COLFAX MUNICIPAL CODE

A Codification of the General Ordinances of Colfax, California

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

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PREFACE

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

Beginning with Supplement 5, Municipal Code Corporation will be keeping this Code current by regular supplementation.

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 519, passed August 8, 2012.

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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, City Manager, can be added between Chapter 2.04, City Council, and Chapter 2.08, City Attorney.

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 table tells the reader 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.

Instruction Sheet.

Each supplement to the new code will be accompanied by an Instruction Sheet. The Instruction Sheet 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, the pages of this Code were consecutively numbered. As of Supplement No. 5, when new pages are inserted with amendments, the pages will follow a "Point Numbering System". (Example: 32, 32.1, 32.2, 32.2.1, 32.2.2., 33). Backs of pages that are blank (in codes that are printed double-sided) will be left unnumbered, but the number will be "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. We prefer Word, any version. You can send files to us as an e-mail attachment, by FTP, on a diskette or CD-ROM. Electronic files enable us not only to deliver the supplement more quickly but also reduce the number of errors. 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.
510	3-10-2010	Included	6
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513	5-26-2010	Included	6
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Title 1 - GENERAL PROVISIONS

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Chapter 1.04 - GENERAL PROVISIONS

Sections:

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1.04.020 - Provisions construed as restatements and continuations.

1.04.030 - Tenure of officers preserved.

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1.04.130 - Definitions.

1.04.010 - Scope.

Unless the provisions of this code otherwise specifically provide or the context of this code indicates to the contrary, the general provisions, rules of construction and definitions set forth in this chapter shall govern the construction of this code. The provisions of this code and all proceedings under it are to be constructed with a view to effect its objects and to promote justice.

(Prior code § 1-3.01)

1.04.020 - Provisions construed as restatements and continuations.

The provisions of this code, insofar as they are substantially the same as existing ordinances relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

(Prior code § 1-3.02)

1.04.030 - Tenure of officers preserved.

All persons who, at the time this code takes effect, hold office under any of the ordinances repealed by this code, which offices are continued by this code, shall continue to hold such offices in accordance with the tenure originally granted such persons.

(Prior code § 1-3.03)

1.04.040 - Effect of headings.

The title, chapter, article and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, article or section of this code.

(Prior code § 1-3.04)

1.04.050 - Meaning of section and subsection.

"Section" means a section of this code, unless some other source is specifically mentioned. "Subsection" means a subsection of the section in which the term occurs, unless some other section is expressly mentioned.

(Prior code § 1-3.05)

1.04.060 - References to acts or omissions within the city.

The provisions of this code shall refer only to the omission or commission of acts within the territorial limits of the city and to that territory outside the city over which the city has jurisdiction or control by virtue of the Constitution of the state or any law or by reason of ownership or control of property.

(Prior code § 1-3.06)

1.04.070 - Acts by deputies.

Whenever a power is granted to or a duty is imposed upon, a public officer or employee, the power may be exercised or the duty may be performed by a deputy of such officer or employee or by a person otherwise duly authorized pursuant to law or ordinance, unless this code expressly provides otherwise.

(Prior code § 1-3.07)

1.04.080 - Writing.

Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, such notice, report, statement or record shall be made in writing in the English language, unless this code expressly provides otherwise.

(Prior code § 1-3.08)

1.04.090 - References to ordinances—Application to amendments.

Whenever any reference in this code is made to an ordinance, the reference shall apply to such ordinance of the city unless this code expressly provides otherwise. Whenever any reference is made to any portion of this code or to any ordinance of the city, the reference shall apply to all amendments and additions made to this code.

(Prior code § 1-3.09)

1.04.100 - Notices required—Service.

Whenever a notice is required to be given pursuant to the provisions of this code, unless different provisions are otherwise specifically set forth in the text of the code, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified at his or her last known business or residence address as such address appears in the public records of the city or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time the notice is deposited in the post office.

(Prior code § 1-3.10)

1.04.110 - Notices required—Service—Proof.

Proof of giving any notice required to be given pursuant to the provisions of this code may be made by the certificate of any officer or employee of the city or by the affidavit of any person over the age of eighteen (18) years, which affidavit shows service in conformity with the provisions of this code or other provisions of law applicable to the subject matter concerned.

(Prior code § 1-3.11)

1.04.120 - Statute of limitations.

When a limitation or period of time prescribed in any existing ordinance or statute for acquiring a right or barring a remedy or for any other purpose, has begun to run before this code goes into effect, the time which has already run shall be deemed a part of the time prescribed as such limitation.

(Prior code § 1-3.12)

1.04.130 - Definitions.

For the purposes of this code, unless otherwise apparent from the context, certain words and phrases used in this code are defined as follows:

"Calendar year" means from January 1st through December 31st of any given year.

"City" means the city of Colfax.

"C.M.C." means the Colfax Municipal Code (1954 Edition), adopted February 23, 1954.

"Council" means the city council of the city of Colfax.

"County" means the county of Placer.

"Fiscal year" means from July 1st of any given year through June 30th of the following year.

Gender. The masculine gender includes the feminine and neuter genders.

"Goods" means and includes wares and merchandise.

"May" is permissive.

"Month" means a calendar month, unless otherwise expressed.

Number. The singular number includes the plural and the plural number includes the singular.

"Oath" includes affirmation.

Office. The use of the title of any officer, employee, office or ordinance means such officer, employee, office or ordinance of the city, unless otherwise specified.

Official Time Standard. Wherever certain hours are named in this code, they mean standard time or daylight saving time as may be in current use in the city.

"Operate" means and includes carrying on, keeping, conducting or maintaining.

"Owner," applied to a building or land, means and includes any part owner, joint owner, tenant, tenant in common or joint tenant of the whole or a part of such building or land.

"Person" means and includes any person, firm, company, corporation, partnership, association, public corporation, political subdivision, city (except the city), the county of Placer, any district in the county of Placer, the state of California or the United States of America or any department or agency of any thereof, unless this code expressly provides otherwise.

"Personal property" means and includes money, goods, chattels, things in action and evidences of debt.

"Property" means and includes real and personal property.

"Quarterly," where used to designate a period of time, means the first three calendar months of any given year or any succeeding period of three calendar months.

"Real property" means and includes lands, tenements and hereditaments.

"Sale" means and includes any sale, exchange, barter or offer for sale.

"Shall" is mandatory.

"State" means the state of California.

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

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

Tense. The present tense includes the past and future tenses and the future tense includes the present tense.

(Prior code § 1-3.13)

Chapter 1.08 - CITY SEAL

Sections:

1.08.010 - Adoption.

1.08.020 - Design.

1.08.010 - Adoption.

The common seal of the city is adopted.

(Prior code § 2-5.01)

1.08.020 - Design.

The seal shall show a cluster of grapes in its center. In the margin of the seal the words "City of Colfax Incorporated February 23, 1910" shall be shown. Such seal shall be two inches in diameter.

(Prior code § 2-5.02)

Chapter 1.12 - ELECTIONS

Sections:

1.12.010 - City general municipal elections.

1.12.010 - City general municipal elections.

A. Pursuant to Government Code Section 36503.5, the city council requires that the city general municipal elections be held on the same day as the statewide general election.

B. Pursuant to Government Code Section 36503.5 (a)(1), the city clerk is directed, upon passage of the ordinance codified in this chapter, to transmit to the Placer County board of supervisors a copy of said ordinance.

C. This chapter shall become operative upon the approval of the Placer County board of supervisors of the change in time for the holding of the city general municipal elections.

D. The city council finds that this chapter will have no possible affect upon the environment and determines that environmental assessment is not required.

(Ord. 422 §§ 1—4, 1994)

Chapter 1.16 - RIGHT OF ENTRY (Reserved)

Chapter 1.20 - ADMINISTRATIVE APPEALS

Sections:

1.20.010 - Right to appeal.

1.20.020 - Time limits for filing.

1.20.030 - Hearings—Notices.

1.20.040 - Hearings.

1.20.010 - Right to appeal.

Except where an appeals procedure is otherwise specifically set forth in this code, any person excepting to the denial, suspension or revocation of a permit applied for or held by him or her pursuant to any of the provisions of this code or to any administrative decision made by any official of the city, if the denial, suspension or revocation of such permit or the determination of such administrative decision involves the exercise of administrative discretion or personal judgment exercised pursuant to any of the provisions of this code, may appeal in writing to the council by filing with the city clerk a written notice of such appeal, setting forth the specific grounds thereof. No appeal may be taken to any such administrative decision made by an official of the city pursuant to any of the provisions of this chapter unless such decision to appeal has been first taken up with the department head concerned. No right of appeal to the council from any administrative decision made by an official of the city pursuant to any of the provisions of this code shall exist when such decision is ministerial and thus does not involve the exercise of administrative discretion or personal judgment exercise pursuant to any of the provisions of this code, whether the administrative decision involves the denial, suspension or revocation of a permit or any other administrative decision.

(Prior code § 1-4.01)

1.20.020 - Time limits for filing.

The appellant shall file a notice of appeal with the city clerk within fourteen (14) days after the receipt of the notice of the administrative decision concerned.

(Prior code § 1-4.02)

1.20.030 - Hearings—Notices.

Upon the filing of the notice of appeal in proper form, the city clerk shall place the matter on the council agenda for the next regular meeting of the council which will be held at least five days after the date of the filing of the notice of appeal. Except in cases of emergency when the council may determine the matter immediately, the council shall set the matter for hearing at a subsequent meeting, but in no event later than thirty (30) days after the date of the filing of the notice of appeal with the city clerk. The city clerk shall cause a written notice of the hearing to be given to the appellant not less than five days prior to such hearing, unless such notice is waived in writing by the appellant.

(Prior code § 1-4.03)

1.20.040 - Hearings.

At the hearing required by the provisions of Section 1.20.030 of this chapter, the appellant shall show cause on the grounds set forth in the notice of appeal why the action appealed from should not be approved. The council may continue the hearing from time to time and its findings on the appeal shall be final and conclusive in the matter.

(Prior code § 1-4.04)

Chapter 1.24 - PENALTY PROVISIONS

Sections:

1.24.010 - Violations, misdemeanors or infractions.

1.24.020 - Prohibited acts.

1.24.030 - Imposition of penalties.

1.24.040 - Determination of punishment.

1.24.050 - Place of confinement.

1.24.060 - Fees, charges, licenses and taxes made a civil debt.

1.24.070 - Violation of administrative provisions.

1.24.010 - Violations, misdemeanors or infractions.

A. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code or the provisions of any code adopted by reference by this code. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this code shall be guilty of a misdemeanor or an infraction as designated by and provided for, in Sections 16, 17, 19c and 19d of the Penal Code of the state and as expressly specified in Section 40000.1 of the Vehicle Code of the state. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code or the provisions of any code adopted by reference by this code, is committed, continued or permitted by such person and shall be punishable accordingly.

B. Any person convicted of a misdemeanor under the provisions of this code 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 not exceeding six months or by both such fine and imprisonment.

C. Any person convicted of an infraction under the provisions of this code shall be punishable for a first conviction by a fine of not more than fifty dollars ($50.00), for a second conviction within a period of one year by a fine of not more than one hundred dollars ($100.00) and for a third or any subsequent conviction within a period of one year by a fine of not more than two hundred fifty dollars ($250.00).

D. In addition to the penalties provided by this section, any condition caused or permitted to exist in violation of any of the provisions of this code or the provisions of any code adopted by reference by this code or any subdivision, building, wiring, plumbing or other similar activity in violation of the provisions of this code shall be deemed a public nuisance and may be summarily abated by the city in a civil action and each day such condition continues shall be a new and separate offense.

(Prior code § 1-2.01)

1.24.020 - Prohibited acts.

Whenever in this code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

(Prior code § 1-2.02)

1.24.030 - Imposition of penalties.

The provisions of this code which declare certain crimes to be punishable as therein mentioned devolve a duty upon the court authorized to pass sentence to determine and impose the punishment described.

(Prior code § 1-2.03)

1.24.040 - Determination of punishment.

Whenever in this code the punishment for a crime is left undetermined between certain limits, the punishment to be inflicted in a particular case shall be determined by the court authorized to pass sentence, within such limits as may be prescribed by this code.

(Prior code § 1-2.04)

1.24.050 - Place of confinement.

Every person found guilty of violating any of the provisions of this code and sentenced to imprisonment shall be imprisoned in the county jail.

(Prior code § 1-2.05)

1.24.060 - Fees, charges, licenses and taxes made a civil debt.

The amount of any fee, service charge, utility charge, license or tax of any nature whatsoever imposed by any provision of this code shall be deemed a civil debt owing to the city. An action may be commenced in the name of the city in any court of competent jurisdiction for the collection of the amount of any such delinquent or unpaid fee, service charge, utility charge, license or tax, together with any penalties applicable thereto as prescribed by this code. The remedy prescribed by this section shall be cumulative and the use of an action to collect such an amount as a debt by civil action shall not bar the use of any other remedy provided by this code or by law for the purpose of enforcing the provisions thereof.

(Prior code § 1-2.06)

1.24.070 - Violation of administrative provisions.

The violation of any administrative provision of this code by any officer or employee of the city may be deemed a failure to perform the duties or to observe the rules or regulations of the department, office or board within the meaning of the rules and regulations of the city or of the civil service regulations of the city.

(Prior code § 1-2.07)

Chapter 1.28 - PUBLIC HEARING PROCEDURES

Sections:

1.28.010 - Definitions.

1.28.020 - Time limits for filing.

1.28.030 - Purpose of formal proceedings.

1.28.040 - Order of presentations at formal proceedings.

1.28.050 - Use of testimony in formal proceeding.

1.28.060 - Presentation of public testimony in formal proceeding.

1.28.070 - Voting after recommendation—Formal proceeding.

1.28.080 - Informal proceedings.

1.28.090 - Format for informal proceedings.

1.28.100 - Presentations.

1.28.110 - Public comment or testimony.

1.28.120 - Voting—After recommendation "informal" proceeding.

1.28.130 - Applicability.

1.28.010 - Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

"Comment" means any oral or written statement made by any person, not under oath, in any formal or informal proceedings before any hearing body.

"Complainant" means any person who files a complaint, or the city, alleging the violation of any ordinance, rule, regulation, order, decision, or statute adopted, administered, or enforced by the city, any subordinate body of the city, any entity acting with delegated authority of the city or any city agency or commission.

"Executive" means the city manager, the planning director, or the director of the relevant city department, with the most direct supervision of the issues affected in the formal or informal proceeding.

"Formal proceeding" includes adjudicatory hearings where sworn testimony may be taken. All formal proceedings will be recorded by audio tape, and may be recorded by video tape or by stenographer upon the written request of any person, provided that the requesting person absorbs the costs thereof and offers to allow any other person to obtain a copy of the video tape or written transcript at the requesting person's cost. All formal proceedings shall be public hearings unless otherwise permitted by law.

"Hearing body" shall include any of the following assigned by or pursuant to the authority of the city council to hear any matter: (i) the city council; (ii) the planning commission; (iii) any other commission, committee, or subcommittee assigned to preside over the formal or informal proceeding; and (iv) any hearing officer or panel of hearing officers assigned to preside over the hearing of a matter.

"Informal proceeding" means public informational meetings where public proposals or plans are reviewed and where individuals, businesses, associations and other entities may attend, observe displays, watch presentations by staff and interested persons, ask questions of technical and other city staff or representatives, discuss proposals, and make comments and representations in support or opposition to the proposal.

"Party" means any applicant, appellant, respondent, complainant, the applicable commission, committee or subcommittee, the city or the city council.

"Person" includes a natural person, firm, association, organization, partnership, business trust, corporation, limited liability company, or any other public or private entity. This definition replaces person as currently defined in the Code.

"Presiding member" means the mayor or acting mayor, or the chairman of the commission hearing a matter or any member of the commission or other person designated to preside over a formal or informal proceeding.

"Respondent" means any person named in a complaint and alleged to be in violation of any ordinance, rule, regulation, order, decision, or statute adopted, administered, or enforced by the city.

"Staff" means the staff of the City of Colfax, including city employees and individuals serving the city pursuant to contract.

"Testimony" means any oral or written statement made under oath, including affirmation or declaration under penalty of perjury, in any formal proceeding before any city hearing body.

"Witness" means any person who offers testimony in any formal proceeding before any city hearing body.

(Ord. No. 515, Exh. A, 2-23-2011)

1.28.020 - Time limits for filing.

Any person aggrieved by an interpretation or action of the design review committee, planning commission, or any other legally constituted commission, may appeal such action to the appropriate appeal authority, by filing a written appeal with the appropriate fee within ten (10) days from the date of the committee's/commission's action. If the tenth day falls upon a weekend or holiday the appeal period shall be extended to the end of the next available business day.

(Ord. No. 515, Exh. A, 2-23-2011)

1.28.030 - Purpose of formal proceedings.

Formal proceedings will be used:

A. At the request of any party before any city hearing body requested pursuant to section 1.20.040; or

B. Whenever a city hearing body is hearing:

   1. An appeal of an adverse decision by an affected applicant or citizen; or

   2. An enforcement proceeding against any person or entity located or doing business within the city.

(Ord. No. 515, Exh. A, 2-23-2011)

1.28.040 - Order of presentations at formal proceedings.

The city's formal proceedings shall, unless the presiding member directs otherwise, proceed in the following order:

A. The executive shall make a presentation to the hearing body identifying the application, appeal, enforcement proceeding or other matter pending before the hearing body, describing the project or issue at hand, and summarizing the staff recommendations, including the proposed findings, proposed conditions, and comments or testimony received prior to the formal proceeding.

B. The public testimony portion of the formal proceeding shall follow the presentation by the executive and shall proceed in the following order:

1. Any person desiring to provide testimony or provide comments on the matter being heard shall have the opportunity to do so as follows:

a. The party may make an oral presentation of not more than ten (10) minutes, in addition to any written comments or testimony submitted by the party prior to or at the formal proceeding. In the event the party has retained experts, each retained expert will be permitted an additional ten (10) minutes of oral public testimony or comment, in addition to any written comment or testimony submitted by them prior to or at the formal proceeding.

b. Other persons shall be allowed not more than three minutes of oral testimony or comment each, in addition to any written comment or testimony submitted by them prior to or at the formal proceeding. However, in the event the person has retained experts, these experts will be permitted a maximum of five minutes of oral comment or testimony each, in addition to any written comment or testimony submitted by such expert(s) prior to or at the formal proceeding.

2. The party will be permitted to make an oral rebuttal, not exceeding five minutes. The presiding member may allow the party to submit written testimony, comments or evidence in addition to the oral rebuttal. However if the presiding member accords this privilege, the formal decision will be postponed until the written rebuttal information is received and posted for review and comment by the public.

3. The executive may respond to and comment, as appropriate, on the testimony or comment presented by any person.

4. The presiding member may close the public testimony portion of the formal proceeding once a reasonable opportunity to present all evidence, testimony, comments, questions, points of view and rebuttal testimony, has been allowed by the city.

C. Questions by the hearing body will be allowed at any time following any person's presentation, testimony or comments.

D. At the conclusion of the public testimony portion of the formal proceeding, the executive may propose to change the staff recommendation or the commission or council may propose to add, delete, or modify the conditions contained in the staff recommendation. The party and the executive shall have an opportunity to comment briefly and specifically on any proposed change.

(Ord. No. 515, Exh. A, 2-23-2011)

1.28.050 - Use of testimony in formal proceeding.

In the appropriate case, the hearing body may require by order instituting hearings, or by providing at least ten (10) days notice by mail or facsimile machine to the party or interested persons, that evidence

on specified issues of fact or matters of technical expertise be presented as sworn testimony. Such requirements shall not preclude unsworn oral or written comments from being offered in the proceeding.

(Ord. No. 515, Exh. A, 2-23-2011)

1.28.060 - Presentation of public testimony in formal proceeding.

In addition to the time limits set forth above, at or before the formal proceeding, the presiding member of a hearing body may determine that the total amount of time that will be devoted to hearing testimony or comments may be increased or decreased, and may determine the time to be allotted to each person or to each side of an issue.

A. The hearings will not be conducted according to technical rules relating to evidence and witnesses. Any relevant nonrepetitive evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

B. Irrelevant and unduly repetitious evidence shall be excluded. The presiding member may, when an issue before the hearing body has brought many members of the same organization to the hearing, direct that the organization designate one spokesperson who will be accorded ten (10) minutes to make his/her presentation for the organization, and state the number of members of the organization, in addition to any written statements which are submitted before or during the hearing. Where the presiding member uses this methodology, separate oral statements by each member of the organization will not be permitted.

C. Hearsay or unsupported statements may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

D. Oral or written testimony offered by any person shall be under oath, affirmation or declaration under penalty of perjury.

(Ord. No. 515, Exh. A, 2-23-2011)

1.28.070 - Voting after recommendation—Formal proceeding.

A. A vote on any matter subject to a formal proceeding may be taken at the conclusion of the formal proceeding or thereafter at a properly noticed public meeting after the hearing body has received a final staff recommendation and obtained all relevant testimony and comments it deems necessary to make an informed decision.

B. If the hearing body determines that it needs additional testimony, comments, evidence or staff analysis and recommendations, it may postpone the vote on the matter pending before it to a subsequent meeting. Prior to the subsequent meeting the executive shall prepare a staff report that shall:

1. Contain a staff recommendation; and

2. Respond to:

a. Testimony, comments and other evidence presented at the formal proceeding; and

b. Comments on the pending matter by members of the hearing body, and supplementary testimony, comments or other evidence received. The executive may also supplement the analysis contained in any prior staff report.

C. At the subsequent meeting, the executive shall summarize orally the staff recommendation, including the proposed findings and any proposed conditions. Immediately following the presentation of the

staff recommendation, the hearing body may in its discretion obtain additional testimony, comments or evidence before deciding the matter before it.

D. Where the hearing body moves to vote on a matter before it and impose terms or conditions different from those proposed by any party or terms or conditions different than those proposed by the staff in the staff recommendation, the party and the executive shall have an opportunity to state briefly and specifically their views on the conditions.

(Ord. No. 515, Exh. A, 2-23-2011)

1.28.080 - Informal proceedings.

Informal proceedings shall be used whenever the city makes proposed changes to local plans, considers amendments to the general plan or new community plans, revisions to the zoning code, or other proposals of general concern and interest within the City. The purpose of the informal proceeding is to establish two-way communications, directly respond to needs and comments as expressed by citizens of Colfax, or its businesses or associations or any other person, to understand the affected city interests, identify potential problems, and generate solutions.

(Ord. No. 515, Exh. A, 2-23-2011)

1.28.090 - Format for informal proceedings.

Informal proceedings will be held for a maximum of three hours on any one day, and will be set as successive meetings to allow for public review and comment, depending on the nature of the proposal under consideration. Members of the city council, planning commission or any other city agency, commission or committee may be present. City staff and consultants will be available for discussion of the proposal. Information stations may be organized by subject matter related to the proposal, including the disciplines necessary to discuss each subject in a format established by the executive to suit the specific circumstances.

(Ord. No. 515, Exh. A, 2-23-2011)

1.28.100 - Presentations.

All presentations by city staff or their consultants will be recorded by open captioned videotape, running continuously, and will be available for replay by any person within seven business days after the informal proceeding. All presentations may use exhibits or slides and refer to handouts, provided copies of such exhibits and handouts are available to any person.

(Ord. No. 515, Exh. A, 2-23-2011)

1.28.110 - Public comment or testimony.

All written comments related to the proposal that is the subject of the informal proceeding may be delivered to the city either at the informal proceeding or within ten (10) days after the conclusion of the informal proceeding. Alternatively, any person who wishes to make oral comments may do so to the city clerk, or the clerk's authorized agent, who will record such comments to enable their review and consideration. If the matter under consideration requires preparation of any type of environmental document, the city will respond to written comments about the environmental document in writing within the time required by law. Nothing in this section precludes any person from directly addressing members of the city council, planning commission or any other city agency, commission or committee present at the

informal proceeding. The purpose of an informal proceeding is intended to ensure that information is disseminated to the public and comments are carefully considered prior to a final decision being made.

(Ord. No. 515, Exh. A, 2-23-2011)

1.28.120 - Voting—After recommendation "informal" proceeding.

The city council, planning commission or other city agency, commission or committee shall vote on proposed action after all informal proceedings on the proposed action are concluded, all written or oral public comments have been received, and where required have been responded to. In accordance with Government Code § 54954.3, the agenda for the meeting at which the vote is taken need not provide an opportunity for members of the public to address the city council, planning commission or other city agency, commission or committee on the matter upon which the vote is to be taken. At such meeting, the city council, planning commission or any other city agency, commission or committee may postpone final action pending receipt of such additional comments, testimony, evidence and other information it deems necessary in order to make an informed decision.

(Ord. No. 515, Exh. A, 2-23-2011)

1.28.130 - Applicability.

This chapter shall apply to all hearings, formal proceedings and informal proceedings before any hearing body of the city and supersedes any inconsistent provision of this Code that pertains to the conduct of hearings.

(Ord. No. 515, Exh. A, 2-23-2011)

Title 2 - ADMINISTRATION AND PERSONNEL

Chapters:

Chapter 2.04 - CITY COUNCIL

Chapter 2.08 - CITY MANAGER

Chapter 2.12 - CITY CLERK

Chapter 2.13 - CITY TREASURER

Chapter 2.16 - CITY ATTORNEY

Chapter 2.20 - DIRECTOR OF FINANCE

Chapter 2.24 - OFFICER BONDS AND SALARIES

Chapter 2.28 - FIRE DEPARTMENT

Chapter 2.32 - POLICE DEPARTMENT

Chapter 2.36 - PLANNING COMMISSION

Chapter 2.40 - PARKS AND RECREATION COMMISSION

Chapter 2.44 - CODE OF ETHICS

Chapter 2.48 - PERSONNEL SYSTEM

Chapter 2.52 - PEACE OFFICER TRAINING

Chapter 2.56 - INSPECTION OF PUBLIC DOCUMENTS

Chapter 2.60 - EMERGENCY SERVICES

Chapter 2.04 - CITY COUNCIL

Sections:

2.04.010 - Meetings.

2.04.020 - Attendance

2.04.010 - Meetings.

A. Time. The regular meetings of the city council shall be held on the second and fourth Wednesdays of each month at such times, or on such other days and times, as may be established by resolution of the council. Special, emergency and other meetings of the city council, and all meetings of its subordinate bodies, shall be noticed and held in accordance with the provisions of the Ralph M. Brown Act (Government Code Section 54950 et seq.) as presently constituted or as hereafter amended.

B. The place of all regular meetings of the council shall be in the Council Chambers in Colfax City Hall or at such other location within the city as the council may establish by resolution. If for any reason the designated regular meeting place is not available or suitable, the mayor shall designate an alternative place of meeting within the city. The mayor shall notify, in writing or personally, each member of the council at least three hours before the time of such meeting and shall cause such other notice of the changed meeting place to be given as required by law.

(Prior code §§ 2-1.01, 2-1.02)

(Ord. No. 505, § 1, 9-8-09)

2.04.020 - Attendance

A. If a city councilmember is absent without permission from all regular city council meetings for sixty (60) days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.

B. When a councilmember knows that he/she will be absent from a regularly scheduled meeting, the councilmember shall so advise the council during a regular meeting or shall call the mayor or the city manager and so advise. During roll call at the missed meeting, the mayor or city manager will advise the council of the absence and it will be noted in the minutes as an excused absence unless a determination is otherwise made.

C. If a vacancy occurs in the city council, the council shall, within thirty (30) days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than one hundred fourteen (114) days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.

(Ord. 497 § 1, 2008)

Chapter 2.08 - CITY MANAGER

Sections:

2.08.010 - Office created.

2.08.020 - Absence of city manager.

2.08.030 - Appointment, tenure and removal.

2.08.040 - Removal—Limitations.

2.08.050 - Compensation and expenses.

2.08.060 - Powers and duties.

2.08.070 - Limitations on powers.

2.08.080 - Standard of performance.

2.08.010 - Office created.

There is created the position of city manager, who shall be a person selected by the city council solely on the basis of his or her executive and administrative qualifications with special reference to actual experience and knowledge of accepted practice with respect to the duties of the office as set forth in this chapter. The city manager shall serve directly under the supervision and control of the city council as a whole.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.601)

2.08.020 - Absence of city manager.

The city manager shall have the authority to designate and appoint a city department head to act and serve as acting city manager whenever the city manager deems such to be necessary by virtue of temporary absence from the city or disability to perform the duties, except that in the event such an acting appointment and designation is anticipated to be for longer than fifteen (15) consecutive days and the city council has not approved the designation and appointment of the acting city manager, the appointment and designation shall be confirmed by the city council at their next regular council meeting. Any person so designated and appointed as acting city manager shall receive no increase in compensation over that received for the position they otherwise occupy within the framework of city government unless and until such increase in compensation is approved by the city council. Any person appointed and designated as acting city manager shall have all of the powers and duties of the city manager as specified in this chapter while acting in such capacity, except that no officer or employee of the city shall be appointed, removed, promoted, demoted, suspended or otherwise disciplined by the acting city manager without the prior approval of the city council.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.602)

2.08.030 - Appointment, tenure and removal.

The city manager shall be appointed by the city council and shall hold office for and during the pleasure of the city council. Removal of the city manager shall be only by a majority vote of the whole

council as then constituted, convened in a regular council meeting and shall be subject to the following provisions:

A. The city manager may be removed at any time with or without cause.

B. If the removal of the city manager is for cause, the removal shall be effective immediately or at such other time thereafter as the city council may determine.

C. If the removal is not for cause, it shall be effective thirty (30) days thereafter or at such later date as may be determined by the city council.

D. If the removal of the city manager is without cause, the city council may, in its sole option and discretion, elect to remove all of the manager's duties or surrender his or her office. However, the city manager shall still be paid a minimum of thirty (30) days salary, notwithstanding the removal of his or her powers and duties. This salary shall be paid on the next normal pay day of the city employees.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.603)

2.08.040 - Removal—Limitations.

