One-Family. "One-family dwelling" means a detached building designed for or occupied exclusively by one family.

Dwelling, Two-Family. "Two-family dwelling" means a detached building designed for or occupied exclusively by two families living independently of each other.

"Dwelling group" means a combination or arrangement of dwellings on one building site.

Dwelling, Multiple-Family. "Multiple-family dwelling" means a building, or portion thereof, designed for or occupied by three or more families living independently of each other.

"Dwelling unit" means one or more rooms in a dwelling, apartment house, or apartment hotel designed for or occupied by one family for living or sleeping purposes and having not more than one kitchen.

"Educational institution" means a college or university giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

"Family" means an individual or two or more persons related by blood or marriage, or a group of not to exceed five persons, (excluding servants) living together as a single housekeeping unit in a dwelling unit.

"Flagpole or panhandle lots" mean a narrow projecting strip of land contiguous with a lot.

"Garage" means a building or portion of a building in which motor vehicles used by the occupants or tenants of the main building or buildings on the premises are stored or kept.

Garage, Public. "Public garage" means a garage, other than a private garage.

"Grade" (group level) means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet or a sidewalk, said ground level shall be measured at the sidewalk.

"Home occupation" means an occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display; no stock in trade nor commodity sold upon the premises; no person employed; and no mechanical equipment used except such as is necessary for housekeeping purposes.

"Hospital" means any building or portion thereof used for the accommodation and medical care or sick, injured or infirm persons and including sanitariums.

"Hotel" means a building designed for, or occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six or more guest rooms, and in which no provision is made for cooking in any individual room or suite.

"Lot" means a parcel of real property as shown with a separate and distinct number or letter on a plot recorded or filed with the recorder of Amador County, state of California, or a parcel of real property abutting upon at least one public street and held under separate ownership prior to the effective date of the ordinance codified in this title.

"Lot area" means the total horizontal area within the lot lines of a lot.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two or more streets having an angle of intersection of not more than one hundred thirty-five (135) degrees.

Lot Coverage, Maximum. "Maximum lot coverage" means a total of ground floor areas of all buildings, including accessory buildings and structures, occupying a lot or parcel, expressed as a percentage of the total area of such lot or parcel.

Lot, Interior. "Interior lot" means a lot other than a corner lot.

Lot Line, Front. "Front lot line" on an interior lot shall be the property line adjacent to the abutting street or if the property line is within the adjacent street, then the front lot line shall be the edge of pavement or if there is no pavement then the edge of the traveled way of the abutting streets. On corner lots, the front lot line as defined above shall be located along the shorter of any adjacent two abutting streets except in cases where a different front lot line is shown on a final or parcel map.

Lot Line, Rear. "Rear lot line" means the line opposite the front lot line.

Lot Line, Side. "Side lot line" means any lot lines other than front lot lines or rear lot lines.

"Manufactured home" means a residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part which is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the State Building Standards Code. Manufactured home does include a mobilehome which was constructed after July 1, 1976, and was issued an insignia of approval by the U.S. Department of Housing and Urban Development.

"Mobilehome" means a vehicle registered with the California Department of Motor Vehicles and designed and equipped for living purposes which is over eight feet in overall width and more than forty (40) feet in overall length.

"Modular home" means a manufactured home which meets the current Uniform Building Code (UBC) adopted by the city; the same as a conventional on-site constructed dwelling. A modular home is not subject to the Federal Department of Housing and Urban Developments nationwide mobilehome construction and safety standards code; and therefore, a modular home is not a mobilehome. A modular home meeting the current UBC may be placed in any zone allowing single-family residential dwellings.

"Nonconforming building" means a building or structure or portion thereof conflicting with the provisions of this title applicable to the zone in which it is situated.

"Nonconforming use" means the use of a structure or premises conflicting with the provisions of this title.

Occupancy, Change of. "Change of occupancy" means a discontinuance of an existing use and substitution therefor of a use of a different kind or class.

"Occupied" includes arranged, designed, built, altered, converted, rented, or leased, or intended to be occupied.

"Person" means any individual, firm, copartnership, joint adventure, association, club, fraternal organization, corporation, estate trust, receiver, organization, syndicate, city,

county, municipality, district or other political subdivision, or any other group or combination acting as a unit.

"Recreational vehicle" means a motorhome, travel trailer, truck camper, or camping trailer, with or without motor power, designed for human habitation for recreation or emergency occupancy or the conduct of any business, is eight feet or less in overall width and forty (40) feet or less in overall length, or a bus conversion for human habitation.

School, Elementary or High. "Elementary or high school" means an institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California (High schools include "Junior" and "Senior.")

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

"Story, Half. "Half story" means a story with at least two of its opposite sides situated in sloping roof, the floor area of which does not exceed two thirds of the floor area immediately below it.

"Street" means a public thoroughfare which affords the principal means of access to abutting property.

"Structure" means anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet in height.

"Super service station" means an automobile service station which supplies gasoline diesel fuel to motor vehicles, and including grease racks or elevators, wash racks or pits, tire repairs, battery servicing and repairing, ignition service, sales of motor vehicle accessories and other customary services for automobiles, but excluding painting, body work, and steam cleaning.

"Trailer house" means any unit designed for or used for living or sleeping purposes and which is equipped with wheels or other similar devices used for the purpose of transporting the unit from place to place, whether by motive power or by other means.

"Trailer park or camp" means any area or premises where two or more house trailers are located and used as living or sleeping quarters.

"Tourist court" means a group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit, including auto courts, motels, or motor lodges.

"Use" means the purpose for which land or building is designed, arranged, or intended, or for which either is or may be occupied or maintained.

"Yard" means an open space other than a court, on a lot unoccupied, and unobstructed from the ground upward, except as otherwise provided in this title.

Yard, Front. "Front yard" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

Yard, Rear. "Rear yard" means a yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.

Yard, Side. "Side yard" means a yard between the main building and the side lot line extending from the rear line of the required front yard, or the front line where no front yard is required, to the rear yard the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line toward the nearest part of a main building. (Ord. 158 (part), 2004; Ord. 99 § 11, 1991; Ord. 87 § 1, 1989; Ord. 56 § 1, 1982; Ord. 55 §§ 2.00 (part)—2.53, 1980)

Chapter 17.08

ZONING DISTRICTS DESIGNATED

Sections:

17.08.010 Establishment of zones.
17.08.020 Map.
17.08.030 Boundaries of zones.
17.08.040 Uses permitted in zones.
17.08.050 Zoning upon annexation.

17.08.010 Establishment of zones.

In order to classify, regulate, restrict, and segregate the uses of land and building to regulate and restrict the height and bulk of buildings; and to regulate the area of yards and other open spaces about buildings; and to regulate the density of population, six classes of land use zones are established to be known as follows:

R-1	One-family zone
R-2	Two-family zone
R-3	Limited multiple-family dwelling zone
R-4	Multiple-family dwelling zone
C-1	Limited commercial zone
C-2	Commercial zone
M-1	Light manufacturing zone
A-T	Agricultural transition zone
SP	Special planning zone.

(Ord. 64 § 1, 1985; Ord. 55 § 3.00, 1980)

17.08.020 Map.

The zones aforesaid and the boundaries of such zones are shown upon the map attached hereto and made a part of the ordinance codified in this title, being designated as the "zoning map," and such map and all the notations, references, and other information shown thereon shall be as much a part of this title as if the matters and information set forth by such map were all fully described in this chapter. (Ord. 55 § 3.01, 1980)

17.08.030 Boundaries of zones.

Where uncertainty exists as to the boundaries of any zone shown on the zoning map, the following rules shall apply:

A. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries;

B. In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map;

C. In case any uncertainty exists, the planning commission shall determine the location of boundaries;

D. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned street or alley;

E. Where any private right-of-way or easement of any railroad, railway, canal, transportation, or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned property;

F. All property in the city not otherwise classified, and all property hereafter annexed and not zoned upon annexation, is classified as R-1 zone. (Ord. 55 § 3.02, 1980)

17.08.040 Uses permitted in zones.

Except as hereinafter provided:

A. No building shall be erected, and no existing building shall be moved, altered, added to or enlarged, nor shall any land,

building or premises be used, designed or intended to be used, for any purpose or in any manner other than a use listed in this title or amendments thereto, as permitted in the zones to which such land, building or premises is located.

B. No building shall be erected nor any existing building be moved, reconstructed, or structurally altered to exceed in height the limit established by this title or amendments thereto, for the zone in which such building is located.

C. No building shall be erected nor shall any existing building be moved, altered, enlarged, or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the building site requirements and the area and yard regulations established by this title or amendments thereto, for the zone in which such building is located;

D. No yard or other open space provided about any building for the purpose of complying with the regulations of this title, or amendments thereto, shall be considered as providing a yard or open space for any other building or structure. (Ord. 55 § 3.03, 1980)

17.08.050 Zoning upon annexation.

In any petition for the annexation of property to the city, the petitioner shall request in his or her petition how he or she desires the property to be zoned, provided the same is annexed to the city. Copies of the petition shall at the same time be filed with the county boundaries commission and the city planning commission, and the planning commission may immediately give notice of its intention to consider the petition for annexation and for zoning the property as requested at a hearing before the planning commission. The notice shall be by one publication in a newspaper circulated in the city giving notice of its intention to recommend annexation and recommend the zoning of the property if annexation is completed. Notice shall be so given by publication at least ten (10) days prior to the hearing. Upon completion of the hearing the planning commission shall make its recommendation to the city within thirty (30) days, or the city council by resolution. The recommendation of the planning commission shall be final, unless an appeal to the city council is made within thirty (30) days, or the city council may act upon the matter without such an appeal, if done so within forty-five (45) days from the date of the recommendation. After receiving such recommendation, the city council shall by resolution, give notice of the filing of the petition, the proposal to annex, and its proposal to zone the property in a specific way, provided such annexation is completed.

The notice of zoning shall be consolidated with a notice required for annexation of property to the city, and shall comply with the law for the requirements of both notices of annexation and for zoning.

Upon the hearing of the proposal to annex and zone, in addition to the ordinance for annexation, the city council shall zone the property in the manner required by law, pursuant to its notice and upon the completion of the annexation, the zoning of the property shall automatically take effect. (Ord. 55 § 19.00, 1980)

Chapter 17.12

R-1 ONE-FAMILY DWELLING ZONE

Sections:

17.12.010	**Generally.**
17.12.020	**Uses permitted.**
17.12.021	**Second dwelling units.**
17.12.030	**Agricultural uses.**
17.12.040	**Building height.**
17.12.050	**Front yard.**
17.12.060	**Side yard.**
17.12.070	**Rear yard.**
17.12.080	**Area requirements.**
17.12.081	**Street frontage required.**
17.12.090	**Distance between buildings on the same lot.**

17.12.010 Generally.

The following regulations shall apply in the R-1 one-family dwelling zone unless otherwise provided in this title. (Ord. 55 § 4.00, 1980)

17.12.020 Uses permitted.

A. A one-family dwelling;

B. The accessory buildings necessary to such use located on the same lot or parcel of land including a private garage;

C. Maintaining mail address for commercial, professional, and business license purposes only, provided no stock in trade, supplies, professional equipment, apparatus, or business equipment are kept on the premises, and provided that no employees or assistants are engaged for such services on the premises;

D. Private greenhouses and horticultural collections, flower and vegetable gardens, fruit trees. (Ord. 55 § 4.01, 1980)

17.12.021 Second dwelling units.

A. Second Dwelling Units Exclusively for Senior Citizens. Upon approval of a conditional use permit, the city council may approve a second attached or detached dwelling unit to be used exclusively for senior citizens, for construction on any lot in the R-1 zoning district, provided that the required use permit findings are made, and that the following standards are met:

1. That the second dwelling unit shall not exceed six hundred (600) square feet in size. The unit may be constructed as an integral, attached part of the main dwelling unit in such a manner that the entire structure maintains the general appearance of a single-family dwelling or it may be a separate detached dwelling unit.

2. That the lot area on which the second dwelling unit is constructed is not less than twelve thousand (12,000) square feet and that street access and off-street parking is sufficient to accommodate the use.

3. That the unit will only be occupied by a person or persons sixty-two (62) years or age or older. The city may require the property owner to present evidence at any time regarding the age of the occupant.

4. The city may attach any conditions deemed necessary to provide for the use and neighborhood compatibility. Prior to the issuance of a building permit, all fees applicable to new dwelling units shall be paid to the city.

5. One additional off-street parking space shall be required in addition to the one space required for the main dwelling unit.

B. Second Dwelling Units - Splitable Lots. A detached second unit on a splitable lot shall not be permitted unless the following criteria are met.

1. That the lot has sufficient size and frontage to allow the property to be divided in

the future through the parcel map or final map process into two lots meeting the minimum development and minimum access standards of the zoning district. The new proposed dwelling unit shall be sited in a way to allow for a future land division honoring the setbacks of the base district.

2. Conditions shall be attached to any such 2nd unit permit approval to provide for separation of utilities and access, so that the second dwelling unit may be separated in the future for purposes of sale, lease or finance. Separate 3/4" water meter (or current Water Agency Requirements) with adequate pressure, a separate sewer connection and a separate building access shall be required prior to construction.

3. Prior to the issuance of a building permit, all fees applicable to single-family dwelling construction, including connection, park, impact and recreation fees shall be paid to the city.

4. One off street parking space shall be provided for the second dwelling unit.

5. One of the units on the property must be occupied by the property owner at all times. Upon approval of the 2nd unit permit, there is no age limit on the occupants of either unit. The city shall require the property owner, prior to the issuance of a building permit for the new construction, to file an advisory deed restriction outlining the owner occupancy requirement. The purpose of the deed restriction is to create a perpetual notice to the new purchases of the land of the owner occupancy requirement (and prohibit creation of a duplex).

6. A second detached unit including any garage shall not be less than three hundred (300) square feet and not exceed eight hundred (800) square feet in size.

7. All other standards of this chapter shall apply. This section may not be required to come under ministerial permits since we provide for second units on standard lots in Chapter 17.16.

8. A detached second unit must also obtain an architectural or design review permit.

C. Second Dwelling Units - Pre 2003 homes (Attached Units Only). A second unit within a single family home in an R-1 or R-2 zone built prior to 2003 and new construction on lots existing prior to 2003 shall not be permitted unless the following criteria are met.

1. The lot contains at least the minimum lot size currently required by the base-zoning district.

2. Prior to the issuance of a building permit, all fees applicable to duplex dwelling construction, including impact, connection, park and recreation fees, shall be paid to the city.

3. One off street parking space shall be available for the existing unit and one off street parking space shall be provided for the second dwelling unit. The city shall require that the parking area be surfaced with paving of pervious materials (not gravel) and that no street parking or sidewalk access will be lost or obstructed. Front yard landscaping shall not be converted to parking. Landscaping shall screen views from the street and neighboring homes to newly surfaced areas.

4. The second dwelling unit shall be not less than three hundred (300) square feet or more than six hundred (600) square feet in size. The unit shall be constructed within the existing footprint of the dwelling unit. Conversion of garages and accessory buildings is not permitted. Second unit entrances shall be hidden from view from the street and shall be screened from neighboring properties.

5. One of the units on the property must be occupied by the property owner at all times. Upon approval of the 2nd unit permit, there is no age limit on the occupants of either unit. The city shall require the property owner prior to the issuance of a building permit for the new construction, to file an advisory deed restriction outlining the owner occupancy requirement. The purpose of the deed restriction is to create a perpetual notice to new purchasers of the land of the owner occupancy requirement.

6. The materials, colors and architecture shall match those of the main home. Any lighting shall not spill over on to neighboring lots.

7. The second unit must meet all building and fire codes.

8. The lot coverage shall not exceed thirty-five (35) percent of the lot area.

9. All other R-1 Single family requirements shall apply. When numerical limits exist, the same limits remain for both primary and second units combined and are not increased.

10. Administrative second unit permits shall be reviewed by a committee consisting of the city planner, city engineer and city clerk at a publicly noticed administrative review meeting. The city shall notify property owners of record within three hundred (300) feet of the meeting date and place. Appeal shall be to the city council. The appeal must be in writing and filed with the city clerk within ten (10) days after the committee's decision.

11. Severability clause: If any portion of this chapter is determined to legally unenforceable, all other portions shall remain in effect.

D. Post - 2002 Constructed Single family Homes in R-1 and R-2 Zones. (Home constructed after January 1, 2003). All conditions of subsection 17.20.021(C) shall apply except that subsection 17.20.021(C)(4) shall be replaced by:

The 2nd dwelling unit shall not be less than three hundred (300) square feet or more than six hundred (600) square feet. The unit may be within the primary home, detached or above a garage. However, conversion of garages and accessory buildings is not permitted. Second unit entrances shall be hidden from view from the street and shall be screened from neighboring properties.

In adopting subsections 17.20.021(B), (C), and (D), the city recognizes that the approval of second dwelling units may, in some instances, result in dwelling densities exceeding the maximum densities prescribed by the general plan. The city finds that this occurrence is consistent with the general plan as allowed under State Planning and Zoning law applicable to second dwelling units, and that the amendment furthers the goals, objectives and policies of the general plan housing element.

E. Guest Houses. "Guest Houses" means living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guest of the occupants of the premises; such quarters may have a bath and toilet facilities, but no kitchen facilities and not be rented or otherwise used as a separate dwelling. Guest houses must be less than three hundred (300) square feet in area. All other detached building with toilet facilities on a lot with an approved guest house are considered 2nd units and must meet the requirements of this chapter. (Ord. 155 § 1, 2003: Ord. 153 § 1, 2003)

17.12.030 Agricultural uses.

Subject to the applicable provisions of any other law or ordinance, general agricultural and horticultural uses, including the raising of poultry or small animals on a commercial basis, general animal husbandry, dairying and uses customarily incident thereto, but excluding the raising of hogs, shall be permitted on parcels in the R-1 zone, which exceed one acre in area, provided that on parcels of less than three acres in area the raising and keeping of animals for commercial purposes shall be subject to a use permit in each case. (Ord. 55 § 5, 1980)

17.12.040 Building height.

Two and one-half stories and not to exceed thirty (30) feet. (Ord. 55 § 4.02, 1980)

17.12.050 Front yard.

There shall be front yard of not less than twenty (20) feet except where lots comprising forty (40) percent or more of the frontage of on its side of the street between intersecting streets and developed with buildings having an average front yard with a variation of not more than ten (10) feet, no building hereafter erected or structurally altered shall project beyond the average front yardline so established.

In determining such front yard depth, buildings located more than thirty-five (35) feet from the front property line or buildings facing a side street on a corner lot shall not be counted, nor shall buildings built before 1945. (Ord. 78, 1987: Ord. 55 § 4.03, 1980)

17.12.060 Side yard.

There shall be a side yard on each side of a main building of not less than five feet, except that on the street side of corner lots there shall be a side yard of not less than twelve (12) feet. (Ord. 55 § 4.04, 1980)

17.12.070 Rear yard.

There shall be a rear yard behind every main building of not less than ten (10) feet. (Ord. 55 § 4.05, 1980)

17.12.080 Area requirements.

The length of a lot shall not exceed four times the width. The minimum lot area shall be not less than seven thousand (7,000) square feet per dwelling unit, provided, however, that when a lot has less than five thousand (5,000) square feet and was recorded at the time of the passage of the ordinance codified in this title, the lot may be occupied by not more than one dwelling unit.

For residential buildings the minimum floor area exclusive of open porches and garages, shall be not less than seven hundred fifty (750) square feet.

Maximum lot coverage shall be thirty-five (35) percent.

No flagpole or panhandle lots shall be created. (Ord. 158 (part), 2004; Ord. 99 § 5, 1991; Ord. 77 § 1, 1987; Ord. 55 § 4.06, 1980)

17.12.081 Street frontage required.

Except as permitted by other provisions of this title, no lot shall contain any building used in whole or in part for residential purposes, unless such lot abuts for a least seventy-five (75) feet on a street except that where cul-de-sacs are approved, the minimum of any lot abutting on such cul-de-sac shall be fifty-five (55) feet. Existing lots of record which abut on a street for less than seventy-five (75) feet are exempt from the forgoing requirement. (Ord. 158 (part), 2004)

17.12.090 Distance between buildings on the same lot.

There shall be a minimum distance of six feet between a building used for dwelling purposes and an accessory building.