Notwithstanding the provisions of Section 2.08.030 of this chapter, the city manager shall not be removed from office, other than for misconduct in office, during or within a period of thirty (30) days prior and ninety (90) days next succeeding any general or special municipal election held in the city, at which election a member of the council is elected or when a new council member is appointed. The purpose of this provision is to allow any newly-elected or appointed member of any council or a reorganized council to observe the actions and ability of the city manager in the performance of the powers and duties of his or her office. After the expiration of such ninety (90) day period, the provisions of Section 2.08.030 as to the removal of the city manager shall apply and be effective.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.604)

2.08.050 - Compensation and expenses.

The city manager shall receive such compensation and expense allowances as the city council shall from time to time determine and such compensation and expenses shall be a proper charge against funds of the city as the city council shall designate. The city manager shall be reimbursed for all sums, authorized by budget appropriation, necessarily incurred or paid in the performance of his or her duties or incurred when traveling on business pertaining to the city under the direction of or with the express consent of the city council. Reimbursement shall be made only in accordance with an itemized claim setting forth the sums expended or obligations incurred in the manner provided by the city council for the presentation of claims for reimbursement of expenses of other city officers and employees.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.605)

2.08.060 - Powers and duties.

The city manager shall be the administrative head of the government of the city, under the direction and control of the city council. He or she shall be responsible for the efficient administration of all of the affairs of the city which are under his or her control. In addition to the general powers as administrative head contained in the Government Code and not as a limitation thereof, it shall be his or her duty and he or she shall have the following powers:

A. General Supervision. To execute, on behalf of the city council, its administrative supervision and control of such affairs of the city as may be placed in his or her charge or which are not otherwise provided for by the city council.

B. Personnel and Organization. To appoint competent, qualified officers and employees to the administrative service (which term is inclusive of all positions except contract personnel) and to dismiss, suspend and discipline such officers and employees, consistent with the policies of the city council; to recommend to the city council such reorganization of officers, departments or divisions as may be indicated in the interest of efficient, effective and economical conduct of the city's business and to effect such reorganization when authorized by appropriate ordinance, resolution or motion of the city council. The city manager is required to consult with the department head of the department involved in any decision to hire, dismiss, suspend or discipline any employee. If the department head does not concur with the city manager's decision, the decision of the city manager shall be binding unless the department head shall appeal such decision to the city council at its next regularly scheduled meeting. The city manager may delegate authority to a department head to discipline an employee for minor infractions of rules and responsibilities in accordance with personnel rules of the city.

C. Authority Over Officers and Employees. To control order and give directions to all heads of departments and to subordinate offices and employees of the city under his or her jurisdiction through their department heads when available.

D. Custodian of City Property. To immediately upon taking office and annually thereafter, inventory and appraise the value of all real estate, buildings, furnishings and fixtures, supplies and moveable property of every kind and nature belonging to the city; and to require each officer or department head to inventory the same of any portion thereof and maintain and perpetual inventory. One copy of such annual inventory shall be filed with the city council and one with the city clerk. To act as and be custodian of all city property, custody of which has not otherwise been provided for.

E. Compensation Plan. To prepare and to recommend to the city council from time to time desirable revisions of the compensation plan of the city.

F. To Aid City Council. To attend all meetings of the city council and to report upon and discuss any matter concerning the affairs of the department, services of activities under his or her supervision upon which, in his or her judgment, the city council should be informed or upon which his or her views or opinions are requested by the city council.

G. Enforcement of Laws. To see to the enforcement within the city of the laws of the state and all laws and ordinances of the city.

H. Contracts, Franchises, Etc. To investigate and see to the faithful performance and observation of all contracts of the city and of all franchises, permits, licenses and privileges granted by the city and to report any and all violations to the city council.

I. Citizen Complaints. To investigate all complaints in relation to matters concerning the administration of city government; to adjust all proper grievances within the scope of authority provided by the city laws and policies and to report to the city council all injustices suffered by reason of defects or omissions in the laws, policies or practices of the city which he or she is authorized to rectify.

J. Public Property. To exercise general supervision over all public buildings, public parks and other public property which are under the control and jurisdiction of the city council, when the general supervision thereof is not specifically delegated to a particular officer; and to exercise general supervision over all city-owned public utilities operated within the city.

K. Community Relations. To explain to the public the actions, purposes and policies of the city government.

L. Community Projects. To cooperate within lawful limits with all community organizations whose aim and purpose it is, in whole or in part, to advance the interests of the city and its people and to provide them, within lawful limits, with assistance in such aim and purpose through the city government.

M. Contracts. To execute, in the name of the city council and city any contract authorized or approved by the city council, unless the city council shall expressly provide for other manner of execution of such contract.

N. Appearance Before Subordinate Agencies. To appear before and address any commission or agency appointed by the city council whenever he or she deems it advisable and whenever the interests of the city so require.

O. To Oversee Personnel Officer. To oversee the personnel officer of the city who prepares and keeps the necessary records of personnel attendance, vacations and other such activities and to take applications for employment with the city and make recommendations to the city council of qualified persons to fill vacancies in the city service for the council's approval, when such approval is necessary.

P. Employee Negotiations. To act as the chief negotiator on behalf of the city council in all negotiations with city employees and/or their representatives; provided, however, that the city manager is not authorized to enter into any agreements which will bind the city and all agreements reached in employee negotiations shall be conditional upon final approval of the written agreement by the city council.

Q. Appear Before Public Agencies. To appear before and address any public agency or commission as the representative of in the furtherance of the city's interest or as directed by the city council.

R. Other Duties and Powers. To perform such other duties and exercise such other powers as are necessarily incident to the above powers or as may be assigned or delegated to him or her from time to time by action of the city council.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.606)

2.08.070 - Limitations on powers.

The city manager shall act as the agent for the council in the discharge of its administrative functions, but shall not exercise any policy making or legislative functions whatsoever nor attempt to commit or bind the council or any member thereof, to any action, plan or program requiring official council action. It is not intended by this chapter to grant any authority to or impose any duty upon, the city manager which is vested in or imposed by general law or valid city ordinances in any other city commission, board, department, officer or employee.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.607)

2.08.080 - Standard of performance.

In the discharge of his or her duties as city manager, the person holding such position shall endeavor at all times to exercise the highest degree of tact, patience and courtesy in his or her contact with the public, with the city council and all city commissions, boards, departments, officers and employees and shall use his or her best efforts to establish and maintain a harmonious relationship among all personnel employed in the government of the city, to the end that the highest possible standards of public services shall be continuously maintained.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.608)

Chapter 2.12 - CITY CLERK

Sections:

2.12.010 - Office created.

2.12.020 - Duties.

2.12.030 - Financial and accounting duties transferred.

2.12.040 - Compensation.

2.12.010 - Office created.

The voters having adopted ballot Measure S in November 2002, set the position of city clerk as an appointed position.

The city clerk will be appointed by the city council, upon recommendation of the city manager. The position is open to all adults. The position shall be open to all qualified adults, without regard to whether they are residents of the city.

(Ord. 487 (part), 2006)

2.12.020 - Duties.

The city clerk shall perform those duties as required by law including those duties specifically set forth in California Government Code Sections 40801, 40806, and 40811 and 40814. The city clerk shall report directly to the city manager. He or she may be assigned other duties, which may be established by ordinance pursuant to California Government Code Section 40812 from time to time. The city clerk shall attend all meetings of the city council and keep a correct record of its proceedings. The city manager shall determine whether the city clerk position shall be a contract or city employee position, after consultation with the city council.

(Ord. 487 (part), 2006: Ord. 437 § 2 (part), 1996: prior code § 2-4.202)

2.12.030 - Financial and accounting duties transferred.

The financial and accounting duties imposed upon the city clerk by California Government Code Sections 40802 through 40805 are transferred to the director of finance.

(Ord. 437 § 2 (part), 1996: prior code § 2-4.203)

2.12.040 - Compensation.

The compensation for the office of the city clerk shall be as established by resolution of the city council.

(Ord. 437 § 2 (part), 1996: prior code § 2-4.204)

Chapter 2.13 - CITY TREASURER

2.13.010 - Elected official.

2.13.020 - Compensation.

2.13.030 - Duties

2.13.010 - Elected official.

The city treasurer is an elected position.

(Ord. 498 § 1 (part), 2008)

2.13.020 - Compensation.

The city treasurer shall receive such compensation as the city council shall from time to time determine by resolution.

(Ord. 498 § 1 (part), 2008)

2.13.030 - Duties

The city treasurer shall perform the following duties in coordination with the city finance officer, if any:

A. Oversee the receipt and safekeeping of all money coming into the city;

B. Comply with all laws governing the deposit and securing of public funds and the handling of trust funds;

C. Authorize payment only on warrants signed by legally designated persons;

D. Regularly, at least once each month, the city treasurer shall submit to the city manager a written report and accounting of all receipts, disbursements and fund balances for the preceding month, a copy of which shall be filed with the city council; and

E. Any other provisions of law applicable to deposit, investment and safekeeping of public funds of the city.

(Ord. 498 § 1 (part), 2008)

Chapter 2.16 - CITY ATTORNEY

Sections:

2.16.010 - Office created.

2.16.020 - Appointment—Qualifications.

2.16.030 - Eligibility of councilmembers for position.

2.16.040 - Compensation.

2.16.050 - Powers and duties.

2.16.060 - Council and city attorney relations.

2.16.070 - Departmental cooperation.

2.16.080 - Removal.

2.16.090 - Removal—Limitations.

2.16.100 - Agreements on employment.

2.16.110 - Resignation.

2.16.120 - Management and control of office.

2.16.130 - Employment of special counsel.

2.16.010 - Office created.

The office of the city attorney is created and established.

(Prior code § 2-4.501)

2.16.020 - Appointment—Qualifications.

The city attorney shall be appointed by the council wholly on the basis of his or her legal ability and experience, particularly in the municipal law field. The city attorney shall be an attorney-at-law licensed to practice law in the state.

(Prior code § 2-4.502)

2.16.030 - Eligibility of councilmembers for position.

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

(Prior code § 2-4.503)

2.16.040 - Compensation.

A. The city attorney shall receive such compensation as the council shall from time to time determine. In addition, the city attorney shall be reimbursed for all the actual and necessary expenses incurred by him or her in the performance of his or her official duties.

B. When the city attorney is directed by the council to enforce city laws and regulations through office hearings and court proceedings, both civil and criminal, when directed to appear on behalf of the city before such legislative committees and regulatory agencies and when directed to represent the city in all legal actions to which the city is a party and for which other arrangements for legal counsel have not been made, then the city manager shall negotiate with the city attorney for additional legal fees, not to include the monthly retainer.

C. On the termination of the employment of the city attorney by reason of involuntary removal from service, other than for wilful misconduct in office, the city attorney shall receive cash severance pay in a lump sum equal to one month's pay for each of the first three years of continuous service or fraction thereof as city attorney, not to exceed a total of three months pay, such pay to be computed at the highest salary received by the city attorney during his or her service with the city. "Involuntary removal from service" shall include reductions in pay not applicable to all employees of the city.

(Prior code § 2-4.504)

2.16.050 - Powers and duties.

The city attorney shall be the chief legal officer of the city under the direction and control of the council, except as otherwise provided in this chapter and shall have the following powers and duties:

A. To advise the council, its committees, its various boards and commissions or any city officer, when requested, upon all legal questions arising in the conduct of city business;

B. To prepare or revise ordinances or resolutions when so requested by the council or by the city manager;

C. To make recommendations for ordinances, resolutions or other documents or procedures affecting the legal position of the city;

D. To give his or her opinion upon any legal matter or question submitted to him or her by the council, any board or commission of the city, the city manager or any other city officer;

E. To attend all council meetings, unless excused by the council, for the purpose of giving the council any legal advice requested by its members;

F. To attend such meetings of other boards and commissions of the city as he or she shall deem necessary and proper or as the council may direct;

G. To prepare for execution or approve as to form, all contracts and instruments to which the city is a party and to approve as to form and for filing all bonds and insurance policies submitted to the city;

H. To make the following reports:

1. To immediately report the outcome of any litigation in which the city has an interest to the city manager and the council; and

2. To make an annual report to the city manager and the council as of July 31st of each year of all pending litigation in which the city has an interest and the condition thereof and the state of his or her office;

I. To enforce city laws and regulations through office hearings and court proceedings, both civil and criminal;

J. To review and analyze all state and federal legislation affecting the city;

K. To appear on behalf of the city before such legislative committees and regulatory agencies as the council may direct;

L. To represent the city in all legal actions to which the city is a party and for which other arrangements for legal counsel have not been made;

M. To perform such other duties as may be imposed by statute, by any ordinance of the city or by other action of the council; and

N. To deliver all records, documents and property of every description in his or her possession belonging to his or her office or to the city to his or her successor in office.

(Prior code § 2-4.505)

2.16.060 - Council and city attorney relations.

The city attorney shall take his or her orders and instructions from the council only when sitting in a duly convened meeting of the council and no individual councilmember shall give any orders or instructions to the city attorney. However, any councilmember, as an individual, may request pertinent information on municipal affairs from the city attorney. Such requests shall be answered promptly.

(Prior code § 2-4.506)

2.16.070 - Departmental cooperation.

It shall be the duty of all subordinate officers and the city clerk, city treasurer and city manager to assist the city attorney in carrying out the functions of his or her office.

(Prior code § 2-4.507)

2.16.080 - Removal.

The removal of the city attorney shall be effected only by a majority vote of the whole council as then constituted, convened in a regular council meeting. In case of his or her intended removal by the council, the city attorney shall be furnished with a written notice citing the council's action to remove him or her at least thirty (30) days before the effective date of removal. If the city attorney so requests, the council shall provide in writing reasons for the removal, which shall be provided the city attorney within seven days after the receipt of such request from the city attorney and at least fifteen (15) days prior to the effective date of such removal. After furnishing the city attorney with written notice of removal, the council may suspend him or her from duty, but his or her compensation shall continue until the date of his or her removal has been established by action of the council. The removal of the city attorney shall be subject to the following provisions:

A. Hearing. Within seven days after the delivery to the city attorney of such notice of intention to remove, he or she may, by written notification to the city clerk, request a hearing before the council. Thereafter, the council shall fix a time for the hearing, which shall be held at its usual place but before the expiration of the thirty (30) day period, at which the city attorney shall appear and be heard, with or without counsel.

B. Suspension Pending Hearing. After furnishing the city attorney with written notice of intended removal, the council may suspend him or her from duty, but his or her compensation shall continue until his or her removal by action of the council passed subsequent to the hearing provided for in subsection A of this section.

C. Discretion of the Council. In removing the city attorney, the council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the city attorney to present to the council his or her grounds of opposition to his or her removal prior to its action.

(Prior code § 2-4.508)

2.16.090 - Removal—Limitations.

Notwithstanding the provisions of Section 2.16.080 of this chapter, the city attorney shall not be removed from office, other than for misconduct in office, during or within a period of ninety (90) days next succeeding any general or special municipal election held in the city, at which election a member of the council is elected or when a new council member is appointed. The purpose of this provision is to allow any newly-elected or appointed member of any council or a reorganized council to observe the actions and ability of the city attorney in the performance of the powers and duties of his or her office. After the expiration of such ninety (90) day period, the provisions of Section 2.16.080 as to the removal of the city attorney shall apply and be effective.

(Prior code § 2-4.509)

2.16.100 - Agreements on employment.

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

(Prior code § 2-4.510)

2.16.110 - Resignation.

The city attorney shall provide written notice, in the event of his or her resignation, to the council at least thirty (30) days prior to his or her termination date. The council may waive this provision at its sole discretion.

(Prior code § 2-4.511)

2.16.120 - Management and control of office.

The city attorney shall have the management and control over his or her office.

(Prior code § 2-4.512)

2.16.130 - Employment of special counsel.

Whenever the council deems it to be in the best interests of the city, it may employ special counsel to handle particular legal matters of the city upon such terms as the council shall deem proper.

(Prior code § 2-4.513)

Chapter 2.20 - DIRECTOR OF FINANCE

Sections:

2.20.010 - Powers and duties.

2.20.020 - Transfer of duties to city manager.

2.20.010 - Powers and duties.

The director of finance shall be the chief finance officer. The director shall supervise and control the finance department and be responsible for the performance of all functions of the department. The functions of the finance department shall be as follows:

A. To perform the duties and obligations described in Government Code Sections 40802 through 40805, inclusive;

B. To perform or supervise the performance of all accounting of funds, revenues, receipts, expenditures and financial commitments of the city;

C. To prepare budget figures for the financial activities of the city; and

D. To perform such other functions relating to fiscal matters as may be required.

(Ord. 438 (part), 1996)

2.20.020 - Transfer of duties to city manager.

The city manager shall determine whether the finance director position shall be a contract or city employee position, after consultation with the city council. The director of finance shall be a department head reporting to the city manager and subject to the city manager's supervision.

(Ord. 487 (part), 2006)

Chapter 2.24 - OFFICER BONDS AND SALARIES

Sections:

2.24.010 - Bond required—Amounts.

2.24.020 - Filing.

2.24.030 - City council salaries.

2.24.010 - Bond required—Amounts.

Before entering upon the duties of their respective offices, the following named officers shall execute official bonds to the city with two or more good and sufficient sureties in the following penal sum of one thousand dollars ($1,000.00):

A. The city clerk and ex-officio assessor in the penal sum of one thousand dollars ($1,000.00);

B. The city treasurer in the penal sum of four thousand dollars ($4,000.00);

C. The chief of police and ex-officio tax and license collector in the penal sum of two thousand five hundred dollars ($2,500.00);

D. The building inspector in the penal sum of one thousand dollars ($1,000.00); and

E. The sewer clerk in the penal sum of one thousand dollars ($1,000.00).

Such bonds shall be approved by the council.

(Prior code § 2-4.101)

2.24.020 - Filing.

The bond of the city clerk shall be filed with the mayor and the bonds of the other officers shall be filed with the city clerk.

(Prior code § 2-4.102)

2.24.030 - City council salaries.

Members of the city council shall receive a salary in the following amounts: mayor, one hundred fifty dollars ($150.00) per month; other city councilmembers, one hundred dollars ($100.00) each per month.

(Ord. 445 § 2, 1997: Ord. 413 § 2, 1993: prior code § 2-1.201)

Chapter 2.28 - FIRE DEPARTMENT

Sections:

2.28.010 - Established.

2.28.020 - Fire chief—Appointment and removal.

2.28.030 - Compensation.

2.28.040 - Fire chief—Supervision and control.

2.28.050 - Fire chief—Powers and duties.

2.28.060 - Fire chief—Responsibilities.

2.28.070 - Badges.

2.28.080 - Interference.

2.28.090 - Fundraising.

2.28.010 - Established.

A voluntary fire department is established in and for the city to consist of a fire chief and not more than thirty (30) active members.

(Prior code § 2-3.101)

2.28.020 - Fire chief—Appointment and removal.

The fire chief shall be appointed by the city manager, with the approval of a majority of the council. The fire chief shall serve at the pleasure of the city manager and may be removed by the city manager at any time thereafter with the consent of a majority of the city council. The fire chief may be removed with or without cause.

(Ord. 423 § 1, 1994: prior code § 2-3.102)

2.28.030 - Compensation.

None of the officers or members of the fire department shall receive any compensation for their services, except the fire chief, who shall receive a monthly salary, the amount of which shall be fixed by resolution of the council.

(Prior code § 2-3.103)

2.28.040 - Fire chief—Supervision and control.

The city manager shall be the immediate supervisor of the fire chief and all policies, directives and orders from the city government to the fire chief shall be made by or transmitted through the city manager as the executive head of the city government. The fire chief shall report directly to the city manager and not to the council, to individual members thereof or to any other committee or commission.

(Ord. 423 § 2 (part), 1994: prior code § 2-3.104)

2.28.050 - Fire chief—Powers and duties.

The fire chief shall direct the administration and operations of the fire department and, in addition to policies transmitted to him or her by the city manager, shall establish such other policies, directives, rules and regulations for the administration and operations of the fire department as he or she sees fit. The fire chief shall serve as the appointing authority for appointments to positions within the fire department, other than his or her own and shall have the power to suspend or dismiss any employee consistent with the provisions of this code.

(Ord. 423 § 2 (part), 1994: prior code § 2-3.105)

2.28.060 - Fire chief—Responsibilities.

The fire chief shall lead by professional example and by participating as a member of the city management team. He or she shall organize the fire department to accomplish its mission and shall coordinate and control the operations of major divisions within the fire department, as well as its relations with other firefighting agencies. Other responsibilities shall include such activities as:

A. The review and evaluation of fire department procedures and policies;

B. Conducting staff meetings and inspections to evaluate and improve departmental performance and efficiency;

C. The direction of the fire department toward meeting goals and objectives;

D. Planning for departmental needs and programs;

E. Providing advice and counsel to the city manager on matters pertaining to the fire department;

F. Providing information and maintaining external relations with the public;

G. The preparation and control of the annual operating budget for the fire department;

H. The fire chief shall have the supervision and control of the use and care of all fire hoses, fire engines, fixtures, apparatus and equipment; and

I. Any other responsibilities which may be delegated by the city manager.

(Ord. 423 § 2 (part), 1994: prior code § 2-3.106)

2.28.070 - Badges.

The fire department shall provide a suitable badge and identification for the use by its active members and which shall remain in the personal possession of the member while engaged in city business.

(Ord. 423 § 2 (part), 1994: prior code § 2-3.107)

2.28.080 - Interference.

Any person interfering with the work of the fire department at the time of a fire shall be guilty of a misdemeanor. During the time of a fire, the chief of police and other police officers shall lend their active aid to the officers and members of the fire department to procure the strict enforcement of the provisions of this chapter, if requested by the officer then in charge of the fire department.

(Ord. 423 § 2 (part), 1994: prior code § 2-3.108)

2.28.090 - Fundraising.

The city shall not have any control over use of funds raised for special purposes by the fire department or its members through donations, entertainments or social affairs, but such funds shall be used in the sole discretion of the fire department members in accordance with the public purpose for which they were raised. The funds shall be held in trust for the public and not inure to the benefit of any individual. A quarterly accounting of the funds raised and expenditures shall be provided to the city council and shall be subject to and included in the annual audit.

(Ord. 423 § 3, 1994: prior code § 2-3.109)

Chapter 2.32 - POLICE DEPARTMENT

Sections:

2.32.010 - Created.

2.32.020 - Chief of police—Appointment and removal.

2.32.030 - Chief of police—Supervision and control.

2.32.040 - Chief of police—Powers and duties.

2.32.050 - Chief of police—Responsibilities.

2.32.060 - Reserve officers—Designation as peace officers.

2.32.010 - Created.

There is created a police department for the city which shall consist of a chief of police and as many employees as the council may designate from time to time.

(Prior code § 2-3.201)

2.32.020 - Chief of police—Appointment and removal.

The chief of police shall be appointed by the city manager, with the approval of a majority of the council, from a list of eligible candidates supplied by the personnel board. The chief of police shall serve at the pleasure of the city manager and may be removed by the city manager at any time thereafter with the consent of a majority of the council.

(Prior code § 2-3.202)

2.32.030 - Chief of police—Supervision and control.

The city manager shall be the immediate supervisor of the chief of police and all policies, directives and orders from the city government to the chief of police shall be made by or transmitted through the city manager as the executive head of the city government. The chief of police shall report directly to the city manager and not to the council, to individual members thereof or to any other committee or commission.

(Prior code § 2-3.203)

2.32.040 - Chief of police—Powers and duties.

The chief of police shall direct the administration and operations of the police department and, in addition to policies transmitted to him or her by the city manager, shall establish such other policies, directives, rules and regulations for the administration and operations of the police department as he or she sees fit. The chief of police shall serve as the appointing authority for appointments to any position within the police department, other than his or her own and shall have the power to suspend or dismiss any employee consistent with the provisions of this code.

(Prior code § 2-3.204)

2.32.050 - Chief of police—Responsibilities.

The chief of police shall lead by professional example and by participating as a member of the city management team. He or she shall organize the police department to accomplish its mission and shall coordinate and control the operations of major divisions within the police department, as well as its relations with other law enforcement agencies. Other responsibilities shall include such activities as:

A. The review and evaluation of police department procedures and policies;

B. Conducting staff meetings and inspections to evaluate and improve departmental performance and efficiency;

C. The direction of the police department toward meeting goals and objectives;

D. Planning for departmental needs and programs;

E. Providing advice and counsel to the city manager on matters pertaining to law enforcement;

F. Providing information and maintaining external relations with the public;

G. The preparation and control of the annual operating budget for the police department; and

H. Any other responsibilities which may be delegated by the city manager.

(Prior code § 2-3.205)

2.32.060 - Reserve officers—Designation as peace officers.

Pursuant to the provisions of Section 832.6(b) of the California Penal Code, all reserve officers of the Colfax police department who have been issued a Level 1 reserve officer certification prior to January 1, 1981, are determined to be qualified to perform general law enforcement duties by reason of their training and experience and are designated as peace officers and shall have the full powers and duties of peace officers as provided in Section 830.1 of the California Penal Code.

(Ord. 436 § 1, 1995: prior code § 2-3.206)

Chapter 2.36 - PLANNING COMMISSION [1]

Sections:

2.36.010 - Created.

2.36.020 - Membership, applications, qualifications, appointment, terms, vacancies and removal from office.

2.36.030 - Financing.

2.36.040 - Meetings—Records—Rules and regulations.

2.36.050 - Powers and duties.

2.36.010 - Created.

There is created a planning commission to promote and insure the comprehensive and adequate planning of the city and to perform the functions delegated to it by the zoning provisions of this code.

(Ord. No. 500, Exh. A, 6-9-09)

2.36.020 - Membership, applications, qualifications, appointment, terms, vacancies and removal from office.

A. Membership. The planning commission shall consist of five voting members and one alternate member who may vote only when seated as an acting commissioner when one or more of the regular commissioners disqualifies themselves from participating on any matter before the commission or is absent.

B. Applications. Interested citizens shall file an application for planning commission appointment with the city clerk's office. All applications shall be kept on file a minimum of three years from the date of filing.

C. Qualifications.

   a. Three planning commissions shall consist of residents of the city.

   b. Two planning commissions shall be residents of the city or owners of businesses in the city limits.

   c. The alternate planning commissioner shall be a resident.

D. Appointment. All planning commissioners shall be appointed by a majority vote of the city council.

E. Terms. The term of office of a planning commissioner shall be four years. In the event that a term of office has expired and a new appointment has not been made for that office, the commissioner whose term of office has expired shall automatically continue to serve until such time a new appointment has been made. Appointment terms shall be split by alternating two years as follows:

   1. Two resident and one business or resident appointment term to January 31, 2010, and then four-year terms thereafter.

   2. One resident, one business or resident and one alternate appointment term to January 31, 2013, and then four years thereafter.

F. Vacancies. In the event of a vacancy in the planning commission, other than vacancies caused by expiration of terms of members, a person shall be appointed by majority vote of the city council to fill the unexpired term.

G. Removal from office. Any planning commissioner may be removed with or without cause by a majority vote of the city council. The city's Commissions and Committees Manual Setting Forth Policies and Procedures shall govern attendance. In the event a planning commission office is declared vacant, the appointment of a successor shall be made for the unexpired term in a manner provided in this section.

(Ord. No. 500, Exh. A, 6-9-09)

2.36.030 - Financing.

The council shall provide the funds, equipment and accommodations necessary for the work of the planning commission.

(Ord. No. 500, Exh. A, 6-9-09)

2.36.040 - Meetings—Records—Rules and regulations.

The planning commission shall meet regularly and keep public record of its resolutions, findings and determinations pursuant to the City of Colfax Commissions and Committees Manual Setting Forth Policies and Procedures.

(Ord. No. 500, Exh. A, 6-9-09)

2.36.050 - Powers and duties.

The planning commission shall have all the powers, functions and duties provided for by State Planning Law, the laws of the city and as delegated in accordance with all other applicable laws.

(Ord. No. 500, Exh. A, 6-9-09)

FOOTNOTE(S):

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Editor's note— Ord. No. 500, Exh. A, adopted June 9, 2009, repealed the former Ch. 2.36, §§ 2.36.010—2.36.070, and enacted a new Ch. 2.36, §§ 2.36.010—2.36.050 as set out herein. The former Ch. 2.36 pertained to similar subject matter and derived from Prior code § 2-2.101—2-2.106; Ord. 408, 1993; and Ord. 485, 2006. (Back)

Chapter 2.40 - PARKS AND RECREATION COMMISSION

Sections:

2.40.010 - Establishment.

2.40.020 - Members—Terms of office.

2.40.030 - Members—Qualifications.

2.40.040 - Organization of the commission.

2.40.050 - Absences from meetings.

2.40.060 - Absences for cause.

2.40.070 - Records.

2.40.080 - Duties and responsibilities.

2.40.010 - Establishment.

There is created a parks and recreation commission consisting of five members. The parks and recreation commission members shall be appointed as follows:

A. Four members to be appointed by majority vote of the city council;

B. One member to be appointed by majority vote of the city council upon recommendation of the Colfax Elementary School District or Colfax High School;

C. In addition to the five members of the commission, a youth ad hoc position will be added to the commission. The youth ad hoc member will be appointed by majority vote of the city council and shall attend all meetings and serve as a liaison with the youth of the community. The ad hoc member will have all discussion rights of a commissioner, with no voting powers.

(Ord. 484 (part), 2006: Ord. 408 § 3, 1993: prior code § 2-2.200)

2.40.020 - Members—Terms of office.

The members of the parks and recreation commission shall serve for terms of four years and shall serve with compensation as established by the council for boards and commissions. Members of the first commission appointed shall determine their respective term of office by lot so that two shall serve for a term of one year, two shall serve for a term of two years and one shall serve for a term of three years. All vacancies shall be filled for the unexpired terms of the member whose office is vacant in the same manner as such member received his or her original appointment. The youth ad hoc representative shall serve a term of one year.

(Ord. 484 (part), 2006: Prior code § 2-2.201)

2.40.030 - Members—Qualifications.

Two members of the parks and recreation commission shall be residents of the city, two members of the commission shall be a residents of the city or the city's sphere of influence, and one member shall be

a representative of the Colfax Elementary School or Colfax High School and shall be nominated by the respective district, and appointed by the city council.

All members shall be over twenty-one (21) years of age and shall have some familiarity with public recreation at the time of their appointment to office.

(Ord. 484 (part), 2006: Prior code § 2-2.202)

2.40.040 - Organization of the commission.

Immediately after their appointment, the members of the parks and recreation commission shall meet and organize by electing one of their members as chairperson and such other officers as may be necessary annually thereafter. The commission shall meet in regular session and elect successors to such offices. The commission shall have the power to adopt bylaws, rules and regulations for the proper conduct of public recreation for the city. The commission shall have regular meetings at least once each month on the first Monday of each month at 6:30 pm and shall determine the manner in which special meetings may be held and notice given. A majority of the members shall constitute a quorum.

(Ord. 484 (part), 2006: Prior code § 2-2.203)

2.40.050 - Absences from meetings.

If a member of the parks and recreation commission shall be absent from three successive meetings of the commission without cause, the office of such member shall be deemed to be vacant and the term of such member ipso facto terminated and the secretary of the commission shall immediately inform the council of such terminations.

(Ord. 484 (part), 2006: Prior code § 2-2.204)

2.40.060 - Absences for cause.

An absence due to illness or an unavoidable absence from the city, because of business or otherwise, shall notify the city manager of an absence for cause no later than 12:00 noon the day of the meeting

(Ord. 484 (part), 2006: Prior code § 2-2.205)

2.40.070 - Records.

The parks and recreation commission shall keep a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it. Such record shall be maintained as are public records of other bodies and agencies.

(Ord. 484 (part), 2006: Prior code § 2-2.206)

2.40.080 - Duties and responsibilities.

The parks and recreation commission shall have the following duties and responsibilities:

A. To coordinate all of the park and recreation activities of the city and the school districts, other than those activities included within the regular program of activities of the school districts;

B. To act in an advisory capacity to the council in all matters pertaining to recreation and parks;

C. To encourage a sound program of park and playground acquisition, development and maintenance;

D. To foster the close coordination of school and playground development to avoid the duplication of facilities;

E. To interpret community park and recreation programs to public officials and to the general citizenship in order to promote understanding and financial support from public and private sources;

F. To act in an advisory capacity to the city manager in making plans for and conducting recreational activities;

G. To recommend to the council the establishment of general policies with respect to a park and recreation department;

H. To consider recommendations and requests originating from any source;

I. Require that a least annually the commission as a body will inspect park and recreation facilities;

J. To assist the council in the acquisition, development, beautification and maintenance of park and recreation facilities in the city as part of a sound master park and recreational plan in keeping with the community needs and future growth;

K. To aid the council in coordinating the parks and recreation services with the programs of other government agencies and voluntary organizations;

L. To advise, with the assistance of the city manager, in the preparation of the annual budget and a long-range parks and recreation capital improvement program for submission to the council;

M. To advise the council on the problems of the development of recreation areas, facilities, programs and improved recreation services; and

N. The commission to meet annually in joint session with the city council.

(Ord. 484 (part), 2006: Prior code § 2-2.207)

Chapter 2.44 - CODE OF ETHICS

Sections:

2.44.010 - Declaration of policy.

2.44.020 - Responsibilities of public office.

2.44.030 - Dedicated service.

2.44.040 - Fair and equal treatment.

2.44.050 - Conflicts of interest.

2.44.060 - Political activities.

2.44.070 - Applicability of code.

2.44.080 - Ex parte communications.

2.44.090 - Avoidance of impressions of corruptibility.

2.44.100 - Discrimination in appointments.

2.44.110 - Investments in conflict with official duties.

2.44.120 - Disclosures of income.

2.44.130 - Future employment.

2.44.140 - Giving testimony.

2.44.150 - Sanctions.

2.44.010 - Declaration of policy.

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public offices not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals there is established a code of ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this code of ethics is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions which are incompatible with the best interests of the city and by directing the disclosure by such officials and employees of private financial or other interests in matters affecting the city. The provisions and purposes of this code of ethics and such rules and regulations as may be established are declared to be in the best interests of the city and for the protection of the public health, safety and welfare of its citizens.

(Prior code § 2-1.301)

2.44.020 - Responsibilities of public office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the state and to carry out impartially the laws of the nation, the state and the city and thus to foster respect for all government. Public officials and employees are bound to observe in their official acts the highest

standards of performance and to discharge faithfully the duties of their office, regardless of personal consideration. Recognizing that the public interest must be their primary concern, their conduct in both their official and private affairs should be above reproach.

(Prior code § 2-1.302)

2.44.030 - Dedicated service.

A. All officials and employees of the city owe a duty of loyalty to the political objectives expressed by the electorate and the programs developed by the council to attain those objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

B. Officials and employees should not exceed their authority or breach the law or ask others to do so and owe a duty to cooperate fully with other public officials and employees, unless prohibited from doing so by law or by the officially recognized confidentiality of their work.

(Prior code § 2-1.303)

2.44.040 - Fair and equal treatment.

A. Interest in Appointments. Canvassing members of the council, directly or indirectly, in consideration or in connection with any appointment to the municipal service shall disqualify the candidate for appointment, except with reference to positions filled by appointment by the council.

B. Use of Public Property. No official or employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.

C. Obligations to Citizens. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(Prior code § 2-1.304)

2.44.050 - Conflicts of interest.

No councilmember or other official or employee, whether paid or unpaid, shall engage in any business or transaction or have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interests or would tend to impair his or her independence or judgment or action in the performance of his or her official duties. "Personal", as distinguished from "financial", interest shall include an interest arising from blood or marriage relationships or close business associations.

A. Reportable Interests. Positions which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest shall be required to report the specific investments, business positions, interests in real property and sources of income if the business entity in which the investment or business position is held, the interest in real property or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

B. Positions Designated to Report.

1. Positions designated as being required to report financial interests shall include councilmembers, commissioners and designated employees. Designated employees shall

include the city manager, city attorney, city planner, city engineer, department heads and consultants as determined on a case by case basis by the city manager.

2. The city manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The city manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

C. Reporting Schedule.

1. An initial statement shall be filed by each designated employee or position within thirty (30) days after the effective date of the conflict of interest code disclosing investments, business positions and interests in real property held on the effective date of the conflict of interest code and income received during the twelve (12) months before the effective date of the conflict of interest code. Thereafter, each new designated employee or position shall file a statement within thirty (30) days after assuming office disclosing investments, business positions and interests in real property held on and income received during the twelve (12) months before, the date of assuming office or the date of being appointed or nominated, respectively.

2. Each designated employee or position shall file an annual statement by April 1st disclosing reportable investments, business positions, interest in real property and income held or received at any time during the previous calendar year or since the date the designated employee or position took office if during the calendar year.

3. Every designated employee or position who leaves office or employment shall file within thirty (30) days of leaving office a statement disclosing reportable investments, business positions, interests in real property and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

D. Reporting Forms. Reportable interests shall be reported on forms supplied by the city clerk.

E. Requirement Deemed Met by Forms 721 or 730. Designated employees and positions required to report reportable interests shall be deemed to have met the requirement of this section if they currently file Statements of Economic Interests with the Fair Political Practices Commission as required by the Government Code.

F. Specific conflicts of interest are enumerated as follows for the guidance of officials and employees:

1. Incompatible Employment. No councilmember or other official or employee shall engage in or accept private employment or render services for private interest when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence or judgement or action in the performance of his or her official duties.

2. Disclosures of Confidential Information. No councilmember or other official or employee, without proper legal authorization, shall disclose confidential information concerning the property, government or affairs of the city, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.

3. Gifts and Favors. No councilmember or other official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official or employee

accept any gift, favor or thing of value which may tend to influence him or her in the discharge of his or her duties or grant in the discharge of his or her duties any improper favor, service or thing of value.

4. Representing Private Interests Before City Agencies and Courts. No councilmember or other official or employee whose salary is paid in whole or in part by the city shall appear in behalf of private interest before any agency of the city. He or she shall not represent private interests in any action or proceeding against the interests of the city in any litigation to which the city is a party. A councilmember may appear before city agencies on behalf of constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations. No official or employee shall accept a retainer or compensation which is contingent upon a specific action by a city agency.

5. Contracts With the City. No councilmember or city official or employee shall have a financial interest in any business transaction or contract with the city or in the sale of real estate, materials, supplies or services to the city, except as permitted in the conflict of interest statutes of the state (Sections 1090 et seq. of the Government Code of the state).

6. Disclosures of Interest in Legislation. A councilmember who has a financial or other private interest in any legislation shall disclose on the records of the council or other appropriate authority the nature and extent of such interest.

Any other city official or employee who has a financial or other private interest and who participates in discussions with or gives an official opinion to, the council concerning pending legislation, shall disclose on the records of the council or other appropriate authority the nature and extent of such interest.

(Ord. 390, 1992: prior code § 2-1.305)

2.44.060 - Political activities.

A. No appointive official or employee shall orally, by letter or otherwise, solicit or participate in soliciting any assessment, subscription or contribution to any political party during working hours on the premises of any governmental property owned by the city and shall at all times conform to the provisions of the Government Code of the state.

B. No official or employee, whether elected or appointed, shall promise an appointment to any position with the city as a reward for any political activity.

(Prior code § 2-1.306)

2.44.070 - Applicability of code.

When a councilmember or other official or employee has doubt as to the applicability of a provision of this code of ethics to a particular situation, he or she should apply to the council for an advisory opinion and be guided by that opinion when given. Such councilmember or other official or employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicable provisions of this code of ethics before such advisory decision is made. This code of ethics shall be operative in all instances covered by the provisions of this chapter, except when superseded by applicable statutory provisions or when the application of a statutory provision is discretionary but determined to be more appropriate and desirable.

(Prior code § 2-1.307)

2.44.080 - Ex parte communications.

No official or employee shall encourage, make or accept any ex parte or other unilateral application or communication which excludes the interests of other parties in a matter under consideration when such application or communication is designed to influence the official decision or conduct of the official or other officials, employees or agencies in order to obtain a more favored treatment or special consideration to advance the personal or private interests of himself or herself or others. The purpose of this provision is to guarantee that all interested parties to any matter shall have an equal opportunity to express their interests. Any written ex parte communication received by an official or employee in a matter where all interested parties should have an equal opportunity for a hearing shall be made a part of the record by the recipient.

Any oral ex parte communication received under such conditions should be written down in substance by the recipient and also made a part of the record. A communication concerning only the status of a pending matter shall not be regarded as an ex parte communication.

(Prior code § 2-1.308)

2.44.090 - Avoidance of impressions of corruptibility.

Public officials and employees, whether appointed or elected, full time or part-time, paid or unpaid, should conduct their official and private affairs so as not to give a reasonable basis for the impression that any such official or employee can be improperly influenced in the performance of his or her public duties. Such officials or employees should so conduct themselves as to maintain public confidence in their performance of the public trust in the government they represent. They should not be a source of embarrassment to that government and should avoid even the appearance of conflict between their public duties and private interests.

(Prior code § 2-1.309)

2.44.100 - Discrimination in appointments.

No person shall be appointed to or removed from or in any way favored or discriminated against with respect to, any appointive administrative office because of the person's race, age, religion, national origin or political affiliation if otherwise qualified for the position or office. This provision shall not be construed to impair administrative discretion in determining the requirements of a position or in a job assignment of a person holding such a position, subject to review by the council.

(Prior code § 2-1.310)

2.44.110 - Investments in conflict with official duties.

No councilmember or other official or employee, whether paid or unpaid, shall possess any substantial or controlling investment, direct or indirect, in any financial, business, commercial or other private transaction which creates or may create a conflict with his or her official duties, nor shall he or she invest to such degree in any business regulated or licensed by or doing business with the city in which he or she is employed or be a party to any transaction on which he or she may be called to make a decision in an official capacity, subject only to the exceptions provided in the conflict of interest sections of the Government Code of the state (Sections 1190 et seq.).

(Prior code § 2-1.311)

2.44.120 - Disclosures of income.

An official or employee, whether paid or unpaid, who has a direct financial or other interest in any transaction, the disposition of which may be influenced by the officer's or employee's official position or action, shall disclose all sources of income and the nature and extent of any personal interest in such transaction as an official, agent, member or owner of any business entity or other association which is subject to regulation by the city when such income or interest may represent a substantial conflict of interest with his or her official duties. Such disclosure shall be made on the records of the council or to the appointing authority. Such disclosure may be made periodically at the times designated for all such classes of officials or employees. Such disclosure shall remove any presumption of a conflict of interest for any transaction where the information disclosed is pertinent.

(Prior code § 2-1.312)

2.44.130 - Future employment.

It shall be improper for any former officer or employee to appear as a compensated representative at any time before the council or any of its agencies, by which he or she was formerly employed in connection with any case or other matter with which such former officer or employee was duly connected in a policy-making capacity while an officer or employee of the city for six months following the termination of the officer or employee. Such officer or employee may be released from the obligation imposed by this section upon the submission of a written request to the council in advance of his or her proposed appearance and his or her certification that, while an officer or employee of the city, he or she took no action or obtained no information which would prejudice his or her conduct or presentation, either at the time he or she was an officer or employee or at the time of the presentation.

(Prior code § 2-1.313)

2.44.140 - Giving testimony.

It shall be the duty of municipal employees to answer questions submitted to them by respectfully constituted authority which questions may reflect upon the employee's fitness for municipal office or employment. If any city officer or employee, after reasonable notice and opportunity to answer, is called upon or requested to give testimony or to produce evidence upon relevant matters pertaining to his or her office or position in connection with any lawful or constitutional inquiry conducted by the council, the Placer County grand jury, any state or federal legislative committee or the Attorney General of the state, such officer or employee, to the best of his or her ability, shall answer such inquiries or shall submit a statement of reasons for the refusal thereof to the council for its consideration. The council, where permitted by law, shall thereafter inform such officer or employee whether or not such officer or employee is required as a condition of continued employment to answer such questions. If the council instructs such officer or employee to answer such questions and the officer or employee continues to refuse to answer the questions thus propounded, such officer or employee shall resign on the request of the council or shall forfeit his or her position at the suit of the city.

Nothing in this provision shall be construed to impair a constitutional civil right.

(Prior code § 2-1.314)

2.44.150 - Sanctions.

In addition to any other penalties or remedies provided by law, any violation of this code of ethics shall constitute a cause for suspension, removal from office or employment or other disciplinary action after notice and a hearing conducted by the appropriate appointed authority or, in the case of the council, a majority of the council.

If a councilmember misses more than one regular or special meeting per month or dismisses himself or herself from a meeting in progress, except for good cause, then disciplinary action may be taken by a majority of the council.

(Prior code § 2-1.315)

Chapter 2.48 - PERSONNEL SYSTEM

Sections:

2.48.010 - Adoption of the personnel system.

2.48.020 - Competitive service.

2.48.030 - Adoption and amendment of rules.

2.48.040 - Appointments.

2.48.050 - Probationary period.

2.48.060 - Applicability of rule to certain exempt positions.

2.48.070 - Improper political activity.

2.48.080 - Discrimination.

2.48.010 - Adoption of the personnel system.

In order to establish an equitable and uniform procedure for dealing with personnel matters, to attract to municipal service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness and to provide a reasonable degree of security for qualified employees, the personnel system set out in this chapter is adopted.

(Prior code § 2-4.701)

2.48.020 - Competitive service.

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

A. The city manager;

B. Elective officers;

C. Members of appointive boards, commissions and committees;

D. All department heads;

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

F. Volunteer personnel, such as volunteer firefighters;

G. City attorney;

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

I. Employees, other than those listed elsewhere in this section, who are not regularly employed in permanent positions.

(Prior code § 2-4.702)

2.48.030 - Adoption and amendment of rules.

Personnel rules shall be adopted by resolution of the city council after notice of such action has been publicly posted in at least three public places designated by the city council and at least five days prior to city council consideration. The city clerk shall give reasonable written notice to each recognized employee organization affected by the ordinance, rule, resolution or regulation or amendment thereof proposed to be adopted by the city council. Amendments and revisions may be suggested by any interested party and shall be processed as provided in the personnel rules. The rules shall establish regulations governing the personnel system including:

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

B. Public announcement of all interviews and acceptance of applications of employment;

C. Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment;

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

E. Establishment of probationary periods;

F. Evaluation of employees during the probationary period;

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

H. Separation employees from the city services;

I. The establishment of adequate personnel record;

J. The establishment of appeal procedures concerning the interpretation or application of this chapter and any rules adopted hereunder; and

K. The establishment of a grievance procedure.

(Prior code § 2-4.703)

2.48.040 - Appointments.

Appointments to vacant positions in the competitive service shall be made in accordance with the personnel rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examination. Examinations may be used and conducted to aid in the selection of qualified employees and shall consist of selection techniques which will test fairly the qualifications of candidates such as achievement and aptitude test, written tests, personal interview test, physical ability test, evaluation of daily work performance, work samples or any combination of these or other tests. The probationary period shall be considered an extension of the examination process. Physical and medical tests may be given as a part of an examination.

(Prior code § 2-4.704)

2.48.050 - Probationary period.

All regular appointments, including promotional appointments, shall be for a probationary period of not less than six months, nor more than two years. During the probationary period, the employee may be rejected at any time without the right of appeal or hearing.

(Prior code § 2-4.705)

2.48.060 - Applicability of rule to certain exempt positions.

The provisions of the personnel rules relating to attendance and leaves shall apply to incumbents of full-time exempt positions, unless otherwise specified.

(Prior code § 2-4.706)

2.48.070 - Improper political activity.

The political activities of the city employees shall conform to pertinent provisions of state law.

(Prior code § 2-4.707)

2.48.080 - Discrimination.

No person in the competitive service or seeking admission thereto, shall be employed, promoted, demoted or discharged or in any way favored or discriminated against because of political opinions or affiliations, race, color, ancestry, national origin, religious creed, sex or because of the exercise of his or her rights under Section 3502 of the Government Code.

(Prior code § 2-4.708)

Chapter 2.52 - PEACE OFFICER TRAINING

Sections:

2.52.010 - State aid.

2.52.020 - Standards for recruitment and training.

2.52.010 - State aid.

The city declares that it desires to qualify to receive aid from the state pursuant to the provisions of Chapter I of Title 4 of Part 4 of the Penal Code of the state.

(Prior code § 2-4.401)

2.52.020 - Standards for recruitment and training.

Pursuant to the provisions of Section 13522 of Chapter I of Title 4 of Part 4 of the Penal Code of the state, the city will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

(Prior code § 2-4.402)

Chapter 2.56 - INSPECTION OF PUBLIC DOCUMENTS

Sections:

2.56.010 - Requests.

2.56.020 - Time for review by city officials.

2.56.030 - Determination.

2.56.040 - Partial availability estimated costs.

2.56.050 - Notification of time for inspection.

2.56.060 - Estimated costs for copies.

2.56.070 - Audio tapes.

2.56.080 - Removal of records prohibited.

2.56.090 - Costs.

2.56.010 - Requests.

All requests for public information shall be presented to the city clerk.

(Prior code § 2-7.01)

2.56.020 - Time for review by city officials.

As soon as possible, the city clerk shall determine whether the requested information is exempt from disclosure.

(Prior code § 2-7.02)

2.56.030 - Determination.

If the clerk determines the records are exempt from disclosure in part or in full, the reasons for the decision shall be given in writing to the person making the request.

(Prior code § 2-7.03)

2.56.040 - Partial availability estimated costs.

In the event the records are only partially exempt from disclosure, the clerk shall determine whether the nonexempt portions are segregable and if so, shall notify the person making the request of the estimated costs of segregating the exempt and nonexempt portions of the records. A deposit of one hundred (100) percent of the estimated costs shall be made with the clerk before the clerk shall undertake any acts to segregate the records.

(Prior code § 2-7.04)

2.56.050 - Notification of time for inspection.

If the records are to be inspected only, the clerk shall make all nonexempt public records available for inspection as soon as possible during regular business hours.

(Prior code § 2-7.05)

2.56.060 - Estimated costs for copies.

Whenever copies are requested, the clerk shall give the person making the request an estimate of the fees to be charged for copying any such records. A one hundred (100) percent deposit shall be paid prior to copying any such records.

(Prior code § 2-7.06)

2.56.070 - Audio tapes.

Anyone desiring to listen to a taped session of the council's meeting shall notify the clerk of the specific tape needed. As soon as possible, the clerk shall make a duplicate of the requested tape and make the duplicate tape available.

(Prior code § 2-7.07)

2.56.080 - Removal of records prohibited.

Records other than fully paid-for copies, may not be removed from the city clerk's office, nor shall they be rearranged or in any manner defaced, mutilated or otherwise tampered with.

(Prior code § 2-7.08)

2.56.090 - Costs.

Costs for researching, segregating records and copying records shall be as follows:

A. The costs for researching the archives and segregating documents, if any, shall be twelve dollars ($12.00) per hour. The minimum charge shall be ten dollars ($10.00).

B. The costs for photocopying documents shall be fifty cents ($0.50) per page.

C. The costs for duplicating tape recordings of council meetings shall be ten dollars ($10.00) per tape.

(Prior code § 2-7.09)

Chapter 2.60 - EMERGENCY SERVICES

Sections:

2.60.010 - Purposes.

2.60.020 - Emergency defined.

2.60.030 - Emergency response staff—Created—Membership.

2.60.040 - Emergency response staff—Powers and duties—Meetings.

2.60.050 - Emergency response manager—Office created—Powers and duties.

2.60.060 - Emergency organization—Composition.

2.60.070 - Emergency plan.

2.60.080 - Expenditures.

2.60.090 - Violation—Penalty.

2.60.010 - Purposes.

The declared purposes of this chapter are as follows:

A. To provide for the preparation and carrying out of plans for the protection of persons and property within the city in the event of an emergency;

B. To provide for the direction of the emergency organization; and

C. To provide for the coordination of the emergency functions of the city with all other public agencies, corporations organizations and affected private persons.

(Prior code § 4-2.01)

2.60.020 - Emergency defined.

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

(Prior code § 4-2.02)

2.60.030 - Emergency response staff—Created—Membership.

A. The city manager shall be designated as the emergency response manager and is authorized to activate the Colfax emergency plan. At his or her option, he or she may designate an alternate to serve in his or her stead.

B. Emergency response staff shall further be compromised of department representatives designated in the current emergency plan of the city adopted by resolution pursuant to the provisions of this chapter.

(Prior code § 4-2.03)

2.60.040 - Emergency response staff—Powers and duties—Meetings.

It shall be the duty of the emergency response staff and it is empowered, to develop and recommend for adoption by the city council emergency and mutual aid plans and agreements and such laws, resolutions, rules and regulations as are necessary to implement such plans and agreements. The emergency response manager or in his or her absence from the city or inability to call such a meeting, upon the request of the person designated in the city emergency plan.

(Prior code § 4-2.04)

2.60.050 - Emergency response manager—Office created—Powers and duties.

There is created the office of emergency response manager. The city manager or his or her designate shall be the emergency response manager and he or she is empowered to:

A. Determine the existence or threatened existence of a "local emergency" and institute the city emergency plan.

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

C. Control and direct the effort of the emergency organization of the city for the accomplishment of the purposes of this chapter.

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

E. Represent the city in all dealings with public or private agencies on matters pertaining to emergencies.

F. In the event of the proclamation of a "local emergency," as provided in this section, the proclamation of a "state of emergency" by the Governor or the Director of the Office of Emergency Services of the state or the existence of a "state of war emergency," the manager is empowered to:

1. Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations shall be confirmed at the earliest practicable time by the city council;

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

3. Require the emergency service of any city officer or employee and, in the event of the proclamation of a "state of emergency" in the county or the existence of a "state of war emergency," to command the aid of as many citizens of the community as he or she deems necessary in the execution of his or her duties. Such persons shall be entitled to all the privileges, benefits and immunities as are provided by state laws for registered disaster service workers;

4. Requisition the necessary personnel or materials of any city department or agency; and

5. Execute all of his or her ordinary powers, all of the special powers conferred upon him or her by the provisions of this chapter or by resolution or the emergency plan adopted pursuant to the provisions of this chapter and all powers conferred upon him or her by any statute, any agreement approved by the city council or by any other lawful authority. The emergency response manager shall designate the order of succession to that office, which order of succession shall take effect in the event the manager is unavailable to attend meetings and otherwise perform his or her duties during an emergency. Such order of succession shall be approved by the city council.

(Prior code § 4-2.05)

2.60.060 - Emergency organization—Composition.

The emergency organization of the city shall consist of all officers and employees of the city, together with those volunteer forces enrolled to aid them during an emergency and all groups organizations and persons who, by agreement or operation of law, including persons pressed into service pursuant to the provisions of Section 2.60.050(F)(3) of this chapter, may be charged with duties incident to the protection of life and property in the city during such emergency.

(Prior code § 4-2.06)

2.60.070 - Emergency plan.

The Colfax emergency response staff shall be responsible for the development of the city emergency plan, which shall provide for the effective mobilization of all the resources of the city, both public and private, to meet any condition constituting a local emergency, state of emergency or state of war emergency and which plan shall also provide for the organization, powers and duties, services and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the city council.

(Prior code § 4-2.07)

2.60.080 - Expenditures.

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

(Prior code § 4-2.08)

2.60.090 - Violation—Penalty.

It shall be a misdemeanor, punishable as set forth in Chapter 1.24 of this code, for any person during an emergency to:

A. Wilfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to the provisions of this chapter or in the performance of any duty imposed upon him or her by virtue of the provisions of this chapter;

B. Do any act forbidden by any lawful rule or regulation issued pursuant to the provisions of this chapter if such act is of such nature as to give or be likely to give, assistance to the enemy or to imperil the lives or property of inhabitants of the city or to prevent, hinder or delay the defense or protection thereof; or

C. Wear, carry or display, without authority, any means of identification specified by the Emergency Agency of the state.

(Prior code § 4-2.09)

Title 3 - REVENUE AND FINANCE

Chapters:

Chapter 3.04 - PREFERENCE FOR LOCAL VENDORS IN CONTRACTING FOR EQUIPMENT, MATERIALS, SUPPLIES AND SERVICES ALLOWED

Chapter 3.08 - TRANSFER OF CITY FUNCTIONS TO COUNTY

Chapter 3.12 - DOCUMENTARY TRANSFER TAX

Chapter 3.16 - SALES AND USE TAX

Chapter 3.20 - TRANSIENT OCCUPANCY TAX

Chapter 3.24 - RESIDENTIAL CONSTRUCTION TAX

Chapter 3.28 - ANNEXATION FEES

Chapter 3.32 - LANDFILL EQUITY BUY-IN FEES

Chapter 3.36 - RECREATIONAL FACILITY FEES

Chapter 3.40 - FINANCING OF INTERIM SCHOOL FACILITIES

Chapter 3.44 - FAIR SHARE PAYMENTS FOR IMPROVEMENTS

Chapter 3.48 - SPECIAL GAS TAX STREET IMPROVEMENT FUND

Chapter 3.52 - UNCLAIMED PROPERTY

Chapter 3.56 - MITIGATION IMPACT FEES

Chapter 3.04 - PREFERENCE FOR LOCAL VENDORS IN CONTRACTING FOR EQUIPMENT, MATERIALS, SUPPLIES AND SERVICES ALLOWED

Sections:

3.04.010 - Findings and purpose.

3.04.020 - Definitions.

3.04.030 - Preference for local providers.

3.04.040 - Exceptions to preference for local providers.

3.04.050 - Reduction of bid by eligible local provider.

3.04.060 - Penalty.

3.04.070 - Procurement policy.

3.04.010 - Findings and purpose.

Local businesses that provide equipment, materials, supplies and services within the City of Colfax are at a competitive disadvantage because doing business within the city is more expensive than doing business in a more urban environment. The lack of demand for equipment, materials and supplies from city-based businesses inhibits the availability of volume discounts and generally results in higher costs and, therefore, higher bids from local businesses who respond to requests for proposals for equipment, materials, supplies and services. The purpose of this chapter is to create a circumstance in which every local provider, as defined, will be able to effectively compete when responding to solicitations for proposals for equipment, materials, supplies and services and when otherwise contracting with the city.

(Ord. No. 510, 3-10-2010)

3.04.020 - Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

"Bidder" shall mean any person, including any corporation, partnership, limited liability company or similar business entity, that submits a response to a competitive invitation by the city for the purchase of equipment, materials, supplies or services.

"Bid" or "bids" shall include any competitive or other bid or proposal submitted at the invitation of the city for the purchase of equipment, materials, supplies or services.

"City" shall mean and refer to the City of Colfax.

"Eligible local provider" shall mean and refer to a local provider who is an otherwise responsible bidder and otherwise responsive to the city's invitation for bids or to the city's request for the provision of equipment, materials, supplies or services.

"Local provider" shall mean and refer to a supplier or provider of equipment, materials, supplies or services that meets all of the following criteria:

A. Has an established place of business within the city;

B. Has a current city business license;

C. Has paid all currently due business license fees and taxes; and

D. Began doing business within the city at least one year prior to the city's inviting bids or quotations for the respective purchase.

"Responsible" shall mean a bidder's quality, fitness, and capacity to perform or otherwise meet the particular requirements of the contract, purchase order or request for quotations.

"Responsive" means a bidder's compliance with the instructions and requirements established by the city and set forth in the contract, purchase order or request for quotations.