There shall be a minimum distance of six feet between accessory buildings. (Ord. 55 § 4.07, 1980)

Chapter 17.16

R-2 TWO-FAMILY DWELLING ZONE

Sections:

17.16.010 **Generally.**
17.16.020 **Uses permitted.**
17.16.030 **Building height.**
17.16.040 **Front yard.**
17.16.050 **Side yard.**
17.16.060 **Rear yard.**
17.16.070 **Area requirements.**
17.16.080 **Distance between buildings on the same lot.**

17.16.010 Generally.

The following regulations shall apply in the R-2 two-family dwelling zone unless otherwise provided in this title. (Ord. 55 § 6.00, 1980)

17.16.020 Uses permitted.

A. Any use permitted in the R-1 zone;

B. A two-family dwelling or two one-family dwellings;

C. The accessory buildings necessary to such use, located on the same lot or parcel of land. (Ord. 55 § 6.10, 1980)

17.16.030 Building height.

Same as for R-1 zone, Section 17.12.040. (Ord. 55 § 6.02, 1980)

17.16.040 Front yard.

There shall be a front yard of not less than twenty (20) feet, except where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average yard with a variation of not more than ten (10) feet, no buildings hereafter erected or structurally altered shall project beyond the average front yard line so established.

In determining such front yard depth, buildings located more than thirty-five (35) feet from the front property line or buildings facing a side street on a corner lot shall not be counted. (Ord. 55 § 6.03, 1980)

17.16.050 Side yard.

Same as for R-1 zone, Section 17.12.060. (Ord. 55 § 6.05, 1980)

17.16.060 Rear yard.

Same as for R-1 zone, Section 17.16.070. (Ord. 55 § 6.05, 1980)

17.16.070 Area requirements.

The length of a lot shall not exceed four times the width. The minimum lot area shall be not less than three thousand five hundred (3,500) square feet per dwelling unit, provided, however, that when a lot has less area than herein required and not less than five thousand (5,000) square feet and was recorded at the time of the passage of the ordinance codified in this title, the lot may be occupied by not more than one dwelling unit.

Maximum lot coverage shall be thirty-five (35) percent. (Ord. 99 § 6, 1991; Ord. 55 § 6.06, 1980)

17.16.080 Distance between buildings on the same lot.

There shall be a minimum distance of ten (10) feet between buildings used for dwelling purposes.

There shall be a minimum distance of six feet between a building used for dwelling purposes and an accessory building.

There shall be a minimum distance of six feet between accessory buildings. (Ord. 55 § 6.07, 1980)

Chapter 17.20

R-3 LIMITED MULTIPLE-FAMILY ZONE

Sections:

17.20.010 Generally.
17.20.020 Uses permitted.
17.20.030 Building height.
17.20.040 Front yard.
17.20.050 Side yard.
17.20.060 Rear yard.
17.20.070 Area requirements.

17.20.010 Generally.

The following regulations shall apply in the R-3 limited multiple-family dwelling zone unless otherwise provided in this title. (Ord. 55 § 7.00, 1980)

17.20.020 Uses permitted.

A. Any use permitted in the R-1 and R-2 zones;

B. Three-family dwellings, four-family dwellings, and bungalow courts;

C. The accessory buildings necessary to such use located on the same lot or parcel of land. (Ord. 55 § 7.01, 1980)

17.20.030 Building height.

Same as R-1 zone, Section 17.12.040. (Ord. 55 § 7.02, 1980)

17.20.040 Front yard.

There shall be a front yard of not less than fifteen (15) feet except where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established.

In determining such front yard depth, buildings located more than thirty-five (35) feet from the front property line or buildings facing a side street on a corner lot shall not be counted. (Ord. 55 § 7.03, 1980)

17.20.050 Side yard.

Same as R-1 zone, Section 17.12.060. (Ord. 55 § 7.04, 1980)

17.20.060 Rear yard.

Same as R-1 zone, Section 17.12.070. (Ord. 55 § 7.05, 1980)

17.20.070 Area requirements.

The minimum lot area shall be not less than one thousand five hundred (1,500) square feet per dwelling unit.

There shall be a minimum distance of ten (10) feet between buildings used for dwelling purposes.

There shall be a minimum distance of six feet between a building used for dwelling purposes and an accessory building.

There shall be a minimum distance of six feet between accessory buildings.

Maximum lot coverage shall be thirty-five (35) percent. (Ord. 99 § 7, 1991; Ord. 55 § 7.06, 1980)

Chapter 17.24

R-4 MULTIPLE-FAMILY ZONE

Sections:

17.24.010 Generally.
17.24.020 Uses permitted.
17.24.030 Building height.
17.24.040 Front yard.
17.24.050 Side yard.
17.24.060 Rear yard.
17.24.070 Area requirements.
17.24.080 Distance between buildings on the same lot.

17.24.010 Generally.

The following regulations shall apply in the R-4 multiple- family dwelling zone unless otherwise provided in this title. (Ord. 55 § 8.00, 1980)

17.24.020 Uses permitted.

A. Any use permitted in the R-1, R-2,.or R-3 zones;

B. Group dwellings, multiple-family dwellings, apartment houses, apartment hotels; churches, except rescue mission or temporary revival; schools, elementary or high; day nurseries, nursery schools; boarding and rooming houses; institutions of educational, philanthropic or eleemosynary nature; home occupations; lodge halls; and private clubs, except clubs the chief activity of which is a service customarily carried on as a business;

C. The accessory buildings necessary to such use located on the same lot or parcel of land. (Ord. 55 § 8.01, 1980)

17.24.030 Building height.

Same as R-1 zone, Section 17.12.040. (Ord. 55 § 8.02, 1980)

17.24.040 Front yard.

There shall be a front yard of not less than ten (10) feet, except where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established.

In determining such front yard depth, buildings located more than twenty-five (25) feet from the front property line or buildings facing a side street on a corner lot shall not be counted. (Ord. 55 § 8.03, 1980)

17.24.050 Side yard.

Same as R-1 zone, Section 17.12.060. (Ord. 55 § 8.04, 1980)

17.24.060 Rear yard.

Same as R-1 zone, Part 4, Section 17.12.070. (Ord. 55 § 8.05, 1980)

17.24.070 Area requirements.

The minimum lot area shall be not less than one thousand (1,000) square feet per dwelling unit.

Maximum lot coverage shall be thirty-five (35) percent. (Ord. 99 § 8, 1991; Ord. 55 § 8.06, 1980)

17.24.080 Distance between buildings on the same lot.

Same as R-2 zone, Section 17.16.080. (Ord. 55 § 8.07, 1980)

Chapter 17.28

C-1 LIMITED COMMERCIAL ZONE

Sections:

17.28.010	**Generally.**
17.28.020	**Uses permitted.**
17.28.030	**Building height.**
17.28.040	**Front yard.**
17.28.050	**Side yard.**
17.28.060	**Rear yard.**
17.28.070	**Area requirements.**
17.28.080	**Distance between buildings on the same lot.**

17.28.010 Generally.

The following regulations shall apply to the C-1 limited commercial zone unless otherwise provided in this title. (Ord. 55 § 9.00, 1980)

17.28.020 Uses permitted.

A. Any use permitted in the R-1, R-2,R-3. and R-4 zones;

B. Any of the following uses:

1. Automobile service stations containing not more than six pumps,
2. Banks,
3. Barber shops,
4. Beauty shops,
5. Book stores,
6. Confectionary stores,
7. Dressmaking or millinery shops,
8. Drug stores,
9. Dry cleaning, pressing, and laundry agencies,
10. Dry goods or notions stores,
11. Electric appliance stores and repairs,
12. Florists shops,
13. Grocery, fruit, and vegetable stores,
14. Hardware stores,
15. Hotels,
16. Ice storage houses of not more than five-ton capacity,
17. Jewelry stores,
18. Liquor stores,
19. Meat markets or delicatessen stores,
20. Offices, business, or professional,
21. Photographic shops,
22. Restaurants, tea rooms, or cafes where all customers are served at a table or counter (excluding dancing, entertainment, and sale of intoxicating liquors),
23. Shoe stores or shoe repair shops,
24. Stationery stores,
25. Tailor, clothing or wearing apparel shops,
26. Other uses that are determined by the city council to be similar to those that are listed above;

C. The above specified stores, shops, or businesses shall be retail or wholesale establishments selling new merchandise exclusively except used merchandise clearly incidental to the regular business conducted on the premises, and shall be permitted only under the following conditions:

1. Such stores, shops, or businesses except automobile service stations shall be conducted entirely within an enclosed building.
2. Products made incidental to a permitted use shall be sold at retail on the premises.
3. All public entrances to such stores, shops, or businesses shall be from the principal street upon which the property abuts, or within fifty (50) feet thereof, except that a rear or side entrance from the building to a public parking area may be provided.
4. The accessory buildings necessary to such use located on the same lot or parcel of land, including a storage garage for the exclusive use of the patrons of the above stores or businesses. (Ord. 123 § 1, 1996; Ord. 55 § 9.01, 1980)

17.28.030 Building height.

Two stories and not to exceed thirty-five (35) feet. (Ord. 55 § 9.02, 1980)

17.28.040 Front yard.

All buildings shall be located at least ten (10) feet from the front lot line; provided that where existing buildings on street within block average less in depth than that average depth shall apply. (Ord. 55 § 9.03, 1980)

17.28.050 Side yard.

All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 55 § 9.04, 1980)

17.28.060 Rear yard.

There shall be behind every building a rear yard having a minimum depth of ten (10) feet. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of such alley. (Ord. 55 § 9.05, 1980)

17.28.070 Area requirements.

None, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone.

Commercial developments shall not be allowed to exceed a design capacity of one hundred five (105) persons per acre and a building intensity of seventy-five (75) percent maximum lot coverage. (Ord. 99 § 3, 1991; Ord. 55 § 9.06, 1980)

17.28.080 Distance between buildings on the same lot.

None, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 55 § 9.07, 1980)

Chapter 17.32

C-2 COMMERCIAL ZONE

Sections:

17.32.010	**Generally.**
17.32.020	**Uses permitted.**
17.32.030	**Building height.**
17.32.040	**Front yard.**
17.32.050	**Side yard.**
17.32.060	**Rear yard.**
17.32.070	**Area requirements.**
17.32.080	**Distance between buildings on the same lot.**

17.32.010 Generally.

The following regulations shall apply in the C-2 commercial zone unless otherwise provided in this title. (Ord. 55 § 10.00 1980)

17.32.020 Uses permitted.

A. Any use permitted in the R-1, R-2, R-3, R-4, and C-1 zones;

B. Any of the following uses:

1. Retail or wholesale stores or businesses not involving any kind of manufacture, processing, or treatment of products other than that which is clearly incidental to the retail business conducted on the premises and provided that no more than five persons are employed and not more than fifty (50) percent of the floor area of the building is used in the manufacture, processing, or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes,

2. Automobile parking areas,

3. Automobile service stations (including super-service stations,

4. Bakeries, employing not more than ten (10) persons on premises,

5. Baths, Turkish and the like,

6. Billiard or pool halls or bowling alleys,

7. Blueprinting and photostating shops,

8. Bird stores or pet shops,

9. Churches, temporary revivals,

10. Cleaning and pressing establishments using nonflammable and nonexplosive cleaning fluid,

11. Conservatories of music,

12. Department stores,

13. Electric distributing substations,

14. Frozen food lockers,

15. Funeral parlors,

16. Furniture stores,

17. Furniture warehouses for storing personal household goods,

18. Garages, public parking only,

19. Hospitals or sanitariums (except animal hospitals, clinics, hospitals or sanitariums for contagious mental or drug or liquor addict cases),

20. Interior decorating shops,

21. Medical laboratories,

22. Motels, auto courts, and tourist courts,

23. Music and vocal instructions,

24. Music stores,

25. Nurseries, flowers or plants,

26. Plumbing shops,

27. Printing, lithographing, or publishing establishments,

28. Public parking areas,

29. Radio and television stores,

30. Refrigerated lockers,

31. Restaurants, tea rooms, cafes, bars, and cocktail lounges,

32. Self-service laundries or launderettes,

33. Studios,

34. Skating rinks,

35. Taxidermists,

36. Telephone public utility buildings,

37. Trade schools, not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes,

38. Theaters or auditoriums (except drive-in theaters),

39. Upholstery shops,

40. Wedding chapels,

41. Other uses that are determined by the city council to be similar to those that are listed above. (Ord. 123 § 2, 1996; Ord. 55 § 10.01, 1980)

17.32.030 Building height.

Two stories and not to exceed thirty-five (35) feet. (Ord. 55 § 10.02, 1980)

17.32.040 Front yard.

Same as for C-1 zone, Section 17.28.040. (Ord. 55 § 10.03, 1980)

17.32.050 Side yard.

Same as for C-1 zone, Section 17.28.050. (Ord. 55 § 10.04, 1980)

17.32.060 Rear yard.

Same as for C-1 zone, Part 9, Section 17.28.060. (Ord. 55 § 10.05, 1980)

17.32.070 Area requirements.

Same as for C-1 zone, Section 17.28.070. (Ord. 55 § 10.06, 1980)

17.32.080 Distance between buildings on the same lot.

Same as for C-1 zone, Section 17.28.080. (Ord. 55 § 10.07, 1980)

Chapter 17.36

M-1 LIMITED MANUFACTURING ZONE

Sections:

17.36.010 Generally.
17.36.020 Uses permitted.
17.36.030 Building height.
17.36.040 Front yard.
17.36.050 Side yard.
17.36.060 Rear yard.
17.36.070 Area requirements.

17.36.010 Generally.

The following regulations shall apply in the M-1 limited manufacturing zone unless otherwise provided in this title. (Ord. 64 § 5 (part), 1985)

17.36.020 Uses permitted.

A. Any use permitted in other zoning districts of the city, except residential;

B. Bulk storage, wholesale, packing, truck terminal;

C. Manufacturing, processing, services, or research, provided that such activity is not objectionable due to noise, odor, vibration, dust, smoke or other similar effects beyond the confines of the property onto contiguous properties or into air or watercourses.

D. One dwelling for caretaker, watchman, or person primarily employed on the property. (Ord. 64 § 5 (part), 1985)

17.36.030 Building height.

Two stories and not to exceed thirty-five (35) feet. (Ord. 99 § 4 (part), 1991: Ord. 64 § 5 (part), 1985)

17.36.040 Front yard.

Same as for C-1 zone, Section 17.28.040. (Ord. 99 § 4 (part), 1991)

17.36.050 Side yard.

Same as for C-1 zone, Section 17.28.050. (Ord. 99 § 4 (part), 1991)

17.36.060 Rear yard.

There shall be a rear yard behind every main building of not less than twenty (20) feet. (Ord. 99 § 4 (part), 1991)

17.36.070 Area requirements.

All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. Nonresidential, commercial, or industrial development shall not be allowed to exceed a design capacity for two hundred ten (210) persons per acre and a building intensity of fifty (50) percent maximum lot coverage. (Ord. 99 § 4 (part), 1991)

Chapter 17.40

A-T AGRICULTURAL TRANSITION ZONE

Sections:

17.40.010 **Generally.**
17.40.020 **Uses permitted.**
17.40.030 **Uses permitted by use permit.**
17.40.040 **Building height.**
17.40.050 **Front yard.**
17.40.060 **Side yard.**
17.40.070 **Rear yard.**
17.40.080 **Area requirements.**
17.40.090 **Distance between buildings on the same lot.**

17.40.010 Generally.

The following regulations shall apply in the A-T Agricultural-Transition zone unless otherwise provided in this title. (Ord. 64 § 6 (part), 1985)

17.40.020 Uses permitted.

A. Agricultural use such as raising and grazing of livestock, poultry, or other animals; growing and harvesting of trees, fruits, vegetables, flowers, grains or other crops; storage, packing or processing of agricultural products produced on the property, without changing the nature of the products; sale on the property of products produced thereon; provided that such uses are carried on by a resident of the property, are incidental to the use thereof, and are not a nuisance to contiguous properties;

B. One family dwelling, one guesthouse, renting on not more than one room. (Ord. 64 § 6 (part), 1985)

17.40.030 Uses permitted by use permit.

A. Mining, quarrying, excavating, concentrating, exploring, drilling, processing, and stockpiling of rock, sand, gravel, decomposed granite, lignite, coal, clay, gypsum, limestone, metallic ores, nonmetallic ores, hydrocarbons, and similar materials, and the reclamation of resultant excavations with inert materials in accordance with recognized standards and requirements of public agencies responsible for public health, fire, safety, and the protection of water resources. A use permit shall not be required if the extraction or prospecting causes the removal or moving of overburden and minerals in an amount of less than one thousand (1,000) cubic yards in any one location of one acre or less. (Ord. 64 § 6 (part), 1985)

17.40.040 Building height.

Two and one-half stories, and not to exceed thirty (30) feet. (Ord. 64 § 6 (part), 1985)

17.40.050 Front yard.

There shall be a front yard of not less than fifty (50) feet. (Ord. 64 § 6 (part), 1985)

17.40.060 Side yard.

There shall be a side yard of not less than twenty (20) feet. (Ord. 64 § 6 (part), 1985)

17.40.070 Rear yard.

There shall be a rear yard of not less than fifty (50) feet. (Ord. 64 § 6 (part), 1985)

17.40.080 Area requirements.

The minimum lot area shall be not less than one acre, with a minimum parcel width of not less than one hundred fifty (150) feet.

For residential buildings, the minimum ground floor area exclusive of open porches or

garages, shall be not less than seven hundred fifty (750) square feet. (Ord. 64 § 6 (part), 1985)

17.40.090 Distance between buildings on the same lot.

There shall be a minimum distance of six feet between a building used for dwelling purposes and an accessory building.

There shall be a minimum distance of six feet between accessory buildings. (Ord. 64 § 6 (part), 1985)

Chapter 17.44

SPECIAL PLANNING ZONE

Sections:

17.44.010	**Generally.**
17.44.020	**Established.**
17.44.030	**Uses permitted.**
17.44.040	**Land and structure regulations.**
17.44.050	**Establishment—Removal.**
17.44.060	**Development plan.**
17.44.070	**Development schedule.**
17.44.080	**Preliminary development plan—Advisory opinion.**
17.44.090	**Policy statement.**
17.44.100	**Designation on zoning map.**
17.44.110	**Development permit.**

17.44.010 Generally.

The following regulations shall apply in the SP special planning zone unless otherwise provided in this title. (Ord. 64 § 7 (part), 1985)

17.44.020 Established.

The SP zone is established in the city to accommodate various types of single purpose or multi-use development projects. The SP zone allows for minor flexibility in land and structure regulations for projects demonstrating features beneficial to the city or its residents and property owners. The SP zone may be applied as its own primary zone, or may be combined with other primary zoning districts. (Ord. 64 § 7 (part), 1985)

17.44.030 Uses permitted.

A. When applied as a primary zone, any and all uses are permitted, provided such use or uses are shown on the development plan for the particular SP zone as approved in conformance with this chapter.

B. When applied as a combining zone with another primary zoning district, uses allowed by right are all of those uses. allowed by right in the primary zone with which the SP zone is combined. (Ord. 64 § 7 (part), 1985)

17.44.040 Land and structure regulations.

A. When applied as a primary zone, the maximum height and bulk, and minimum lot size, density, setback, yard, parking and loading requirements shall be established for each SP zone by the development plan approved by the council.

B. When applied as a combining zone, all land and structure-regulations of the primary zone shall apply, unless specifically modified by the approved development plan. Such modifications may only include modifications to the following items:

1. Minimum parcel area;
2. Maximum building coverage;
3. Minimum parcel width;
4. Minimum yards and setbacks;
5. Maximum building height;
6. Parking requirements.

C. In no case shall a lot size be less than seven thousand (7,000) square feet unless the lot is to remain unoccupied. In no case shall building intensity exceed thirty-five (35) percent maximum coverage. In no case shall population density exceed one dwelling unit: per seven thousand (7,000) square feet of net area covered by the plan. In no case shall

building height exceed thirty (30) feet. (Ord. 99 § 1, 1991; Ord. 64 § 7 (part), 1985)

17.44.050 Establishment—Removal.

SP zones may be established or removed from the zoning map upon the application of a property owner or owners or upon the initiative of the council or planning commission in accordance with the procedures set forth in Chapter 17.76 for amendments. An application to establish a SP zone shall require submission by the applicant of a development plan and schedule in conformity with this part along with fees as adopted by resolution. When initiated by the city, such SP zone proposal shall include a policy statement prepared in accordance with this chapter, in lieu of a development plan and schedule. No development plan shall be adopted pursuant to a city-initiated SP zone unless it is in conformity with the adopted policy statement. Any development in a SP zone shall be subject to the requirements of this chapter and shall be in conformity with the requirements of the development plan adopted for such SP zone. (Ord. 64 § 7 (part), 1985)

17.44.060 Development plan.

A. An application for a SP zone shall be made to the commission and shall include and be accompanied by a development plan. The SP zone, when adopted, shall become a part of the zoning map of the city as provided for in Section 17.08.020 and the development plan for such SP zone shall be adopted by resolution of the planning commission.

B. Any changes in the development plan which involve uses shall be made in accordance with the procedures set forth in Chapters 17.76 and 17.80 of this title.

C. If changes are proposed to the development plan which do not involve new uses, the building inspector shall have the power to approve such changes, provided that they conform in principle to the approved development plan. If, in the opinion of the building inspector, the changes do not conform in principle to the approved development plan, such changes shall be referred to the panning commission for decision.