(Ord. No. 510, 3-10-2010)

3.04.030 - Preference for local providers.

The provisions of this chapter and the local preference established pursuant to this chapter shall be applicable to the following types of purchases or contracts let in excess of five thousand dollars ($5,000.00) and pursuant to either a formal or an informal bid:

A. Purchases, orders or contracts for the purchase of supplies, materials and equipment; and

B. Purchases or contracts for nonprofessional services.

(Ord. No. 510, 3-10-2010)

3.04.040 - Exceptions to preference for local providers.

The provisions of this chapter and the local preference established pursuant to this chapter shall not be applicable to the following types of purchases or contracts:

A. Purchases or contracts for professional services;

B. Public works activities performed by city employees or agents;

C. Emergency purchases;

D. Direct or sole purchases made by the city; and

E. Purchases or contracts where legal constraints on the expenditure of funds prohibit the application of the local preference or those contracts funded by the federal or state government, including federal or state loan or grant funding, when such funding would be jeopardized by application of the local preference.

(Ord. No. 510, 3-10-2010)

3.04.050 - Reduction of bid by eligible local provider.

A. In contracting for equipment, materials, supplies or services as specifically set forth in this chapter, the city shall grant preference to a local provider who submits a bid within ten (10) percent of the lowest responsible bidder and who is otherwise responsive and responsible to the invitation for bids. The preference shall allow the local provider the opportunity to reduce its bid by an amount up to ten (10) percent if the otherwise lowest responsive, responsible bid is submitted by other than an eligible local provider. In the event an eligible local provider reduces its bid pursuant to this section and results in that bidder having submitted a bid equal to or less than the amount of the lowest

responsive, responsible bid, the eligible local provider shall be deemed to have provided the lowest responsive, responsible bid and shall be awarded the contract.

B. The preference and opportunity to reduce the amount of the bid shall be provided first to the lowest eligible local provider and, if not accepted by such eligible local provider within five business days of the opening of the bids, then to each successive eligible local provider within ten (10) percent of the lowest responsive, responsible bid, in ascending order of the amount of the bids.

C. The local provider shall certify under penalty of perjury, as a part of its bid and in a form and manner as required by the city, that the bidder qualifies as a local provider. The preference established in this chapter shall be waived if the certification does not appear on the respective bid.

D. The application of a local preference as set forth in this chapter shall not exempt any eligible local provider to which a contract is let or awarded from having to pay all applicable federal, state or local sales tax or other taxes.

(Ord. No. 510, 3-10-2010)

3.04.060 - Penalty.

Any otherwise eligible local provider that submits false information to the city in an attempt to qualify for the bid reduction allowed pursuant to section 3.04.050 shall be prohibited from contracting with the city for a period of one year. This penalty shall be in addition to any other penalty or punishment allowed by law.

(Ord. No. 510, 3-10-2010)

3.04.070 - Procurement policy.

The city manager, or the city manager's designee, shall draft a procurement policy to implement the intent of this chapter and establish procurement guidelines for the city. Upon approval thereof by the city council, the rules and regulations contained in the procurement policy shall have the same force and effect as this chapter. All provisions of the procurement policy shall be subject to modification by resolution of the city council.

(Ord. No. 510, 3-10-2010)

Chapter 3.08 - TRANSFER OF CITY FUNCTIONS TO COUNTY

Sections:

3.08.010 - Authority.

3.08.020 - Transfer of assessment and collection to county.

3.08.030 - Withdrawal of funds from county.

3.08.040 - Copies of provisions—Filing with county and state.

3.08.050 - Transfer of certain collections to county.

3.08.010 - Authority.

The provisions of this chapter are enacted under the authority of and by virtue of the provisions of Sections 51500 through 51521 of the Government Code of the state.

(Prior code § 3-3.201)

3.08.020 - Transfer of assessment and collection to county.

The assessment and tax collection duties performed by the city clerk as ex officio city assessor and by the city tax collector are transferred to the county assessor and the county tax collector, respectively.

(Prior code § 3-3.202)

3.08.030 - Withdrawal of funds from county.

Money shall be drawn from the funds of the city in the hands of the county treasurer at such times and in such manner as shall be agreed upon by the city treasurer and the county treasurer so as to provide for the delivery of such city funds in the possession of the county treasurer to the city treasurer as soon after their collection and segregation and the deduction of the compensation due the county for the performance of the duties set forth in this chapter, as shall be possible, consistent with the approved financial practices of the county.

(Prior code § 3-3.203)

3.08.040 - Copies of provisions—Filing with county and state.

Certified copies of the provisions of this chapter shall be filed with the county auditor, county assessor, county tax collector and the Board of Equalization of the state.

(Prior code § 3-3.204)

3.08.050 - Transfer of certain collections to county.

A. Purpose and Authority.

1. The purpose of this section is to transfer to the county of Placer for collection the county tax rolls certain charges which have been imposed pursuant to Chapters 8.20, 13.08 and 13.16 and Titles 1, 5 and 17 of this code by the city, for sewer, garbage, code enforcement and public nuisance abatement assessments related to real property.

2. The county has required as a condition of the collection of such charges that the city warrants the legality of such charges and defend and indemnify the county from any challenge to the legality thereof.

B. Findings. The city council finds and determines as follows:

1. The auditor/controller of Placer County may enact for collection on the county tax rolls those taxes, assessments, fees and/or charges, assessed by a municipality on real property within the municipality's jurisdiction.

2. The city warrants and represents that the taxes, assessments, fees and/or charges imposed by the city and being requested to be collected by Placer County comply with all requirements of state law, including but not limited to, Articles XIIIC and XIIID of the California Constitution (Proposition 218).

3. The city releases and discharges the county and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action and judgments in any manner arising out of the collection by the county of any taxes, assessments, fees and/or charges on behalf of the city.

4. The city agrees to and shall defend, indemnify and hold harmless the county, its officers, agents and employees (the "indemnified parties") from any and all claims, demands, liabilities, costs and expenses, damages, causes of action and judgments in any manner arising out of the collection by the county of any of the city's taxes, assessments, fees and/or charges requested to be collected by the county for the city or in any manner arising out of city's establishment and imposition of such taxes, assessments, fees and/or charges. The city agrees that, in the event a judgment if entered in a court of law against any of the indemnified parties as a result of the collection of one of the city's taxes, assessments, fees and/or charges, the county may offset the amount of the judgment from any other moneys collected by the county on behalf of the city, including property tax.

5. The city agrees that its officers, agents and employees will cooperate with the county in answering questions referred to the city by the county from any person concerning the city's taxes, assessment, fees and/or charges and that the city will not refer such persons to county officers and employees for response.

6. Collection of Delinquent Account. The city shall be assisted by the county in the collection of unpaid bills for service provided pursuant to this section in the following manner:

   a. On July 1st of each year, the city shall provide the county with a listing of all uncollected accounts more than sixty (60) days delinquent. Such listing shall be in a form approved by the county. Upon submittal of this listing such delinquent account shall be returned to a zero balance and payment by customers shall be applied to future services.

   b. By December 1st of the same year, the county shall reimburse the city for all delinquent accounts submitted under subsection (B)(6)(a) of this section which can be independently identified by the county as valid claims against the property owners. Reimbursement to the city shall be made at one hundred (100) percent of the amount billed to the customer, with no interest or penalty.

   c. The county shall seek to directly recover from delinquent property owners the actual cost of reimbursement plus a penalty, in an amount determined by the board of supervisors, to recover administrative costs.

(Ord. 453 §§ 1, 2, 1998)

Chapter 3.12 - DOCUMENTARY TRANSFER TAX

Sections:

3.12.010 - Title—Authority.

3.12.020 - Imposed—Rate.

3.12.030 - Payment.

3.12.040 - Exemptions.

3.12.050 - Administration.

3.12.060 - Refunds—Claims.

3.12.010 - Title—Authority.

This chapter shall be known as the "documentary transfer tax law of the city." It is adopted pursuant to the authority set forth in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the state.

(Prior code § 3-3.101)

3.12.020 - Imposed—Rate.

There is imposed a tax on each deed, instrument or writing by which any lands, tenements or other realty sold within the city shall be granted, assigned, transferred or otherwise conveyed to or vested in, the purchaser or any other person, by his or her direction, upon the value and in the amounts specified by subsection (b) of Section 11911 of the Revenue and Taxation Code of the state.

(Prior code § 3-3.102)

3.12.030 - Payment.

The tax imposed by the provisions of Section 3.12.020 of this chapter shall be paid by those persons specified in Section 11912 of the Revenue and Taxation Code of the state.

(Prior code § 3-3.103)

3.12.040 - Exemptions.

The tax imposed by the provisions of Section 3.12.020 of this chapter shall not apply to those entities or under those conditions specified in Sections 11921 through 11925 of the Revenue and Taxation Code of the state.

(Prior code § 3-3.104)

3.12.050 - Administration.

The county recorder shall administer the provisions of this chapter in conformity with the provisions of Section 11933 of the Revenue and Taxation Code of the state. Money received by the county through the county recorder shall be allocated by the county auditor pursuant to the provisions of Section 11931 of said code. The provisions of this chapter shall be deemed to be in conformity with Part 6.7 of Division 2 of said code.

(Prior code § 3-3.105)

3.12.060 - Refunds—Claims.

Claims for the refund of the taxes imposed by the provisions of this chapter shall be governed by the provisions of Section 11934 of the Revenue and Taxation Code of the state.

(Prior code § 3-3.106)

Chapter 3.16 - SALES AND USE TAX

Sections:

3.16.010 - Title.

3.16.020 - Rate.

3.16.030 - Operative date.

3.16.040 - Purpose.

3.16.050 - Contract with State Board of Equalization.

3.16.060 - Sales taxes imposed.

3.16.070 - Sales taxes—Place of sale defined.

3.16.080 - Use taxes imposed.

3.16.090 - Adoption of state law provisions.

3.16.100 - Adoption of state law provisions—Limitations.

3.16.110 - Sellers' permits.

3.16.120 - State law provisions—Amendments.

3.16.130 - Collection—Enjoining.

3.16.010 - Title.

This chapter shall be known as the "uniform local sales and use tax law of the city."

(Prior code § 3-3.401)

3.16.020 - Rate.

The rate of the sales tax and use tax imposed by the provisions of this chapter shall be one percent.

(Prior code § 3-3.402)

3.16.030 - Operative date.

The provisions of this chapter shall be operative on January 1, 1974.

(Prior code § 3-3.403)

3.16.040 - Purpose.

The council declares that the provisions of this chapter are adopted to achieve the following, among other purposes and to direct that the provisions of this chapter be interpreted in order to accomplish those purposes:

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

B. To adopt a sales and use tax law which incorporates provisions identical to those of the Sales and Use Tax Law of the state 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 of the state;

C. To adopt a sales and use tax law which imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the sales and use taxes of the state; and

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

(Prior code § 3-3.404)

3.16.050 - Contract with State Board of Equalization.

Prior to the operative date of this chapter, the city shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this sales and use tax law. If the city shall not have contracted with the State Board of Equalization prior to such operative date, the city shall nevertheless so contract and, in such a case, the operative date shall be the first day of the first calendar quarter following the execution of such a contract rather than the first day of the first calendar quarter following the adoption of this chapter.

(Prior code § 3-3.405)

3.16.060 - Sales taxes imposed.

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the city, at the rate set forth in Section 3.16.020 of this chapter, of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the city on and after the operative date of this chapter.

(Prior code § 3-3.406)

3.16.070 - Sales taxes—Place of sale defined.

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.

(Prior code § 3-3.407)

3.16.080 - Use taxes imposed.

An excise tax is imposed on the storage, use or other consumption in the city of tangible personal property purchased from any retailer on and after the operative date of this chapter for storage, use or other consumption in the city, at the rate set forth in Section 3.16.020 of this chapter, 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.

(Prior code § 3-3.408)

3.16.090 - Adoption of state law provisions.

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code of the state, all of the provisions of Part I of Division 2 of said code are adopted and made a part of this chapter as though fully set forth in this chapter.

(Prior code § 3-3.409)

3.16.100 - Adoption of state law provisions—Limitations.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code of the state, wherever the state is named or referred to as the taxing agency, the name of the city shall be substituted therefor. Such 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. Such 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. Such substitution shall not be made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the state, where the result of the substitution would be to provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remains subject to tax by the state under the provisions of Part 1 of Division 2 of said code or to impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the provisions of said code. Such substitution shall not be made in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of said code. Such substitution shall not be made for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 of said code or in the definition of that phrase in Section 6203.

(Prior code § 3-3.410)

3.16.110 - Sellers' permits.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code of the state, an additional seller's permit shall not be required by the provisions of this chapter.

(Prior code § 3-3.411)

3.16.120 - State law provisions—Amendments.

All subsequent amendments of the Revenue and Taxation Code of the state, which amendments relate to the sales and use tax and which are not inconsistent with the provisions of Part 1.5 of Division 2 of said code, shall automatically become a part of this chapter.

(Prior code § 3-3.415)

3.16.130 - Collection—Enjoining.

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 of any tax or any amount of tax required to be collected under this chapter or Part 1.5 of Division 2 of the Revenue and Taxation Code of the state.

(Prior code § 3-3.416)

Chapter 3.20 - TRANSIENT OCCUPANCY TAX

Sections:

3.20.010 - Definitions.

3.20.020 - Transient occupancy tax—Amount—Where payable.

3.20.030 - Transient occupancy tax—Persons exempt.

3.20.040 - Transient occupancy tax—Collection.

3.20.050 - Transient occupancy registration certificate.

3.20.060 - Reports and remittances.

3.20.070 - Failure to remit tax—Penalties.

3.20.080 - Operator failure to collect and report tax—Determination of tax—Notice—Hearing.

3.20.090 - Appeal.

3.20.100 - Records kept for three years.

3.20.110 - Refunds.

3.20.120 - Action by city to collect tax.

3.20.010 - Definitions.

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

"Hotel" means any space or structure or any portion of any space or structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, apartment house, breakfast house, dormitory, public or private club, mobilehome or housetrailer at a fixed location, mobilehome or housetrailer or recreational vehicle park or other similar space or 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 for dwelling, 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 purpose 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.

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

"Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying

space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted period of time extending both prior and subsequent to the effective date of this chapter may be considered.

(Prior code § 3-6.02)

3.20.020 - Transient occupancy tax—Amount—Where payable.

A. For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of eight percent of the rent charged by the operator. The tax constitutes a debt owed by the transient to the city, which is extinguished only by payment to the operator or to the city.

B. 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.

C. If, for any reason, the tax due is not paid to the operator of the hotel, the city council may require that such tax be paid directly to the city clerk.

(Prior code § 3-6.03)

3.20.030 - Transient occupancy tax—Persons exempt.

No tax shall be imposed upon:

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

B. Any federal or state officer or employee when on official business; and

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

D. No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the city clerk.

(Prior code § 3-6.04)

3.20.040 - Transient occupancy tax—Collection.

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, when requested, from the operator.

(Prior code § 3-6.05)

3.20.050 - Transient occupancy registration certificate.

A. Within thirty (30) days after the effective date of this chapter or within thirty (30) days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register such hotel with the city clerk and obtain from him or her a transient occupancy registration certificate to be at all times posted in a conspicuous place on the premises.

B. Such certificate shall, among other things, state the following:

1. The name of the operator;
2. The address of the hotel;
3. The date upon which the certificate was issued;
4. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax ordinance by registering with the City Clerk of the City of Colfax 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."

(Prior code § 3-6.06)

3.20.060 - Reports and remittances.

Each operator shall, on or before the last day of the month following the close of each calendar quarter or at the close of any shorter reporting period which may be established by the city council, make a return to the city clerk on forms provided by him or her of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount or the tax collected shall be remitted to the city clerk. The city council, by resolution, may establish shorter reporting periods for any certificate holder if it deems it necessary in order to insure collection of the tax and it may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the city clerk.

(Prior code § 3-6.07)

3.20.070 - Failure to remit tax—Penalties.

A. Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten (10) percent of the amount of the tax in addition to the amount of tax.

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

C. Fraud. If the city council determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five (25) percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections A and B of this section.

D. Finance Charge. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay a finance charge at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties Merged With Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

(Prior code § 3-6.08)

3.20.080 - Operator failure to collect and report tax—Determination of tax—Notice—Hearing.

If any operator shall fail or refuse to collect such tax or to make, within the time provided in this chapter, any report and remittance of such 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 shall procure 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, finance charge 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, finance charge 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 a time and place fixed in such notice why such amount specified therein should not be fixed for such tax, finance charge and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, finance charge 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, finance charge and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in Section 3.20.090 of this chapter.

(Prior code § 3-6.09)

3.20.090 - Appeal.

Any operator aggrieved by any decision of the city clerk with respect to the amount of such tax, finance charge and penalties, if any, may appeal to the city council by filing a notice of appeal with the city clerk within fifteen (15) days of the serving or mailing of the determination of tax due. The city council shall fix a time and place for hearing such appeal and the city clerk shall give notice in writing to such operator at his or her last known place of address. The findings of the city council shall be final and conclusive and shall be served upon the operator in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

(Prior code § 3-6.10)

3.20.100 - Records kept for three years.

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.

(Prior code § 3-6.11)

3.20.110 - Refunds.

A. Whenever the amount of any tax, finance charge 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, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the city clerk that the person from whom the tax has been collected was not a transient, was exempt from payment under Section 3.20.030 of this chapter or otherwise or erroneously paid the tax; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the person by whom it was paid or credited to rent subsequently payable by the person to the operator.

C. A person may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the city by filing a claim in the manner provided in subsection A of this section, but only when the tax was paid by the person directly to the city clerk or when the person, having paid the tax to the operator, establishes to the satisfaction of the city clerk that the person has been unable to obtain a refund from the operator who collected the tax.

D. No refund shall be paid under the provisions of this section unless the claimant establishes his or her right thereto by written records showing entitlement thereto.

(Prior code § 3-6.12)

3.20.120 - Action by city to collect tax.

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

(Prior code § 3-6.13)

Chapter 3.24 - RESIDENTIAL CONSTRUCTION TAX

Sections:

3.24.010 - Revenue measure.

3.24.020 - Purpose.

3.24.030 - Definitions.

3.24.040 - Imposed—Rates.

3.24.050 - Payment.

3.24.060 - Residential construction tax fund.

3.24.070 - Use.

3.24.080 - Land dedication in lieu of taxes.

3.24.010 - Revenue measure.

The council declares that the fees required to be paid pursuant to the provisions of this chapter are assessed pursuant to the taxing powers of the city and solely for the purpose of producing revenue.

(Prior code § 3-3.301)

3.24.020 - Purpose.

A. The continued increase in the development of dwelling units in the city, with the attendant increase in the population of the city, has created an urgent need for the planning, acquisition, improvement and expansion of public parks, playgrounds and recreation facilities to serve the increasing population of the city and the means of providing additional revenues with which to finance such public facilities.

B. The city further declares that the continued increase in the development of dwelling units in the city has created an increased need for additional firefighting and fire prevention vehicles, equipment, supplies and inventory to serve the increased population of the city and the means of providing additional revenues with which to finance the acquisition of the same.

(Prior code § 3-3.302)

3.24.030 - Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Addition" means any form of construction designed to create a new portion or part to an already existing structure, including the structures defined in this section.

"Bedroom" means any room containing a closet of a size sufficient to hold clothing, excluding therefrom one living room per dwelling with an entry closet.

"Dwelling, multiple" and "multiple dwelling" mean a building of permanent character, placed in a permanent location, which building is planned, designed or used for residential purposes for five or more families living independently of each other in independent dwelling units.

"Dwelling, one-family" and "one-family dwelling" mean a detached building of permanent character, placed in a permanent location, which building is planned, designed or used as a residence for one family only living independently of other families or persons.

"Dwelling, two-family, three-family, four-family" and "two-family dwelling," "three-family dwelling" and "four-family dwelling" mean a building of permanent character, placed in a permanent location where a building is planned, designed or used for residential purposes for two, three or four families living independently of each other in independent dwelling units.

"Family" means one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a hotel, club or fraternity or sorority house.

"Mobilehome" means a vehicle, other than a motor vehicle, designed or used for residential purposes for carrying persons and property on its own structure and for being drawn by a motor vehicle.

"Mobilehome lot" means any area or portion of a mobilehome park designated, designed or used for the occupancy of one mobilehome on a temporary, semi-permanent or permanent basis.

"Mobilehome park" means any area or tract of land containing one or more mobilehome lots.

"Other construction" means any building, structure or construction of any type not falling within the definition of a dwelling, either one-family, two-family, three-family, four-family or multiple or mobilehome.

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

"Residential dwelling unit" means a building or a portion of a building, planned, designed or used as a residence for one family only, living independently of other families or persons and having its own bathroom and housekeeping facilities included in such unit (for example, a one-family dwelling, each unit of a two-family, three-family or four-family dwelling, each unit of a multiple dwelling and each apartment in an apartment house).

(Prior code § 3-3.303)

3.24.040 - Imposed—Rates.

A residential construction tax is imposed on the privilege of constructing any mobilehome lot or residential dwelling unit in the city. Every person to whom a permit is issued to construct any residential dwelling unit or to construct and install electrical and plumbing equipment to service a mobilehome lot in a mobilehome park and every person who seeks a building permit for any other construction or addition thereto, including additions to residential or multiple dwellings or mobilehomes, shall pay such tax to the city at the following rates:

A. The sum of one percent of all building permit valuations for each one-family dwelling constructed;

B. The sum of one percent of all building permit valuations for each residential dwelling unit constructed in a two-family, three-family or four-family dwelling;

C. The sum of one percent of all building permit valuations for each residential dwelling unit containing three or more bedrooms constructed in a multiple dwelling;

D. The sum of one percent of all building permit valuations for each residential dwelling unit containing less than three bedrooms constructed in a multiple dwelling;

E. The sum of five hundred dollars ($500.00) for each mobilehome, modular home or prefabricated home permanently placed in the city; and

F. The sum of one percent of all building permit valuations for any other construction or addition.

(Prior code § 3-3.304)

3.24.050 - Payment.

The taxes set forth in Section 3.24.040 of this chapter shall be due and payable at the time the building permit or a permit to construct and install electrical and plumbing equipment to service a mobilehome lot in a mobilehome park is issued. Such taxes shall be paid to the building inspector or his or her authorized agent at the office of the building department of the city.

(Prior code § 3-3.305)

3.24.060 - Residential construction tax fund.

All of the taxes collected pursuant to the provisions of this chapter shall be placed into a special fund which is created and established for such purpose and which shall be known as the residential construction tax fund.

(Prior code § 3-3.306)

3.24.070 - Use.

Taxes collected pursuant to the provisions of this chapter shall be used and expended to the extent of one-half of all taxes collected for the acquisition, improvement and expansion of the public park, playground and recreational facilities of the city or in accordance with applicable laws for the installation and development of playground and recreational facilities having immediate public street access owned by elementary and high school districts and devoted to public school purposes. It shall be the policy of the city to expend such taxes in accordance with the parks and recreational element of the general plan of the city. The remaining one-half of all taxes collected pursuant to the provisions of this chapter shall be expended for the acquisition of additional firefighting and fire prevention vehicles, equipment, supplies and inventory and to provide for the replacement of the same as deemed necessary by the council.

(Prior code § 3-3.307)

3.24.080 - Land dedication in lieu of taxes.

At the option of the landowner and the city, land which is found by the planning commission and the council to be designated for park and recreation uses in the park and recreation element of the general plan of the city may be dedicated to the city for park purposes in lieu of the payment of all or a portion of the taxes required by this chapter otherwise due. The amount of land to be dedicated and the amount of credit to be given, if any, shall be at the sole discretion of the council.

(Prior code § 3-3.308)

Chapter 3.28 - ANNEXATION FEES

Sections:

3.28.010 - Annexation fees.

3.28.010 - Annexation fees.

The following fees shall be charged for processing annexations of inhabited or uninhabited territory to the city:

A. Annexation and pre-zoning	Actual city costs (minimum $1,445.00 deposit)
B. LAFCO	As specified
C. Environmental review	
1. Environmental questionnaire	$150.00
2. Environmental impact report	$750.00 + actual consultant costs
D. General plan amendment/zoning	$500.00 for 4 or less parcels: additional $125.00 per parcel over 4
E. Police and fire impact	
1. Uninhabited acreage	$550.00
2. Inhabited acreage	$1,100.00
F. Wastewater system impact	Sewer impact fees shall be assessed pursuant to Section 13.08.090 of this code for wastewater system impact at the time of connection to the city's sewerage system

Chapter 3.28 - ANNEXATION FEES

(Ord. 475 § 2(a), 2002; Ord. 427 § 5, 1994; prior code § 3-4.01)

Chapter 3.32 - LANDFILL EQUITY BUY-IN FEES

Sections:

3.32.010 - Purpose.

3.32.020 - Definitions.

3.32.030 - Fee schedule.

3.32.010 - Purpose.

The purpose of this chapter is to assess a development impact mitigation fee on all new land development projects within the city which will reimburse the city for the expense of purchasing future solid waste disposal capacity at the Western Regional Landfill in order to serve new development.

(Prior code § 3-7.01)

3.32.020 - Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Commercial facility" means any structure, premises or facility used for manufacturing, processing or similar industrial uses and shall include all uses permitted only within an industrial zone pursuant to the provisions of Title 17 of this code, except residential and commercial uses.

"Dwelling unit" means a single unit providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation and shall include a mobilehome.

"New land development projects" means all projects for which a land development permit is required to construct previously nonexisting residential, commercial or industrial facilities. Land development permits include minor and major subdivisions and site plan and architectural review approvals. Projects consisting of remodeling, rehabilitation, reconstruction or expansion of accessory uses shall be excluded.

"Residential facility" means any dwelling unit or combination of dwelling units, whether located in a single-family structure, multi-family structure, apartment, condominium or other combination of multiple dwelling units, except hotels and motels.

(Prior code § 3-7.02)

3.32.030 - Fee schedule.

A one-time fee shall be collected at the time of building permit issuance, as determined by the building official, according to the following schedule:

A. Residential facility: each equivalent dwelling unit = forty-seven dollars ($47.00).

B. Commercial and industrial facilities: two thousand (2,000) SF or less gross floor space = forty-seven dollars ($47.00). Over two hundred (200) SF of gross floor space = forty-seven dollars ($47.00) for each two thousand (2,000) SF or proportion thereof to the nearest one hundred (100) SF.

Chapter 3.32 - LANDFILL EQUITY BUY-IN FEES

(Prior code § 3-7.03)

Chapter 3.36 - RECREATIONAL FACILITY FEES

Sections:

3.36.010 - Purpose.

3.36.020 - Fee schedule.

3.36.010 - Purpose.

The purpose of this chapter is to impose user fees for the use of recreational facilities owned, operated or controlled by the city.

(Ord. 388 § 1 (part), 1992: prior code § 3-8.01)

3.36.020 - Fee schedule.

The city council shall adopt, by resolution, a user fee schedule for use of city-owned, operated or controlled recreational facilities.

(Ord. 388 § 1 (part), 1992: prior code § 3-8.02)

Chapter 3.40 - FINANCING OF INTERIM SCHOOL FACILITIES

Sections:

3.40.010 - Purpose.

3.40.020 - Definitions.

3.40.030 - School district findings.

3.40.040 - Application of mitigation measures—Exceptions.

3.40.050 - Residential developments—Approval—Requirements.

3.40.060 - School district schedules of plans.

3.40.070 - School district reports.

3.40.080 - Discretionary approval of council.

3.40.010 - Purpose.

The purpose of this chapter is to provide methods for financing interim classroom and related facilities for elementary and high schools where it has been determined that conditions of overcrowding exist so that the impact of new residential developments on the schools will be mitigated.

(Prior code § 3-5.01)

3.40.020 - Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Classroom and related facilities" means capital improvements as defined in the Education Code of the state.

"Conditions of overcrowding" means that the total enrollment of an attendance area, including the enrollment from proposed developments, exceeds the capacity of such attendance area as determined by the governing body of the district.

"Reasonable methods for mitigating conditions of overcrowding" means and includes, but is not limited to, agreements between a subdivider and the effected school district whereby temporary-use buildings will be leased to the school district or temporary-use buildings owned by the school district will be used.

"Residential development" means a project containing residential dwellings, including mobilehomes, of one or more units or a subdivision of land for the purpose of constructing one or more residential dwelling units.

"Yield rate" means the average number of students per residential unit within the several school districts as determined by demographic studies conducted by the school districts. A yield rate shall be provided by the school districts for each of the following classifications of residential units:

1. Single-family residences;
2. Duplexes;

3. Apartment buildings (per apartment); and

4. Mobilehomes.

For the purposes of this section, condominium or townhouse units shall be classified as apartment units.

(Prior code § 3-5.02)

3.40.030 - School district findings.

A. Notices of Findings. The governing body of a school district which operates an elementary or high school shall notify the city if the governing body makes a finding supported by clear and convincing evidence that:

1. Conditions of overcrowding exist in one or more attendance areas within the district serving the city, which conditions will impair the normal functioning of educational programs. The reason for such conditions existing shall be stated; and

2. All reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing such conditions exist.

B. Mitigation Measures. The notice of findings sent to the city shall specify the mitigation measures considered by the school district. Mitigation measures to be considered by the school district shall include, but not be limited to, the following:

1. School bond elections;

2. Double sessions;

3. Adjustment of interior and exterior school attendance boundaries; and

4. Bussing of students to other schools within the district.

With respect to each such mitigation measure considered, the district's findings shall state in detail how such mitigation measure was evaluated, why it is not feasible to utilize such mitigation measure and why such mitigation measure, if used, would not serve to remove overcrowding as an impairment to the normal functioning of educational programs.

C. Effects of Council Concurrence. If the council concurs in the findings of the school district, the provisions of this chapter shall be applicable to actions taken on residential developments in the affected attendance areas of the city by the planning commission and the city.

(Prior code § 3-5.03)

3.40.040 - Application of mitigation measures—Exceptions.

Within the attendance area where it has been determined pursuant to Section 3.40.030 of this chapter that conditions of overcrowding exist, no rezoning of property to a residential use, application for a discretionary permit for residential use or tentative major or minor subdivision map shall be approved within such area without the dedication of land or the payment of fees as required by Section 3.40.050 of this chapter, unless the city finds specific overriding fiscal, economic, social or environmental factors which, in the judgment of the council, would benefit the city, thereby justifying the approval of a residential development.

(Prior code § 3-5.04)

3.40.050 - Residential developments—Approval—Requirements.

A. For the purpose of establishing an interim method of providing classroom facilities where overcrowding conditions exist as determined necessary pursuant to Section 3.40.030 of this chapter, an applicant or subdivider shall be required to dedicate land, pay fees in lieu thereof or a combination of both as a condition of approval of a residential development provided the applicable general plan provides for the location of schools and the council finds that the facilities to be constructed from such fees or the land to be dedicated or both, is consistent with the general plan.

B. A fee shall be paid for each unit of a residential development approved within an overcrowded attendance area. Such fee shall be determined in the following manner: the cost per square foot of one portable classroom, multiplied by the number of square feet required for each student (fifty (50) square feet for kindergarten through eighth grades and fifty-five (55) square feet for grades nine through twelve (12)), multiplied by the yield rate for the attendance area, shall equal the fee to be paid for each unit. This formula may be shown as follows:

Cost of one portable classroom X 50 (K-8) X yield fee per square feet in classroom 55 (9-12) rate = unit

C. At the beginning of each fiscal year, estimates shall be obtained for the price of a portable classroom for the upcoming school year and, if necessary, adjustments shall be made in the formula to reflect such change in price. Whenever a school district determines, as a result of a demographic study or update of a demographic study, that there has been a change in the yield rates within the district, the district shall immediately notify the city of such change and thereafter the formula for the district shall be adjusted to reflect such change.

D. In subdivisions containing fifty (50) parcels or less, only the payment of fees shall be required. In larger subdivisions the school district shall be consulted to determine whether a dedication of land should be required, taking into consideration whether the location and amount of land to be made available could be effectively utilized by the school district.

E. If a dedication of land is required, the amount of fees to be paid under this section shall be reduced by an amount equal to the fair market value of the land dedicated. Such value shall be the value of the land with subdivision improvements and shall be determined by an appraisal by the city assessor. The balance of fees due, if any, shall be divided equally among all the units of the development.

F. The land or fees or both, transferred to a school district shall be used only for the purpose of providing interim elementary or high school classroom and related facilities.

G. If the payment of fees is required, such payment shall be made at the time the building permit is issued.

(Prior code § 3-5.05)

3.40.060 - School district schedules of plans.

Following the decision by the city to require the dedication of land or the payment of fees or both, the governing body of the school district shall submit a schedule specifying how it will use the land or fees or both, to solve the conditions of overcrowding. The schedule shall include the school sites to be used, the classroom facilities to be made available and the terms when such facilities will be available. In the event the governing body of the school district cannot meet the schedule, it shall submit modifications to the city and the reasons for the modifications.

(Prior code § 3-5.06)

3.40.070 - School district reports.

Any school district receiving funds pursuant to this chapter shall maintain a separate account for any fees paid and shall file a report with the city on the balance in the account at the end of the previous fiscal year and the facilities leased, purchased or constructed during the previous fiscal year. In addition, the report shall specify which attendance areas will continue to be overcrowded when the fall term begins and where conditions of overcrowding will no longer exist. Such report shall be filed by August 1st of each year and shall be filed more frequently at the request of the city. Whenever a school district determines that conditions of overcrowding no longer exist in an attendance area, the school district shall immediately notify the city of such determination. Thereafter, the city shall cease levying any fee or requiring any dedication of land pursuant to this chapter within such attendance area. Any remaining funds held by the school district as a result of fees imposed under this chapter shall be deposited in the building fund of the school district.

(Prior code § 3-5.07)

3.40.080 - Discretionary approval of council.

Notwithstanding any other provision of this chapter, the council may approve a residential development without compliance with this chapter if, in its judgment, there are specific overriding fiscal, economic, social or environmental factors associated with the development which would benefit the city and justify such approval.

(Prior code § 3-5.08)

Chapter 3.44 - FAIR SHARE PAYMENTS FOR IMPROVEMENTS

Sections:

3.44.010 - Findings.

3.44.020 - Fair share payment —Whitcomb Avenue Industrial Park.

3.44.030 - First source hiring agreement.

3.44.040 - Notice.

3.44.010 - Findings.

The city council finds establishment of a fair share payment for infrastructure improvements and street extension of Whitcomb Avenue consistent with the following goals of the Colfax General Plan 2020:

A. 2.6.2A. Develop criteria for utility extension that includes economic feasibility, environmental sensitivity and enforcement of the general plan land use diagram.

B. 2.2.6D. Require new development to pay a pro-rate share of city infrastructure development/maintenance.

(Ord. 466 § 1, 2000)

3.44.020 - Fair share payment —Whitcomb Avenue Industrial Park.

Each owner of real property to benefit at the time of development of the real property from off-site infrastructure improvements and street extension financed in whole or in part by the city and other agencies shall pay to the city their pro rate or fair share, reimbursement amount for the improvements. Effected parcels are shown on Exhibit A attached to the ordinance codified in this chapter and listed as primary benefiting parcels or other benefiting parcels. The maximum reimbursement payment shall be based on that owner's percentage of the determined design and construction costs of the off-site improvements, not to exceed four hundred sixty-two thousand five hundred dollars ($462,500.00). Fair share payments shall be activated by granting of a discretionary permit(s) for property development pursuant to this code. The fair share shall be pursuant to the negotiated amount and established payment schedule with individual property owners as a condition of project approval. There shall be no interest charged for the cost of off-site improvements, until issuance of construction permits. Off-site improvements include, but are not limited to, sanitary sewer lines, water lines, drainage, electrical and communications; and street extension improvements consisting of pavement, curbs and gutters.

(Ord. 466 § 2, 2000)

3.44.030 - First source hiring agreement.

In the event the property development will result in the creation of jobs, within one year following the completion of the infrastructure improvements the property owner, at the time of payment of the fair share fees, shall execute a first source hiring agreement, giving preference to hiring Colfax residents for the jobs created, with fifty-one (51) percent or more of the jobs to be filled by low to moderate income persons.

(Ord. 466 § 3, 2000)

3.44.040 - Notice.

The ordinance codified in this chapter shall be recorded as notice to owners of record of primary benefiting parcels and other benefiting parcels as shown on Exhibit A attached to the ordinance codified in this chapter.

(Ord. 466 § 4, 2000)

Chapter 3.48 - SPECIAL GAS TAX STREET IMPROVEMENT FUND

Sections:

3.48.010 - Created.

3.48.020 - Deposits.

3.48.030 - Expenditures.

3.48.010 - Created.

To comply with the provisions of Section 2113 of the Streets and Highways Code of the state, there is created in the city treasury a special fund to be known as the "special gas tax street improvement fund."

(Prior code § 3-2.101)

3.48.020 - Deposits.

All moneys received by the city from the state pursuant to the provisions of the Streets and Highways Code of the state for the acquisition of real property or interests therein or for the construction, maintenance or improvement of streets or highways, other than state highways, shall be paid into the special gas tax street improvement fund.

(Prior code § 3-2.102)

3.48.030 - Expenditures.

All moneys in the special gas tax street improvement fund shall be expended exclusively for the purposes authorized by and subject to, the provisions of Sections 2107 through 2110 of Chapter 3 of Division 3 of the Streets and Highways Code of the state.

(Prior code § 3-2.103)

Chapter 3.52 - UNCLAIMED PROPERTY

Sections:

3.52.010 - Sale of unclaimed property—When authorized.

3.52.020 - Sale of unclaimed property—Notice of sale by chief of police.

3.52.030 - Sale of unclaimed property—Notice of sale by city manager.

3.52.040 - City employees ineligible.

3.52.050 - Procedure of sale.

3.52.060 - Firearms or weapons.

3.52.070 - Disposal of valueless property.

3.52.080 - Sale of unclaimed property—Proceeds to city treasurer—Credit to general fund.

3.52.090 - Conversion to public use—When authorized.

3.52.010 - Sale of unclaimed property—When authorized.

The chief of police is authorized and empowered to sell at public auction or private sale by sealed bid, to the highest bidder for cash or to transfer such property to the city manager for sale to the public at public auction or private sale by sealed bid, any article of personal property in his or her possession unclaimed for a period of three months.

(Prior code § 2-8.01)

3.52.020 - Sale of unclaimed property—Notice of sale by chief of police.

In the event the chief of police elects to sell such property, he or she shall give notice of the date of sale or the time and place where sealed bids will be opened, at least fourteen (14) days before the time fixed therefor by publication once in a newspaper of general circulation published in the county and by posting such notice at City Hall.

(Prior code § 2-8.02)

3.52.030 - Sale of unclaimed property—Notice of sale by city manager.

In the event the chief of police elects to transfer such property to the city manager for sale, the city manager shall give notice of the time and place of sale in the same manner as provided in Section 3.52.020 of this chapter. (Amended during 2004 codification; prior code § 2-8.03)

3.52.040 - City employees ineligible.

No employee of the city or an employee's immediate family may bid on or receive any unclaimed property.

(Prior code § 2-8.04)

3.52.050 - Procedure of sale.

The chief of police or the city manager shall adopt such procedures for conduct of the sale as are reasonable.

(Prior code § 2-8.05)

3.52.060 - Firearms or weapons.

Firearms and weapons will not be sold by sealed bid. Firearms and weapons may be sold to a licensed firearms dealer, retained by the police department or destroyed, in the exercise of the discretion of the chief of police.

(Prior code § 2-8.06)

3.52.070 - Disposal of valueless property.

The chief of police shall have the discretion to discard or donate items of little or no value, such as used clothing and personal care items. Such items may be donated to service organizations or churches.

(Prior code § 2-8.07)

3.52.080 - Sale of unclaimed property—Proceeds to city treasurer—Credit to general fund.

The net proceeds from any such sale shall be paid to the city treasurer and credited by the city treasurer to the general fund.

(Prior code § 2-8.08)

3.52.090 - Conversion to public use—When authorized.

If unclaimed property which has been transferred to the city manager is determined by the city manager to be needed for a public use, such property may be converted to such public use by the city.

(Prior code § 2-8.09)

Chapter 3.56 - MITIGATION IMPACT FEES

Sections:

3.56.010 - Findings.

3.56.020 - Definitions.

3.56.030 - Establishment of fees.

3.56.040 - Imposition of mitigation impact fee.

3.56.050 - Creation of special funds.

3.56.060 - Expenditure and reimbursement of fees.

3.56.070 - Fee payment.

3.56.080 - Use of funds.

3.56.090 - Refund of fees paid.

3.56.100 - Exemptions.

3.56.110 - Developer construction of facilities.

3.56.120 - Review.

3.56.130 - Controlling state law.

3.56.010 - Findings.

The city council of the city of Colfax does hereby find and declare as follows:

A. The state of California, through the enactment of Government Code Section 66000 et seq. has, conferred upon local government units authority to adopt fees imposed on a specific project in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project.

B. The imposition of mitigation impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of public facilities and service improvements necessary to accommodate such development. This must be done in order to promote and protect the public health, safety, and welfare.

C. This chapter recognizes that all new development within the city will result in additional growth and that such growth will place additional burdens on various city facilities, infrastructure, and services. This chapter further recognizes the types of land development that will generate impacts necessitating the acquisition of land and construction of public facilities and expansion of services and infrastructure in order to meet and accommodate them.

D. All land uses within the city should bear a proportionate financial burden in the construction and improvement of public facilities and services necessary to serve them.

E. The mitigation impact fees established by this chapter are based upon the costs that are generated through the need for new facilities and other capital acquisition costs required, incrementally, by new development within the city of Colfax.

F. The fees established by this chapter do not exceed the reasonable cost of providing public facilities occasioned by development projects within the city of Colfax.

G. The fees established by this chapter relate rationally to the reasonable cost of providing public facilities occasioned by development projects within the city of Colfax.

H. The fees established by this chapter are consistent with the goals and objectives of the city's General Plan and are designed to mitigate the impacts caused by new development throughout the city. Mitigation impact fees are necessary in order to finance the required facilities and service improvements and to pay for new development's fair share of their construction costs.

(Ord. 488 § 1 (part), 2007)

3.56.020 - Definitions.

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings respectively ascribed to them by this section:

A. "Development Project" means any project undertaken for the purpose of development. "Development Project" shall include a project involving the issuance of a building permit for construction or major reconstruction or remodeling for single and multi-family residential units, commercial, or industrial buildings. The term "Development Project" shall also include permits for erection of manufactured housing or structures, and structures moved into the city.

B. "Fee" means a monetary exaction, other than a tax or special assessment, which is charged by the city of Colfax to an applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, but does not include fees specified in Section 66477 of the California Government Code, fees for processing applications for governmental regulatory actions or approvals, or fees collected under development agreements adopted pursuant to Title 7, Chapter 4, Article 2.5 (commencing with Section 65864) of the California Government Code.

C. "Public Facilities" includes public improvements, public services, and community amenities.

(Ord. 488 § 1 (part), 2007)

3.56.030 - Establishment of fees.

The following mitigation impact fees are hereby established and imposed on the issuance of all building permits for development within the city of Colfax to finance the cost of the following categories of public facilities and improvements required by new development.

A. Roads. A mitigation impact fee is hereby established for roads.

B. Drainage. A mitigation impact fee is hereby established for drainage.

C. Drainage with E-W Culverts. A mitigation impact fee is hereby established for drainage with e-w culverts.

D. Trails. A mitigation impact fee is hereby established for trails.

E. Parks and Recreation. A mitigation impact fee is hereby established for parks and recreation.

F. City Buildings. A mitigation impact fee is hereby established for city buildings.

G. City Vehicles. A mitigation impact fee is hereby established for city vehicles.

H. Downtown Parking. A mitigation impact fee is hereby established for downtown parking.

For each mitigation impact fee hereby established, the city council shall, by resolution: establish the specific amount of the fee; identify the purpose of the fee; identify the specific use to which the fee is to be put; determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed; determine how there is a reasonable relationship between the need for the public facility and the impacts caused by the type of development project on which the fee is imposed; and determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development project for which the fee is imposed.

(Ord. 488 § 1 (part), 2007)

3.56.040 - Imposition of mitigation impact fee.

A. Any person who, after the effective date of the ordinance codified in this chapter, seeks to develop land within the city by applying for a building permit, is hereby required to pay the appropriate mitigation impact fees established pursuant to Section 3.56.030 as the same may be applicable, in the manner, amount and for the purposes therein referenced.

B. No permits or extension of permits for the activities referenced in subsection A shall be granted unless and until the appropriate mitigation impact fees hereby required have been paid to the city.

(Ord. 488 § 1 (part), 2007)

3.56.050 - Creation of special funds.

Each fee collected pursuant to this chapter shall be deposited in a special fund created to hold the revenue generated by each such fee. Monies within each such fund may be expended only by appropriation by the city council for specific projects that are of the same category as that for which the money was collected. In this regard, the following special funds are hereby created and established for the purpose indicated:

A. A Roads Fund is hereby established. The Roads Fund is a fund for payment of the actual or estimated costs of constructing and improving roads and appropriate study and planning costs.

B. A Drainage Fund is hereby established. The Drainage Fund is a fund for payment of the actual or estimated costs of constructing and improving drainage facilities and appropriate study and planning costs.

C. A Drainage c. with E-W Culverts Fund is hereby established. The Drainage c. E-W Culverts Fund is a fund for payment of the actual or estimated costs of constructing and improving drainage facilities in that area of the city requiring the construction/upgrade of an east west culvert including appropriate study and planning costs.

D. A Trails Fund is hereby established. The Trails Fund is a fund for payment of the actual and estimated costs of constructing and improving trails within the city, including any required acquisition of land and appropriate study and planning costs.

E. A Parks and Recreation Fund is hereby established. The Parks and Recreation Fund is a fund for payment of the actual and estimated costs of acquiring equipment, and constructing and improving the park and recreation facilities within the city, including any required acquisition of land, as well as grading, irrigation and turfing costs associated herein.

F. A city Buildings Fund is hereby established. The city Buildings Fund is a fund for payment of the actual and estimated costs of constructing and/or improving city buildings within the city, including any required acquisition of land and appropriate study and planning costs.

G. A city Vehicles Fund is hereby established. The city Vehicles Fund is a fund for payment of the actual and estimated costs of city equipment.

H. A Downtown Parking Fund is hereby established. The Downtown Parking Fund is a fund for payment of the actual and estimated costs of providing municipal parking including the acquisition of land, actual and estimated costs of constructing improvements including appropriate study and planning costs, grading and paving costs.

(Ord. 488 § 1 (part), 2007)

3.56.060 - Expenditure and reimbursement of fees.

A. Fees subject to this chapter shall be deposited, invested, accounted for and expended pursuant to California Government Code Section 66006. The fees shall be held in separate public facility funds to be expended for the purpose for which they were collected. Any interest income earned by moneys in the capital facilities fund shall also be deposited in that fund and shall be expended only for the purpose for which the fee was originally collected.

B. For the fifth fiscal year following the first deposit into the account or fund, and every five years thereafter, the city council shall make findings with respect to that portion of the account or fund remaining unexpended, pursuant to California Government Code Section 66001.

The city council shall order a refund of unexpended or uncommitted fees for which a need cannot be demonstrated, along with accrued interest, to the then current owner(s) of lots or units of the development project(s) on a prorated basis. The finance director may refund these fees by direct payment or by offsetting other obligations owed to the city by the then-current record owner(s) of the development project(s).

(Ord. 488 § 1 (part), 2007)

3.56.070 - Fee payment.

The fees established pursuant to this chapter shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit, except as otherwise provided below. Provided, however, that fees imposed on residential development shall be collected in accordance with the provisions of California Government Code Section 66007, as the same presently exists or may hereafter be amended from time to time.

All fees collected shall be promptly transferred or deposited into the appropriate funds referenced in Section 3.56.050.

(Ord. 488 § 1 (part), 2007)

3.56.080 - Use of funds.

A. Funds collected from mitigation impact fees shall be used for the purpose of: 1) paying the cost of development and administration of the impact fee program, 2) paying the actual or estimated costs of construction and/or improving the public facilities within the city to which said specific fee or fees relate, including any required acquisition of land or rights-of-way therefore; 3) reimbursing the city for the development's share of those public facilities already constructed by the city or to reimburse the city for costs advanced, including without limitation, administrative costs incurred with respect to a specific public facility project; or 4) reimbursing other developers who have constructed public facilities described in the resolution adopted pursuant to Section 3.56.030, where those facilities were beyond that needed to mitigate the impact of said developer's project or projects.

B. In the event that bonds or similar debt instruments are issued for advanced provision of public facilities for which mitigation impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type to which the fees involved relate.

C. Funds may be used to provide refunds as described in Section 3.56.090

(Ord. 488 § 1 (part), 2007)

3.56.090 - Refund of fees paid.

If a building permit expires without commencement of construction, then the fee payer shall be entitled to a refund, without interest, of the impact fee paid as a condition for its issuance, except that the city shall retain one percent of the fee to offset a portion of the costs of collection and refund. The fee payer must submit an application for such a refund to the city clerk within thirty (30) calendar days of the expiration of the permit. Failure to timely submit the required application for refund shall constitute a waiver of any right to the refund.

(Ord. 488 § 1 (part), 2007)

3.56.100 - Exemptions.

No fee shall be due for the reconstruction of any existing residential, commercial, or industrial development project that is damaged or destroyed as a result of a natural disaster, as declared by the Governor of the state of California, a local emergency declared by the city council or from fire, flood or other private calamity. Any reconstruction, or portion thereof, which is not substantially equivalent to the damaged or destroyed property shall be deemed to be new construction and shall be subject to the applicable fee.

Any claim of exemption with respect to any one or more of the fees referenced in Section 3.56.030 must be made no later than the time of application for a building permit.

(Ord. 488 § 1 (part), 2007)

3.56.110 - Developer construction of facilities.

A. In-Lieu Fee Credits for Construction of Improvements.

1. A developer that has been required by the city to construct any facilities or improvements (or a portion thereof) described in the resolution adopted pursuant to Section 3.56.030 as a condition of approval of a development permit may request an in-lieu credit of the specific mitigation impact fee(s) involved for the same development. Upon request, an in-lieu credit of fees shall be granted for facilities or improvements that mitigate all or a portion of the need therefore that is attributable to and reasonably related to the given development.

2. Only costs proportional to the amount of the improvement or facility that mitigates the need therefore attributable to and reasonably related to the given development shall be eligible for in-lieu credit, and then only against the specific relevant fee(s) involved to which the facility or improvement relates.

3. Fees required under this chapter shall be reduced by the actual construction costs of the facilities or improvements that relate to said fees, as demonstrated by the applicant and reviewed and approved by the city. If the cost of the facilities or improvements is greater than the required relevant fees, this chapter does not create an obligation on the city to pay the applicant the excess amount.

4. 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 development, if determined appropriate by the city. The city may set a time limit for reservation of the credit.

5. Credits shall be calculated by the city in accordance with the fee schedule set forth in the resolution to be adopted pursuant to Section 3.56.030

B. Developer Construction of Facilities Exceeding Needs Related to Development Project. Whenever an applicant is required, as a condition of approval of a development permit, to construct any facility or improvement (or a portion thereof) described in the resolution adopted pursuant to Section 3.56.030 which facility or improvement is determined by the city to exceed the need therefore attributable to and reasonably related to the given development project, a reimbursement agreement with the applicant and a credit against the specific relevant fee which would otherwise be charged pursuant to this chapter on the development project, shall be offered. The credit shall be applied with respect to that portion of the improvement or facility that is attributable to and reasonably related to the need therefore caused by the development. The amount to be reimbursed shall be that portion of the cost of the improvement or facility that exceeds the need therefore attributable to and reasonably related to the given development. The reimbursement agreement shall contain terms and conditions mutually agreeable to the developer and the city, and shall be approved by the city attorney.

C. Site Related Improvements. Credit shall not be given for site-related improvements, including, but not limited to, traffic signals, right-of-way dedications, or providing paved access to the property, which are specifically required by the project in order to serve it and do not constitute facilities or improvements specified in the resolution referenced in Section 3.56.030 hereof.

D. Determination of Credit. The developer seeking credit and/or reimbursement for construction of improvements or facilities, or dedication of land or rights-of-way, shall submit such documentation, including without limitation, engineering drawings, specifications, and construction cost estimates, and utilize such methods as may be appropriate and acceptable to the city to support the request for credit or reimbursement. The city shall determine the credit for construction of improvements or facilities based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if he determines that such estimates submitted by the developer are either unreliable or inaccurate. The city shall determine whether facilities or improvements are eligible for credit or reimbursement.

E. Time for Making Claim for Credit. Any claim for credit must be made no later than the application for a building permit. Any claim not so made shall be deemed waived.

F. Transferability of Credit—Council Approval. Credits shall not be transferable from one project or development to another without the approval of the city council.

G. Appeal of Determination of City. Determinations made by the city pursuant to the provisions of this section may be appealed to the city council by filing a written appeal (setting forth in detail the factual basis therefore) with the city clerk, together with a fee established by resolution of the city council, within ten (10) calendar days of the determination of the city. The appeal shall be considered by the city council at a public hearing to be held, noticed and conducted within sixty (60) days after the filing of the appeal. The decision of the city council on the appeal shall be final.

(Ord. 488 § 1 (part), 2007)

3.56.120 - Review.

A. Except for the first year this chapter is in effect, no later than one hundred and eighty (180) days following the end of each fiscal year, the finance director shall prepare a report for the city council identifying the balance of fees in the various funds established pursuant to Section 3.56.050, the facilities constructed, and the facilities to be constructed.

B. At a noticed public hearing, the city council shall review the report and the mitigation impact fees to determine whether the fee amounts continue to be reasonably related to the impact of development and whether the described public facilities are still needed. The council may revise the mitigation impact fees to include additional projects not previously foreseen as being needed.

C. The report prepared by the finance director and its review by the city council, as well as any findings thereon, shall be subject to the provisions of California Government Code Section 66001(d), to the extent applicable (which shall be controlling in the event of any conflict).

(Ord. 488 § 1 (part), 2007)

3.56.130 - Controlling state law.

The provisions of this chapter and any resolution adopted pursuant hereto, shall at all times be subject and subordinate to the provisions of Chapter 5 (commencing with Section 66000), Division 1, of Title 7 of the California Government Code, as the same presently exist or may hereafter be amended from time to time, to the extent the same are applicable. In the event of any conflict between the provisions of this chapter and said state law, the latter shall control.

(Ord. 488 § 1 (part), 2007)

Title 4 - (RESERVED)

Title 5 - BUSINESS LICENSES AND REGULATIONS

Chapters:

Chapter 5.04 - BUSINESS LICENSES GENERALLY

Chapter 5.08 - BUSINESS LICENSE FEES AND SCHEDULES

Chapter 5.12 - BINGO GAMES

Chapter 5.16 - CABLE TELEVISION SYSTEM

Chapter 5.20 - CARD ROOMS

Chapter 5.24 - OUTDOOR FESTIVALS

Chapter 5.28 - TAXICABS AND VEHICLES FOR HIRE

Chapter 5.04 - BUSINESS LICENSES GENERALLY

Sections:

5.04.010 - Definitions.

5.04.020 - Revenue measure.

5.04.030 - Effect on other laws.

5.04.040 - Required.

5.04.050 - Licenses—New—Applications.

5.04.060 - Licenses—Contents.

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5.04.250 - Debt to city.

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5.04.270 - Violation—Penalty.

5.04.280 - License revocation.

5.04.010 - Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

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

"Collector" means the city clerk charged with the administration of the provisions of this chapter.

"Gross receipts" means and includes the total amounts actually received or receivable from sales and the total amounts actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or a credit allowed, whether or not such act or service is done as a part of or in connection with, the sales of materials, goods, wares or merchandise. Included in "gross receipts" shall be all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable or losses or other expenses whatsoever. Excluded from "gross receipts" shall be the following:

1. Cash discounts allowed and taken on sales;
2. Credit allowed on property accepted as part of the purchase price and which property may later be sold;
3. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
4. Such part of the sales price of property returned by purchases upon the rescission of a contract of sale as is refunded either in cash or by credit;
5. Amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those for whom collected provided the agent or trustee has furnished the collector with the names and addresses of the others and the amounts paid to them;
6. That portion of the receipts of a general contractor which represents payments to subcontractors provided such subcontractors are licensed pursuant to the provisions of this chapter and provided the general contractor furnishes the collector with the names and addresses of the subcontractors and the amounts paid each subcontractor;
7. Receipts of refundable deposits; provided, however, refundable deposits forfeited and taken into the income of the business shall not be excluded;
8. As to a real estate agent or broker, the sales price of real estate sold for the account of others, except that portion which represents a commission or other income to the agent or broker;
9. As to a retail gasoline dealer, a portion of his or her receipts from the sales of motor vehicle fuels equal to the motor vehicle fuel license tax imposed by and previously paid pursuant to the provisions of Part 2 of Division 2 of the Revenue and Taxation Code of the state; and
10. As to a retail gasoline dealer, the special motor fuel tax imposed by Section 4041 of Title 26 of the United States Code if paid by the dealer or collected by him or her from the consumer or purchaser.

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

"Sale" means and 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. The provisions of this subsection shall not be deemed to exclude any transaction which is or which in effect results in, a sale within the contemplation of law.

"Sworn statement" means an affidavit sworn to before a person authorized to take oaths or a declaration or certification made under penalty of perjury.

(Prior code § 3-1.101)

5.04.020 - Revenue measure.

The provisions of this chapter are enacted solely to raise revenue for municipal purposes and are not intended for regulation.

(Prior code § 3-1.102)

5.04.030 - Effect on other laws.

Persons required to pay a license tax for transacting and carrying on any business pursuant to the provisions of this chapter shall not be relieved from the payment of any license tax for the privilege of doing such business required by any other law of the city and shall remain subject to the regulatory provisions of other laws.

(Prior code § 3-1.103)

5.04.040 - Required.

There are imposed upon the businesses, trades, professions, callings and occupations set forth in this chapter license taxes in the amounts set forth in Chapter 5.08 of this title. 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 tax set forth in Chapter 5.08 of this title or without complying with any and all the applicable provisions of this chapter. The provisions of 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. Persons not so required to obtain a license prior to doing business within the city nevertheless shall be liable for the payment of the tax imposed by this chapter.

(Prior code § 3-1.104)

5.04.050 - Licenses—New—Applications.

Upon a person making an application for the first license to be issued pursuant to the provisions of this chapter or for a newly established business, such person shall furnish to the collector a sworn statement, upon a form provided by the collector, setting forth the following information:

A. The exact nature or kind of business for which a license is requested;

B. The place where such business is to be carried on and the names and places of residence of the owners of the business;

C. In the event the application is made for the issuance of a license to a person doing business under a fictitious name, the names and places of residence of the owners of the business;

D. In the event the application is made for the issuance of a license to a corporation or a partnership, the names and places of residences of the officers or partners of the corporation or partnership;

E. In all cases where the amount of license tax to be paid is measured by gross receipts, such information as may be required and necessary to determine the amount of the license tax to be paid by the applicant; and

F. Any further information which the collector may require to enable him or her to issue the type of license applied for. If the amount of the license tax to be paid by the applicant is measured by gross receipts, he or she shall estimate the gross receipts for the period to be covered by the license to be issued. Such estimate, if accepted by the collector as reasonable, shall be used in determining the amount of license tax to be paid by the applicant; provided, however, the amount of the license tax so determined shall be tentative only and such person shall furnish the collector with a sworn statement, upon a form furnished by the collector, showing the gross receipts during the period of such license within thirty (30) days after the expiration of the period for which such license was issued. The license tax for such period shall be finally ascertained and paid in the manner provided by this chapter for the ascertaining and paying of renewal license taxes for other businesses, after deducting from the payment found to be due the amount paid at the time such first license was issued.