D. The development plan shall include:

1. A map showing any street system and lot design proposed within the zone. Any areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and other uses must be shown. Compliance with this requirement shall not be construed to relieve the applicant from compliance with the subdivision regulations or any other applicable regulations of the city;

2. A plot plan for each building site or sites in the proposed SP zone or any portion thereof as required by the planning commission. A plot plan shall show the approximate location of all proposed buildings, indicating maximum and minimum distances between buildings, and between buildings and property or building site lines;

3. Elevations and/or perspective drawings of all proposed structures except single family residences and their accessory buildings. Such drawings need not be the result of final architectural decisions and need not be in detail. The purpose of such drawings is to indicate, within stated limits, the height of proposed buildings and the general appearance of the proposed structures to the end that the entire development will have architectural unity and be in harmony with surrounding developments;

4. Any or all of the following plans, studies and diagrams may also be required, as determined by the city engineer, to be included on the plot plan or appended thereto:

a. Off street parking and loading plan,

b. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the SP zone and to and from adjacent public thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown,

c. Landscaping and tree planting plan,

d. A map showing the topography of the proposed zone to engineering standards of scale, contour intervals and detail,

e. An economic feasibility report or market analysis,

f. A preliminary grading plan prepared by a registered civil engineer on projects anticipating appreciable amounts of grading. (Ord. 64 § 7 (part), 1985)

17.44.070 Development schedule.

A. An application for a SP zone shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date when construction of the project can be expected to begin, the anticipated rate of development, and the completion date. The development schedule for an application to prezone a SP zone shall indicate the approximate time period, after the property is annexed to the city and the SP zone becomes effective, when construction of the project can be expected to begin, the anticipated rate of development, and the anticipated time to completion. The development schedule, if approved by the council, shall become part of the development plan and shall be adhered to by the owner of the property in the SP zone and his or her successors in interest. The city shall require posting of cash, a savings and loan certificate, or a performance bond issued by a corporate surety company in an amount to be determined by the city engineer to cover the cost of public improvements adjacent to the proposed development prior to the issuance of the building permit for the first phase of construction.

B. From time to time, the planning commission shall compare the actual development accomplished in the various SP zones with the approved development schedules.

C. If the owner or owners of property in SP zones have failed to meet the approved development schedule, the commission may initiate proceedings to repeal the SP zone and rezone the property to the zone classification it held immediately prior to being zoned SP.

D. Upon request of the property owner and for good cause shown, the planning commission may extend the time limits of the development schedule; provided, that any requests for an extension of these limits shall be on file in the office of the planning commission at least thirty (30) days prior to the expiration of any time limit required by the development schedule. Any person dissatisfied with the decision of the planning commission may appeal to the council in accordance with the procedures set forth in Section 17.76.110. (Ord. 64 § 7 (part), 1985)

17.44.080 Preliminary development plan—Advisory opinion.

A. A preliminary development plan may be submitted by an owner, at his or her option, to the planning commission for the purposes of receiving an advisory opinion on the land use, density and other items being proposed. Such preliminary development plan shall be clearly labeled preliminary and shall include a

location plan, plot plan showing the approximate location of buildings, building sizes and use, parking areas, circulation and may include any special features being proposed. Such plan shall be of sufficient scale and accuracy to clearly show the intentions of the owner.

B. A preliminary development plan shall be accompanied by an application and fees equivalent to one-half the fees normally required for planned developments. Such application and fees shall entitle the applicant to one hearing before the planning commission and one advisory opinion of the land use and density proposed.

C. An advisory opinion of the planning commission issued on a preliminary development plan shall not be construed as approval or disapproval of the project. The purpose of the advisory opinion shall be to provide assistance and advice to the owner in the preparation of a formal proposal. (Ord. 64 § 7 (part), 1985)

17.44.090 Policy statement.

A. When a SP zone is initiated by the city, the SP zone proposed shall be accompanied by a policy statement. The SP zone, when adopted, shall become a part of the zoning map of the city as provided for in Section 17.08.020 and the policy statement for such SP zone shall be adopted by resolution of the council.

B. Any changes in the policy statement shall be made in accordance with procedures set forth in Chapter 17.76 for amendments.

C. The policy statement shall include:

1. A description of the area to be zoned SP with sufficient accuracy to be located on the city zoning map;

2. A general description of the location, terrain and characteristics of the area;

3. A statement of any particular or unusual characteristics, features, problems or circumstances which make the SP zone the appropriate zone;

4. A statement of the goals or reasons why the SP zone is established;

5. A resolution of the permitted land use, density, restrictions and standards under which any projects proposed within the zone shall conform. (Ord. 64 § 7 (part), 1985)

17.44.100 Designation on zoning map.

Each SP zone shall be numbered, the first adopted being shown on the zoning map as "SP (1)", and each zone subsequently adopted being numbered successively. Each SP zone adopted with a policy statement shall be indicated on the zoning map as a SP zone with the resolution number of the adopted policy statement. (Ord. 64 § 7 (part), 1985)

17.44.110 Development permit.

A. Upon completion of a final determination of the SP zone by the city council, a development permit specifying the terms, conditions, provisions, limitations, restrictions and requirements of the project will be issued for the project by the building official upon application. No building permit may be issued for the project unless such building permit plans are in accordance with all elements of the development permit.

B. Where specific terms, conditions, provisions, limitations, restrictions and requirements have not been specified in the rezoning process, or where modifications or changes are requested to the project or conditions and requirements, the development permit shall be

considered by the planning commission under the procedures specified under Chapter 17.76.

C. Minor changes not involving specific terms, conditions, provisions, limitations, restrictions and requirements of the development permit and not involving new uses may be made upon written approval of the building official. (Ord. 64 § 7 (part), 1985)

Chapter 17.48

PS PUBLIC SERVICE COMBINING ZONE

Sections:

17.48.010 Generally.
17.48.020 Uses permitted.
17.48.030 Land and structure regulations.

17.48.010 Generally.

The following regulations shall apply in the PS public service combining zone unless otherwise provided in this title. (Ord. 64 § 8 (part), 1985)

17.48.020 Uses permitted.

A. Public, quasi-public, or public utility sites which are generally used to provide services to the public, and generally include schools, public buildings, corporation yards, water and sewage treatment plants, power substations, and the like. (Ord. 64 § 8 (part), 1985)

17.48.030 Land and structure regulations.

The land and structure regulations shall be those of the primary zone with which the PS zone is combined.

In instances where the PS designation is not combined with another zone, lot sizes shall not be created that are less than one thousand seven hundred fifty (1,750) square feet in area, building intensity shall not exceed seventy-five (75) percent maximum lot coverage, building height shall not exceed thirty-five (35) feet, and residential uses shall not be permitted. (Ord. 99 § 2, 1991; Ord. 64 § 8 (part), 1985)

Chapter 17.52

AE AGRICULTURAL ESTATE ZONE

Sections:

17.52.010	**Generally.**
17.52.020	**Uses permitted.**
17.52.030	**Land and structure regulations.**
17.52.040	**Area requirements.**
17.52.050	**Reversion of zoning.**

17.52.010 Generally.

The following regulations shall apply in the AE agricultural estate zone unless otherwise provided by this title. AE zoning shall be applied to those lands designated by the council as agricultural preserves and subject to contracts under the provisions of the California Land Conservation Act. Rezoning to the AE zone shall be initiated only at the request of the landowner. (Ord. 73 § 1 (part), 1986)

17.52.020 Uses permitted.

1. General farming, including but not limited to the raising, growing, and harvesting of vegetable, field, forage, vine, bush, berry, tree, or other plant crop including plant nursery stock;

2. Grazing, maintaining, breeding, training, and raising of poultry and livestock of all kinds including horses, cattle, sheep, goats, hogs, and agricultural species such as fish and fur-bearing species provided there is no feeding of refuse, garbage, sewage or offal;

3. Nurseries, greenhouses, mushroom rooms, floriculture;

4. Boarding of horses or other farm animals;

5. Growing and harvesting of timber, Christmas trees, or other plants;

6. Dairies and products of dairy products from milk produced on the premises;

7. Poultry farms;

8. Raising, feeding, maintaining, breeding, and slaughtering of livestock, chickens, turkeys, rabbits, pigeons, ducks, geese, fish, frogs, and small animals or fowl in household numbers for family use;

9. Single-family dwellings and appurtenant structures allowed in R districts and such other structures normally associated with agricultural activities, including but not limited to barns, stables, sheds, and silos; provided, however, that only one single-family residence shall be allowed for each forty (40) acres on any parcel or contiguous parcels subject to one California Land Conservation Act contract. All structures or dwellings on a parcel or contiguous parcels subject to one such contract shall be directly used for the furtherance of the agricultural use of such property; and shall be limited to immediate members of the owners family and his or her employees;

10. Home occupations, as defined in Section 17.04.030;

11. Wells, water storage, and reservoirs, including on-site excavation or removal of materials for construction thereof;

12. Storage of petroleum products for use by the occupants of the premises;

13. Veterinary clinics and services, animal hospitals, kennels;

14. Harvesting, curing, processing, packaging, packing, selling, and shipping of agricultural products on a parcel devoted to agricultural use and the treating of products grown or raised on and off the premises where such activity is carried on in conjunction with or as part of an agricultural use; excepting therefrom the commercial slaughtering of livestock, small animals, fish, poultry, or fowl;

15. Holding of nonproducing land for future agricultural use;

16. Maintenance of land in its natural state for the purpose of preserving open space for recreation or the creation of plant or animal preserves;

17. Apiaries and honey extraction plants;

18. Nonintensive recreation when carried on as a clearly secondary activity in conjunction with a bona fide agricultural operation, including but not limited to fishing, hiking, hunting, rifle and pistol practice range, skeet field, archery range, or gun club when such activities do not involve the construction of any permanent structure;

19. Sale of food products produced on the premises;

20. Feed lots and feedyards, provided there is no feeding of refuse, garbage, sewage, or offal;

21. Airport or aircraft landing facilities for use of owner or tenant of the property or for agricultural service use;

22. The following uses when carried on as a clearly secondary occupation in conjunction with a bona fide agricultural operation, where no more than ten percent of the total land is used and where no more than three persons other than the owner are employed in such activities, and which are owned and operated by the owner or occupant of the premises:

a. Manufacturing, maintenance, repair, servicing, storage, sale, or rental of agricultural machinery, implements and equipment of all kinds,

b. Storage or sale of farm supplies of all kinds, including but not limited to fertilizers, agricultural minerals, and pesticides,

c. Transportation of agricultural products, supplies, or equipment, together with the maintenance, storage, repair and servicing of the necessary trucks and equipment therefor;

23. Public utility and public services, structures, uses, and buildings provided such uses are clearly secondary and in conjunction with a bona fide agricultural operation;

24. Commercial radio, television, or microwave antennas and transmitters;

25. Gas, electric, water, and communication utility facilities and public service facilities of like nature operated by a public agency or mutual water company;

26. Public highways;

27. Fire protection works and facilities; flood control works, including channel rectification and alteration; public works required for fish and wildlife enhancement and preservation; improvements for the primary benefit of the lands within the preserve; state improvements for which the site or route has been specified by the state legislature in such a manner as to make it impossible to avoid the use of subject AG zoned property;

28. Livestock auctions and sales yards;

29. Any structure, building, equipment, or use incidental and necessary to any of the foregoing uses;

30. Winery facilities and fruit and nut dehydrating plants.

31. The following uses are permitted in the AE zone upon obtaining a use permit as provided for in Chapter 17.80:

a. Turkey farms, provided there is a cover crop or other dust control,

b. Any garbage, sewage, refuse, or offal feeding,

c. Commercial small animal and fowl specialty farms, including but not limited to chinchillas, minks, foxes, rodents, aviaries, rabbits, frogs, pigeons, ducks, and geese,

d. Commercial slaughterhouses and stockyards for livestock, small animals, poultry, and fowl,

e. Rendering plants and fertilizer plants,

f. Commercial recreation, dude ranches, and boarding and guest facilities when carried on as a clearly secondary use in conjunction with a primary agricultural use,

g. Oil and gas wells, including the drilling and installation, and use of such equipment, structures, and facilities as are necessary or convenient for oil-drilling and oil-producing operations customarily required or incidental to usual oil field practice, including but not limited to the initial separation of oil, gas, and water and for the storage, handling, recycling, and transportation of such oil, gas, and water to and from the premises; provided such activities are carried on as a clearly secondary activity in conjunction with a bona fide agricultural operation,

h. Development of natural resources including mines, open pits for extraction of minerals, borrow pits, and quarries, with necessary buildings, apparatus, or appurtenances thereto; provided such activities are carried on as a clearly secondary activity in conjunction with a bona fide agricultural operation,

i. Any use determined by the planning commission after recommendations by the agricultural advisory committee to be compatible with the purposes of the California Land Conservation Act and which do not significantly adversely affect agricultural operations,

j. Any structure, building, use, or equipment incidental and necessary to any of the above uses, located on the same site, and included in the use permit. (Ord. 73 § 1 (part), 1986)

17.52.030 Land and structure regulations.

The land and structure regulations for the AE zone as they pertain to building height, front yard, side yard, rear yard, and distance between buildings and the same lot shall be the same as the A-T Agricultural Transition zone, unless otherwise provided herein. (Ord. 73 § 1 (part), 1986)

17.52.040 Area requirements.

A. No property shall be rezoned to the AE zone unless the following requirements are met:

1. a. No parcel less than forty (40) acres shall be zoned AE except that contiguous parcels under common ownership totaling forty (40) acres or more may be zoned AE if said parcels are merged into an assessor's parcel. Such parcels shall be considered as one parcel for purposes of subdivision under the State Subdivision Map Act and this title.

b. A parcel comprised of less than forty (40) acres may be zoned AE despite the forty (40) acre minimum for AE parcels set forth in subsection (A)(1)(a) of this section; provided, that a variance is first obtained pursuant to Chapter 17.76; provided, however, that in addition to the requirements of that chapter, the council must find that special circumstances have caused the size of the parcel to be less than forty (40) acres, that the parcel substantially complies with the forty (40) acre minimum set forth herein, and that the owner thereof or his or her predecessor in interest did not, within three years preceding the application for rezoning, voluntarily reduce the size of the parcel below the forty (40) acre minimum. The foregoing notwithstanding, no parcel of less than forty (40) acres shall under any circumstances be zoned AE unless it is contiguous to a parcel zoned AE, which parcel is subject to a California Land Conservation Act contract and which has a size of forty (40) acres or more.

2. Parcels to be zoned AE containing one hundred sixty (160) acres or more shall indi-

cate a potential ability to produce an annual gross income from agriculture of not less than three thousand dollars ($3,000.00), or shall have permanent agricultural improvements thereon with a value of not less than ten thousand dollars ($10,000.00). The amounts set forth in this subdivision shall be adjusted for inflation each year beginning January 1, 1987, in accordance with any increase or decrease in the Consumer Price Index for Northern California published by the United States Department of Labor or any other appropriate index or combination of indices selected by the council, which amounts shall be rounded to the nearest hundred dollars.

3. Property less than one hundred sixty (160) acres but not less than one hundred (100) acres shall meet both of the criteria listed in subsection (A)(2) of this section.

4. Property less than one hundred (100) acres but at least forty (40) acres or qualifying pursuant to subsection (A)(1)(b) of this section shall meet both of the criteria listed in subsection (A)(2) of this section and additionally shall demonstrate unique characteristics of an agricultural industry.

5. Property less than one hundred sixty (160) acres may be considered to satisfy requirements of subsection (A)(1) through (4) of this section if the property is a portion of and contiguous to an adjacent tract under the same ownership which is within an agricultural preserve in an adjoining county and which, when considered as a whole, would meet the appropriate requirements.

6. A parcel may be found to meet the income requirements set forth in subsection (A)(1) through (4) of this section if the owner of the parcel demonstrates to the satisfaction of the council that the owner has planted at the time of this application for rezoning to AE, or that he or she shall plant during the calendar year following his or her application for rezoning to K, crop-bearing trees or vines or other slowly maturing crops, or that he or she has made or will make agricultural improvements which shall ensure that there will be, within five years from the date of the rezoning to AE, annual agricultural income from the parcel in the minimum amount set forth in this section. Any California Land Conservation Act contract entered into on the basis of this subdivision shall contain a provision that, in the event such income is not produced within such period, the council may terminate the contract at its sole discretion, which termination shall require the immediate payment of any property taxes saved by the property owner and/or his or her predecessor in interest resulting from the formation of the contract. The council may for good cause extend the five year period if the council finds that such income level may be reached in such extended period.

B. No property zoned AE and under California Land Conservation Act contract shall be approved for division under the provisions of the State Subdivision Map Act and this title unless:

1. A finding is made by the city council that each parcel to be created by the proposed division satisfies the requirements for AE zoning stated in this section based upon its individual merits; or

2. A finding is made by the city council that the parcel to be created by the proposed division is for the purpose of providing security for financing on a parcel already encumbered by an existing security instrument of record and is for a second dwelling, or a farm improvement to be utilized in conjunction with the agricultural use of the property, including but not limited to, barns, wineries, dairies, food processing plants, or other uses

of a similar nature. Such parcel shall be five acres in size.

3. A tentative and parcel map shall be required for divisions of land allowed under the provisions of subsection (B)(1) and (2) of this section. Land divisions approved for the purpose of financing shall be restricted to the land uses and immediate members of the owners family as permitted under Section 17.52.020(9). Parcel maps shall contain a notation which states the following:

> This land division is for the purposes of financing only and any parcel hereby created shall be merged or reverted to acreage with the remainder upon satisfaction of the indebtedness.

4. Prior to the filing of the parcel map with the city council, the financial instrument shall be reviewed and approved by the city attorney. The financial instrument shall contain a reversionary clause which merges the parcel with the remainder parcel upon satisfaction of the indebtedness. The financial instrument shall be restricted to a loan from a federally or state- chartered bank, savings and loan association or credit union, or a state-regulated mortgage company. (Ord. 73 § 1 (part), 1986)

17.52.050 Reversion of zoning.

AE zoning shall run concurrently with the California Land Conservation Act contract. Upon termination or expiration of the contract, subject property shall automatically be deemed to be zoned A-T, agricultural transition zone unless zoning to another district has been approved by the council. (Ord. 73 § 1 (part), 1986)

Chapter 17.56

MANUFACTURED HOME COMBINING ZONE

Sections:

17.56.010	**Purpose.**
17.56.020	**Designation requirements.**
17.56.030	**Standards for construction.**
17.56.040	**Modification of standards.**
17.56.050	**Taxation.**
17.56.060	**Permits.**

17.56.010 Purpose.

The purpose of the manufactured home combining zone is to allow the placement of manufactured homes not qualifying as modular homes as defined in this code on designated single family dwelling lots that have been determined to be compatible for such use. This zone is to be applied in accordance with Section 65852.3 of the California Government Code. The MH combining zone may be combined with any of the following zones subject to the provisions contained in this title: R-l, R-2, R-3 or R-4. (Ord. 56 § 2 (part), 1982)

17.56.020 Designation requirements.

The planning commission of the city shall establish and designate certain residential areas and lots as suitable and compatible for the manufactured home combining zone, pursuant to the following findings of fact:

A. That such zone is compatible with the adjacent land uses and surrounding neighborhood;

B. That such zone is consistent with the general plan;

C. That such zone is necessary to provide reasonable and available housing for the benefit of the general public. (Ord. 56 § 2 (part), 1982)

17.56.030 Standards for construction.

A. The manufactured home shall:

1. Be occupied only as a residential unit;

2. Be subject to all provisions of the zone to which the MH zone has been combined with regards to residential structures;

3. Be attached to a permanent foundation system in compliance with all applicable building regulations;

4. Have a minimum width of twenty (20) feet and minimum length of sixty (60) feet, or one thousand (1,000) square feet;

5. Be covered with an exterior material customarily used on conventional dwellings and approved by the building inspector of the city. 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;

6. Have a roof pitch of not less than four inch vertical rise for each twelve (12) inches of horizontal run and consisting of shingles or other material customarily used for conventional dwellings and approved by the building inspector of the city;

7. The manufactured home shall have porches and eaves similar to those required for conventional dwellings and necessary to be compatible in the designated area in which it is to be located;

8. Mobilehomes. The mobilehomes which qualify as manufactured homes under this title shall meet the following Title 25 (California Administrative Code) regulations for foundations:

1. Foundation System Definition. A foundation system is an assembly of material constructed below, or partly below grade, not intended to be removed from its installation site, which is designed to support the structure and engineered to resist the imposition of external natural forces.

2. The mobilehome foundation systems shall be designed in accordance with the provisions of Chapter 29 of the Uniform Building Code, 1979 Edition, and local soil conditions. Design conditions for roof, wind, and seismic loads applicable to permanent building foundations shall be applicable to the mobilehome foundations system.