The collector shall not issue to any such person another license for the same or any other business until such person shall have furnished to the collector the sworn statement and paid the license tax required by the provisions of this chapter.

(Prior code § 3-1.105)

5.04.060 - Licenses—Contents.

A. Every person required to have a license pursuant to the provisions of this chapter shall make an application, as set forth in Section 5.04.050 of this chapter, to the collector and, upon the payment of the prescribed license tax, the collector shall issue to such person carried on such license which shall contain the following information:

1. The name of the person to whom the license is issued;
2. The business licensed;
3. The place where such business is to be transacted;
4. The date of the expiration of such license; and
5. Such other information as may be necessary for the enforcement of the provisions of this chapter.

B. Whenever the tax imposed by the provisions of this chapter is measured by the number of vehicles, devices, machines or other pieces of equipment used or whenever the license tax is measured by the gross receipts from the operation of such items, the collector shall issue only one license; provided, however, he or she may issue for each tax period for which the license tax has been paid one identification sticker, tag, plate or symbol for each item included in the measure of the tax or used in a business where the tax is measured by the gross receipts from such items.

(Prior code § 3-1.106)

5.04.070 - Licenses—Statements and records.

A. No statement shall be conclusive as to the matters set forth therein, nor shall the filing of a statement preclude the city from collecting by appropriate action such sum as is actually due and payable pursuant to the provisions of this chapter. Such statement and each of the several items therein contained, shall be subject to audit and verification by the collector, his or her deputies or authorized employees of the city who are authorized to examine, audit and inspect such books and records of

any licensee or applicant for a license as may be necessary in their judgment to verify or ascertain the amount of the license tax due.

B. All persons subject to the provisions of this chapter shall keep complete records of business transactions, including sales, receipts, purchases and other expenditures and shall retain all such records for examination by the collector. Such records shall be maintained for a period of at least three years. No person required to keep records pursuant to the provisions of this section shall refuse to allow authorized representatives of the collector to examine such records at reasonable times and places.

(Prior code § 3-1.107)

5.04.080 - Statements—Failure to file.

A. If any person fails to file any required statement within the time prescribed or if, after demand therefor made by the collector, such person fails to file a corrected statement or if any person subject to the tax imposed by this chapter fails to apply for a license, the collector may determine the amount of license tax due from such person by means of such information as the collector may be able to obtain.

B. If the collector is not satisfied with the information supplied in any statement or application filed, he or she may determine the amount of any license tax due by means of any information he or she may be able to obtain.

C. If such determination is made, the collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States Post Office at Colfax, California, postage prepaid, addressed to the person assessed at his or her last known address. Such person, within fifteen (15) days after the mailing or serving of such notice, may make an application in writing to the collector for a hearing on the amount of the license tax. If such an application is made, the collector shall cause the matter to be set for a hearing within fifteen (15) days before the council. The collector shall give at least ten (10) days' notice to such person of the time and place of the hearing in the manner set forth in this section for serving notices of assessment. The council shall consider all evidence produced and shall make findings thereon which shall be final. A notice of such findings shall be served upon the applicant in the manner set forth in this section for serving notices of assessment.

(Prior code § 3-1.108)

5.04.090 - Statements—Filing—Extensions of time.

In addition to all other powers 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, except that six percent simple interest shall be added to any tax determined to be payable.

(Prior code § 3-1.109)

5.04.100 - Licenses—Branch establishments and separate businesses at one location.

A separate license shall be obtained for each branch establishment or location of the business transacted and carried on and for each separate type of business at the same location and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license; provided, however, warehouses and distributing plants used in connection with or incidental to a business licensed pursuant to the provisions of this chapter shall not be deemed to be separate places of business or branch establishments and provided, further, that any person conducting two or more types of businesses at the same location and under the same

management or at different locations, but which businesses use a single set or integrated set of books and records, may pay, at his or her option, only one tax calculated on all gross receipts of the businesses under the schedule that applies to the type of business of such person which requires the highest percentage payment on such gross receipts, except that a license tax of ten dollars ($10.00) for each additional branch or location shall be paid upon the issuance of such licenses.

(Prior code § 3-1.110)

5.04.110 - Licenses—Renewal.

In all cases the applicant for the renewal of a license shall submit to the collector for his or her guidance in ascertaining the amount of the license tax to be paid by the applicant a sworn statement, upon a form to be provided by the collector, setting forth such information concerning the applicant's business during the preceding year as may be required by the collector to enable him or her to ascertain the amount of the license tax to be paid by the applicant pursuant to the provisions of this chapter.

(Prior code § 3-1.111)

5.04.120 - Exemptions—Procedure.

A. The provisions of this chapter shall not be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution of the state or applicable statutes of the United States or the state from the payment of such taxes as are set forth in this chapter.

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

C. Upon a proper showing contained in the sworn statement, the collector shall issue a license to such person claiming an exemption pursuant to the provisions of this section without payment to the city of the license tax required by this chapter.

D. The collector, after giving a notice and a reasonable opportunity for a 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 in this section.

(Prior code § 3-1.112)

5.04.130 - Adjustments—Procedure.

A. None of the license taxes provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitutions of the United States and the state.

B. In any case where a license tax is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce or be violative of such constitutional clauses, he or she may apply to the collector for an adjustment of the tax. Such application may be made before, at or within six months after the payment of the prescribed license tax. The applicant, by sworn statement and supporting testimony, shall show his or her method of business and the gross volume or estimated gross volume of business and such other information as the collector may deem necessary in order to determine the extent, if any, of such undue burden or violation. The collector shall then conduct an investigation and, after having first obtained the written approval of the city attorney, shall fix as the license tax for the applicant an amount that is reasonable and nondiscriminatory or, if the license tax has already been paid, shall order a refund of the amount over and above the license tax so fixed. In

fixing the license tax to be charged, the collector shall have the power to base the license tax upon a percentage of the gross receipts or any other measure which will assure that the license tax assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the license tax set forth in Chapter 5.08 of this title. Should the collector determine the gross receipts measure of license tax to be the proper basis, he or she may require the applicant to submit, either at the time of the termination of the applicant's business in the city or at the end of each three-month period, a sworn statement of the gross receipts and pay the amount of license tax therefor; provided, however, no additional license tax during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license tax set forth in Chapter 5.08 of this title.

(Prior code § 3-1.113)

5.04.140 - Licenses—Transferability.

A. Where a license is issued authorizing a person to transact and carry on a business at a particular place, the licensee, upon application therefor and paying a fee of ten dollars ($10.00), may have the license amended to authorize the transacting and carrying on of such business under such license at some other location to which the business is to be moved.

B. Where a person transfers a business to another person where such license is duly issued and paid, the transferee, upon application therefor and paying a fee of twenty-five dollars ($25.00), may have the license amended to authorize the transaction and carrying on of such business under such license at the same or other location provided the application is made no later than thirty (30) days from the transfer date.

(Prior code § 3-1.114)

5.04.150 - Licenses—Duplicate.

A duplicate license may be issued by the collector to replace any license previously issued pursuant to the provisions of this chapter which license has been lost or destroyed upon the licensee filing a statement of such fact. At the time of filing such statement, the licensee shall pay to the collector a duplicate license fee of five dollars ($5.00).

(Prior code § 3-1.115)

5.04.160 - Licenses—Posting and carrying— Identification symbols.

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

B. Carrying. Any licensee transacting and carrying on business, but not operating at a fixed place of business in the city, shall keep the license upon his or her person at all times while transacting and carrying on the business for which it is issued.

C. Identification Stickers, Tags, Plates and Symbols. Whenever identifying stickers, tags, plates or symbols have been issued for each vehicle, device, machine or other piece of equipment included in the measure of a license tax, the person to whom such stickers, tags, plates or symbols have been issued shall keep firmly affixed upon each vehicle, device, machine or piece of equipment the identifying sticker, tag, plate or symbol which has been issued therefor at such locations as are designated by the collector. Such sticker, tag, plate or symbol shall not be removed from any vehicle, device, machine or piece of equipment kept in use during the period for which the sticker, tag, plate or symbol was issued. No person shall fail to affix any such identifying sticker, tag, plate or symbol to

the vehicle, device, machine or piece of equipment for which it was issued at the location designated by the collector. No person shall give away, sell or transfer such identifying sticker, tag, plate or symbol to another person or permit its use by another person.

(Prior code § 3-1.116)

5.04.170 - Taxes—Payment.

A. Unless otherwise specifically provided in Chapter 5.08 of this title, all annual license taxes shall be due and payable in advance on July 1st of each year; provided, however, license taxes covering new operations commenced after July 1st may be prorated for the balance of the license period but not for less than one-half the full license tax. Licenses shall not be prorated other than for an annual period.

B. Except as otherwise provided in Chapter 5.08 of this title, license taxes, other than annual license taxes, shall be due and payable as follows:

1. Semiannual license taxes measured by gross receipts, on January 1st and July 1st of each year;
2. Quarterly license taxes measured by gross receipts, on January 1st, April 1st, July 1st and October 1st of each year;
3. Monthly license taxes measured by gross receipts, on the first day of each and every month;
4. Weekly flat rate license taxes, on Monday of each week in advance;
5. Daily flat rate license taxes, each day in advance; and
6. Other flat rate license taxes shall be payable in advance on the first day of business and thereafter on the first day of any applicable period.

(Prior code § 3-1.117)

5.04.180 - Taxes—Delinquencies.

A. For failure to pay a license tax when due, the collector shall add a penalty of ten (10) percent of the license tax on the last day of each month after the due date thereof; provided, however, the amount of such penalty to be added shall in no event exceed fifty (50) percent of the amount of the license tax due.

B. No license or sticker, tag, plate or symbol shall be issued, nor shall one which has been suspended or revoked be reinstated or reissued, to any person who, at the time of applying therefor, is indebted to the city for any delinquent license tax, unless such person, with the consent of the collector, enters into a written agreement with the city, through the collector, to pay such delinquent taxes, plus six percent simple annual interest upon the unpaid balance, in monthly installments or oftener, extending over a period of not to exceed one year.

C. In any agreement so entered into, such person shall acknowledge the obligation owed to the city and agree that, in the event of a failure to make the timely payment of any installment, the whole amount unpaid shall become immediately due and payable and that his or her current license shall be revocable by the collector upon thirty (30) days notice. In the event legal action is brought by the city to enforce the collection of any amount included in the agreement, such person shall pay all costs of suit incurred by the city or its assignee, including a reasonable attorney's fee. The execution of such an agreement shall not prevent the prior accrual of penalties on unpaid balances at the rate set forth in this section, but no penalty shall accrue, on account of taxes included in the agreement, after the execution of the agreement and the payment of the first installment and during such time as such person shall not be in breach of the agreement.

(Prior code § 3-1.118)

5.04.190 - Taxes—Refunds.

No refund of an overpayment of the taxes imposed by this chapter shall be allowed in whole or in part unless a claim for a refund is filed with the collector within a period of three years after the last day of the calendar month following the period for which the overpayment was made. Any such claim for a refund of the amount of the overpayment shall be filed with the collector on a form furnished by him or her and in the manner prescribed by him or her. Upon the filing of such a claim and when he or she determines that an overpayment has been made, the collector may refund the amount overpaid.

(Prior code § 3-1.119)

5.04.200 - Evidence of doing business.

When any person, by use of a sign, circular, card, telephone, book or newspaper shall advertise, hold out or represent that he or she is in business in the city or when any person holds an active license or permit issued by a governmental agency indicating that he or she is in business in the city and such person fails to deny by a sworn statement given to the collector that he or she is not conducting a business in the city after being requested to do so by the collector, such facts shall be considered prima facia evidence that he or she is conducting a business in the city.

(Prior code § 3-1.120)

5.04.210 - 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.

(Prior code § 3-1.121)

5.04.220 - Information confidential.

It is unlawful for the collector or any person having an administrative duty pursuant to the provisions of this chapter to make known in any manner whatever the business affairs, operations or information obtained by an investigation of the records and equipment of any person required to obtain a license or pay a license tax or any other person visited or examined in the discharge of official duty or the amount or source of income, profits, losses, expenditures or any particular thereof set forth in any statement or application or to permit any statement or application or copy of either or any book containing any abstract or particulars thereof, to be seen or examined by any person; provided, however, the provisions of this section shall not be construed to prevent:

A. The disclosure to or the examination of records and equipment by, another city official, employee or agent for the collection of taxes for the sole purpose of administering or enforcing any provision of this chapter or collecting the taxes imposed by this chapter;

B. The disclosure of information to or the examination of records by, federal or state officials or the tax officials of another city or county or city and county, if a reciprocal arrangement exists or to a grand jury or court of law upon a subpoena;

C. The disclosure of information and the results of an examination of the records of a particular taxpayer or relating to a particular taxpayer, to a court of law in a proceeding brought to determine the existence or amount of any license tax liability of the particular taxpayer to the city;

D. The disclosure, after the filing of a written request to that effect, to the taxpayer himself or herself or to his or her successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to the items included in the measure of any paid tax, any unpaid tax or any amount of tax required to be collected, including interest and penalties; provided, however, the collector may refuse to make any disclosure referred to in this subsection when, in his or her opinion, the public interest would suffer thereby;

E. The disclosure of the names and addresses of persons to whom licenses have been issued and the general type or nature of their business;

F. The disclosure, by way of public meeting or otherwise, of such information as may be necessary to the council in order to permit it to be fully advised as to the facts when a taxpayer files a claim for a refund of license taxes or submits an offer of compromise with regard to a claim asserted against him or her by the city for license taxes or when acting upon any other matter; and

G. The disclosure of general statistics regarding taxes collected or business done in the city.

(Prior code § 3-1.122)

5.04.230 - Appeals.

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

(Prior code § 3-1.123)

5.04.240 - Enforcement.

A. 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 and the chief of police shall render such assistance in the enforcement of the provisions of this chapter as may from time to time be required by the collector or the council.

B. The collector, in the exercise of the duties imposed upon him or her by the provisions of this chapter and acting through his or her deputies or duly authorized assistants, shall examine or cause to be examined, all places of business in the city to ascertain whether the provisions of this chapter have been complied with.

C. The collector and each and all of his or her assistants and any police officer shall have the power and authority, upon obtaining an inspection warrant therefor, to enter, free of charge and at any reasonable time, any place of business required by the provisions of this chapter to be licensed and demand an exhibition of the license for such business. Any person having such license theretofore issued in his or her possession or under his or her control who wilfully fails to exhibit the license on demand shall be guilty of a misdemeanor. It shall be the duty of the collector and each of his or her assistants to cause a complaint to be filed against any and all persons found to be violating any of the provisions of this chapter.

(Prior code § 3-1.124)

5.04.250 - Debt to city.

The amount of any license tax 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 and penalties.

(Prior code § 3-1.125)

5.04.260 - Effect of provisions on other laws.

A. Neither the adoption of this chapter, nor its superseding of any portion of any other law of the city, shall in any manner be construed to effect any prosecution for the violation of any other law, 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 law to be posted, filed or deposited and all rights and obligations thereunto appertaining shall continue in full force and effect.

B. Where a license for revenue purposes has been issued to any person by the city and the tax has been paid for the business for which the license has been issued pursuant to the provisions of any law heretofore enacted and the term of such license has not expired, the license tax set forth in this chapter for such business shall not be payable until the expiration of the term of such unexpired license.

(Prior code § 3-1.126)

5.04.270 - Violation—Penalty.

A. Any person violating any of the provisions of this chapter or knowingly or intentionally misrepresenting to any officer or employee of the city any material fact in procuring the license or permit provided for by this chapter shall be punishable as set forth in Chapter 1.24 of this code.

B. All remedies prescribed by the provisions of this chapter 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 of this chapter.

(Prior code § 3-1.127)

5.04.280 - License revocation.

Any violation of local, state or federal law the subject of which is required in order to initiate, conduct or continue operating the business for which a business license is required shall be cause for revocation of an existing business license issued under this chapter.

(Ord. 392, 1992: prior code § 3-1-128)

Chapter 5.08 - BUSINESS LICENSE FEES AND SCHEDULES

Sections:

Article I - General Provisions

Article II - Soliciting

Article I - General Provisions

5.08.010 - Gross annual receipts.

5.08.020 - Flat rates—$25.00 per year.

5.08.030 - Flat rates—$37.50 per year.

5.08.040 - Flat rates—$52.50 per year.

5.08.050 - Flat rates—$75.00 per year.

5.08.060 - Flat rates—$150.00 per year.

5.08.070 - Flat rates—Amusements.

5.08.080 - Flat rates—Rental units.

5.08.090 - Flat rates—Manufacturing and wholesale sales.

5.08.100 - Flat rates—Bowling lanes.

5.08.110 - Flat rates—Circuses and carnivals.

5.08.120 - Flat rates—Circus parades.

5.08.130 - Flat rates—Clairvoyants and fortune-tellers.

5.08.140 - Flat rates—Peddlers, solicitors and vendors.

5.08.150 - Flat rates—Used car lots and sales lots.

5.08.160 - Businesses outside the city.

5.08.170 - Changes of rates.

5.08.010 - Gross annual receipts.

A. Except as otherwise provided in this chapter, every person who engages in business at a fixed place of business within the city shall pay a license tax based upon gross receipts at the following rates in the following classifications:

Annual Gross Sales	License Tax Per Year
Under $15,000.00	$37.50

$15,000.00 to $25,000.00	$45.00
$25,000.00 to $50,000.00	$60.00
$50,000.00 to $100,000.00	$90.00
$100,000.00 to $200,000.00	$150.00
$200,000.00 to $500,000.00	$0.76 per $1,000.00
Over $500,000.00	$375.00 + $0.14 per $1,000.00 over $500,000.00
Gross annual receipts	Max. $500.00

B. In any case where a licensee or an applicant for a license believes that his or her individual business is not assigned to the proper classification under this section because of circumstances peculiar to such business, as distinguished from other businesses of the same kind, he or she may apply to the collector for a reclassification. Such application shall contain such information as the collector may deem necessary and require in order to determine whether the applicant's individual business is properly classified. The collector shall then conduct an investigation following which he or she shall assign the applicant's individual business to the classification shown to be proper on the basis of such investigation. The proper classification shall be that classification which, in the opinion of the collector, most nearly fits the applicant's individual business. The reclassification shall not be retroactive, but shall apply at the time of the next regularly ensuing calculation of the applicant's tax. No business shall be classified more than one time in any one year.

C. The collector shall notify the applicant of the action taken on the application for a reclassification. Such notice shall be given by serving it personally or by depositing it in the United States Post Office at Colfax, California, postage prepaid, addressed to the applicant at his or her last known address. Such applicant, within fifteen (15) days after the mailing or serving of such notice, may make a written request to the collector for a hearing on his or her application for reclassification. If such request is made within the time prescribed, the collector shall cause the matter to be set for a hearing before the council within fifteen (15) days. The collector shall give the applicant at least ten (10) days' notice of the time and place of the hearing in the manner set forth in this title for serving notices of the action taken on the application for a reclassification. The council shall consider all evidence as adduced and its findings thereon shall be final. Written notice of such findings shall be served upon the applicant in the manner set forth in this title for serving notices of the action taken on the application for a reclassification.

(Amended during 2004 codification; prior code § 3-1.201)

5.08.020 - Flat rates—$25.00 per year.

The license tax for the following businesses shall be twenty-five dollars ($25.00) per year:

1. Answering services;

2. Auctioneers;
3. Barber shops;
4. Bars and cocktail lounges for the sale of nonalcoholic beverages;
5. Baths, Turkish and steam;
6. Beauty parlors;
7. Bicycle sales and repairs;
8. Boardinghouses and rest homes;
9. Catering services:
10. Dancing academies;
11. Gardeners, professional;
12. Janitorial services;
13. Kennels;
14. Liquor stores selling nonalcoholic beverages;
15. Locksmiths;
16. Mail order businesses;
17. Music lessons;
18. Music machines, coin-operated;
19. Pawn shops;
20. Pool tables and billiards;
21. Security police;
22. Shoe repair shops;
23. Shoe shine stands;
24. Sign painters;
25. Tailors and dressmakers
26. Taxidermists;
27. Typewriter and business machine dealers and repairs;
28. Warehouses, storage;
29. Welding; and
30. Wig distributors.

(Amended during 2004 codification; prior code § 3-1.202)

5.08.030 - Flat rates—$37.50 per year.

The license tax for the following businesses shall be thirty-seven dollars and fifty cents ($37.50) per year:

1. Accountants and bookkeeping services;
2. Advertising and soliciting;

3. Ambulance services independent from undertakers;
4. Bakeries;
5. Car washes;
6. Cleaning and dyeing;
7. Collection agencies and credit associations;
8. Fertilizer dealers;
9. Florists;
10. Food lockers;
11. Garages without automobile sales;
12. Hotels, ten (10) rooms or less (ten dollars ($10.00) per unit);
13. Jewelry, sales and repairs;
14. Junk yards;
15. Laundries, coin;
16. Magazines and papers;
17. Marine and cycleries, motored sales and services;
18. Miscellaneous repairs and maintenance;
19. Music stores;
20. Nurseries;
21. Pest control;
22. Photographers;
23. Plumbing and electrical supplies, retail;
24. Printers;
25. Sheet metal shops;
26. Skating rinks;
27. Subcontractors;
28. Tax consultants; and
29. Towing.

(Amended during 2004 codification; prior code § 3-1.203)

5.08.040 - Flat rates—$52.50 per year.

The license tax for the following businesses shall be fifty-two dollars and fifty cents ($52.50) per year per year:

1. Hotels, ten (10) through twenty (20) rooms;
2. Newspapers;
3. Real estate appraisers;
4. Real estate offices and agents;

5. Theaters; and
6. Truck deliveries and taxicabs.

(Amended during 2004 codification; prior code § 3-1.204)

5.08.050 - Flat rates—$75.00 per year.

The license tax for the following businesses shall be seventy-five dollars ($75.00) per year:

1. Abstract title companies;
2. Architects;
3. Attorneys;
4. Automotive body and fender shops;
5. Bond sales;
6. Brokers and commission merchants;
7. Building and loan offices;
8. Bus depots;
9. Chiropractors;
10. Contractors;
11. Dairies, including milk deliveries;
12. Dentists;
13. Engineers, professional;
14. Hospitals, sanitariums and convalescent homes;
15. Insurance agents;
16. Optometrists and oculists;
17. Orthodontists;
18. Pathologists;
19. Physicians;
20. Podiatrists;
21. Radiologists;
22. Service stations;
23. Therapists;
24. Trading stamps;
25. Travel agencies;
26. Undertakers;
27. Van and storage;
28. Veterinarians;
29. X-ray or other laboratories; and
30. Yards, fruit packing and shipping and buying.

(Amended during 2004 codification; prior code § 3-1.205)

5.08.060 - Flat rates—$150.00 per year.

The license tax for conducting card games shall be one hundred fifty dollars ($150.00) per year.

(Amended during 2004 codification; prior code § 3-1.206)

5.08.070 - Flat rates—Amusements.

The license tax for conducting amusement businesses not otherwise set forth in this chapter shall be seven dollars and fifty cents ($7.50) per day or forty-five dollars ($45.00) per week for each such amusement business.

(Amended during 2004 codification; prior code § 3-1.207)

5.08.080 - Flat rates—Rental units.

The license tax for every rooming house, house, duplex, apartment, auto court, motel, hotel, mobilehome park, campground, recreational vehicle park, shopping center or any other entity that rents, leases or otherwise lets space to another shall be ten dollars ($10.00) per rental unit per year.

(Prior code § 3-1.208)

5.08.090 - Flat rates—Manufacturing and wholesale sales.

The license tax for manufacturing and selling any goods, wares or merchandise at wholesale shall be at the following rate based upon number of employees:

Number of Employees	License Tax Per Year
1-2	$75.00
3-5	125.00
6-10	200.00
11-43	350.00
44 and over	500.00

(Prior code § 3-1.209)

5.08.100 - Flat rates—Bowling lanes.

The license tax for the business of conducting bowling lanes shall be fifty-two dollars and fifty cents ($52.50) per year for the first lane and twenty-two dollars and fifty cents ($22.50) for each additional lane.

(Amended during 2004 codification; prior code § 3-1.210)

5.08.110 - Flat rates—Circuses and carnivals.

The license tax for the business of conducting circuses and carnivals and trained animal shows shall be seventy-five dollars ($75.00) per day or three hundred twenty-five dollars ($325.00) per week.

(Amended during 2004 codification; prior code § 3-1.211)

5.08.120 - Flat rates—Circus parades.

The license tax for the business of conducting circus parades shall be seventy-five dollars ($75.00) for each parade.

(Amended during 2004 codification; prior code § 3-1.212)

5.08.130 - Flat rates—Clairvoyants and fortune-tellers.

The license tax for the business of conducting clairvoyancy and fortune-telling shall be one hundred fifty dollars ($150.00) per year.

(Amended during 2004 codification; prior code § 3-1.213)

5.08.140 - Flat rates—Peddlers, solicitors and vendors.

The license tax for the business of selling, offering for sale or taking orders for or soliciting the sale of any goods, wares, merchandise or other personal property for sale or trade, whether for present or future delivery, on any street, public place or vacant lot or by a house-to-house canvass or by traveling from place to place in the city, including sales by sample and including the taking or soliciting of orders for the future delivery of prints, pictures, newspapers, magazines, clothing, fixtures, machines, appliances and all other articles or things to be made, produced, combined or manufactured, shall be seven dollars and fifty cents ($7.50) per agent per day or fifteen dollars ($15.00) per quarter, if there is no fixed place of business in the city. If the licensee has a fixed place of business in the city the provisions of Section 5.08.010 of this chapter shall apply.

(Amended during 2004 codification; prior code § 3-1.215)

5.08.150 - Flat rates—Used car lots and sales lots.

The license tax for the business of conducting used car lots and sale lots, if the business is conducted with a garage, shall be as set forth in Section 5.08.010 of this chapter. If such business is run independently, the license tax shall be seventy-five dollars ($75.00) per year.

(Amended during 2004 codification; prior code § 3-1.216)

5.08.160 - Businesses outside the city.

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 set forth in this article for persons engaged in the same type of business having a fixed place of business within the city.

(Amended during 2004 codification; prior code § 3-1.217)

5.08.170 - Changes of rates.

The rates of tax set forth in this chapter may be changed from time to time by resolution of the council.

(Prior code § 3-1.218)

Article II - Soliciting

5.08.180 - Definitions.

5.08.190 - Licenses—Applications.

5.08.200 - Licenses—Fees.

5.08.210 - Licenses—Separate for each solicitor required.

5.08.180 - Definitions.

For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Business" means and includes every pursuit, occupation, trade, profession, employment and enterprise regularly engaged in or transacted, either exclusively or not, whether or not transacted in its entirety in the city or partially in the city, all shows, exhibitions and lawful games conducted, the soliciting of orders (other than goods to be delivered through interstate commerce) and the delivery of goods by vehicles owned and/or operated by the seller.

"Fixed place of business" means any establishment, store, office or central place for carrying on regular activities or individual shows, exhibitions or games when opened or maintained in good faith other than for the purpose of qualifying to be licensed under a different classification than would otherwise apply under the provisions of this article.

For the purposes of this article, there shall be rebuttable presumption that a person not having a fixed place of business or domicile in the city for the ninety (90) consecutive days preceding the date of an application or transaction of business, whichever comes first, does not have a fixed place of business or domicile in the city.

"Goods" means and includes all personal property, whether manufactured, processed or produced by the persons dealing therewith or handling the same or which is bought or obtained by such person for resale, other than spirituous, vinous or malt liquors or other intoxicants.

"Labor" means and includes labor, work or service, whether rendered or performed under contract, subcontract, partnership, station plan or other agreement.

(Prior code § 5-6.01)

5.08.190 - Licenses—Applications.

In addition to the information required by the collector for the issuance of a regular business license pursuant to the provisions of Chapter 5.04 of this title, each applicant for a license to carry on a business, as defined in Section 5.08.180 of this chapter, shall file with the chief of police a written sworn application signed by the applicant, if an individual, by a partner, if a partnership or by the president or secretary of a corporation, if a corporation. Such application shall set forth the following information:

A. The name of the person having the management or supervision of the applicant's business during the time it is proposed the business will be carried on in the city; the local address of such person while engaged in such business; the permanent address of such person; the capacity in which such person will act (that is, whether as proprietor, agent or otherwise); the name and address of the person for whose account the business will be carried, if any; and, if a corporation, under the laws of what state the business is incorporated;

B. The fingerprints of the person having the local management or supervision of the applicant's business or, in lieu thereof, at least three letters of recommendation from reliable property owners in the city certifying as to the applicant's good character and business responsibility or other evidence which establishes to the satisfaction of the chief of police the good character and business responsibility of such person;

C. The place in the city where it is proposed to carry on the applicant's business and the length of time during which it is proposed such business shall be conducted;

D. The place, other than the permanent place of business of the applicant, where the applicant conducted a transient business within the six months next preceding the date of such application, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

E. A statement of the nature, character and quality of the labor to be performed, goods, wares or merchandise to be sold or offered for sale by the applicant in the city; the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession and by sample, at auction, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced; and where such goods or products are located at the time such application is filed;

F. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers and, if required by the chief of police, copies of all such advertising, whether by handbills, circulars, newspaper advertising or otherwise, shall be attached to such application as exhibits thereto;

G. Whether or not the person having the management or supervision of the applicant's business has been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor;

H. Credentials from the person, firm or corporation for which the applicant proposes to do business authorizing the applicant to act as such representative; and

I. Such other reasonable information as to the identity of the character of the person having the management or supervision of the applicant's business.

(Prior code § 5-6.02)

5.08.200 - Licenses—Fees.

Every person not having a fixed place of business or domicile within the city who sells or solicits from house to house to perform labor orders or subscriptions for merchandise, literature or photographs and every person not having a fixed place of business or permanent residence within the city who sells or

offers to sell, vehicle tire chains shall pay a minimum fee of fifty cents ($0.50) per day, with a minimum fee of fifteen dollars ($15.00). No license shall be issued for a period in excess of three months.

(Prior code § 5-6.03)

5.08.210 - Licenses—Separate for each solicitor required.

A separate license shall be obtained by each solicitor or seller, even though employed by the same business.

(Prior code § 5-6.04)

Chapter 5.12 - BINGO GAMES

Sections:

5.12.010 - Bingo defined.

5.12.020 - Compliance with laws.

5.12.030 - Licenses—Eligibility.

5.12.040 - Licenses—Applications.

5.12.050 - Licenses—Applications—Qualifications.

5.12.060 - Licenses—Applications—Contents.

5.12.070 - Licenses—Applications—Fees.

5.12.080 - Licenses—Applications—Certificates of exemption.

5.12.090 - Licenses—Applications—Investigations.

5.12.100 - Licenses—Contents.

5.12.110 - Licenses—Denial.

5.12.120 - Licenses—Posting.

5.12.130 - Licenses—Suspension or revocation.

5.12.140 - Licenses—Denial, suspension or revocation—Appeals—Judicial review.

5.12.150 - Licenses—Denial or revocation—Effect.

5.12.160 - Licenses—Nontransferable—Expiration.

5.12.170 - Profits—Separate funds or accounts.

5.12.180 - Maximum prizes.

5.12.190 - Financial interests.

5.12.200 - Exclusive operation by licensees.

5.12.210 - Open to the public.

5.12.220 - Attendance limited to occupancy capacity.

5.12.230 - Conduct on property of licensees only.

5.12.240 - Posting of rules.

5.12.250 - Participation by minors.

5.12.260 - Hours of operation.

5.12.270 - Participants to be present.

5.12.280 - Violation—Penalty.

5.12.290 - Violation—Enjoinment.

Chapter 5.12 - BINGO GAMES

5.12.010 - Bingo defined.

For the purposes of this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card, which numbers or symbols conform to numbers or symbols selected at random.

(Prior code § 5-8.02)

5.12.020 - Compliance with laws.

No person shall operate a bingo game in the city except in conformance with state laws, this chapter and any other applicable city laws.

(Prior code § 5-8.01)

5.12.030 - Licenses—Eligibility.

Organizations which are exempted from the payment of the bank and corporation tax by subsection (d) of Section 2-3.701 of the Revenue and Taxation Code of the state and a contribution or gift to which would be a charitable contribution under subsection (2) of subsection (c) of Section 170 of the Internal Revenue Code of 1954 shall be eligible to apply for a license to conduct bingo games in the city under the provisions of the Constitution of the state, Section 326.5 of the Penal Code of the state and the provisions of this chapter.

(Prior code § 5-8.03)

5.12.040 - Licenses—Applications.

The issuing authority for the licenses required by the provisions of this chapter shall be the city clerk or his or her designee. An eligible organization desiring to obtain a license to conduct bingo games shall file an application in writing therefor with the city clerk on a form provided by the city. The license issued shall be for a term of one year after the date of issuance, subject to renewal and payment in advance of the annual fee.

(Prior code § 5-8.04)

5.12.050 - Licenses—Applications—Qualifications.

No license to conduct a bingo game shall be issued to any organization unless such applicant is an eligible organization pursuant to the provisions of Section 5.12.030 of this chapter and the application conforms to the requirements, terms and conditions of this chapter.

(Prior code § 5-8.05)

5.12.060 - Licenses—Applications—Contents.

An application for a license to conduct bingo games shall contain the following:

A. The name of the applicant organization and a statement that the applicant is an eligible organization as set forth in Section 5.12.030 of this chapter;

B. The names and signatures of at least two officers, including the presiding officer of the organization and the name and signature of the member of the organization who will be primarily responsible for conducting bingo games;

C. A description of the property, including the street number and post office box, owned, leased or rented by the applicant and used by the applicant for an office or for the performance of the purposes for which the applicant is organized, on which property bingo games will be conducted, together with the occupancy capacity of such place;

D. The proposed days of the week and hours of the day for the conduct of bingo games; and

E. A statement that the applicant agrees to conduct bingo games in strict accordance with the provisions of Section 326.5 of the Penal Code of the state and this chapter, as they may be amended from time to time and agrees that the license to conduct bingo games may be revoked by the city upon the violation of any such provisions. The application shall be executed under penalty of perjury.

(Prior code § 5-8.06)

5.12.070 - Licenses—Applications—Fees.

The annual fee for licenses to conduct bingo games fixed by the council by resolution shall accompany the application. Unless otherwise provided by resolution, the license fee shall be ten dollars ($10.00) per year.

(Prior code § 5-8.07)

5.12.080 - Licenses—Applications—Certificates of exemption.

The applicant for a license to conduct bingo games shall submit with its application for such license a certificate of determination of exemption under subsection (d) of Section 23701 of the Revenue and Taxation Code of the state or a letter of good standing from the Exemption Division of the Franchise Tax Board of the state showing such exemption.

(Prior code § 5-8.08)

5.12.090 - Licenses—Applications—Investigations.

Upon the receipt of the complete application and fee for a license to conduct bingo games, the city clerk shall refer the application to the chief of police for an investigation and report to assure that the statement and the application made are true and shall otherwise make or cause to be made such investigations as will enable the city clerk to determine whether the applicant qualifies for a license under the provisions of this chapter. The city clerk may require such additional information from the applicant as he or she deems relevant to the consideration of the application.

(Prior code § 5-8.09)

5.12.100 - Licenses—Contents.

Upon being satisfied that the applicant for a license to conduct bingo games is fully qualified under law to conduct bingo games, the city clerk shall issue a license to the applicant, which license shall contain the following information:

A. The name and nature of the organization to which the license is issued;

B. The address where bingo games are authorized to be conducted;

C. The occupancy capacity of the room in which bingo games are to be conducted;

D. The date of expiration of the license; and

E. Such other conditions as may be necessary or desirable for the enforcement of the provisions of this chapter.

(Prior code § 5-8.10)

5.12.110 - Licenses—Denial.

If the city clerk determines that the applicant does not qualify under this chapter or other city or state laws for the issuance of a license to conduct bingo games, he or she shall deny the license application. The city clerk shall not issue a license unless it appears:

A. That all of the statements made in the application are true;

B. That no person whose name is required to be contained in the license application and no other manager of the applicant has been convicted of any felony, misdemeanor involving moral turpitude or any provision of this chapter;

C. That the applicant has not engaged in any fraudulent transaction or enterprise which the city clerk deems relevant to the application;

D. That the bingo games will not be a fraud to the public;

E. That the bingo games will not be conducted for private profit;

F. That the proposed method of conducting bingo games will not be contrary to the provisions of this chapter;

G. That the applicant is maintaining an adequate system of record keeping and accounting which will be available to the city clerk or his or her designee for inspection; and

H. That the conduct of bingo games on the premises will be compatible with the existing zoning and land uses in the neighborhood.

(Prior code § 5-8.11)

5.12.120 - Licenses—Posting.

A copy of the license issued pursuant to the provisions of this chapter shall be conspicuously posted at the location of the bingo games.

(Prior code § 5-8.12)

5.12.130 - Licenses—Suspension or revocation.

A. Any license issued pursuant to the provisions of this chapter may be suspended or revoked by the city clerk, city attorney or council if they determine that the activity authorized by the license has been or is being conducted, maintained or carried out in a manner contrary to or in violation of any law of the state, city or federal government or any provision of this chapter. The city clerk may also suspend or revoke the license upon any grounds which would justify a denial of a license.

B. No license shall be revoked or suspended until a hearing has been held by the city attorney. Written notice of the time and place of such hearing shall be served upon the organization to which the license was granted at least five days prior to the date set for such hearing. Such notice shall contain a brief statement of the grounds to be relied on for revoking or suspending the license. Notice may be given either by personal delivery or by depositing the notice in the United States mail in a sealed envelope, postage prepaid, addressed to the organization to be notified at its address as it appears in its application for the license.

(Prior code § 5-8.13)

5.12.140 - Licenses—Denial, suspension or revocation—Appeals—Judicial review.

A. Any licensee or applicant aggrieved by the decision of the city clerk in denying, suspending or revoking a license to conduct bingo games, within ten (10) days after such decision is delivered or sent to the licensee in writing, may appeal to the council by filing a written notice of appeal with the city clerk. During the pendency of an appeal of a suspension or revocation, the license shall remain in effect.

B. If such appeal is not taken within ten (10) days, the decision of the city clerk shall be final. If a timely appeal is filed, the council shall thereupon hold a hearing on the appeal and render its decision within thirty (30) days. The decision may deny, suspend or revoke the license if the council finds any of the grounds set forth in Section 5.12.110 of this chapter. The decision of the council shall be final forthwith.

C. Judicial review may be had by filing a petition for a writ of mandate in accordance with the provision of the Code of Civil Procedure of the state. Any such petition shall be filed within thirty (30) days after the day the decision of the council becomes final.

(Prior code § 5-8.14)

5.12.150 - Licenses—Denial or revocation—Effect.

When the city attorney has denied or revoked any license to conduct bingo games, as provided for in this chapter and the time for appeal to the council has elapsed or if, after appeal to the council, the decision of the city clerk has been affirmed by the council, no application for the same type of license at the same location shall be accepted from the applicant or licensee and no such license shall be issued to such organization for a period of one year after the action by the city attorney in denying or revoking the license.

(Prior code § 5-8.15)

5.12.160 - Licenses—Nontransferable—Expiration.

Any license issued pursuant to the provisions of this chapter shall be nontransferable and shall be returned to the city clerk within seven days after its expiration.

(Prior code § 5-8.16)

5.12.170 - Profits—Separate funds or accounts.

All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. The licensee shall keep full and accurate records of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by this chapter. The city clerk shall have the right to examine and audit such records at any reasonable time and the licensee shall fully cooperate with the city clerk by making such records available.

(Prior code § 5-8.17)

5.12.180 - Maximum prizes.

The total value of prizes awarded during the conduct of any bingo game shall not exceed two hundred fifty dollars ($250.00) in cash or kind or both, for each separate game which is held.

(Prior code § 5-8.18)

5.12.190 - Financial interests.

No individual, corporation, partnership or other entity, except the licensee, shall hold a financial interest in the conduct of any bingo game.

(Prior code § 5-8.19)

5.12.200 - Exclusive operation by licensees.

Bingo games shall be operated and staffed only by members of the licensee organization. Such members shall not receive a profit, wage or salary from any bingo game. Only the licensee shall operate such game or participate in the promotion, supervision or any other phase of such game.

(Prior code § 5-8.20)

5.12.210 - Open to the public.

All bingo games shall be open to the public, not just to the members of the licensee organization.

(Prior code § 5-8.21)

5.12.220 - Attendance limited to occupancy capacity.

Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which the game is conducted as determined by the fire department in accordance with applicable laws and regulations. The licensee shall not reserve seats or space for any person.

(Prior code § 5-8.22)

5.12.230 - Conduct on property of licensees only.

The organization which holds a bingo license shall conduct a bingo game only on property owned, leased or rented by it and which property is used by the organization for an office or for the performance of the purposes for which the organization is organized. The license issued under this chapter shall authorize the holder thereof to conduct bingo games only on such property, the address of which is stated in the application. In the event the described property ceases to be used as an office by the licensee or as a place for the performance of the purposes for which the licensee is organized, the license shall have no further force or effect. A new license may be obtained by an eligible organization, upon an application under this chapter, when such organization again owns or leases property used by it for an office or for the performance of the purposes for which the organization is organized.

(Prior code § 5-8.23)

5.12.240 - Posting of rules.

The rules for the bingo games conducted by the licensee shall be posted by the licensee in a conspicuous place at the location of the bingo games.

(Prior code § 5-8.24)

5.12.250 - Participation by minors.

No person under the age of eighteen (18) years shall be allowed to participate in any bingo games.

(Prior code § 5-8.25)

5.12.260 - Hours of operation.

A. Except as otherwise provided in the bingo license, no bingo game shall be conducted between the hours of two a.m. and ten a.m. of any day unless permission therefor is received from the city attorney.

B. A licensee shall not conduct bingo games on more than a total of two days in any calendar week. For the purposes of this subsection, a week shall be deemed to commence on Monday at ten a.m. and end on the next following Monday at two a.m. and a day shall be the sixteen (16) hour period commencing at ten a.m. of any day and ending at two a.m. of the next following day.

C. There shall be no deviation from the requirements of this section unless written permission therefor is received in advance from the city.

(Prior code § 5-8.27)

5.12.270 - Participants to be present.

No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

(Prior code § 5-8.28)

5.12.280 - Violation—Penalty.

A. It is a misdemeanor under subsection (b) of Section 326.5 of the Penal Code of the state for any person to receive a profit, wage or salary from any bingo game authorized under this chapter, a violation of which shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), which fine shall be deposited in the general fund of the city.

B. Except as provided in subsection A of this section, a violation of any provision of this chapter shall be an infraction and shall be punishable by a fine as set forth in Section 1.24.010 of this code.

(Prior code § 5-8.29)

5.12.290 - Violation—Enjoinment.

The city may bring an action in a court of competent jurisdiction to enjoin a violation of Section 326.5 of the Penal Code of the state or any provision of this chapter.

(Prior code § 5-8.30)

Chapter 5.16 - CABLE TELEVISION SYSTEM

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5.16.010 - Intent.

A. The city, pursuant to Government Code Section 53066, is authorized to grant one or more nonexclusive franchises to construct, operate, maintain and reconstruct cable television systems within the city limits.

B. The city council finds that the development of cable television and communications systems has the potential of having great benefit and impact upon the residents of Colfax. Because of the complex and rapidly changing technology associated with cable television, the city council further finds that the public convenience, safety and general welfare can best be served by establishing regulatory powers which should be vested in the city or such persons as the city shall designate. It is the intent of this chapter and subsequent amendments to provide for and specify the means to attain the best possible cable television service to the public and any franchises issued pursuant to this chapter shall be deemed to include this finding as an integral part thereof.

(Ord. 439 § 2 (1.1), 1996)

5.16.020 - Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. Words used in the present tense include in the future, words in the plural number include the singular number and words in the singular number include the plural number. Words not defined shall be given their common and ordinary meaning.

"Basic cable service" means any service tier which includes the retransmission of local television broadcast signals.

"Cable television system" or "system," also referred to as "cable communications system" or "cable system," means a facility consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service, which includes video programming, FM radio service and other communications services and which is provided to multiple subscribers within a community, but such term does not include:

1. A facility that serves only to retransmit the television signals of one or more television broadcast stations;
2. A facility that serves subscribers without using any public right-of-way;
3. A facility of a common carrier which is subject to Title I of the Telecommunications Act of 1996, as amended, except that such facility shall be considered a cable system (other than for purposes of Section 621(c) [47 U.S.C. 541 (b)]) to the extent such a facility is used in the transmission of video programming directly to subscribers; or
4. Any facilities of any electric utility used solely for operating its electric utility system.

"Cable service" means the total of the following:

1. The one-way transmission to subscribers of video programming or other programming service; and
2. Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"Channel" or "cable channel" means a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel as defined by the Federal Communications Commission by regulation.

"Council" means the city council of the city of Colfax.

"Franchise" means an initial authorization or renewal thereof, issued by the city council, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement or otherwise, which authorizes the construction or operation of a cable system.

"Franchise agreement" means a franchise grant ordinance or a contractual agreement, containing the specific provisions of the franchise granted, including references, specifications, requirements and other related matters.

"Franchise fee" means any tax, fee or assessment of any kind imposed by a franchising authority or other governmental entity on a grantee or cable subscriber or both, solely because of their status as such. The term "franchise fee" does not include:

1. Any tax, fee or assessment of general applicability (including any such tax, fee or assessment imposed on both utilities and cable operators or their services), but not including a tax, fee or assessment which is unduly discriminatory against cable operators or cable subscribers;
2. Capital costs which are required by the franchise to be incurred by grantee for public, educational or governmental access facilities;
3. Requirements or charges incidental to the awarding or enforcing of the franchise, including payments for bonds, letters of credit, insurance, indemnification, penalties or liquidated damages; or
4. Any fee imposed under Title 17, United States Code.

"Grantee" means any person receiving a franchise pursuant to this chapter and under the granting franchise ordinance or agreement and its lawful successor, transferee or assignee.

"Grantor" or "city" means the city of Colfax as represented by the council or any delegate acting within the scope of its jurisdiction.

"Gross annual receipts" means the annual gross receipts received by a grantee during the calendar year from all sources of operations of the cable television system within the city utilizing the public streets and rights-of-way for which a franchise is required in order to deliver such cable service, excluding franchise fees, copyright fees, refundable deposits, amounts paid by subscribers into an escrow account, rebates or credits and any sales, excise or other taxes or charges collected for direct payment or pass-through to local, state or federal government.

"Initial service area" means the area of the city which will receive service initially, as set forth in the franchise agreement.

"Installation" means the connection of the system to subscribers' terminals and the provision of service.

"Person" means an individual, partnership, association, joint stock company, trust, corporation or governmental entity.

"Public, educational or government access facilities" or "PEG access facilities" means the total of the following:

1. Channel capacity designated for public, educational or governmental use; and
2. Facilities and equipment or the use of such channel capacity.

"Section" means any section, subsection or provision of this chapter.

"Service area" or "franchise area" means an entire geographic area within the city as it is now constituted or may in the future be constituted, unless otherwise specified in the franchise granting ordinance or agreement.

"Service tier" means a category of cable service or other services provided by a grantee and for which a separate rate is charged by the grantee.

"State" means the state of California.

"Street" means each of the following which have been dedicated to the public or are hereafter dedicated to the public and maintained under public authority or by others and located within the city limits: streets, roadways, highways, avenues, lanes, alleys, sidewalks, easements, rights-of-way and similar public property and areas that the grantor shall permit to be included within the definition of street from time to time.

"Subscriber" means any person who or which elects to subscribe to, for any purpose, a service provided by the grantee by means of or in connections with cable system.

(Ord. 439 § 2 (1.2), 1996)

5.16.030 - Franchise to install and operate.

A franchise granted by the city under the provisions of this chapter shall encompass the following purposes:

A. To provide that grantee may engage in the business of providing cable television service and such other services as may be permitted by law, to subscribers within the designated service area.

B. To provide that grantee may erect, install, construct, repair, rebuild, reconstruct, replace, maintain and retain cable, lines, related electronic equipment, supporting structures, appurtenances and other property in connection with the operation of a cable system in, on, over, under, upon, along and across streets or other public places within the designated service area.

C. To provide that grantee may maintain and operate the franchise properties for the origination, reception, transmission, amplification and distribution of television and radio signals and for the delivery of cable services.

D. To set forth the obligations of a grantee under the franchise.

(Ord. 439 § 2 (1.3), 1996)

5.16.040 - Franchise required.

It is unlawful for any person to construct, install or operate a cable television system in the city without a properly granted franchise awarded pursuant to the provisions of this chapter.

(Ord. 439 § 2 (1.4), 1996)

5.16.050 - Franchise—Term.

A. A franchise granted hereunder shall be for a term established in the franchise agreement, commencing on the grantor's adoption of an ordinance or resolution authorizing the franchise. The first day of the term shall from time to time be referred to as the "effective date" of the franchise.

B. A franchise granted hereunder may be renewed upon application by the grantee pursuant to the provisions of applicable state and federal law and of this chapter.

(Ord. 439 § 2 (1.5), 1996)

5.16.060 - Franchise territory.

Any franchise shall be valid within all the territorial limits of the city and within any area added to the city during the term of the franchise, unless otherwise specified in the franchise granting ordinance or agreement.

(Ord. 439 § 2 (1.6), 1996)

5.16.070 - Federal or state jurisdiction.

A. This chapter shall be construed in a manner consistent with all applicable federal and state laws. Whenever any state or federal law has paramount jurisdiction over any specific provisions of this chapter or when such paramount jurisdiction is exercised by an individual with standing, the Federal Communications Commission (FCC) or Public Utilities Commission (PUC) of the state of California or any other federal or state agency, such paramount jurisdiction shall preempt or preclude the exercise of like jurisdiction by the city. Any modification of such federal or state law shall to the extent applicable be considered part of this chapter as of the effective date of such modification.

B. In the event that the state or federal government discontinues preemption in any area of cable communications over which it currently exercises jurisdiction in such manner as to expand rather than limit municipal authority, grantor may, if it so elects, adopt rules and regulations in these areas, provided that such rules and regulations shall not apply to any franchise issued pursuant to this chapter prior to the adoption of such rules and regulations to the extent they materially adversely affect such franchise, including, without limitation, requirements with respect to system rebuilds, channel capacity, system design, construction and performance requirements, public, educational or governmental access facilities, support for any such facilities, interconnect commitments, activation of interactive capability or institutional networks. Such new municipal regulatory powers may, however, affect existing franchises with respect to franchise renewal procedures, technical standards and related provisions.

C. This chapter shall apply to all franchises granted or renewed after the effective date of this chapter. It shall further apply to the extent permitted by applicable federal or state law to all existing franchises granted prior to the effective date of this chapter.

(Ord. 439 § 2 (1.7), 1996)

5.16.080 - Franchise nontransferable.

A. Grantee shall not sell, transfer, lease, assign, sublet or dispose of, in whole or in part, either by forced or involuntary sale or by ordinary sale, contract, consolidation or otherwise, the franchise or any of the rights or privileges therein granted, without the prior consent of the council and then only upon such terms and conditions as may be prescribed by the council, which consent shall not be unreasonably denied or delayed. Any attempt to sell, transfer, lease, assign or otherwise dispose of the franchise without the consent of the council shall be null and void. The granting of a security interest in any grantee assets or any mortgage or other hypothecation, shall not be considered a transfer for the purposes of this section.

B. The requirements of subsection A of this section shall apply to any change in the control of grantee. The word "control" as used herein is not limited to major stockholders or partnership interests, but includes actual working control in whatever manner exercised. In the event that grantee is a corporation, prior approval of the council shall be required where ownership or control of more than ten (10) percent of the voting stock of grantee is acquired by a person or group of persons acting in concert, none of whom own or control the voting stock of grantee as of the effective date of the franchise, singularly or collectively.

C. Grantee shall notify grantor in writing of any foreclosure or any other judicial sale of all or a substantial part of the franchise property of the grantee or upon the termination of any lease or interest covering all or a substantial part of the franchise property. Such notifications shall be considered by grantor as notice that a change in control of ownership of the franchise has taken place and the provisions under this section governing the consent of grantor to such change in control ownership shall apply.

D. For the purpose of determining whether it shall consent to such change, transfer or acquisition of control, grantor may inquire into the qualifications of the prospective transferee or controlling party and grantee shall assist grantor in any such inquiry. In seeking grantor's consent to any change of ownership or control, grantee shall have the responsibility of insuring that the transferee completes an application in the form and substance reasonably satisfactory to grantor, which application shall include information required under Section 5.16.130(A) through (G) of this chapter. Grantor may also request such reasonable additional information that it deems applicable. An application shall be submitted to grantor not less than sixty (60) days prior to the date of transfer. The transferee shall be required to establish that it possesses the qualifications and financial and technical capability to operate and maintain the system and comply with all franchise requirements for the remainder of the term of the franchise. If, after considering the legal, financial, character, technical and other public interest qualities of the applicant and determining that they are satisfactory, the grantor finds that such transfer is acceptable, the grantor shall transfer and assign the rights and obligations of such franchise as may be in the public interest. The consent of the grantor to such transfer shall not be unreasonably withheld.

E. Any financial institution having a pledge of the grantee or its assets for the advancement of money for the construction and/or operation of the franchise shall have the right to notify the grantor that it or its designee satisfactory to the grantor shall take control of and operate the cable television system, in the event of a grantee defaulting in its financial obligations. Further, the financial institution shall also submit a plan for such operation within thirty (30) days of assuming such control that will insure continued service and compliance with all franchise requirements during the term the financial institution exercises control over the system. The financial institution shall not exercise control over the system for a period exceeding one year unless extended by the grantor in its discretion and during the period of time it shall have the right to petition the grantor to transfer the franchise to another grantee.

(Ord. 439 § 2 (1.8), 1996)

5.16.090 - Geographical coverage.

A. Grantee shall design, construct and maintain the cable television system to have the capability to pass every dwelling unit in the city, subject to any service area line extension requirements of the franchise documents.

B. After service has been established by activating trunk and/or distribution cables for any service area, grantee shall provide service to any requesting subscriber within that service area within thirty (30) days from the request, provided that the grantee is able to secure all rights-of-way and encroachment permits necessary to extend service to such subscriber within such thirty (30) day period on reasonable terms and conditions mutually acceptable to grantee and such subscriber.

(Ord. 439 § 2 (1.9), 1996)

5.16.100 - Nonexclusive franchise.

Any franchise granted shall be nonexclusive. The grantor specifically reserves the right to grant, at any time, such additional franchises for a cable television system or any component thereof, as it deems appropriate, subject to applicable state and federal law.

(Ord. 439 § 2 (1.10), 1996)

5.16.110 - Multiple franchises.

A. Grantor may grant any number of franchises in the service area. Grantor may limit the number of franchises granted, based upon, but not necessarily limited to, the requirements of applicable law and specific local considerations, such as:

1. The capacity of the public rights-of-way to accommodate multiple coaxial cables in additional to the cables, conduits and pipes of the utility systems, such as electrical power, telephone, gas and sewerage;

2. The benefits that may accrue to cable subscribers as a result of cable system competition, such as lower rates and improved service;

3. The disadvantages that may result from cable system competition, such as the requirement for multiple pedestals on residents' property and the disruption arising from numerous excavations of the rights-of-way.

B. Each grantee awarded a franchise to serve the entire city shall offer service to all residences in the city, in accordance with construction and service schedules mutually agreed upon between grantor and grantee and consistent with applicable law.

C. Grantor may require that any new grantee be responsible for its own undergrounding trenching and the costs associated therewith, if, in grantor's opinion, the rights-of-way in any particular area cannot feasibly accommodate additional cables.

(Ord. 439 § 2 (1.11), 1996)

5.16.120 - Franchise applications.

Any person desiring a franchise for a cable television system shall file an application with the city. A reasonable nonrefundable application fee established by the city shall accompany the application to cover all costs associated with processing and reviewing the application, including without limitation, costs of administrative review, financial, legal and technical evaluation of the applicant, consultants (including technical and legal experts and all costs incurred by such experts), notice and publication requirements

with respect to the consideration of the application and document preparation expenses. In the event such costs exceed the application fee, the selected applicant(s) shall pay the difference to the city within thirty (30) days following receipt of an itemized statement of such costs.

(Ord. 439 § 2 (1.12), 1996)

5.16.130 - Applications—Contents.

An application for a franchise for a cable television system shall contain, where applicable:

A. A statement as to the proposed franchise and service area;

B. Resumé of prior history of applicant, including the expertise of applicant in the cable television field;

C. List of partners, general and limited, of the applicant, if a partnership or the percentage of stock owned or controlled by each shareholder, if a corporation;

D. List of officers, directors and managing employees of applicant, together with a description of the background of each such person;

E. The names and addresses of any parent or subsidiary of applicant or any other business entity owning or controlling applicant in whole or in part or owned or controlled in whole or in part by applicant;

F. A current financial statement of applicant verified by a CPA audit or otherwise certified to be true, complete and correct to the reasonable satisfaction of the city;

G. Proposed construction and service schedule; and

H. Any reasonable additional information that the city deems applicable.

(Ord. 439 § 2 (1.13), 1996)

5.16.140 - Consideration of applications.

A. Upon receipt of any application for a franchise, the city manager shall prepare a report and make his or her recommendations respecting such application to the city council.

B. A public hearing shall be set prior to any franchise grant, at a time and date approved by the council. Within thirty (30) days after the close of the hearing, the council shall make a decision based upon the evidence received at the hearing as to whether or not the franchise(s) should be granted and if granted, subject to what conditions. The council may grant one or more franchises or may decline to grant any franchise.

(Ord. 439 § 2 (1.14), 1996)

5.16.150 - Franchise renewal.

Franchise renewals shall be in accordance with applicable law, including, but not necessarily limited to, the Cable Communications Policy Act of 1984, as amended. Grantor and grantee, by mutual consent, may enter into renewal negotiations at any time during the term of the franchise. Grantee shall have no obligation to reimburse grantor for costs associated with processing and reviewing the application for renewal except as allowed by law. To the extent allowed by law, grantee may offset any reimbursement against its franchise fees liability and/or may pass-through the cost of the reimbursement to subscribers.

(Ord. 439 § 2 (1.15), 1996)

5.16.160 - Minimum consumer protection and service standards.

A. Except as otherwise provided in the franchise agreement, grantee shall maintain an office in close proximity to the city to provide the necessary facilities, equipment and personnel to comply with the following consumer protection and standards under normal conditions of operation:

1. Sufficient toll-free telephone line capacity during normal business hours to assure that a minimum of ninety-five (95) percent of all calls will be answered before the fourth ring;
2. Emergency toll-free telephone capacity on a twenty-four (24) hour basis, including weekends and holidays;
3. An emergency system maintenance and repair staff, capable of responding to and repairing major system malfunction on a twenty-four (24) hour per day basis;
4. An installation staff, capable of installing service to any subscriber within seven days after receipt of request, in all areas where trunk and feeder cable have been activated;
5. Grantee shall schedule, within a specified four-hour time period, all appointments with subscribers for installation or service.