3. The mobile homes shall be installed in accordance with installation instructions provided by:

a. The manufacturer of the mobilehome; or

b. A California licensed architect or engineer for an individual mobilehome where manufacturer's installation instructions are not available.

4. Both the foundation system arid connection of the mobilehome to the foundations system shall be capable of withstanding the design loads and concentrated loads identified in the installation instructions.

5. A foundation system plan shall be provided in addition to the installation instructions. The foundation system may be:

a. Provided by the mobilehome manufacturer either as a part of, or separate from the installation instructions;

b. Provided by the installation contractor;

c. Required to be signed by a California licensed architect or engineer.

6. A foundation system plan approved by the California Department of Housing and Community Development will be accepted. (Ord. 56 § 2 (part), 1982)

17.56.040 Modification of standards.

Modification of the standards set forth herein may be granted upon appeal of the building permit to the Amador City building and construction board of appeals. Such appeal may be granted if the modification is found not to be detrimental to the public interest or surrounding residents or properties. (Ord. 56 § 2 (part), 1982)

17.56.050 Taxation.

A mobilehome which as been placed on a foundation system pursuant to this title shall be deemed to be a manufactured home and subject to local property taxation pursuant to Section 18551 of the California Health and Safety Code and Section 109.7 of the Revenue and Taxation Code. (Ord. 56 § 2 (part), 1982)

17.56.060 Permits.

Prior to installation of a manufactured home, the owner or licensed contractor shall obtain a building permit from the city building department. To obtain such a permit, the owner or contractor shall comply with all requirements of the building department and Section 18551(a) of the State Health and Safety Code. (Ord. 56 § 2 (part), 1982)

Chapter 17.60

DESIGN AND USE REGULATIONS GENERALLY

Sections:

17.60.010 Generally.
17.60.020 Conflicting regulations.
17.60.030 Less restrictive uses prohibited.
17.60.040 Additional permitted uses.
17.60.050 Additional excluded uses.
17.60.060 Nonconforming buildings and uses.
17.60.070 Building under construction.
17.60.080 Reconstruction of damaged nonconforming buildings.
17.60.090 Nonconforming uses resulting from amendments.
17.60.100 Location of dwelling.
17.60.110 Height of buildings.
17.60.120 Dwelling and other occupancies.
17.60.130 Accessory buildings.
17.60.140 Additional dwelling units.
17.60.150 Through lots.
17.60.160 Yard encroachments.
17.60.170 Fences, walls, and hedges.
17.60.180 Rummage sales and flea markets.
17.60.190 Obstructions to public ways.

17.60.010 Generally.

The regulations specified in this title shall be subject to the following interpretations and exceptions. (Ord. 55 § 16.00, 1980)

17.60.020 Conflicting regulations.

Where any provision of this title imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this title shall govern. (Ord. 55 § 16.01, 1980)

17.60.030 Less restrictive uses prohibited.

The express enumeration and authorization in this title of a peculiar class of building, structure, premises, or use in a designated zone shall be deemed a prohibition of such building, structure, premises or use in all zones of more restrictive classification, except as otherwise specified. (Ord. 55 § 16.02, 1980)

17.60.040 Additional permitted uses.

Uses other than those specifically mentioned in this title as uses permitted in each of the zones may be permitted therein, provided such uses are similar to those mentioned and are in the opinion of the planning commission and city council, as evidenced by a resolution in writing, not more obnoxious or detrimental to the welfare of the community than the permitted uses specifically mentioned in the respective zones.

Public utility distribution and transmission lines, both overhead and underground, shall be allowed in any district without limitation as to height and without the necessity of first obtaining a use permit; provided, however, that the routes of the proposed electric transmission lines shall be submitted to the planning commission for recommendation prior to acquisition of right-of-way therefor. (Ord. 55 § 16.03, 1980)

17.60.050 Additional excluded uses.

Uses other than those specifically mentioned in this title as uses excluded from any zone may be excluded therefrom provided such uses are in the opinion of the planning commission and city council, as evidenced by a resolution in writing, not less obnoxious or detrimental to the welfare of the community than the excluded uses specifically mentioned in any zone. (Ord. 55 § 16.04, 1980)

17.60.060 Nonconforming buildings and uses.

The following regulations shall apply to all nonconforming buildings and structures or parts thereof and uses existing at the effective date of the ordinance codified in this title:

A. Any such nonconforming building or structure may be continued and maintained provided there is no physical change other than necessary maintenance and repair in such building or structure except as permitted in other sections of this title.

B. Any such nonconforming use may be maintained and continued provided there is no increase or enlargement of the area, space, or volume occupied or devoted to such nonconforming use, except as otherwise provided in this title.

C. Any part of a building, structure or land occupied by such a nonconforming use which is changed to or replaced by a use conforming to the provisions of this title shall not thereafter be used or occupied by a nonconforming use.

D. Any part of a building, structure, or land occupied by such a nonconforming use, while use is abandoned, shall not again be used or occupied for a nonconforming use. Any part of a building structure or land occupied by such a nonconforming use, which use is discontinued for a period of one year or more, shall not again be used or occupied for a nonconforming use.

E. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification.

F. Every nonconforming use of land (where no main building is involved) existing at the time the ordinance codified in this title becomes effective shall be discontinued within one year from the effective date of said ordinance.

G. Refer to Chapter 15.16 regarding signs.

H. The foregoing provisions of this section shall also apply to buildings, structures, land, or uses which hereafter become nonconforming due to any reclassifications of zones under this title or any subsequent change in the regulations of this title, provided, however, that where a period of years is specified in this section for the removal of nonconforming buildings, structures, or uses, such period shall be computed from the date of such reclassification or change.

I. The foregoing provisions of this section shall not apply so as to prevent the modernization or replacement of public utility buildings, structures, equipment, and facilities where there is no change of use or increase in area of property so used. (Ord. 55 § 16.05, 1980)

17.60.070 Building under construction.

Any building or structure, for which a building permit has been issued prior to the effective date of the ordinance codified in this title may be completed and used in accordance with the plans, specifications, and permits on which such building permit was granted, if construction is commenced within sixty (60) days after the issuance of the permit and dili-

gently prosecuted to completion. (Ord. 55 § 16.06, 1980)

17.60.080 Reconstruction of damaged nonconforming buildings.

Nothing in this title shall prevent the reconstruction, repairing, or rebuilding and continued use of any nonconforming building or structure partially damaged by fire, collapse, explosion, or acts of God, subsequent to the effective date of the ordinance codified in this title wherein the expense of such construction does not exceed one hundred (100) percent of replacement value of the building or structure at the. time such damage occurred. All such reconstruction shall be performed under one building permit started within a period of one year from date of damage and diligently prosecuted to completion. The provisions of this section shall not apply to public utility buildings and structures. (Ord. 55 § 16.07, 1980)

17.60.090 Nonconforming uses resulting from amendments.

The provisions of this title shall apply to uses which become nonconforming by reason of any amendment to this title, as of the effective date of such amendment. (Ord. 55 § 16.08, 1980)

17.60.100 Location of dwelling.

Except where otherwise provided for in this title, every dwelling shall face or have frontage upon a street. (Ord. 55 § 16.09, 1980)

17.60.110 Height of buildings.

No penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment; towers, steeples, roof signs, or other structures shall exceed the height limit provided in this title. Radio and television masts, flagpoles, chimneys, and smokestacks may extend not more than thirty (30) feet above the height limit provided in this title, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances. (Ord. 55 § 16.10, 1980)

17.60.120 Dwelling and other occupancies.

Where a dwelling is located, placed, or erected above another type of use in zones other than R-1, R-2, R-3, or R-4 zones, the rear and side yards for the floors occupied for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 55 § 16.11, 1980)

17.60.130 Accessory buildings.

The following regulation shall apply to the location -of accessory buildings unless otherwise provided in this title.

A. No detached accessory building in the R-1, R-2, R-3, or R-4 zone may exceed two stories or thirty (30) feet in height.

B. No detached accessory buildings in the R-1, R-2, R-3, or R-4 zones shall be located at a distance less than sixty (60) percent of the depth of the lot from the front property line, or ninety (90) feet, whichever is less.

C. On a corner lot, no detached accessory buildings in the R-1, R-2, R-3, or R-4 zones shall be located at a distance less than ten (10) feet from the side street line.

D. No accessory buildings in the R-1, R-2, R-3, or R-4 zones; if two stories in height, shall be located nearer than five feet to any interior property line.

E. No accessory buildings on the rear twenty-five (25) feet of a reversed corner lot in the R-1, R-2, R-3, or R-4 zones shall be located nearer to the side lot line on the street

side of such reversed corner lot than the front yard depth required on the key lot in the rear.

F. A private garage of not to exceed six hundred (600) square feet may be a part of the main building if the garage and the main building have a common wall of not less than five feet in length, or if not more than six feet from the main building, and connected thereto by a roof of not less than five feet in width. Such attached garage may extend into the required rear yard for a distance of not more than fifteen (15) feet. (Ord. 99 § 10, 1991; Ord. 55 § 16.12, 1980)

17.60.140 Additional dwelling units.

Notwithstanding any other provisions of this title, where a lot in the R-1 zone has an area of twelve thousand (12,000) square feet or more and with adequate provisions for ingress and egress, a special use permit may be granted by the planning commission for the construction of additional one-family dwellings and allowable accessory buildings, however, the minimum site area shall be six thousand (6,000) square feet of lot area per each one-family dwelling. Notwithstanding any other provisions of this title, where a lot in the R-2 zone has an area of nine thousand (9,000) square feet or more and with adequate provisions for ingress and egress, a special use, permit may be granted for the construction of additional family dwelling units and allowable accessory buildings, however, the minimum site area shall be three thousand (3,000) square feet of lot area per each family dwelling unit.

The procedure of filing of applications, filing fees, investigation, notices, public hearings, and findings shall be the same as herein provided for variances. (Ord. 55 § 16.13, 1980)

17.60.150 Through lots.

On through lots either line separating such lot from a public thoroughfare may be designated by owner as the front lot line. In such cases the minimum rear yard shall be the average of the yards on lots next adjoining. If such lots next adjoining are undeveloped, the minimum yard shall conform to the front yard setback for the zone in which the property is located. (Ord. 55 § 16.14, 1980)

17.60.160 Yard encroachments.

Where yards are required in this title, they shall be not less in depth or width than the minimum dimension specified for any part, and they shall be at every point open and unobstructed from the ground upward, except as follows:

A. Cornices, canopies, carports, eaves, or other similar architectural features not providing additional floor space within the building may extend into a required front, side, or rear yard not to exceed two feet.

B. Open, unenclosed, uncovered porches, platforms or landing places which do not extend above the level of the first floor of the building, may extend into any front, side or rear yard designated set back not more than two feet; provided, however, that an open work railing must be a minimum of thirty-six (36) inches installed or constructed on any such porch, platform or landing place.

C. Detached accessory buildings may occupy side and rear yards as provided in Section 17.60.130 of this title. (Ord. 121, 1996; Ord. 55 § 16.15, 1980)

17.60.170 Fences, walls, and hedges.

A. In the R-1, R-2, R-3, and R-4 zones no fence, wall, or hedge located in the rear or side yards shall exceed a height of six feet.

B. In the R-1, R-2, R-3, and R-4 zones no fence, wall, or hedge located in the required front yard shall exceed a height of four feet.

C. In the R-1, R-2, R-3, and R-4 zones no fence, wall, or hedge located along the street side or within ten (10) feet of the rear line of a reverse corner lot between the street and the established setback line on the key lot, to the rear, shall exceed a height of four feet.

D. In the R-1, R-2, R-3, and R-4 zones no barbed wire shall be used or maintained in or about the construction of a fence, wall, or hedge along the front side, or rear lines of any lot, or within three feet of said lines, and no sharp wire or points shall project at the top of any fence or wall less than six feet in height.

E. The provisions of subsections (A), (B), (C), and (D) of this section shall not apply to fences required by law to surround and enclose public utility installations. (Ord. 55 § 16.16, 1980)

17.60.180 Rummage sales and flea markets.

Rummage sales and flea markets may be held in any given location or sponsored by a particular person or group for not more than five days in any calendar year. (Ord. 123 § 3, 1996)

17.60.190 Obstructions to public ways.

It is unlawful and a misdemeanor to obstruct or cause to be obstructed any part of, or any public use of any public street, highway, avenue, sidewalk, crosswalk or bridge to the extent that it creates any possible threat to health or safety or any violation of the Americans with Disabilities Act. (Ord. 123 § 4, 1996)

Chapter 17.64

OFF-STREET PARKING REQUIREMENTS

Sections:

17.64.010 Off-street parking required.
17.64.020 One-family, two-family, and multiple dwellings.
17.64.030 Rooming houses, lodging houses, clubs, fraternity houses, dormitories, and hotels.
17.64.040 Auto courts, tourist courts, and motels.
17.64.050 Hospitals, sanitariums, convalescent homes, and homes for the aged.
17.64.060 Auditoriums.
17.64.070 Amusements.
17.64.080 Commercial and industrial buildings.
17.64.090 Loading space.
17.64.100 Miscellaneous provisions.

17.64.010 Off-street parking required.

For each dwelling, multiple dwelling, business, or industrial establishment or other structure hereafter erected, there shall be provided and maintained off-street parking facilities to accommodate the motor vehicles used by the occupants, customers, clientele, and employees of such dwelling, multiple dwelling, business, or industrial establishment or structure. The aggregate amount of parking space for each type of use shall be not less than that stated in the following. (Ord. 55 § 17.00, 1980)

17.64.020 One-family, two-family, and multiple dwellings.

For every dwelling, multiple dwelling, or other structure erected or intended to be used as a dwelling, there shall be provided on the same lot or parcel of land one parking space for each dwelling unit. Each such parking space shall be not less than eight feet wide and twenty (20) feet long. (Ord. 55 § 17.01, 1980)

17.64.030 Rooming houses, lodging houses, clubs, fraternity houses, dormitories, and hotels.

For each one guest room there shall be provided one parking space. Each such parking space shall be on the same lot or parcel of land or contiguous thereto and shall contain at least two hundred (200) square feet, except that parking space for hotels shall be on the same lot or within five hundred (500) feet of the building. (Ord. 55 § 17.02, 1980)

17.64.040 Auto courts, tourist courts, and motels.

One parking space shall be provided for each living or sleeping unit on the same lot or parcel of land or contiguous thereto, and each such space shall contain at least two hundred (200) square feet. (Ord. 55 § 17.03, 1980)

17.64.050 Hospitals, sanitariums, convalescent homes, and homes for the aged.

One parking space shall be provided for each one thousand (1,000) square feet of floor space or fraction thereof on the same lot or parcel of land or contiguous thereto, and each such space shall contain at least two hundred (200) square feet. (Ord. 55 §17.04, 1980)

17.64.060 Auditoriums.

For church, high school, college, or university auditoriums and for theaters, general auditoriums, and other similar places of assembly one parking space shall be provided for every ten (10) seats provided in such building. A seat shall mean eighteen (18) lineal inches of seating space when seats are arranged in rows or pews. For auditoriums with no permanent seats, a seat shall mean seven square feet of floor area. Each such parking space shall contain at least two hundred fifty (250) square feet including adequate space for ingress and egress, and shall be on the same lot or within five hundred (500) feet of the building. (Ord. 55 § 17.05, 1980)

17.64.070 Amusements.

For stadiums, arenas, and fairs one parking space shall be provided for each four seats of eighteen (18) lineal inches each.

For dance halls one parking space shall be provided for each one hundred (100) square feet of floor area or fraction thereof.

For bowling alleys four parking spaces shall be provided for each alley.

Each such parking space shall contain at least two hundred fifty (250) square feet including adequate space for ingress and egress and shall be on the same lot or within five hundred (500) feet of the building or amusement area. (Ord. 55 § 17.06, 1980)

17.64.080 Commercial and industrial buildings.

For all office, commercial, and industrial buildings one parking space shall be provided for each five hundred (500) square feet of floor space or fraction thereof.

Each such parking space shall contain at least two hundred fifty (250) square feet including adequate space for ingress and egress, and shall be on the same lot or within five hundred (500) feet of the building. (Ord. 55 § 17.07, 1980)

17.64.090 Loading space.

On the same premises with every building, structure, or part thereof erected or occupied for manufacturing, storage, warehouse, goods, display, department store, wholesale or retail market, hotel, restaurant, hospital, laundry, dry cleaning plant, or other uses similarly involving the receipt or distribution of vehicles carrying materials or merchandise, there shall be provided and maintained on the lot adequate loading services in order to avoid undue interference with the public use of the streets or alleys. Required loading space may be included within the required parking space adjacent to a building. (Ord. 55 § 17.08, 1980)

17.64.100 Miscellaneous provisions.

Nothing in this title shall prohibit the collective use of space for off-street parking, provided such collectively used space is equal to the sum of the requirements of each individual establishment participating in such collective use.

When the required off-street parking space is provided on a separate lot from the main building, there shall be recorded in the office of the county recorder of Amador County, California, a covenant by the owner or owners of the lot for the benefit of the city to the effect that such owner or owners will continue to maintain such parking space as long as said building is maintained.

Neither a required side yard abutting a street, nor a front yard, shall be used for off-street parking.

All off-street automobile parking areas including automobile sales lots, service stations and other drive-in establishments shall be surfaced with a bituminous surface

faced with a bituminous surface treatment or other surfacing of a higher type. (Ord. 55 § 17.09, 1980)

Chapter 17.68

HOME OCCUPATIONS

Sections:

17.68.010 Intent and purpose.
17.68.020 Designation of uses.
17.68.030 Criteria.
17.68.040 Procedure.
17.68.050 Appeal of staff decision.

17.68.010 Intent and purpose.

The intent and purpose of the home occupation provisions is to authorize and regulate the conduct of a business in residentially zoned districts. Home occupations shall be limited to those uses which are to be conducted within a residential dwelling in such a manner and under such conditions and restrictions that will be compatible with and not disrupt the residential character of the neighborhood in which they are permitted or the appearance and condition of the residence in which they are conducted. Such provisions for land use permit under this section are in addition to procedures in Chapter 17.80. (Ord. 79 § 1(A), 1988)

17.68.020 Designation of uses.

The designation of permitted home occupations shall include any uses customarily conducted entirely within a residential dwelling. The use shall be clearly incidental and secondary to the principal use of the property for residential dwelling purposes. The following uses, or similar uses as determined by the city council, shall be considered eligible for home occupation permits provided that such uses comply with the criteria established by this chapter:

A. Consultative professional occupations, whose function is one of rendering a service;

B. Secondary business offices, where such business has its principal office, staff and equipment located elsewhere;

C. The home office of a salesperson providing no commodities shall-be displayed on the premises;

D. Drafting, designing or similar disciplines utilizing drafting or art equipment. (Ord. 79 § 1(B), 1988)

17.68.030 Criteria.

A home occupation may be permitted only upon obtaining an approved land use permit and city business license. In addition to special restrictions or conditions that may be attached to an approved land use permit, the following criteria shall apply:

A. Only occupants of the dwelling shall be employed on the premises.

B. The home occupation shall be conducted wholly within the structure(s) on the premises and shall not exceed fifty (50) percent of the total area of the structure(s). No new building constructed for purpose of home occupancy.

C. Inventory and supplies for the home occupation shall not occupy more than fifty (50) percent of the permitted area.

D. No signs or advertisements shall be displayed on the premises.

E. No display of any kind shall be visible from the exterior of the premises.

F. No mechanical or electrical apparatus associated with the business shall be visible from the exterior of the premises.

G. No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or are customary to home crafts.

H. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises.

I. The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.

J. There shall be complete conformity to residential, fire, building, electrical, plumbing and health codes as well as all state and city laws and ordinances.

K. The home occupation shall not cause a demand for municipal or utility service or community facilities in excess of those which are usually and customarily provided for residential use.

L. There shall be no installation of additional utility connections, with the exception of telephones, to facilitate a home occupations.

M. The home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet (including radio and television reception) of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises or vibrations.

N. Any special condition established by the city council and made a record in the home occupation permit, as they may deed necessary to carry out the intent of this chapter shall be met.

O. All home occupation permits are subject to immediate cancellation in the event of any violation of the provisions hereof.

P. No outdoor storage shall be permitted.

Q. An annual use permit is required. The fee, established by ordinance or resolution, will be paid the first year only. Although the annual permit continues to be required, thereafter a business license fee, established by ordinance or resolution, will be paid annually. (Ord. 113, 1993; Ord. 79 § 1(C), 1988)

17.68.040 Procedure.

A. Application. A signed application and payment of a fee shall be submitted to the city clerk, at least fifteen (15) days prior to a regular city council meeting to set public hearing on the use.

B. Notice of Decision. No later than thirty (30) days following city council staff's action in granting or denying the home occupation, written notice of the decision shall be mailed to the applicant at the address shown on the application form and to any other person requesting notice.

C. Decisions by City Council and/or Staff. The decision of city council and/or staff shall be final. Such decision shall not become effective for thirty (30) days from the date that the written decision has been made and notice thereof mailed to the applicant.

D. Voiding of Permit. City staff may void any home occupation for noncompliance with conditions set forth in approving the permit by providing written notice pursuant to Section 17.68.030. (Ord. 79 § 1(D), 1988)

17.68.050 Appeal of staff decision.

A. Appeals may be taken to the city council by the applicant or any other person aggrieved by staff's decision.

B. Appeals shall be filed on forms supplied by the city council within thirty (30) days from the date that the staff's written decision and notice thereof is mail or delivered to applicant or other person requesting notice.

C. On the appeal, the city council shall review the decision of staff, hear new evidence and testimony, if offered, and in deciding the appeal may either affirm, reverse or

modify the decision of city staff. (Ord. 79 § 1(E), 1988)

Chapter 17.72

DESIGN REVIEW REQUIREMENTS

Sections:

17.72.010	**Adoption.**
17.72.020	**Guidelines to be set by resolution.**
17.72.030	**Introduction and overview.**
17.72.040	**Purpose.**
17.72.050	**Design review committee.**
17.72.060	**General, applicability and related ordinances.**
17.72.070	**Presentation requirements and application.**
17.72.080	**Appeals.**
17.72.090	**Enforcement.**

17.72.010 Adoption.

Ordinance No. 97, an ordinance establishing a design review process and enumerating certain design review standards, is repealed.

The adoption of the repealing ordinance codified in this chapter does not affect prosecutions or actions instituted under the repealed ordinance for violations committed prior to the effective date of the repealing ordinance codified in this chapter nor, if applicable, the validity of any bond nor cash deposit previously posted, filed, or deposited pursuant to the repealed ordinance prior to the effective date of the repealing ordinance codified in this chapter. (Ord. 163 § 1, 2005)

17.72.020 Guidelines to be set by resolution.

This chapter requires the city council to adopt by resolution a set of specific design review guidelines enumerating the elements of design review considerations, presentation requirements, and the application process. (Ord. 163 § 2, 2005)

17.72.030 Introduction and overview.

This chapter establishes for Amador City a design review process which applies to building construction and exterior remodeling work as defined in Section 17.72.060, paragraph 3. While the chapter mandates that such projects pass through a design review committee and subsequently be approved by a vote of the city council prior to issuance of a building permit, the emphasis of the chapter is on the informational, advisory and facilitatory.

A. Informational. Much of this chapter and related resolution is devoted to identifying and specifying characteristics of the city's historic building stock which the city wishes to protect and promote. The intent is to insure that applicants are aware, early in the design process, of these important historic patterns, and to provide specific guidelines for responding to them.

B. Advisory. Design review guidelines recommend certain forms, materials, colors, etc. When reviewing a proposed project, the design review committee may make suggestions for changes in order to make the design more consistent with the intent of this chapter. Any such suggestions, together with a committee recommendation for "approval as is," "approval subject to specified modifications" or "disapproval," are passed on to the city council. In those cases in which design review recommends modifications or disapproval, applicants may nonetheless opt to move directly to city council for a final determination, or may prefer to make changes before proceeding.

C. Facilitatory. Design review guidelines include a step-by-step explanation of "the design review process" and an application form

with checklist. Applicants are encouraged, after acquainting themselves with the guidelines to contact the city with any questions. The city council, city clerk and the design review committee are all interested in seeing that each applicant's project is completed to his or her satisfaction while preserving and extending the valuable and unique visual heritage of Amador City. (Ord. 163 § 3, 2005)

17.72.040 Purpose.

The residents and property owners of Amador City are concerned about preserving and enhancing both the man-made and the natural environments of our community. The community is proud of its heritage, and the economy is dependent on the tourism industry. Recognizing the importance of the community's exterior appearance, the city wishes to establish and implement various design guidelines while preserving flexibility for property owners to build and remodel according to their individual needs.

The object of this chapter is:

A. To preserve the character of existing historic structures;

B. To encourage the use of forms and materials which are consistent or compatible with our pattern of historic structures, while allowing both contemporary and traditional building forms;

C. To codify what kinds of projects are subject to design review;

D. To identify, explain and codify those elements that will be considered (hereinafter "considerations") in the review of projects which come before the design review committee;

E. To facilitate the design review process by clearly defining the procedures and requirements for submitting a project. (Ord. 163 § 4, 2005)

17.72.050 Design review committee.

A design review committee is established to review all plans submitted under this chapter. The committee shall be composed of five members, one of whom shall be a member of the city council. The remaining four, at least two of whom shall be residents of Amador City, shall be from the general public. Committee members shall be appointed by the city council and serve for a period of two years.

Design review recommendations are submitted to the city council for final approval or disapproval. Any recommendation for disapproval submitted to the council will be accompanied by a written explanation from the committee of the reason(s) for such recommendation. (Ord. 163 § 5, 2005)

17.72.060 General, applicability and related ordinances.

Design review is inevitably partly a matter of judgment. To assure that decisions are made with consistency, and to assist the applicant in developing a successful submittal, considerations identified herein are generally accompanied by "recommended" or "not recommended" examples and guidelines.

Each review is made on a site-specific basis. The degree which buildings are visible from the business district, will influence the degree to which adherence to these guidelines are applied. Concern for the appearance of structures by neighbors, adjacent property owners, and the public will all be considered.

The provisions of this chapter apply to all new construction and exterior alteration work within the city of Amador City that significantly affects the exterior appearance of a property.

No required permit for construction or exterior alteration of any property within the city of Amador City shall be issued until the plans

for said construction or alteration have been reviewed by the design review committee of the city of Amador City and approved by the city council of the city of Amador City.

No presently existing building situated within the city limits of Amador City shall be torn down, demolished, partially demolished or otherwise destroyed except upon review of the design review committee and final action by the city council.

Any building or remodeling project within Amador City which involves a sign or signage shall conform to the requirements of current city rules/regulations regarding signage as found in either Amador City municipal code book or file of resolutions.

Any project within Amador City which involves significant vegetation changes shall conform to the requirements of current city rules/regulations regarding trees/vegetation as found in either Amador City municipal code book or file of resolutions.

Any project within Amador City which involves the removal or alteration of rock walls shall conform to the requirements of current city rules/regulations regarding rock walls as found in either Amador City municipal code book or file of resolutions. (Ord. 163 § 6, 2005)

17.72.070 Presentation requirements and application.

The design review presentation requirements, a checklist and an application form shall be combined into a single page and made part of the guidelines. Additional copies of the form may be obtained from the city clerk's office. (Ord. 163 § 7, 2005)

17.72.080 Appeals.

The applicant may appeal an adverse recommendation to the full city council. (Ord. 163 § 8, 2005)

17.72.090 Enforcement.

During or after construction, design elements that significantly deviate from the approved plans must be reviewed and approved by the design review committee.

The design review committee shall promptly review complaints regarding such design issues. If significant deviation is found, then the committee shall report to the full city council and a stop work order may be issued. (Ord. 163 § 9, 2005)

Chapter 17.76

VARIANCES AND ZONE CHANGES

Sections:

17.76.010 Generally.
17.76.020 Variances.
17.76.030 Necessary conditions.
17.76.040 Information required.
17.76.050 Amendments and changes of zone boundaries.
17.76.060 Filing applications.
17.76.070 Filing fees.
17.76.080 Investigation.
17.76.090 Notices.
17.76.100 Public hearing.
17.76.110 Planning commission decision.

17.76.010 Generally.

The following regulations shall apply to the granting of variances and zone changes. (Ord. 55 § 18.00, 1980)

17.76.020 Variances.

When practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this title occur by reason of a strict interpretation of any of the provisions of this title, the planning commission upon its own motion may, or upon the verified application of any interested person shall, in specific cases initiate proceedings for the granting of a variance from the provisions of this title under such conditions as may be deemed necessary to assure that the spirit and purposes of this title will be observed, public safety and welfare secured, and substantial justice done. All acts of the planning commission and city council under the provisions of this section shall be construed as administrative acts performed for the purpose of assuring that the intent and purpose of this title shall apply in special cases, as provided in this section, and shall not be construed as amendments to the provisions of this title or map. (Ord. 55 § 18.01, 1980)

17.76.030 Necessary conditions.

Before a variance may be granted, all of the following shall be shown:

A. 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 the property or class of use in the same zone and vicinity;

B. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;

C. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity;

D. That the granting of such variance will not adversely affect the comprehensive general plan. (Ord. 55 § 18.02, 1980)

17.76.040 Information required.

Applications for variances shall be accompanied by:

A. A plot plan and description of the property involved showing the location of all existing and proposed buildings. Additional plans and descriptions of the proposed use of the property with ground plans and elevations for all proposed buildings may be required at the discretion of the planning commission;

B. A reference to the provisions of the ordinance from which such property is sought to be exempted. (Ord. 55 § 18.03, 1980)

234
Blank

17.76.050 Amendments and changes of zone boundaries.

Whenever the public necessity, convenience, general welfare, or good zoning practice justify such action, the planning commission upon its own motion may, or upon the verified application of any interested person shall, initiate proceedings to amend, supplement or change the zones, regulations, or districts, established by this title.

With the exception of amendments changing property from one zone to another, or changing the boundary of any zone, amendments may be made in the same manner as this title was adopted. (Ord. 55 § 18.04, 1980)

17.76.060 Filing applications.

Applications for variances and changes of zone shall be made in writing to the planning commission in such form as is approved by the planning commission. The planning commission may provide forms for such purposes and may prescribe the type of information to be provided thereon. No petition shall be received unless it complies with such requirements.

Applications filed pursuant to this title shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the planning commission, and there shall be attached thereto copies of all notices and actions pertaining thereto. (Ord. 55 § 18.05, 1980)

17.76.070 Filing fees.

Before accepting any application for filing, the city shall charge and collect appropriate fees, as adopted by resolution of the city council. (Ord. 64 § 9, 1985: Ord. 55 § 18.06, 1980)

17.76.080 Investigation.

The planning commission shall cause to be made by its own members, or members of its staff, such investigation of facts bearing upon such application as will serve to provide all necessary information to assure that the action on each such application is consistent with the intent and purpose of this title and with previous amendment or variances. (Ord. 55 § 18.07, 1980)

17.76.090 Notices.

A. Following the receipt on proper form of any such application for variance, use permit or appeal, the secretary of the planning commission shall give notice of application and hearing by publication in a newspaper of general circulation in the city, and by posting the notice in conspicuous places close to the property, such publication and posting to be completed not less than ten (10) days, nor more than thirty (30) days, before the date of the hearing.

B. Following the receipt on proper form of any such application for change of zoning, the secretary of the planning commission shall give notice of application and hearing by publication in a newspaper of general circulation in the city, by posting the notice in conspicuous places close to the property, and by mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within three hundred (300) feet of the property which is the subject of the proposed zoning change. (Ord. 114, 1993: Ord. 64 § 10, 1985: Ord. 55 § 18.08, 1980)

17.76.100 Public hearing.

Public hearings as provided for in this title shall be held before the planning commission

at the time and place for which public notice has been given as hereinbefore required. The planning commission may establish its own rules for the conduct of such hearings. A summary of all pertinent testimony offered at a public hearing, together with the names and addresses of all persons testifying, shall be recorded and made a part of the permanent files of the case. Any such hearing may be continued provided that, prior to the adjournment or recess thereof, the presiding officer at such hearing shall announce the time which such time shall not be in excess of thirty (30) days subsequent to the first regular meeting of the planning commission after its receipt of the application and place to which such hearing will be continued. (Ord. 55 § 18.09, 1980)

17.76.110 Planning commission decision.

Within thirty-five (35) days after the conclusion of a public hearing, the planning commission shall render its decision on the matter so heard.

The planning commission shall announce and record its action by formal resolution, and such resolution shall recite the findings of the planning commission upon which it bases its decision.

Within five days after final decisions by the planning commission on an application for a variance or conditional use permit, notices of the decision in the matter shall be mailed to the applicant at the address shown upon the application and to persons requesting same.

The granting, either with or without conditions, or the denial of such application by the planning commission shall be final unless within ten (10) days after the decision by the planning commission, the applicant or any person aggrieved, shall appeal therefrom in writing to the city council by presenting such appeal to the city clerk. At its next regular meeting after the filing of such appeal with the city clerk, the city council shall set a date for a hearing thereon. The manner of setting the hearing, giving of notice and conducting the hearing shall be the same as hereinbefore prescribed for hearing by the planning commission. The decision appealed from shall be affirmed unless reversed by a vote of not fewer than a majority of the members of the city council present.

No permit or license shall be issued for any use involved in an application for a variance or conditional use permit, until same shall have become final by reason of the failure of any person to appear or by reason of the action of the city council.

If the use authorized by any variances or conditional use permits is, or has been unused, abandoned, or discontinued for a period of six months, or complied with, the variance or conditional use permit shall become null and void and of no effect.

Within ten (10) days after final action by the planning commission on an application for amendments or changes of zone boundaries its recommendations together with the complete records of the case shall be delivered to the city council.

The city council after receipt of the report and recommendation from the planning commission, shall hold a final hearing thereon. The manner of setting the hearing, giving of notice and conducting the hearing shall be the same as hereinbefore prescribed for hearings by the planning commission. The recommendation of the planning commission shall be approved unless reversed by a vote of not fewer than a majority of the members of the city council present.

No permit or license shall be issued for any use involved in an application for a change of

zone until same shall have become final by the adoption of an ordinance. (Ord. 55 § 18.10, 1980)

Chapter 17.80

CONDITIONAL USE PERMITS

Sections:

17.80.010 Generally.
17.80.020 Uses permitted in any zone.

17.80.010 Generally.

The following regulations shall apply to the granting of conditional use permits.

Uses may be permitted by the planning commission and city council in zones from which they are prohibited by this title where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive general plan. The procedure for filing of applications, filing fees, investigation, notices, public hearings, findings, and appeal shall be the same as herein provided for variances, except that the city council upon recommendation of the planning commission may waive public hearings on an application for conditional use permits for public utility or public service uses or public buildings, when found to be necessary for the public health, safety, convenience, or welfare. (Ord. 55 § 20.00, 1980)

17.80.020 Uses permitted in any zone.

The following uses may be permitted in any zone upon the granting of a conditional use permit.

A. Airports or aircraft landing fields;

B. Cemeteries, columbariums, crematories, mausoleums, and mortuaries;

C. Churches or other places used exclusively for religious worship;

D. Educational institutions including schools, elementary or high;

E. Establishments or enterprises involving large assemblages of people, or automobiles, including amusement parks, circuses, carnivals, expositions, fairgrounds, open-air theaters, race tracks, recreational and sports centers;

F. Hospitals and sanitariums;

G. Institutions of a philanthropic or eleemosynary nature;

H. Libraries, museums, and private clubs;

I. Natural resources development together with the necessary buildings, apparatus, or appurtenances incident thereto;

J. Large scale neighborhood housing projects having a minimum gross area of twenty (20) acres;

K. Parks, playgrounds, and community buildings;

L. Public utility or public service buildings, structures, and uses, except as otherwise provided in this title;

M. Radio. and television transmitters;

N. Real estate tract offices, golf courses, and country clubs. (Ord. 55 § 20.02, 1980)

Chapter 17.84

ADMINISTRATION AND ENFORCEMENT

Sections:

17.84.010 Enforcement.

17.84.020 Violation—Penalty.

17.84.010 Enforcement.

It shall be the duty of the chief of police to enforce this title. All departments, officials, and public employees of the city, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this title and shall issue no permits or licenses for uses, buildings, or purposes in conflict with the provisions of this title; and any such permit or license issued in conflict with the provisions of this title shall be null and void.

The provisions of this title shall be interpreted and administered by the planning commission whose inspectors or authorized representatives shall have the right to enter upon any premises affected by this title for purposes of inspection. When there is no planning commission, the city council shall do all things required by this title of the planning commission.

Any building or structure erected or maintained, or any use of property, contrary to the provisions of this title shall be, and the same is declared to be, unlawful and a public nuisance and the city attorney shall immediately commence actions and proceedings for the abatement, removal, and enjoinment thereof, in the manner provided by law; and shall take such other steps, and shall apply to any court as may have jurisdiction to grant such relief as will abate or remove such building, structure, or use and restrain and enjoin any person, firm, or corporation from erecting or maintaining such building or structure, or using any property contrary to the provisions of this title.

This title may also be enforced by injunction issued out of the superior court upon the suit of the city or the owner or occupant of any real property affected by such violation or prospective violation. This method of enforcement shall be cumulative and in no way affect the penal provisions hereof. (Ord. 64 § 11, 1985; Ord. 55 § 21.00, 1980)

17.84.020 Violation—Penalty.

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, wilfully violating any provisions of this title shall be deemed guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the city or county jail for a period of not more than six months or by both such fine and imprisonment. Each day that violation of this title continues shall be considered a separate offense. (Ord. 55 § 21.01, 1980)

Chapter 17.88

WATER EFFICIENT LANDSCAPE DESIGN AND IRRIGATION

Sections:

17.88.010 Introduction and overview.

17.88.020 Purpose.

17.88.030 Applicability.

17.88.010 Introduction and overview.

This chapter establishes for Amador City water efficient landscape design and irrigation guidelines. This chapter is applicable to installation of new landscaping.
(Ord. No. 168, § 1, 12-23-09)

17.88.020 Purpose.

The state of California through Assembly Bill No. 1881 has mandated that cities and counties adopt an ordinance addressing water efficient landscape design. The purpose of the ordinance codified in this chapter is to encourage the design and construction of water efficient landscaping while maintaining consistency with Assembly Bill No. 1881.

The objective of the ordinance codified in this chapter is the following:

A. Encourage the installation of water efficient landscaping.

B. Establish what projects are subject to the ordinance codified in this chapter.

C. Provide reference to where water efficient landscape guidelines can be found.
(Ord. No. 168, § 2, 12-23-09)

17.88.030 Applicability.

This chapter is applicable to all new construction and landscape additions. All new construction will be encouraged to review the model water efficient landscape ordinance as written by the state of California for reference, a copy can be provided for a fee of eight dollars and twenty-five cents ($8.25). Property owners who would like to install new landscaping or add to their existing landscaping are encouraged to consult with a landscape and irrigation designer to optimize the water efficiency of their landscape design.
(Ord. No. 168, § 1, 12-23-09)

Title 18

ENVIRONMENT

Chapters:

18.04 Surface Mining and Reclamation

Chapter 18.04

SURFACE MINING AND RECLAMATION

Sections:

18.04.010	**Intent.**
18.04.020	**Definitions.**
18.04.030	**Incorporation by reference.**
18.04.040	**Permit and reclamation plan requirements.**
18.04.050	**Review procedure.**
18.04.060	**Financial assurances.**
18.04.070	**Public records.**
18.04.080	**Interim management plans.**
18.04.090	**Annual report requirements.**
18.04.100	**Inspections.**
18.04.110	**Appeals.**
18.04.120	**Amendments.**
Ord. 86	**Environmental Protective Initiative of the City of Amador City.**

18.04.010 Intent.

This chapter adopts standards and procedures on surface mining and reclamation to conform to the California Surface Mining and Reclamation Act of 1975, Public Resources Code Section 2710 et seq. It is intended to supplement and not replace Ordinance 86, set out at the end of this chapter. (Ord. 146 § 1.0, 2002)

18.04.020 Definitions.

As used in this chapter:

"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.

"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, equipment, machines, tools, or other materials or property which result from, or are used in, surface or underground mining operations are located.

"Minerals" means 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, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

"Mining waste" includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

"Operator" means any person who is engaged in surface mining operations, himself or herself, or who contracts with others o conduct operations on his or her behalf.

"Overburden" means soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal, by surface mining operations.

"Permit" means any formal authorization from, or approved by the city, the absence of which would preclude surface mining operations.

"Person" means any individual, firm, association, corporation, organization, or partnership, or any city, county, district, or the state or any department or agency thereof.

"Reclamation" means the process of land treatment that minimizes water degradation,

air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse surface effects incidental to underground mines, as the mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

"State Board" means the State Mining and Geology Board, in the Department of Conservation, State of California.

"State Geologist" means an individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.

"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 shall include, but are not limited to:

1. In place distillation, retorting or leaching.

2. The production and disposal of mining waste.

3. Prospecting and exploratory activities. (Ord. 146 § 3.0, 2002)

18.04.030 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 chapter 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 chapter are more restrictive than correlative state provisions, this chapter shall prevail. (Ord. 146 § 4.0, 2002)

18.04.040 Permit and reclamation plan requirements.

A. Any person, except as provided in Section 2776, California Surface Mining and Reclamation Act of 1975, who proposes to engage in mining, processing, reprocessing or exploratory drilling operations as defined in this chapter shall, prior to the commencement of such operations, obtain: (1) a permit to mine; and (2) approval of a reclamation plan, in accordance with the provisions set forth in this chapter and with Article 5, California Surface Mining and Reclamation Act of 1975. A fee established for the permitted uses in the city fee ordinance, shall be paid to the city clerk at the time of filing.

All reclamation plans shall comply with the provisions of SMARA (Section 2772 and Section 2773) and State Regulations (CCR Section 3500 et seq. and Section 3700 et seq., respectively) as they appear in this subsection. reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments to previously approved reclamation plans shall also comply with the requirements for reclamation, performance standards.

All applications for a reclamation plan for surface mining operations shall be made on forms provided by the city and as called for by Section 2772 of California Surface Mining and Reclamation Act 1975.

B. No person who has obtained a vested right to conduct a surface mining operation prior to January 1, 1976 shall be required to secure a permit pursuant to the provisions of

this chapter as long as such vested right continues, provided that no substantial change is made in that operation except in accordance with the provisions of this chapter. A person shall be deemed to have such vested rights if, prior to January 1, 1976, he or she has in good faith and in reliance upon a permit or other authorization, if such permit or other authorization was required, diligently, commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefore. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

Nothing in this chapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to, but not after, January 1, 1976.

C. The director of the department of conservation shall be notified of the filing of all permit applications.

D. This chapter shall be continuously reviewed and revised, as necessary, in order to ensure that it is in accordance with the state policy for mined lands reclamation.

E. The person submitting the reclamation plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan. Said statement shall be kept by the city planner in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to city planner for placement in the permanent record. (Ord. 146 § 5.0, 2002)

18.04.050 Review procedure.

The city council shall review the permit application and the reclamation plan and shall schedule a public hearing within sixty (60) days of the date that both the permit application and the reclamation plan are determined to be complete for processing. Such public hearings shall be held by the city council for the purpose of consideration of issuance of a permit for the proposed mining, processing, reprocessing or exploratory drilling operation. (Ord. 146 § 6.0, 2002)

18.04.060 Financial assurances.

A. To ensure that reclamation will proceed in accordance with the approved reclamation plan, the city shall require as a condition of approval security which will be released upon satisfactory performance. The applicant may post security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to. the city and the State Mining and Geology Board as specified in state regulations, and which the city reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan.

Financial assurances shall be made payable to the city and the State Department of Conservation.

B. Financial assurances will be required to ensure compliance with elements of 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 and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

C. Cost estimates for the financial assurance shall be submitted to the city planner for review and approval prior to the operator securing financial assurances. The city planner shall 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 forty-five (45) days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the city has reason to determine that additional costs may be incurred.

The city planner of the city shall, upon receiving ratification from the city council of the city, have the discretion to approve the financial assurance if the city planner finds it meets the requirements of this provision, SMARA, and state regulations.

D. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities in the upcoming year. Cost estimates should be prepared by a California registered professional engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the city planner. The estimated amount of the financial assurance shall 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 revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall 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. A contingency factor of ten (10) percent shall be added to the cost of financial assurances.

E. In projecting the costs of financial assurances., it shall 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.

F. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

G. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually 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 shall 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.

H. Revisions to financial assurances shall be submitted to the city planner of the city each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

I. If the financial assurances offered by the operator to the city are deemed acceptable by the city planner, the city planner shall forward the financial assurance documents to the State Department of Conservation for review.

If the financial assurances offered by the operator are deemed unacceptable by the city planner the operator shall have thirty (30) days following the city planner's designation of the amount of financial assurance to submit revisions to the financial assurance to conform to the requirements of the city planner. If the operator chooses to refuse to revise its financial assurances as were deemed required by the city planner the operator shall be entitled to the appeals procedure as outlined below. Likewise if the city planner requires revised financial assurances under subsections G and H of this section and the operator objects to said revisions the operator may file its objections to the city planner's decision rejecting the revised financial assurances in the manner and within the time limits as set forth hereafter. (Ord. 146 § 7.0, 2002)

18.04.070 Public records.

Reclamation plans, reports, applications, and other documents submitted pursuant to this chapter are public records unless it can be demonstrated to the satisfaction of the city that the production, reserves, or rate of depletion entitled to protection as proprietary information. The city shall identify such proprietary information as a separate part of each application. A copy of all permits, reclamation plans, reports, applications, and other documents submitted pursuant to this chapter including proprietary information, shall be furnished to the District Geologist of the State Division of Mines and Geology by the city. Proprietary information shall be made available to persons other than the state geologist only when authorized by the mine operator and by the mine owner in accordance with Section 2778, California Surface Mining and Reclamation Act of 1975. (Ord. 146 § 8.0, 2002)

18.04.080 Interim management plans.

A. Within ninety (90) days of a surface mining operation becoming idle, the operator shall submit to the city planner a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all site approval conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the city planner; and shall be processed as an amendment to the reclamation plan. IMPs shall not be considered a project for the purposes of environmental review.

B. Financial assurances for idle operations shall be maintained as though the operation were active.

C. Upon receipt of a complete proposed IMP, the city planner shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least thirty (30) days prior to approval by the city planner.

D. Within sixty (60) days of receipt of the proposed IMP, or a longer period mutually agreed upon by the city planner and the operator, the city planner shall review and approve or deny the IMP in accordance with this chapter. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the city planner, to submit a revised IMP. If the operator desires to appeal the decision of the city planner denying the

proposed IMP then the operator may file written objections to the decision of the city planner denying the IMP to the city council in the manner and within the time limits as hereinafter set forth. If the city planner has denied or not approved the operator's revised IMP within sixty (60) days of receipt of the revised IMP by the city planner, the operator, unless there is an agreement in writing signed by the city planner and the operator consenting to an extension of time, may file with the city clerk an appeal in the manner and within the time frames heretofore set forth.

E. The IMP may remain in effect for a period not to exceed five years, at which time the city planner, with the consent and approval of the city council may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan. Failure of the city planner with the consent and approval of the council of the city, to grant a renewed IMP, following a request by the operator for an extension for an additional five year period may be appealed to the city council in the manner and within the time period heretofore set forth. (Ord. 146 § 9.0, 2002)

18.04.090 Annual report requirements.

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the city planner on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within thirty (30) days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report. Failure to file an annual report with the city or failure to file the annual report in the manner and form required by the city planner is grounds for rejection of the annual report and suspension by the city planner of any further mining activities by the operator. Any action of the city planner in rejecting the annual report, suspending the mining operation of the operator or failure to accept a initial surface mining report shall be appealable by the operator to the city council in the manner of and within the time frame provided herein. (Ord. 146 § 10.0, 2002)

18.04.100 Inspections.

The city planner shall arrange for inspection of a surface mining operation within six months of receipt of the annual report required in Section 18.04.090, to determine whether the surface mining operation is in compliance with the approved site approval and/or reclamation plan, approved financial assurances, and state regulations. In no event shall less than one inspection be conducted in any calendar year. The inspections may 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 (12) months, or other qualified specialists, as selected by the city planner. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The city planner shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that the

inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

Operator objections to the findings and recommendations of the inspectors shall be filed with the city planner. If the city planner, upon review of the objections of the operator to the findings and recommendations of the inspectors, refuses to modify the findings and/or recommendations of the inspector in accordance with the objections of the operator then the operator may appeal the decision of the city planner to the planning committee and/or the city council in the manner and within the time frame as provided herein. (Ord. 146 § 11.0, 2002)

18.04.110 Appeals.

If written objections on city planner decisions on issues contained herein are filed by the objecting party before the end of the aforesaid thirty (30) day period, the city planner shall review said objections within thirty (30) days and advise the operator in writing of the acceptance or rejection of the operator's objections to the particular city planner decision. Upon rejection by the city planner, the operator may within thirty (30) days, or for such longer period as is agreed upon in writing between the city planner and the operator, following the city planner's rejection of operator's objections file an appeal with the city clerk. The city clerk shall immediately or as soon thereafter as-is practical forward copies of the operator's appeal to the planning committee of the city. The planning committee shall review the appeal and file written recommendations to the city council. The appeal of the operator must be heard by the city council within sixty (60) days following the notice of appeal.

The city council must within thirty (30) days after hearing the appeal file its decision either accepting the objections of the operator or rejecting same.

If the city council of the city rejects the written objections as set forth by the operator then the city must within seven days following the rejection notify the operator in writing by first class mail of its decision. For purposes of computing the time for arrival of first class mail as set forth herein it shall be presumed that the course of first class mail is five days from date of mailing. Following receipt of the rejection of the city council the operator must within fifteen (15) days appeal the decision of the city council rejecting the claim to the State Mining and Geology Board.

If the city council accepts the objections of the operator to the city planner's decisions on issues contained in this chapter the city planner's decisions shall be changed accordingly. (Ord. 146 § 12.0, 2002)

18.04.120 Amendments.

The city council is authorized to make such further amendments to this chapter by ordinance or resolution as are deemed necessary by the city council to bring the chapter into conformity with future changes in SMARA regulations as hereafter amended, modified and/or enacted by SMARA. (Ord. 146 § 13.0, 2002)

Ordinance 86 Environmental Protective Initiative of the City of Amador City.

This initiative is intended to regulate mining, processing and/or reprocessing of gouge, slag, tailings or overburden and exploratory drilling within the city limits of the city of

Amador City. A conditional use permit with fees shall be required for any/all of the following categories.

A. Mining: All permit conditions apply and additionally no open pit or strip ruining shall. be allowed.

B. No processing or reprocessing of gouge, slag, tailings or overburden shall be permitted in Amador City. Trucking of these materials shall also be regulated where applicable,

C. Exploratory Drilling: All permit conditions apply.

PERMIT CONDITIONS

1. The applicant shall deposit a fee with the city to be based on the estimated consulting costs. These funds will be placed in an interest bearing escrow account in the name of the city and the applicant. Funds shall be used to pay for on site monitoring, preparation of staff reports and obtaining services of independent consultants and engineers where appropriate. The use permit shall. be issued for 12 continuous months. A new application, permit and public meeting shall be required to extend operations beyond the initial 12 month period.

2. Hours of operation shall be from 8 AM to 5 PM Monday through Friday. Maintenance of equipment shall be permitted on Sundays between the hours of 12 PM and 5 PM. Testing of equipment shall be limited to 30 minutes during the preceding time period.

3. During the hours of permitted operations, noise levels of drilling and .excavation shall not exceed 50 DBA from a point 50 feet distant from any residence which is within 50 feet of the property lines on any legally defined parcel on which drilling or excavation occurs.

4. Noise monitoring consistent with item(s) above shall begin initially upon commencement of operations.

a) Initial readings shall be taken in a manner to ensure that data represents and is reported for levels generated within 360 degrees of the drill site or excavation site.

b) Initial reading shall be taken :n the mid morning between 9 AM and 11 AM and afternoon between 1:30 PM and 3 PM.

c) Readings shall be at 15 minute intervals for 15 minutes in length.

d) The average hourly daytime LEQ shall be calculated from the data and a report prepared which summarizes the levels. The report shall be submitted to the Environmental Health department for review, acceptance or remedial action, if required.

5. For the remainder of the mining activities, random and unannounced noise level monitoring shall be conducted by independent consultants on a monthly basis consistent with #4 above. City council shall take appropriate administrative action to ensure that all operations do not exceed the established levels. A log shall be maintained which indicates the date, time and location of all readings.

6. A complaint referral system shall be developed. The city shall within a predetermined number of hours of receiving a complaint from affected property owners take noise readings specified in #4 above.

7. All test holes shall be plugged immediately upon completion of testing. The method of capping shall meet or exceed California state standards for test holes. The property owner may exercise the right not to cap the test holes in those instances where water has been found and can be used for agricultural purpose subject to water quality analysis by county health officials.

8. All trenches and grading shall be. back filled and restored to the original grades and slopes. The independent consultants shall approve the grade plans and inspect the final restorations.

9. Top soil shall be removed and stockpiled prior to road or pad development. Top soil shall be spread over the reclaimed land to its original depth to encourage natural revegetation. There shall be reseeding.

10. No drilling fluids shall be discharged onto the face or surface of the land.

11. No toxic components shall be used by the operator on the exploration drill site or area surrounding the drill site. If pesticides or herbacides are to be used on the site, the applicant shall insure that they will be used in accordance with the manufacturer's and the agricultural commissioner's recommendations.

12. A dust and pollution control plan shall be developed and submitted to and approved by the independent consultant. The plan shall be approved before drilling or excavation activities begin.

13. A reclamation plan which is acceptable to the land owner and the city shall be developed. The plan shall ensure that the method of restoration of lands shall be harmonious and compatible with adjacent lands and uses. A bond shall be deposited with the city of Amador City to insure implementation of the reclamation plan. Bond amount to be established by consultant in charge.

14. A soil stability plan acceptable to the consultants shall be prepared in advance of any road grading, pad or bench development. The purpose of this plan is to avoid land movement or slippage.

15. No drilling or earth moving activities shall be permitted within five hundred (500) feet of any stream bed.

16. Portable toilets in sufficient numbers shall be provided and maintained by the operator.

17. No blasting shall be permitted on the site pending notification of adjacent property owners and a public meeting before the city council. If approved state and county permits shall be obtained, blasting shall be restricted to daytime operations. In no instance shall blasting occur within two thousand (2,000) feet of any residential structure.

18. Fuels and lubricants shall be contained in truck mounted carriers.

19. All solid waste by-products shall be removed from the site on a monthly basis and deposited in an approved sanitary land fill.

20. The applicant shall provide the city council with a monthly status report which will;

a) separately identify all exploration and. drilling sites and holes,

b) separately identify all exploration trenches or strata exposures.

The consultant will verify the information provided by the operator.

21. There must be a "fire plan" developed by the applicant and approved by the California Division of Forestry. This plan must be reviewed by all employees and must be complied with by all employees and operators.

22. Drilling rigs shall not exceed two. The number of operating drilling rigs at any one time is dependent upon complying with established noise levels.

23. An indemnification agreement, to be approved by city council, shall be entered into by the applicant and the city.

If any portion of this ordinance is declared invalid, the remaining portions are to be considered valid.

hm ?

STATUTORY REFERENCES

FOR

CALIFORNIA CITIES

The statutory references listed below refer the code user to state statutes relevant to California cities. They are current with all laws through Ch. 870 of the 2019 Regular Session.

General Provisions

Code adoption
Government Code § 50022.1 et seq.

Ordinances
Government Code § 36900 et seq.

Penalties for ordinance violations
Government Code §§ 36900 and 36901

Imprisonment
Government Code §§ 36903 and 36904

Citations for misdemeanors
Penal Code § 853.5 et seq.

Administrative fines and penalties
Government Code § 53069.4

Judicial review of city decisions
Code of Civil Procedure § 1094.6

Expedited judicial review of First Amendment cases
Code of Civil Procedure § 1094.8

Elections
Government Code §§ 34050 and 36503; and
Elections Code §§ 1301, 9200 et seq. and 10100 et seq.

Classification of cities
Government Code § 34100 et seq.

General powers
Government Code § 37100 et seq.; and
Cal. Const. art. XI §§ 7, 9

Conflict of Interest Code
Government Code § 87100 et seq.

Eminent Domain Law
Code of Civil Procedure § 1230.010 et seq.

Administration and Personnel

City officers generally
Government Code § 36501 et seq.

Legislative body
Government Code § 36801 et seq.

Meetings
Government Code § 54950 et seq.

Mayor
Government Code § 40601 et seq.

City clerk
Government Code § 40801 et seq.

City treasurer
Government Code § 41001 et seq.

City assessor
Government Code § 41201 et seq.

Chief of police
Government Code § 41601 et seq.

City attorney
Government Code § 41801 et seq.

Alternative forms of government—City manager form of government
Government Code § 34851 et seq.

Alternative forms of government—Election of legislative body by or from districts
Government Code § 34870 et seq.

Alternative forms of government—Elective mayor
Government Code § 34900 et seq.

City records
Government Code § 34090 et seq.

Removal from office
Government Code § 3000 et seq.

Political activities of public employees
Government Code § 3201 et seq.

Local planning agencies
Government Code § 65100 et seq.

California Emergency Services Act
Government Code § 8550 et seq.

Fire department
Government Code § 38611

Peace officer standards and training
Penal Code § 13500 et seq.

Personnel system, merit system or civil service system
Government Code § 45000 et seq.

Retirement systems
Government Code § 45300 et seq.

Revenue and Finance

Financial powers
Government Code § 37200 et seq.

Transfer of tax function to county
Government Code § 51500 et seq.

Property tax assessment, levy and collection
Government Code § 43000 et seq.

Bradley-Burns Uniform Local Sales and Use Tax Law
Revenue and Taxation Code § 7200 et seq.

Transient occupancy tax
Revenue and Taxation Code § 7280 et seq.

Documentary Transfer Tax Act
Revenue and Taxation Code § 11901 et seq.

Unclaimed property
Civil Code § 2080 et seq.

Unclaimed money
Government Code § 50050 et seq.

Planning and zoning fees for specific purposes
Government Code § 66012 et seq.

Public works and public purchases
Government Code § 4000 et seq.

Local Agency Public Construction Act
Public Contract Code § 20100 et seq.

Uniform Public Construction Cost Accounting Act
Public Contract Code § 22000 et seq.

Claims against public entities
Government Code § 900 et seq.

Development project fees
Government Code § 66000 et seq.

Business Licenses, Taxes and Regulations

Authority to license businesses
Government Code § 37101, Business and Professions Code § 16000 et seq.

Automatic checkout systems
Civil Code § 7100 et seq.

Bingo
Penal Code § 326.4 et seq.

Charitable solicitations
Business and Professions Code § 17510 et seq.

Commercial filming
Government Code § 65850.1

Community antenna TV systems
Government Code § 53066 et seq.

Gambling Control Act
Business and Professions Code § 19800 et seq.

Massage parlors
Government Code § 51030 et seq.

Private investigators
Business and Professions Code § 7512 et seq.

Taxicabs
Vehicle Code §§ 16500 et seq., 21100, 21112; and
Government Code § 53075.5 et seq.

Telecommunications facilities
Government Code § 50030

Animals

Animals generally
Food and Agriculture Code § 16301 et seq.

Dogs
Government Code § 38792; and
Food and Agriculture Code § 30501 et seq.

Potentially dangerous and vicious dogs
Food and Agriculture Code § 31601 et seq.

Rabies control
Health and Safety Code § 121575 et seq.

Cruelty to animals and related offenses
Penal Code §§ 596 et seq. through 600.5

Health and Safety

Garbage and refuse collection and disposal
Public Resources Code § 49300 et seq.

Nuisances and nuisance abatement
Government Code § 38771 et seq.; and
Penal Code § 370 et seq.

Weed and rubbish abatement
Government Code § 39501 et seq.

Littering
Penal Code §§ 374 through 374.8

Smoking—Places of employment
Labor Code § 6404.5

California Indoor Clean Air Act of 1976
Health and Safety Code § 118875 et seq.

Graffiti abatement
Government Code § 38772; and
Penal Code § 594.5

Fire prevention
Health and Safety Code § 13000 et seq.

Fireworks
Health and Safety Code § 12500 et seq.

Noise control
Health and Safety Code § 46000 et seq.; and
Government Code § 65302(f)

Hospitals
Government Code § 37600 et seq.

Public Peace, Morals and Welfare

Crimes against religion and conscience, and other offenses against good morals
Penal Code § 302 et seq.

Obscenity
Penal Code § 311 et seq.

Material harmful to minors
Penal Code § 313 et seq.

Indecent exposure, obscene exhibitions, and bawdy and other disorderly houses
Penal Code § 314 et seq.

Crimes against the public peace
Penal Code § 403 et seq.

Vehicles and Traffic

Rules of the road
Vehicle Code § 21000 et seq.

Local traffic rules and regulations
Vehicle Code § 21100 et seq.

Traffic signs, signals and markings
Vehicle Code § 21350 et seq.

Driving on right side of road, overtaking and passing
Vehicle Code § 21650 et seq.

Right-of-way
Vehicle Code § 21800 et seq.

Pedestrians' rights and duties
Vehicle Code § 21949 et seq.

Turning, stopping and turning signals
Vehicle Code § 22100 et seq.

Vehicle speed
Vehicle Code § 22348 et seq.

Special stops required
Vehicle Code § 22450 et seq.

Stopping, standing and parking
Vehicle Code § 22500 et seq.

Bicycles
Vehicle Code §§ 21200 et seq., 39000 et seq.

Vehicle size, weight and load
Vehicle Code § 35000 et seq.

Penalties
Vehicle Code § 42000 et seq.

Streets, Sidewalks and Public Places

Improvement Act of 1911
Streets and Highways Code § 5000 et seq.

Construction of sidewalks and curbs
Streets and Highways Code § 5870 et seq.

Underground utility districts
Streets and Highways Code § 5896.1 et seq.

Obstructions and encroachments on public ways
Government Code § 38775

Municipal parks
Public Resources Code § 5181 et seq.

Tree Planting Act of 1931
Streets and Highways Code § 22000 et seq.

Landscaping and Lighting Act of 1972
Streets and Highways Code § 22500 et seq.

Charitable solicitations
Business and Professions Code § 17510 et seq.

Advertising displays
Business and Professions Code § 5229 et seq.

Public Services

Municipal water systems
Government Code § 38730 et seq.

Municipal sewers
Government Code § 38900 et seq.; and Health and Safety Code § 5470 et seq.

Water wells
Water Code § 13700 et seq.

Buildings and Construction

Authority to regulate buildings and construction
Government Code §§ 38601 and 38660

State Housing Law
Health and Safety Code § 17910 et seq.

Adoption of construction codes
Health and Safety Code §§ 17922 and 17958

California Building Standards Law
Health and Safety Code § 18901 et seq.

Mobilehome Parks Act
Health and Safety Code § 18200 et seq.

Signs
Government Code §§ 38774 and 65850; and
Business and Professions Code § 5200 et seq.

Inspection warrants
Code of Civil Procedure § 1822.50 et seq.

Development fees
Government Code § 66000 et seq.

Subdivisions

Subdivision Map Act
Government Code § 66410 et seq.

Zoning

Planning and Zoning Law
Government Code § 65000 et seq.

Local authority to regulate land use
Government Code § 65850

Local zoning administration
Government Code § 65900 et seq.

Open-space zoning
Government Code § 65910 et seq.

Family day care homes
Health and Safety Code § 1597.30 et seq.

Environmental Protection

California Environmental Quality Act
Public Resources Code § 21000 et seq.

California Noise Control Act of 1973
Health and Safety Code § 46000 et seq.

ORDINANCE LIST AND DISPOSITION TABLE

Beginning with Supplement No. 5, this table will be replaced with the "Code Comparative Table and Disposition List."

Ordinance Number	
1	Sets time and place of board of trustee meetings (Repealed by 148)
2	Business license regulations and fees (Repealed by 148)
3	Regulates retail sale of liquor (Repealed by 148)
4	Sets bond amounts for officers (Repealed by 148)
5	Restricts intoxication (Repealed by 148)
6	Police and sanitary regulations (Repealed by 148)
7	Prohibits certain uses of street (Repealed by 148)
8	Confinement of prisoners (Repealed by 148)
9	Establishes election precinct (Repealed by 148)
10	Prohibits concealed weapons (Repealed by 148)
11	Creates tax assessment, levy and collection system (Repealed by 148)
12	Regulates keeping of swine (Repealed by 148)
13	Prohibits playing with ball in public place (12.12)
7-19-16	Amends § 1(8) of Ord. 2, business licenses (Not codified)
14	Prohibits animals from running at large (Repealed by 148)
3-19-17	Amends Ord. 1, board meetings (Repealed by 148)
15	Prohibits gambling (Repealed by 148)
16	Prohibits dogs from running at large (Repealed by 144)
17	Requires mouth and nose to be covered in public (Repealed by 148)
18	Spanish influenza quarantine (Repealed by 148)
7-16-19	Amends Subd. 7 of Ord. 2, business licenses (Not codified)
7-16-19	Amends Subd. 9 of Ord. 2, business licenses (Not codified)
19	Requires licenses for sellers of ice cream and beverages (Repealed by 148)
10-12-21	Amends Ord. 19, licenses (Rescinded)
20	Designates main highway (Repealed by 148)
12-10-30	Amends Ord. 20, regulation of traffic (Repealed by 148)
2-11-31	Amends Arts. 1, 2, 3, 4, 5, 6, 7 and 8 of Ord. 2, business licenses (Not codified)
21	Prohibits accumulation of rubbish and weeds (Repealed by 148)
22	Prohibits picketing (Repealed by 148)

Ordinance Number	
9-24-34	Amends Subd. 7 of Ord. 2, business licenses (Repealed by 148)
23	Prohibits fireworks (Repealed by 148)
24	Franchise grant to Pacific Gas and Electric Company, electrical system (Special)
25	Special gas tax street improvement fund (3.20)
26	Blackout regulations (Repealed by 148)
27	Affidavit regarding Pacific Gas and Electric Company franchise (Special)
28	Business licenses and fees (Repealed by 148)
4-10-46	Amends Arts. 4 and 5 of Ord. 2, business licenses (Repealed by 148)
29	Speed limits (Special)
30	Speed limits (Special)
2-11-58	Amends Ord. 1, board meetings (Repealed by 148)
31	Juvenile curfew (Repealed by 148)
32	Licensing and regulation of dogs (Repealed by 144)
33	Sales and use tax (Repealed by 47)
34	Amends Ord. 32, licensing and regulation of dogs (Repealed by 148)
35	Franchise grant to Pacific Gas and Electric Company, electrical system (Special)
36	Amends Ord. 35, Pacific Gas and Electric Company franchise (Special)
37	Amends §§ 4(a)(2), 5(b)(2) and 5(b)(3)(ii) of Ord. 33; renumbers § 4(b)(4)(iii) to be 4(b)(4)(ii); and repeals §§ 2(e) and 4(b)(4)(ii), sales and use tax (Repealed by 47)
38	Salaries (Repealed by 148)
39	Prohibits living in trailer coaches (Repealed by 148)
40	Documentary stamp tax (Not codified)
41	Underground utilities (13.08)
42	Transfer of tax assessment and collection to county (3.04)
43	Prohibits loitering (Repealed by 148)
44	Preservation of historic buildings, and regulation of signs (15.16)
10-8-70	Adds § 78E to Ord. 28, licenses and fees (Repealed by 148)
12-10-70	Amends Ord. 44, historic preservation and signs (15.16)
45	One way streets (Repealed by 162)
46	Parking (Repealed by 148)
47	Repeals and replaces Ords. 33 and 37, sales and use tax (Repealed by 148)
48	Installation and regulation of sewer system (Repealed by 148)
49	Regulates noise (8.08)
9-25-75	Amends Art. 2, § 7(a) and (b) of Ord. 49, noise (8.08)
50	Planning commission (Repealed by 148)

Ordinance Number	
51	Sewer service rates (Repealed by 148)
7-8-76	Amends Ord. 51, sewer service rates (Repealed by 148)
52	Trash burning (Repealed by 148)
53	Public sewer system (Repealed by 148)
54	Business licenses (5.04)
12-13-79	Amends Ord. 44, historic preservation and signs (15.16)
55	Zoning (17.04—17.32, 17.60, 17.64, 17.76—17.84)
56	Amends Ord. 55, zoning (17.04, 17.56)
57	Municipal elections (Repealed by 148)
58	Sales and use tax (3.12)
59	Subdivisions (Repealed by 159)
60	Encroachments on public streets (12.08)
61	Amends § 10 of Ord. [44], historic preservation and signs (15.16)
62	Amends § 13 of Ord. 54, business licenses (Repealed by 115)
63	Amends Schedule of Charges, Art. II, § 6 of Ord. 51, sewer service (Repealed by 125)
64	Adds Parts 11, 12, 13, and 14 to Ord. 55; amends Part 3 § 3, and § 21.00; repeals and replaces §§ 18.06 and 18.08; and repeals Part 10 §§ 10.08, 10.09 and 10.10, zoning (17.08, 17.36, 17.40, 17.44, 17.48, 17.76, 17.84)
65	Amends Art. II § 6, and Art. III § 12 of Ord. 51, service rates (Repealed by 148)
66	Adopts Uniform Property Numbering System (15.08)
67	Personnel regulations (2.08)
68	Elections (1.08)
69	Amends §§ 3.05 and 5.01 of Ord. [59], subdivisions (Repealed by 159)
70	Tentative subdivision maps (Repealed by 159)
71	Amends Art. II § 6 of Ord. 51, sewer service rates (Repealed by 148)
72	Removal of abandoned vehicles (Repealed by 148)
73	Adds Part 15 to Ord. 55, zoning (17.52)
74	Uniform Fire Code and Uniform Fire Code Standards (Repealed by 148)
75	Design review requirements (17.72)
76	(Not available)
77	Amends Part 4 § 4.06 of Ord. 55, zoning (17.12)
78	Amends Part 4 § 4.03 of Ord. 55, zoning (17.12)
79	Amends Part 4 § 2.25 of Ord. 55, zoning (17.68)
80	Adds Art. IX § 9.02(a) of Ord. 48, sewer system (Repealed by 148)
81	Abatement of nuisances (8.12)
82	Regulation of animals (Repealed by 144)
83	Development permit consultation fees (Repealed by 148)

Ordinance Number	
84	Adopts State Historical Building Code (15.12)
85	Surface mining and reclamation (Superseded by 146)
86	Initiative to regulate mining and processing (18.04)
87	Amends § 2.32 of Ord. 55, zoning (17.04)
88	Amends Ord. 83, fee schedule (Repealed by 88.1)
88.1	Repeals and replaces Ord. 88, fee schedule (Repealed by 148)
89	Regulates mining (Repealed by 148)
90	Amends Ord. 61, signs (15.16)
91	Amends § Art. II § 6 of Ord. 63, Schedule of Charges (Repealed by 125)
92	Amends Ords. 74 and 76, adoption of uniform building codes and fire codes (Repealed by 148)
93	Mining (Special)
94	Amends Ord. 44, preservation of rock walls (15.16)
95	Amends Ord. 75, design review requirements (Repealed by 148)
96	Development fees for fire protection (Special)
97	Amends Ord. 75, design review requirements (Repealed by 163)
98	Amends general plan (Special)
99	Amends Ords. 55 and 64, zoning (17.04, 17.12, 17.16, 17.20, 17.24, 17.28, 17.36, 17.40, 17.44, 17.48, 17.60)
100	Conflict of interest code (2.04)
101	Adds §§ 1.2 and 1.3 to Ord. 46, parking (10.08)
102	(Not available)
103	(Not available)
104	(Not available)
105	Cable television (Repealed by 105.1)
105.1	Repeals and replaces Ord. 105, cable television (5.08)
106	Amends Ords. 74, 76 and 92, adopts and amends uniform building codes and fire codes (15.04)
107	Amends Ords. 83 and 88 to add §§ 6, 7 and 8, fee schedule (Repealed by 148)
108	Amends §§ 1.00.010, 1.00.020, 1.00.030 and 1.00.040 of Ord. 81, nuisances—solid waste (8.12)
109	Amends Ord. 82, regulation of animals (Repealed by 144)
110	School facility fees (Not passed)
111	Weed and rubbish abatement (Not passed)
112	Renumbers § 4 as 5, and adds new § 4 to Ord. 90; and amends §§ 2(a)(4) and 3, historic preservation and signs (15.16)
113	Amends § 17.17 of Ord. 55, zoning fees (17.68)
114	Amends §§ 20.08 Parts A and B, zoning (17.76)
115	Amends § 13 of Ord. 54, and repeals Ord. 62, business licenses (5.04)

Ordinance Number	
116	Repeals § 73 of Ord. 28, fees for gambling licenses (Repealer)
117	Amends Ord. 81, nuisances—abandoned vehicles (10.12)
118	Grease, oil and sand interceptors (Repealed by 148)
119	Lease (Special)
120	Parking fees (15.20)
121	Amends § 17.15 of Ord. 55, zoning (17.60)
122	(Not available)
123	Adds §§ 17.18 and 17.19 to Ord. 55; and amends §§ 9.01 and 10.01, zoning (17.28, 17.32, 17.60)
124	Prohibits skateboards (12.12)
125	Amends Art. II § 6 of Ord. 51, sewer rate charges; repeals Ords. 63 and 91 (Repealed by 148)
126	Adds § 1.00.010(K) to Ord. 117, abandoned vehicle abatement (10.12)
127	Local claims procedures (3.08)
128	Amends Ord. 108, nuisance abatement (8.12)
129	Updated mining permit conditions (Special)
130	(Not available)
131	Sign committee (15.16)
132	Maintenance of sidewalks (12.04)
133	Regulates commercial television, films and photography (5.12)
134	Amends § 8.10(a) of Ord. 48, sewer user fees (Repealed by 148)
135	Restates Ord. 86, repeals and replaces Ord. 89, mining (Repealed by 146)
136	Drug free zones (9.04)
137	Establishes code enforcement division (1.12)
138	Adds § 17.17(C)(18) to Ord. 55, zoning (Repealed by 148)
139	Parking (10.08)
140	Transient occupancy tax (3.16)
141	Amends § 8.10(a) of Ord. 48, sewer service rates (Repealed by 148)
142	Amends § 7.05 of Ord. 48, sewer use (Repealed by 148)
143	Adds § 3 to Ord. 46, and renumbers following sections, parking (10.08)
144	Repeals and replaces Ords. 16, 32, 82, and 109, regulation of animals (6.04)
145	Firearms (8.04)
146	Surface mining and reclamation; repeals Ords. 89 and 135 (18.04)
147	Sewer regulations (13.04)
148	Repeals Ords. 1—15, 17—23, 26, 28, 31, 34, 38, 39, 43, 45 § 4, 46—48, 50—53, 57, 58 §§ 13—15, 65, 71, 72, 74, 75, 80, 83, 88.1, 89, 92, 95 except for § 15.55(9), 107, 118, 125, 134, 135, 138, 141, 142 and Ords. dated 3-14-17 [3-19-19], 12-10-30, 9-24-34, 4-10-46, 2-11-58, 10-8-70 and 7-8-76 (Repealer)

Ordinance Number	
149	Amends Ords. 40, 41 § 2, 59 §§ 4.02(D) and 4.03, 84 § 1(A), 88, 100, 106 and 143 § (G) (2.04, 10.08, 13.08, 15.12)
150	Adds § 2.08.150, compensation of city officers (2.08)
152	Adopts municipal code (1.01)
153	Adds § 17.12.021, second dwelling units (17.12)
155	Amends § 17.12.021, second dwelling units (17.12)
156	Adds Ch. 8.13, separation of household garbage from garden green waste (8.13)
157	Amends §§ 13.04.690, 13.04.710, sewer service system (13.04)
158	Adds § 17.12.081; amends §§ 17.04.030, 17.12.080, zoning (17.04, 17.12)
159	Repeals and replaces T. 16, subdivisions (16.04, 16.08, 16.10, 16.12, 16.16, 16.20, 16.22, 16.24, 16.26, 16.27, 16.28, 16.29, 16.30, 16.31, 16.32)
160	Adds Ch. 16.23, park land dedication (16.23)
161	Amends Ch. 15.16, historical building preservation, sign and outdoor merchandise display regulations (15.16)
162	Repeals [repeals and replaces] Ch. 10.04, one-way streets (10.04)
163	Repeals [repeals and replaces] Ch. 17.72, zoning (17.72)
164	(Not codified)
165	Park and recreation impact fee (7.04)

Beginning with Supplement No. 5, this table will be replaced with the "Code Comparative Table and Disposition List."

CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a numerical listing of the ordinances of Amador City, California, beginning with Supplement No. 5, included in this Code.

Ordinance Number	Date	Description	Section	Section this Code
166	9-20-07	Traffic mitigation fees	1 Added	14.04.010—14.04.130
167	2-21-08	Salary of city treasurer		Omit
168	12-23-09	Water efficient landscape design and irrigation	1—3 Added	17.28.010—17.28.030
171	9-20-12	Sewer user fees		13.04.710 A.
173	8-20-15	To establish rules and regulations of special events conducted within the boundaries of the city	Added	12.48.010—12.48.140
174	3-17-16	Sewer user fees		13.04.710 A.
175	3-16-17	Short-term rentals	1 Added	5.16.010—5.16.090
177	5-18-17	Business licenses		5.04.010—5.04.210
178	12-21-17	Cannabis	Added	8.10.010—8.10.070
179	2-20-20	Claims against the city	2 Added	1.20.010—1.20.050
180	5-20-21	Amending Chapter 15.04	3	15.04.010—15.04.100
181	9-21-21	Amending and replacing Section 12.08.010 and adding Section 12.08.030 to Chapter 12	1	12.08.010
			Added	12.08.030
182	5-17-22	Creating Chapter 8.16 relating to the requirements for the reduction of organic waste disposal	Added	8.16.010—8.16.150
184	6-15-23	Pertaining to sewer user fees		13.04.710A.
186	10- 7-24	Adding Chapter 3.21 to establish a one-quarter percent (1/4%) transactions and use tax for a period of ten years for the sole purpose of transportation improvements	1 Added	3.21.010—3.21.180

— A —

ANIMALS
County provisions adopted 6.04.010

— B —

BUILDING
Codes
See CONSTRUCTION CODES Ch. 15.04
In lieu parking fees
alternative mitigation 15.20.070
applicability of provisions 15.20.010
credit 15.20.040
designated 15.20.030
exemptions from provisions 15.20.090
expenditures 15.20.060
findings, additional 15.20.080
payment 15.20.050
purpose of provisions 15.20.020
Numbering
display 15.08.030
legal description, effect 15.08.040
system
adopted 15.08.010
designated 15.08.020
violations, penalties 15.08.050

BUSINESS LICENSES
Additional power of collector 5.04.090
Appeal 5.04.080
Branch establishments 5.04.050
Definitions 5.04.010
Effect on other ordinances 5.04.030
Enforcement 5.04.160
Exemptions 5.04.060
License
contents 5.04.070
duplicate 5.04.120
effect of chapter on past actions, unexpired 5.04.190
fee
expiration, how and when payable 5.04.130
payment required 5.04.040

BUSINESS LICENSES (Cont′d.)
License (Cont′d.)
fee (Cont′d.)
provisions re 5.04.020
shall be treated as a debt 5.04.170
nontransferable, changed location and ownership 5.04.100
posting and keeping 5.04.110
Outside businesses 5.04.140
Remedies cumulative 5.04.180
Rules and regulations 5.04.150
Violation, penalty 5.04.210

— C —

CANNABIS
All sales, distribution, and deliveries prohibited 8.10.050
Commercial cannabis activity, and retail dispensaries prohibited 8.10.060
Definitions 8.10.030
Enforcement 8.10.070
Nuisance declared; cannabis cultivation and related activities are prohibited and unlawful in all zones; exceptions 8.10.040
Purpose and intent 8.10.020
Title 8.10.010

CATV SYSTEMS
Amendments 5.08.170
City rights reserved 5.08.070
Definitions 5.08.010
Failure to perform work 5.08.100
Franchise
expiration, termination 5.08.040
fees 5.08.050
generally 5.08.020
permitted uses 5.08.030
time limit compliance 5.08.080
Indemnification, insurance 5.08.130
Inspections 5.08.120
Notice requirements 5.08.150
Performance bond 5.08.110
Regulations generally 5.08.060
Removal 5.08.090

CATV SYSTEMS (Cont'd.)
Service refusal prohibited 5.08.160
Technical standards 5.08.140
Violations
remedies not exclusive 5.08.190
waiver of rights 5.08.180

CLAIMS AGAINST CITY
Claim prerequisite to suit 1.20.040
Claim requirements 1.20.030
Claims generally 1.20.010
Presentation of claim 1.20.020
Procedures 3.08.020
Purpose of provisions 3.08.010
Suit 1.20.050

CODE ADOPTION
Adoption 1.01.010
Citation 1.01.020
Constitutionality 1.01.070
Effect on past actions 1.01.060
Headings 1.01.040
Ordinances passed prior to adoption 1.01.050
Reference, applicable to 1.01.030

CODE ENFORCEMENT
Administrative abatement
generally 1.12.080
procedure 1.12.090
Definitions 1.12.020
Division established 1.12.010
Inspections to follow-up 1.12.120
Misdemeanors, infractions, fines 1.12.100
Money judgments 1.12.110
Notice recordation 1.12.070
Officers
authority 1.12.060
duties 1.12.030
Remedies cumulative 1.12.130
Warning
content 1.12.050
initial 1.12.040

CONSTRUCTION CODES
Adopted 15.04.010

CONSTRUCTION CODES (Cont'd.)
Amendments 15.04.030
Appendices, related 15.04.010
Board of appeals 15.04.020
Emergency repairs 15.04.130
Foundation systems 15.04.050
Interior wall, ceiling coverings 15.04.060
Power permits, temporary 15.04.110
Roof snow load 15.04.040
Utility company connections 15.04.120
Violations
notice 15.04.100
penalties 15.04.090

— D —

DRUG-FREE ZONES
Designated 9.04.010

— E —

ELECTIONS
Date, location, notice 1.08.010

— F —

FILMING
Definitions 5.12.010
Liability 5.12.040
Permit
application, issuance 5.12.050
requirements 5.12.020
Rules, regulations 5.12.030
Violations, penalties 5.12.060

FIREARMS
Definitions 8.04.010
Discharge prohibited 8.04.020
Violations, penalties 8.04.030

— G —

GAS TAX STREET IMPROVEMENT FUND
Created 3.20.010
Use of revenue 3.20.020

— H —

HISTORICAL BUILDING
Code adopted 15.12.010
Preservation
damage, removal 15.16.040
existing buildings 15.16.030
new construction requirements 15.16.050
outdoor, sidewalk merchandise displays 15.16.100
permit issuance 15.16.060
purpose of provisions 15.16.010
rock walls 15.16.070
signs
applicability of provisions 15.16.020
committee 15.16.080
regulations 15.16.090

— M —

MINING
See SURFACE MINING, RECLAMATION Ch. 18.04

— N —

NOISE
Definitions 8.08.020
Level
ambient 8.08.040
measurement 8.08.030
Policy declaration 8.08.010
Regulations
construction 8.08.080
machinery, equipment, fans 8.08.070
near schools, hospitals, churches 8.08.060
radios, televisions 8.08.050
Violations, penalties 8.08.090

NUISANCES
Abatement, removal 8.12.020
Construction of provisions 8.12.040
Definitions 8.12.010
Enforcement of provisions 8.12.030

— O —

ONE-WAY STREETS
Adoption 10.04.010
Determination 10.04.020

ORGANIC WASTE DISPOSAL REDUCTION
CALGreen recycling requirements compliance with 8.16.090
Commercial businesses 8.16.060
Commercial edible food generators 8.16.070
Definitions 8.16.030
Education, outreach 8.16.050
Effective date 8.16.150
Enforcement 8.16.140
Food recovery organizations, services 8.16.080
Inspections, investigations by jurisdiction 8.16.130
Jurisdiction departments, direct service providers, vendors procurement requirements 8.16.110
Model water efficient landscaping ordinance requirements compliance with 8.16.100
Purpose of provisions 8.16.020
Recordkeeping, reporting authority 8.16.040
Solid waste facility requirements 8.16.120
Title 8.16.010

— P —

PARK, RECREATION IMPACT FEES
Account 7.04.090
Adjustments 7.04.070
Administration, use of funds 7.04.080
Adoption of development mitigation fee 7.04.030
Annual report 7.04.120
Applicability of fees 7.04.040
Automatic annual adjustment 7.04.130
Condition for refunds 7.04.110
Definitions 7.04.020

PARK, RECREATION IMPACT FEES (Cont'd.)
Developer construction of facilities 7.04.100
Exemptions, reductions 7.04.050
Fee revision by resolution 7.04.140
Findings 7.04.010
Timing of payment 7.04.060

PARKING
Overnight, camping 10.08.020
Recreational vehicles, trucks 10.08.030
Regulations generally 10.08.010
For vehicle repair prohibited 10.08.040
Violations, penalties 10.08.050

PERSONNEL
Compensation 2.08.150
Conflict of interest code adopted 2.04.010
Grievance procedure 2.08.140
Holidays 2.08.070
Hourly rate employees 2.08.110
New employees 2.08.120
Overtime 2.08.080
Performance evaluation reports 2.08.040
Physical examination required 2.08.130
Recordkeeping 2.08.030
Retirement system membership 2.08.090
Salary schedule 2.08.010
Sick leave 2.08.050
Social security 2.08.100
Time cards 2.08.020
Vacation 2.08.060

PHOTOGRAPHY
See FILMING Ch. 5.12

— R —

RENTALS, SHORT-TERM
Application 5.16.050
Authorized agent or representative 5.16.030
Definitions 5.16.020

RENTALS, SHORT-TERM (Cont'd.)
Operational requirements and standard conditions 5.16.070
Operations 5.16.080
Permit
criteria for approval and renewal 5.16.060
required 5.16.040
Purpose 5.16.015
Title 5.16.010
Violations 5.16.090

— S —

SALES, USE TAX
Amendments 3.12.130
Contract with state 3.12.050
Enjoining collection forbidden 3.12.140
Exceptions to provisions 3.12.120
Imposed
sales tax 3.12.060
use tax 3.12.080
Operative date 3.12.030
Permit not required 3.12.110
Place of sale 3.12.070
Purpose of provisions 3.12.040
Rate 3.12.020
Statutory provisions
adopted 3.12.090
limitations 3.12.100
Title of provisions 3.12.010
Violations, penalties 3.12.150

SEWER SYSTEM
Applicability of provisions 13.04.140
Building
backflow prevention 13.04.320
clean-outs 13.04.270
connection to public sewer 13.04.290
construction requirements 13.04.230
elevation 13.04.280
occupancy requirements 13.04.120
old connections, use restrictions 13.04.260
permit required 13.04.220

SEWER SYSTEM (Cont'd.)
Building (Cont'd.)
requirements 13.04.130
side sewer
excavation protection 13.04.300
maintenance 13.04.310
separate 13.04.250
specifications 13.04.240
Car washes 13.04.610
Charges
annexation 13.04.670
billing, collection 13.04.720
collector and trunk sewer 13.04.710
connection 13.04.690
deposits 13.04.730
disposition 13.04.740
equalization charges, benefit zones 13.04.680
owner responsibility 13.04.780
permit, inspections 13.04.700
Construction
completion required 13.04.420
compliance required 13.04.390
contractor requirements 13.04.370
excavation protection 13.04.400
grade stakes 13.04.380
improvement security 13.04.430
liability of city 13.04.820
permit
required 13.04.330
street excavation 13.04.810
time limits 13.04.830
plans, specifications 13.04.340
right-of-way easements 13.04.360
standards 13.04.410
subdivision requirements 13.04.350
Damage prohibited 13.04.900
Definitions 13.04.020
Drainage into sanitary sewers prohibited 13.04.500
Inspections
notice 13.04.760
required 13.04.750
right of entry 13.04.910
work condemnation 13.04.770
SEWER SYSTEM (Cont'd.)
Inspector, compensation 13.04.070
Main extension costs
city participation 13.04.490
partial reimbursement
off-site sewers 13.04.450
oversize sewers 13.04.460
pumping stations, treatment facilities 13.04.470
special agreements 13.04.480
responsibility 13.04.440
Permit
agreement 13.04.650
application, payments 13.04.630
classes designated 13.04.660
compliance required 13.04.640
fees 13.04.080
required when 13.04.620
Private disposal
See also Waste disposal
design requirements 13.04.180
inspections 13.04.170
maintenance cost responsibility 13.04.200
permit required 13.04.160
permitted when 13.04.150
public connection required upon availability 13.04.190
requirements, additional 13.04.210
Purpose of provisions 13.04.010
Relief
application 13.04.050
on council motion 13.04.060
Rules, regulations 13.04.030
Service outside city limits
application denial 13.04.790
special agreements 13.04.800
Storm sewer use required 13.04.510
Swimming pools 13.04.600
Violations
disconnection 13.04.860
liability 13.04.890
notice, abatement 13.04.840
nuisance
abatement 13.04.870

SEWER SYSTEM (Cont′d.)
Violations (Cont′d.)
nuisance (Cont′d.)
declaration 13.04.850
penalties 13.04.880
Violations, penalties 13.04.040
Waste disposal
See also Private disposal
control manholes 13.04.570
interceptors
maintenance 13.04.540
required 13.04.530
privy, cesspool, septic tanks
prohibited 13.04.110
prohibited types 13.04.520
restrictions 13.04.090
special agreements 13.04.590
testing, measurements 13.04.580
treatment
facility maintenance 13.04.560
preliminary 13.04.550
required 13.04.100

SKATEBOARDS
See STREETS, SIDEWALKS Ch. 12.12

SPECIAL EVENTS
Alternative dates, places 12.48.130
Amplified sound restrictions 12.48.090
Definitions 12.48.010
Permit
appeal of action 12.48.140
application fee 12.48.050
application, approval 12.48.110
application, notice 12.48.080
cancellation fees 12.48.070
denial, revocation 12.48.120
exemptions 12.28.030
fees 12.48.060
insurance, indemnity requirements 12.48.100
scope, unlawful participation 12.48.020
waiver 12.48.040

STREETS, SIDEWALKS
See also SPECIAL EVENTS
Encroachments permit
issuance 12.08.020
required 12.08.010
sidewalk restaurants, bars 12.08.030
Maintenance responsibility 12.04.010
Skateboards prohibited 12.12.010

SUBDIVISIONS
Administrative costs 16.04.050
Appeal
action 16.31.030
filing, report 16.31.020
notice 16.31.010
Application 16.30.010
Boundary line adjustments
procedure 16.28.030
record of survey
not required when 16.28.010
parcel map required 16.28.020
Certificate of compliance
appeals 16.29.030
generally 16.29.020
illegally created parcels 16.29.010
Compliance required 16.04.040
Definitions Ch. 16.08
Design
additional access 16.16.190
block, length, width 16.16.120
covenants of restrictions 16.16.140
general plan 16.16.130
grading, erosion control 16.16.180
land subject to inundation 16.16.150
lots 16.16.100
nonaccess, planting strips 16.16.060
public areas, dedications, fees 16.16.160
public improvements 16.16.010
sidewalks, walkways 16.16.110
storm drainage 16.16.170
street names 16.16.080
Final maps
action by city engineer 16.20.040
approval by city council 16.20.050
certificates 16.20.030

SUBDIVISIONS (Cont'd.)
Final maps (Cont'd.)
city clerks
certificate 12.20.060
review 16.20.045
filing 16.20.010
procedures, form, content 16.20.020
recordation 16.20.070
General requirements
boundary line adjustments 16.10.070
parcel maps
generally 16.10.050
waiver 16.10.060
proof of access 16.10.040
remainders 16.10.100
reversion to acreage, lot mergers 16.10.080
soils, hazardous materials 16.10.120
tentative maps 16.10.010
vesting tentative map
generally 16.10.020
subdivider option 16.10.030
Improvement security
amount
generally 16.26.020
reduction 16.26.030
manner 16.26.010
release 16.26.040
Improvements
on-site improvements required 16.24.020
standards, approval 16.24.010
Merged parcels 16.27.020
Merger of contiguous parcels 16.27.025
Parcel maps
certificates 16.22.030
evidence of title 16.22.020
requirements 16.22.010
Park land dedication
access 16.23.170
agency 16.23.160
dedication, fee criteria 16.23.070
definitions 16.23.020

SUBDIVISIONS (Cont'd.)
Park land dedication (Cont'd.)
determination
fair market value 16.23.090
land, fee 16.23.100
exemptions 16.23.140
fee
amount 16.23.080
disposition 16.23.130
formula 16.23.050
general standards 16.23.040
in lieu formula fees 16.23.060
private open space, credit 16.23.110
procedure 16.23.120
purpose of provisions 16.23.010
recreation improvements 16.23.150
requirements 16.23.030
sale 16.23.180
validity 16.23.190
Planning commission
designated 16.04.020
duties 16.04.030
Purpose of provisions 16.04.010
Tentative maps
See also Parcel maps
fees 16.12.040
generally 16.12.010
planning commission
action 16.12.100
alternative, approval 16.12.110
appeal, decision 16.12.140
review 16.12.080
subdivider's action 16.12.160
submittal 16.12.020
time limit extensions 16.12.120
Penalties 16.32.010

SURFACE MINING, RECLAMATION
Amendments 18.04.120
Appeals 18.04.110
Definitions 18.04.020
Financial assurance 18.04.060
Inspections 18.04.100
Intent of provisions 18.04.010
Interim management plans 18.04.080
Permit, plan requirements 18.04.040

SURFACE MINING, RECLAMATION (Cont'd.)
Records, public 18.04.070
Regulations incorporated 18.04.030
Report requirements 18.04.090
Review procedure 18.04.050

— T —

TAXES
See also Specific Tax
Assessment, collection duties
city offices abolished 3.04.030
copy of provisions on file 3.04.040
definitions 3.04.010
transfer to county 3.04.020

TRAFFIC MITIGATION FEES
Acceptance of real property in lieu of fee 14.04.130
Additional conditions 14.04.050
Adjustment to or waiver of fees 14.04.120
Adjustments to previously imposed fees 14.04.090
Construction 14.04.110
Definitions 14.04.020
Fee calculation 14.04.060
Fee exemptions 14.04.100
Local and regional traffic mitigation fees
adoption and amendment of 14.04.030
collection of 14.04.040
Local traffic mitigation fund
management of 14.04.080
Purpose and findings 14.04.010
Regional traffic mitigation fund
management of 14.04.070

TRANSACTIONS AND USE TAX
Amendments 3.21.130
Annual audit 3.21.120
Effective date 3.21.170
Enjoining collection
forbidden 3.21.140
Exemptions, exclusions 3.21.110

TRANSACTIONS AND USE TAX (Cont'd.)
Operative date 3.21.020
Oversight committee 3.21.160
Permit
not required 3.21.100
Place of sale 3.21.060
Purpose 3.21.030
Severability 3.21.150
State contract 3.21.040
State law
adoption of provisions 3.21.080
limitations on adoption; collection of use taxes 3.21.090
Termination date 3.21.180
Title 3.21.010
Transactions tax rate 3.21.050
Use tax rate 3.21.070

TRANSIENT OCCUPANCY TAX
Appeals 3.16.100
Definitions 3.16.020
Delinquent
collection actions 3.16.130
lien 3.16.140
penalties, interest 3.16.080
Exemptions from provisions 3.16.040
Imposed 3.16.030
Operator duties 3.16.050
Recordkeeping 3.16.110
Refunds 3.16.120
Registration of business 3.16.060
Reporting, remitting
failure to collect, report 3.16.090
requirements 3.16.070
Title of provisions 3.16.010
Use of revenue 3.16.150
Violations, penalties 3.16.160

— U —

UNDERGROUND UTILITY DISTRICTS
Definitions 13.08.010
Designation by resolution 13.08.030

UNDERGROUND UTILITY DISTRICTS (Cont'd.)
Exceptions to provisions
designated 13.08.060
emergency, unusual circumstances 13.08.050
Hearing 13.08.020
Notice to owners, utility companies 13.08.070
Prohibited acts 13.08.040
Responsibility
city 13.08.100
property owner 13.08.090
utility company 13.08.080
Time extension 13.08.110
Violations, penalties 13.08.120

USE TAX
See SALES, USE TAX Ch. 3.12

— V —

VEHICLES, ABANDONED
Abatement, removal
notice
generally 10.12.080
to DMV 10.12.140
order, cost assessment 10.12.110
right of entry 10.12.060
violations, penalties 10.12.170
Appeals 10.12.100
Costs
See also Abatement, removal
administrative 10.12.070
collection 10.12.160
delinquent assessment 10.12.150
Definitions 10.12.020
Disposition 10.12.130
Enforcement authority 10.12.050
Exceptions to provisions 10.12.030
Exclusivity of provisions 10.12.040
Hearing
exceptions to provisions 10.12.120
procedure 10.12.090
Nuisance declaration 10.12.010

— W —

WASTE
See also ORGANIC WASTE DISPOSAL REDUCTION Ch. 8.16
Containers
placement, removal 8.13.040
Established 8.13.010
Franchise 8.13.020
Separation of household garbage and garden green waste 8.13.030

WEAPONS
See FIREARMS Ch. 8.04

— Z —

ZONING
Accessory buildings 17.60.130
Agricultural estate zone (AE)
area requirements 17.52.040
generally 17.52.010
land, structure regulations 17.52.030
permitted uses 17.52.020
reversion 17.52.050
Agricultural transition zone (A-T)
area requirements 17.40.080
distance between buildings 17.40.090
generally 17.40.010
height limits 17.40.040
permitted uses
generally 17.40.020
use permit required 17.40.030
yard
front 17.40.050
rear 17.40.070
side 17.40.060
Annexation
See Districts
Buildings
See also Dwellings
under construction 17.60.070
Commercial zone (C-2)
area requirements 17.32.070
distance between buildings 17.32.080
generally 17.32.010
height limits 17.32.030

ZONING (Cont′d.)
Commercial zone (C-2) (Cont′d.)
permitted uses 17.32.020
yard
front 17.32.040
rear 17.32.060
side 17.32.050
Conditional use permit
generally 17.80.010
required when 17.80.020
Conflicting provisions 17.60.020
Definitions 17.04.030
Design review requirements
adoption of provisions 17.72.010
appeals 17.72.080
design review committee 17.72.050
enforcement provisions 17.72.090
general applicability, related ordinances 17.72.060
guidelines to be set by resolution 17.72.020
introduction, overview 17.72.030
presentation requirements, application 17.72.070

ZONING (Cont'd.)
Design review requirements (Cont'd.)
purpose of provisions 17.72.040
Districts
See also Specific Zone
annexation 17.08.050
boundary interpretation 17.08.030
established 17.08.010
map 17.08.020
permitted uses 17.08.040
Dwellings
additional units 17.60.140
location 17.60.100
yard requirements 17.60.120
Enforcement of provisions 17.84.010
Excluded uses 17.60.050
Fences, walls, hedges 17.60.170
Height limits
See also Specific Zone
generally 17.60.110
Home occupations
appeals 17.68.050
criteria 17.68.030
procedures 17.68.040
purpose of provisions 17.68.010
use designation 17.68.020
Landscaping
See Water efficient landscape design and irrigation
Limited commercial zone (C-1)
area requirements 17.28.070
distance between buildings 17.28.080
generally 17.28.010
height limits 17.28.030
permitted uses 17.28.020
yard
front 17.28.040
rear 17.28.060
side 17.28.050
Limited manufacturing zone (M-1)
area requirements 17.36.070
generally 17.36.010
height limits 17.36.030
permitted uses 17.36.020
ZONING (Cont'd.)
Limited manufacturing zone (M-1) (Cont'd.)
yard
front 17.36.040
rear 17.36.060
side 17.36.050
Limited multiple-family zone (R-3)
area requirements 17.20.070
generally 17.20.010
height limits 17.20.030
permitted uses 17.20.020
yard
front 17.20.040
rear 17.20.060
side 17.20.050
Lots, through 17.60.150
Manufactured home combining zone (MH)
construction standards
designated 17.56.030
modification 17.56.040
designation requirements 17.56.020
permits 17.56.060
purpose of provisions 17.56.010
taxation 17.56.050
Map
See Districts
Multiple-family zone (R-4)
area requirements 17.24.070
distance between buildings 17.24.080
generally 17.24.010
height limits 17.24.030
permitted uses 17.24.020
yard
front 17.24.040
rear 17.24.060
side 17.24.050
Nonconforming buildings, uses
applicability of provisions 17.60.090
damaged, reconstruction 17.60.080
generally 17.60.060
Off-street parking
designated
amusements 17.64.070

ZONING (Cont'd.)
Off-street parking (Cont'd.)
designated (Cont'd.)
auditoriums 17.64.060
auto courts, tourist courts, motels 17.64.040
commercial, industrial buildings 17.64.080
hospitals, convalescent centers 17.64.050
one-family, two-family, multiple dwellings 17.64.020
rooming houses, lodging houses, clubs 17.64.030
loading spaces 17.64.090
required 17.64.010
requirements generally 17.64.100
One-family dwelling zone (R-1)
agricultural uses 17.12.030
area requirements 17.12.080
distance between buildings 17.12.090
generally 17.12.010
height limits 17.12.040
permitted uses 17.12.020
street frontage required 17.12.081
yard
front 17.12.050
rear 17.12.070
side 17.12.060
Parking
See Off-street parking
Permitted uses
See Specific Zone Districts
additional 17.60.040
less restrictive prohibited 17.60.030
Public service combining zone (PS)
generally 17.48.010
land, structure regulations 17.48.030
permitted uses 17.48.020
Purpose of provisions 17.04.010
Regulations generally 17.60.010
Right-of-way obstruction 17.60.190
Rummage sales, flea markets 17.60.180
ZONING (Cont'd.)
Special planning zone
designation on map 17.44.100
development
permit 17.44.110
plan 17.44.060
preliminary plan, advisory opinion 17.44.080
schedule 17.44.070
establishment, removal 17.44.050
generally 17.44.010
land, structure regulations 17.44.040
permitted uses 17.44.030
policy statement 17.44.090
purpose of provisions 17.44.020
Title of provisions 17.04.020
Two-family dwelling zone (R-2)
area requirements 17.16.070
distance between buildings 17.16.080
generally 17.16.010
height limits 17.16.030
permitted uses 17.16.020
yard
front 17.16.040
rear 17.16.060
side 17.16.050
Variances, rezones
amendments, boundary changes 17.76.050
application
fees 17.76.070
filing 17.76.060
investigation 17.76.080
conditions 17.76.030
decision 17.76.110
generally 17.76.010
hearing 17.76.100
information required 17.76.040
notices 17.76.090
procedures 17.76.020
Violations, penalties 17.84.020
Water efficient landscape design and irrigation
applicability 17.88.030
introduction and overview 17.88.010

ZONING (Cont'd.)
Water efficient landscape design and irrigation (Cont'd.)
purpose 17.88.020
Yard requirements
See also Specific Zone
encroachments 17.60.160
Zones
See Specific Zone