B. Grantee shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible. Scheduled interruptions, insofar as possible, shall be preceded by notice and shall occur during a period of minimum use of the system, preferably between midnight and six a.m.

C. Grantee shall maintain a written log or an equivalent stored in computer memory and capable of access and reproduction in printed form, for all service interruptions and requests for cable service that result in a service call.

D. The grantee shall maintain a repair force of technicians generally capable of responding to subscriber requests for service within the following time frames:

1. For a system outage: within two hours, including weekends, of receiving subscriber calls or request for service which by number identify a system outage of sound or picture of one or more channels, affecting at least ten (10) percent of the subscribers of the system;
2. For an isolated outage: within twenty-four (24) hours, including weekends, of receiving requests for service identifying an isolated outage of sound or picture for one or more channels;
3. For inferior signal quality: within forty-eight (48) hours, including weekends, of receiving a request for service identifying a problem concerning picture or sound quality.

Grantee shall be deemed to have responded to a request for service under the provisions of this section when a technician arrives at the service location and begins work on the problem. In the case of a subscriber not being home when the technician arrives, the technician shall leave written notification of arrival. Three successive subscriber failures to be present at an appointed time shall excuse grantee of duty to respond.

No charge shall be made to the subscriber for any service call unless the service request can be demonstrated to be unrelated to the portions of the cable system owned by grantee or to involve subscriber negligence or damage to grantee's property by the subscriber.

E. Unless excused, grantee shall determine the nature of the problem within forty-eight (48) hours of beginning work and resolve all cable system related problems within five business days unless technically unfeasible.

F. Upon five days notice, grantee shall establish its compliance with any or all of the standards required above. Grantee shall provide sufficient documentation to permit grantor to verify the compliance.

G. A repeated and verifiable pattern of material noncompliance with the consumer protection standards of subsections A through E of this section, after grantee's receipt of due notice and an opportunity to cure, may be deemed a material breach of the franchise agreement.

H. Grantee shall establish written procedures for receiving, acting upon and resolving subscriber complaints without the intervention by the grantor. The written procedures shall prescribe the manner in which a subscriber may submit a complaint either orally or in writing specifying the subscriber's grounds for dissatisfaction. Grantee shall file a copy of these procedures with grantor.

I. Grantor may determine, upon review of a subscriber complaint and the grantee's decision, if any, whether further action is warranted.

J. The grantor may establish an escrow account wherein a subscriber may deposit a disputed portion of the subscriber's monthly service charge. If a subscriber either continues to make full and timely payment of all monthly service charges to grantee or deposit any disputed portion of such monthly service charges into the escrow account, grantee shall not discontinue service during the pendency of complaint submitted under the provisions of this chapter. Any amount deposited in the escrow account shall be paid to the grantee or subscriber in accordance with a final determination of a complaint.

K. It shall be the right of all subscribers to continue receiving service insofar as their financial and other obligations to the grantee are honored. In the event that the grantee elects to rebuild, modify or sell the system or the grantor gives notice of intent to terminate or not to renew the franchise, the grantee shall act so as to ensure that all subscribers receive service so long as the franchise remains in force.

In the event of a change of grantee or in the event a new operator acquires the system, the original grantee shall cooperate with the grantor, new grantee or operator in maintaining continuity of service to all subscribers. During such period, grantee shall be entitled to the revenues for any period during which it operates the system.

L. In the event grantee fails to operate the system for seven consecutive days without prior approval or subsequent excusal of the grantor, the grantor may, at its option, operate the system or designate an operator until such time as grantee restores service under conditions acceptable to the grantor or a permanent operator is selected. If the grantor should fulfill this obligation for the grantee, then during such period as the grantor fulfills such obligation, the grantor shall be entitled to collect all revenues from the system and the grantee shall reimburse the grantor for all reasonable costs or damages in excess of the revenues collected by the grantor that are the result of the grantee's failure to perform.

M. All officers, agents or employees of the grantee or its contractors or subcontractors who in the normal course of work require entry onto subscribers' premises shall carry a photo-identification card in a form approved by grantor. Grantor shall account for all identification cards at all times. Every vehicle of the grantee utilized for field maintenance shall be clearly identified as working for grantee. All such identification shall be returned on termination of service or permanently defaced on sale of vehicle.

(Ord. 439 § 2 (1.16), 1996)

5.16.170 - Additional service standards.

Additional service standards and standards governing consumer protection and response by grantee to subscriber complaints not otherwise provided for in this chapter may be established in the franchise agreement and the grantee shall comply with such standards in the operation of the cable television system. A verified and continuing pattern of material noncompliance may be deemed a material breach of the franchise.

(Ord. 439 § 2 (1.17), 1996)

5.16.180 - Franchise fee.

A. Following the issuance and acceptance of the franchise, grantee shall pay to the grantor a franchise fee in the amount set forth in the franchise agreement.

B. The grantor, on an annual basis, shall be furnished a statement within sixty (60) days of the close of the calendar year, either audited and certified by an independent certified public accountant, reflecting the total amounts of gross receipts and all payments, deductions and computations for the period covered by the payment. Upon ten (10) days prior written notice, grantor shall have the right to conduct an independent audit of grantee's records for the three-year period immediately preceding the notice, in accordance with generally accepted auditing standards and if such audit indicates a franchise fee underpayment of two percent or more, the grantee shall assume all reasonable costs of such an audit.

C. No acceptance of any payment by the grantor shall be construed as a release or as an accord and satisfaction of any claim the grantor may have for further or additional sums payable as a franchise fee under this chapter or for the performance of any other obligation of the grantee.

D. In the event that any franchise payment or recomputed amount is not made on or before the dates specified in the franchise agreement, grantee shall pay as additional compensation:

1. An interest charge, computed from such due date, at an annual rate equal to the average rate of return on invested funds of the grantor during the period for which payment was due; and

2. If the payment is late for forty-five (45) days or more, a sum of money equal to five percent of the amount due in order to defray those additional expenses and costs incurred by the grantor by reason of delinquent payment.

E. Franchise fee payments shall be made in accordance with the schedule indicated in the franchise agreement.

(Ord. 439 § 2 (1.18), 1996)

5.16.190 - Design and construction requirements.

A. Grantee shall not construct any cable system facilities until grantee has secured necessary permits from grantor or other cognizant public agencies.

B. In those areas of the city where transmission or distribution facilities of the public utilities providing telephone and electric power service or the facilities of cable service provider(s) are underground as of the effective date of the ordinance codified in this chapter, the grantee likewise shall continue to construct, operate and maintain its transmission and distribution facilities underground. For the purposes of this subsection, "underground" shall include a partial underground system, e.g. streamlining. Amplifiers and other equipment in grantee's transmission and distribution lines may be placed in appropriate housings upon the surface of the ground. The city shall not in any manner be responsible for any costs or liabilities incurred by grantee in placing grantee's facilities underground or obtaining any easements therefor.

C. In those areas of the city where grantee's cables are located on the above-ground transmission or distribution facilities of the public utility providing telephone or electric power service and in the event that the facilities of both such public utilities subsequently are placed underground at such public utilities' cost, then the grantee likewise shall reconstruct, operate and maintain its transmission and distribution facilities underground, at grantee's cost. Certain of grantee's equipment, such as pedestals, amplifiers and power supplies, which normally are placed above ground, may continue to remain in above-ground enclosures.

D. In the event of a single franchisee or multiple franchisees desiring to serve new residential developments in which the electric power and telephone utilities are underground, the following procedure shall apply with respect to access to and utilization of underground easements:

1. The developer shall be responsible for contacting and surveying all franchised cable operators to ascertain which operators desire to provide cable television service to that development. The developer may establish a reasonable deadline to receive cable operator responses. The final map shall indicate the cable operators that have agreed to serve the development;

2. If one or two cable operators wish to provide service, they shall be accommodated in the joint utilities trench on a nondiscriminatory basis;

3. Cost of trenching, installing conduit and aerial lines and obtaining easements shall be the responsibility of the property owner;

4. The developer shall provide at least ten (10) working days' notice of the date that utility trenches will be open to the cable operators that have agreed to serve the development. When the trenches are open, cable operators shall have two working days to begin the installation of their cables and five working days after beginning installation to complete installation;

5. The final development map shall not be approved until the developer submits evidence that:

   a. It has notified each grantee that underground utility trenches are to open as of an estimated date and that each grantee will be allowed access to such trenches, including trenches from proposed streets to individual homes or home sites, on specified nondiscriminatory terms and conditions; and

   b. It has received a written notification from each grantee that the grantee intends to install its facilities during the open trench period on the specified terms and conditions or such other terms and conditions as are mutually acceptable to the developer and grantee or has received no reply from a grantee within ten (10) days after its notification to such grantee, in which case the grantee will be deemed to have waived its opportunity to install its facilities during the open trench period;

6. Sharing the joint utilities trench shall be subject to compliance with Public Utilities Commission and utility standards. If such compliance is not possible, the developer shall provide a separate trench for the cable television cables. With the concurrence of the developer, the affected utilities and the cable operators, alternative installation procedures, such as use of deeper trenches, may be utilized, subject to applicable law;

7. If a developer has complied with the terms of this chapter, then any cable operator wishing to serve an area where the trenches have been closed shall be responsible for its own trenching and associated costs;

8. In the event that more than one franchise is awarded, the city reserves the right to limit the number of drop cables and/or pedestals per residence;

9. The city reserves the right to grant an encroachment permit to a cable franchise applicant to install conduit and/or cable in anticipation of the granting of a franchise. Such installations shall be at the applicant's risk, with no recourse against the city in the event the pending franchise application is not granted. The city may require an applicant to provide a separate trench for its conduit and/or cable, at the applicant's cost. The construction of such a separate trench, if provided, shall be coordinated with and subject to the developer's overall construction schedule.

(Ord. 439 § 2 (1.19), 1996)

5.16.200 - Service connections.

A. The grantee shall extend cable service to any premises located in the service area served by grantee's energized distribution cable which requires only the connection of a standard drop or tap to make such service available, including those premises serviced by underground utilities, at a standard rate if the owner or occupant of the premises requests such service.

B. If the service connection requires no more than a two hundred fifty (250) feet aerial drop line, the grantee shall provide connection to its service at no charge for the initial two hundred fifty (250) feet, other than the grantee's standard installation fee. The grantee may charge any new subscriber for the grantee's actual cost of all labor, equipment and materials for:

1. That portion of any new aerial service connection in excess of two hundred fifty (250) feet;
2. The length of any new service connection installed underground; and
3. The entire length of any new service connection to remote or relatively inaccessible subscribers.

Prior to installing any service connection for which the grantee will charge a potential subscriber on a time and materials basis, the grantee must present the prospective subscriber with a written statement of its estimated costs for the service connection.

(Ord. 439 § 2 (1.20), 1996)

5.16.210 - Line extensions.

The grantee shall be required to extend energized trunk cable from any existing terminus of the cable system to any area within the franchise area having a density of at least ten (10) existing and completed dwelling units within any one-quarter linear mile, provided that the dwelling unit nearest to the existing terminus of the cable system in such one-quarter linear mile is within one-half mile of the existing terminus of the cable system. Within thirty (30) days after grantee has confirmed the existence of the density provided above, grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required for the extension of such trunk cable, including any utility joint use agreements and any permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of the cable system. Within thirty (30) days following completion of such line extension construction, the grantee shall proceed to render service provided, however, that any such subscriber requesting service from the extension of the energized trunk cable shall be subject to the provisions of Section 5.16.200 of this chapter.

(Ord. 439 § 2 (1.21), 1996)

5.16.220 - Technical standards.

The grantee shall construct, install, operate and maintain its system in a manner consistent with all applicable laws ordinances, construction standards, governmental requirements, FCC technical standards and any detailed standards set forth in its franchise agreement. In addition, the grantee shall provide to the grantor, upon request, a written report of the results of the grantee's periodic proof of performance test conducted pursuant to FCC and franchise standards and guidelines. Failure to maintain specified technical standards shall constitute a material breach of the franchise.

(Ord. 439 § 2 (1.22), 1996)

5.16.230 - Service to public facilities.

With the city's reasonable cooperation, grantee shall, without charge to grantor, within one hundred eighty (180) days of the effective date of any franchise hereunder, fully wire with one outlet and provide all legally and contractually allowable subscribers services of its system to all public and nonprofit private schools, city police and fire stations, city recreation centers, library, City Hall and such other buildings owned or controlled by the city, provided that such buildings shall be located within the franchise territory. Grantee shall have no obligation to provide such service to buildings owned or controlled by the city if the primary purpose for such buildings is to house equipment, store records or provide residential housing.

(Ord. 439 § 2 (1.23), 1996)

5.16.240 - Hold harmless.

A. Grantee shall indemnify, defend and hold grantor, its officers, agents and employees harmless from any liability, claims, damages, costs or expenses, including reasonable attorney's fees, arising from injury to persons or damages to property to the extent caused by any conduct undertaken by the grantee, its officers, agents or employees, by reason of the franchise; grantee shall at its sole cost and expense, upon demand of grantor, appear in and defend any and all suits, actions or other legal proceedings, whether judicial, quasi-judicial, administrative, legislative or otherwise, brought or instituted or had by third persons or duly constituted authorities, against or affecting grantor, its officers, agents or employees and arising out of or pertaining to the granting of the franchise to the grantee and/or any conduct of the grantee, its agents or employees which is within the scope of this indemnity.

(Ord. 439 § 2 (1.24), 1996)

5.16.250 - Insurance.

A. On or before commencement of franchise operations, the grantee shall obtain policies of liability, workers' compensation and property insurance from companies authorized to transact business in California by the Insurance Commissioner of California.

B. The policy of liability insurance shall:

1. Be issued to grantee and name grantor, its officers, agents and employees as additional insureds;

2. Indemnify for all liability for personal and bodily injury, death and damage to property arising from activities conducted and premises used pursuant to this chapter by providing coverage therefor, including but not limited to, coverage for:

   a. Negligent acts or omissions of grantee and its agents, servant and employees, committed in the conduct of franchise operations; and/or

   b. Use of motor vehicles;

3. Provide a combined single limit for comprehensive general liability and comprehensive automobile liability insurance in the amount provided for in the franchise agreement. Such insurance policy shall be subject to the review and approval of grantor's legal counsel; and

4. Be noncancellable without thirty (30) days prior written notice thereof directed to grantor.

C. The policy of workers' compensation insurance shall:

1. Have been previously approved as to substance and form by the California Insurance Commissioner;

2. Cover all employees of grantee who in the course and scope of their employment are to conduct the franchise operations;

3. Provide for every benefit and payment presently or hereinafter conferred by Division 4 of the Labor Code of the state upon an injured employee, including vocational rehabilitation and death benefits;

4. Waive all rights of subrogation against the grantor, its officers, officials, employees and volunteers for losses paid under the terms of the policy which arises from work performed by the named insured for the grantor.

D. The policy of property insurance shall provide fire insurance with extended coverage on the franchise property used by grantee in the conduct of franchise operations in an amount adequate to enable grantee to resume franchise operations following the occurrence of any risk covered by this insurance.

E. Grantee shall file with grantor prior to commencement of franchise operations the required endorsements and either certified copies of these insurance policies or a certificate of insurance for each of the required policies executed by the company issuing the policy or by a broker authorized to issue such a certificate, certifying that the policy is in force and providing the following information with respect to the policy:

1. The policy number;

2. The date upon which the policy will become effective and the date upon which it will expire;

3. The names of the named insureds and any additional insured required by this chapter or the franchise agreement;

4. The subject of the insurance;

5. The type of coverage provided by the insurance; and

6. Amount or limit of coverage provided by the insurance.

F. Conduct of franchise operations shall not commence until grantee has complied with aforementioned provisions of this section.

G. In the event grantee fails to maintain any of the above-described policies in full force and effect, grantor shall, upon forty-eight (48) hours notice to grantee, have the right to procure the required insurance and recover the cost thereof from grantee. Grantor shall also have the right, upon forty-eight (48) hours notice to grantee, to suspend the franchise during any period that grantee fails to maintain the policies in full force and effect.

H. No more than once during any three-year period, grantor shall have the right to order grantee to increase the amounts of the insurance coverage provided herein. Such order may be made by grantor after complying with the hearing procedure provided for in Section 5.16.340 of this chapter. Increases in insurance coverage shall be based upon current prudent business practices of like enterprises involving the same or similar risks.

(Ord. 439 § 2 (1.25), 1996)

5.16.260 - Performance bond.

No later than the effective date of any franchise granted hereunder, the grantee shall establish and provide to the city a corporate surety bond (the "surety bond") in a form reasonably acceptable to the city and its counsel in the sum of ten thousand dollars ($10,000.00) as security for the faithful performance by the grantee of specified provisions of the franchise agreement. The surety bond shall remain at this level throughout the term of the franchise.

(Ord. 439 § 2 (1.26), 1996)

5.16.270 - Records required—Grantor's right to inspect.

A. Grantee shall at all times maintain:

1. A record of all complaints received and interruptions or degradation of service experienced for the preceding two years, provided that such complaints result in or require a service call;

2. A full and complete set of plans, records and "as built" maps showing the location of the cable television system installed or in use in the city, exclusive of subscriber service drops and equipment provided in subscriber's homes. The plans, records and maps are trade secrets of grantee and, as such, are exempt from disclosure to members of the public under the Public Records Act (Government Code Section 6250 et. seq), including Section 6254(n). Grantee agrees to assist grantor in demonstrating that the plans, records and maps are exempt under express provisions of the Public Records Act or that on the facts of the particular case, the public interest served by not making the plans, records or maps public clearly outweighs the public interest served by disclosure of the plans, maps or records. Grantor agrees to provided grantee with prompt notice of any request grantor receives for public records that would include the plans, records or maps;

3. If requested by grantor, a summary of service calls, identifying the number, general nature and disposition of such calls, on a monthly basis. A summary of such service calls shall be submitted to the grantor within thirty (30) days following the end of each month in a form reasonably acceptable to the grantor.

B. The grantor may impose reasonable requests for additional information, records and documents from time to time, provided they reasonably relate to the scope of the city's rights under this chapter or the grantee's franchise agreement. Grantee shall have no obligation to provide information, records or documents which contain trade secrets of grantee or which are otherwise of a confidential or proprietary nature to grantee unless it receives satisfactory assurances from grantor that such information can and will be held in strictest confidence by the grantor.

C. Upon reasonable notice and during normal business hours, grantee shall permit examination by any duly authorized representative of the grantor, of all franchise property and facilities, together with any appurtenance property and facilities of grantee situated within or without the city and all records relating to the franchise, provided they reasonably relate to the scope of the grantor's rights under this chapter or the franchise agreement.

(Ord. 439 § 2 (1.27), 1996)

5.16.280 - Annual reports.

Within ninety (90) days after the end of the calendar year, at the request of grantor in writing by December 31st of the calendar year, grantee shall submit a written annual report to grantor with respect to the preceding calendar year in a form approved by grantor, including, but not limited to, the following information:

A. A summary of the previous year's (or in the case of the initial reporting year, the initial year's) activities in development of the cable system including, but not limited to, services begun or discontinued during the reporting year;

B. A list of grantee's officers, members of its board of directors and other principals of grantee;

C. A list of stockholders or other equity investors holding five percent or more of the voting interest in grantee;

D. An indications of any residences in grantee's service area where service is not available and subject to applicable line extension policies, a schedule for providing service;

E. Information as to the number of homes passed, subscribers, additional television outlets and penetration of basic and pay service in the service area;

F. Any other information which the grantor shall reasonably request; and

G. Notwithstanding any of the foregoing, grantee shall have no obligation to include information in its annual report to grantor which is a trade secret of grantee or is otherwise of a confidential or proprietary nature to grantee unless it receives satisfactory assurances from grantor that such information can and will be held in strictest confidence by the grantor. The burden of proof, however, shall be on grantee to establish the confidential nature of any information submitted, to the reasonable satisfaction of grantor.

(Ord. 439 § 2 (1.28), 1996)

5.16.290 - Copies of federal and state communications.

A. Grantee shall submit to grantor copies of all pleadings, applications and reports submitted by grantee to any federal, state or local court, agency or governmental body as well as copies of all decisions, correspondence and actions by any such federal, state or local court, regulatory agency or other governmental body which are nonroutine in nature and which will materially affect its cable television operations within the franchise area. Grantee shall submit such documents to grantor simultaneously with its submission to such court, agency and/or body; or within five days after its receipt from such court, agency and/or body. Information otherwise confidential by law and so designated by grantee, which is submitted to grantor, shall be retained in confidence by grantor and its authorized agents and shall not be made available for public inspection.

B. Notwithstanding the foregoing, grantee shall have no obligation to provide copies of documents to grantor which contain trade secrets of grantee or which are otherwise of a confidential or proprietary nature to grantee unless it receives satisfactory assurances from grantor that such information can and will be held in strictest confidence by the grantor. To the extent possible, grantee will provide grantor with summaries of any required documents or copies thereof with trade secrets and confidential and proprietary matters deleted therefrom. The burden of proof shall be on grantee to establish the confidential nature of any information submitted, to the reasonable satisfaction of grantor.

(Ord. 439 § 2 (1.29), 1996)

5.16.300 - Public reports.

If grantee is publicly held, a copy of each of grantee's annual and other periodic reports and those of its parent, shall be submitted to grantor within forty-five (45) days of its issuance.

(Ord. 439 § 2 (1.30), 1996)

5.16.310 - Complaint report and opinion survey.

A. The grantee shall furnish to the grantor the results of any opinion survey conducted by the grantee which identifies satisfaction or dissatisfaction among subscribers within the city with the grantee's cable service. The results of such survey shall be furnished to the grantor within thirty (30) days following completion of the survey.

B. Upon request of the grantor, but not more than once every three years, the grantee shall conduct a subscriber satisfaction survey pertaining to quality of service, which may be transmitted to

subscribers in subscriber statements for cable service. The form and content of such survey shall be reasonably acceptable to the grantor. The cost of such survey shall be borne by the grantee.

(Ord. 439 § 2 (1.31), 1996)

5.16.320 - Privacy report.

Upon grantor's request, but no more than annually, grantee shall submit to grantor a report indicating the degree of compliance with the privacy provisions contained in Section 5.16.450 of this chapter and all steps taken to assure that the privacy rights of individuals have been protected.

(Ord. 439 § 2 (1.32), 1996)

5.16.330 - Reports—General.

A. All reports required under this chapter, except those which the grantee has agreed to keep confidential, shall be available for public inspection in the grantor's offices during normal business hours.

B. All reports and records required under this chapter shall be furnished at the sole expense of grantee, except as otherwise provided in this chapter or the franchise agreement.

C. The wilful refusal, failure or neglect of grantee to file any of the reports required as and when due under this chapter, may be deemed a material breach of the franchise agreement if such reports are not provided to grantor within thirty (30) days after written request thereof and may subject the grantee to all remedies, legal or equitable, which are available to grantor under the franchise or otherwise.

D. Any materially false or misleading statement or representation made knowingly and willfully by the grantee in any report required under this chapter or under the franchise agreement may be deemed a material breach of the franchise and may subject grantee to all remedies, legal or equitable, which are available to grantor under the franchise or otherwise.

(Ord. 439 § 2 (1.33), 1996)

5.16.340 - Review of system performance.

A. Every fifth year throughout the term of the franchise, if requested by the grantor, grantor and grantee shall meet publicly to review system performance and quality of service.

B. The various reports required pursuant to this chapter, results of technical performance tests, the record of subscriber complaints and grantee's response to complaints and the information acquired in any subscriber surveys, shall be utilized as the basis for review. In addition, any subscriber may submit comments or complaints during the review meetings, either orally or in writing and these shall be considered. Within thirty (30) days after conclusion of a system performance review meeting, grantor may issue findings with respect to the cable system's franchise compliance and quality of service.

C. If grantor determines that grantee is not in compliance with the requirements of this chapter or the grantee's franchise, grantor may direct grantee to correct the areas of noncompliance within a reasonable period of time. Failure of grantee, after due notice, to correct the areas of noncompliance within the period specified therefor or to commence compliance within such period and diligently achieve compliance thereafter, shall be considered a material breach of the franchise and grantor may exercise any remedy within the scope of this chapter and the franchise agreement considered appropriate.

(Ord. 439 § 2 (1.34), 1996)

5.16.350 - Special review of system performance.

When there have been complaints made or where there exists other evidence which, in the judgment of the grantor, casts reasonable doubt on the reliability or quality of cable service to the effect that the grantee is not in compliance with the requirements of this chapter or its franchise, the grantor shall have the right to compel the grantee to test, analyze and report on the performance of the system in order to assure compliance with this chapter and the franchise agreement. Grantor may not compel grantee to provide such tests or reports unless and until grantor has provided grantee with at least thirty (30) days' notice of its intention to exercise its rights under this section and has provided grantee with an opportunity to be heard prior to its exercise of such rights. Such test or tests shall be made and the report thereof shall be delivered to the grantor no later than thirty (30) days after the grantor notifies the grantee that it is exercising such right and shall be made at grantee's sole cost. Such report shall include the following information: the nature of the complaints which precipitated the special tests; what system component was tested; the equipment used and procedures employed in the testing; the results of such tests; and the method by which such complaints were resolved. Any other information pertinent to the special test shall be recorded.

(Ord. 439 § 2 (1.35), 1996)

5.16.360 - Remedies for franchise violations.

If a grantee fails to perform in a timely manner any obligation required by this chapter or a franchise granted hereunder, following notice from the grantor and, opportunity to be heard by the council and an opportunity to cure such nonperformance in accordance with the provisions of Section 5.16.380 of this chapter, grantor may at its option and in its sole discretion:

A. Cure the violation and recover the actual costs thereof from the surety bond established herein if such violation is not cured within thirty (30) days after prior written notice to the grantee and an opportunity for grantee to be heard, of grantor's intention to cure and assess the surety bond;

B. For violations of consumer service standards of this chapter or the franchise agreement which have materially degraded the quality of service, grantor may order and direct grantee to issue rebates or credits to subscribers, in an amount to be determined by grantor to be reasonably related to the nature of the degradation in service and measured by the period of the degradation, to provide monetary relief substantially equal to the reduced quality of service resulting from grantee's failure to perform.

(Ord. 439 § 2 (1.36), 1996)

5.16.370 - Grantor's power to revoke.

Grantor reserves the right to revoke any franchise granted pursuant to this chapter and rescind all rights and privileges associated with it in the following circumstances, each of which shall represent a default by grantee and material breach under the franchise grant:

A. If grantee shall default in the performance of its material obligations under this chapter or the franchise agreement and shall continue such default after receipt of due notice and a reasonable opportunity to cure the default;

B. If grantee shall fail to provide or maintain in full force and effect the insurance coverage or surety bond as required herein;

C. If grantee shall violate any order or ruling of any regulatory body having jurisdiction over the grantee relative to the grantee's franchise, unless such order or ruling is being contested by grantee by appropriate proceedings conducted in good faith;

D. If grantee attempts to unlawfully evade any provision of this chapter or practices any fraud or deceit upon grantor;

E. If grantee persistently fails to remedy defaults for which lesser penalties have previously been imposed;

F. If grantee becomes insolvent, unable or unwilling to pay its debts or is adjudged as bankrupt;

The termination and forfeiture of the grantee's franchise shall in no way affect any right of grantor to pursue any remedy under the franchises or any provision of law.

(Ord. 439 § 2 (1.37), 1996)

5.16.380 - Procedure for remedying franchise violations.

Prior to imposing any remedy or other sanction against grantee specified in this chapter, grantor shall give grantee notice and opportunity to be heard on the matter, in accordance with the following procedures:

A. Grantor shall first notify grantee of the violation in writing by personal delivery or registered or certified mail and demand correction within reasonable time, which shall not be less than five days in the case of failure of the grantee to pay any sum or other amount due the grantor under this chapter or the grantee's franchise and thirty (30) days in all other cases. If grantee fails to correct the violation within the time prescribed or if grantee fails to commence correction of the violation within the time prescribed and diligently remedy such violation thereafter, the grantor shall then give written notice of not less than twenty (20) days of a public hearing to be held before the council. The notice shall specify the violations alleged to have occurred.

B. At the public hearing, the council shall hear and consider all relevant evidence and thereafter render findings and its decision.

C. In the event the council finds that grantee has corrected the violation or has diligently commenced correction of such violation after notice thereof from grantor and is diligently proceeding to fully remedy such violation or that no violation has occurred, the proceedings shall terminate and no penalty or other sanction shall be imposed.

D. In the event the council finds that the alleged violations exist and that grantee has not corrected the same in a satisfactory manner or has not diligently commenced corrections of such violation after notice thereof from grantor and is not diligently proceeding to fully remedy such violation, the council may impose one or more of the remedies specified herein as it, in its discretion, deems appropriate under the circumstance.

(Ord. 439 § 2 (1.38), 1996)

5.16.390 - Force majeure—Grantee's inability to perform.

A. In the event grantee's performance of any of the terms, conditions or obligations required by this chapter or a franchise granted hereunder is prevented by a cause or event not within grantee's control, such inability to perform shall be deemed excused and no penalties or sanctions shall be imposed by Section 5.16.360(B) of this chapter. Causes or events not within the control of grantee shall include, without limitation, acts of God, strikes, sabotage, riots or civil disturbances, restraints imposed by order of a governmental agency or court, explosions, acts of public enemies and natural disasters such as floods, earthquakes, landslides and fires but shall not include financial inability of

the grantee to perform or failure of the grantee to obtain any necessary permits or licenses from other governmental agencies or the right to use the facilities of any public utility where such failure is due solely to the acts of omissions of grantee or the failure of the grantee to secure supplies, services or equipment necessary for the installation, operation, maintenance or repair of the cable communications system where the grantee has failed to exercise reasonable diligence to secure such supplies, services or equipment.

B. At the expiration of the term for which the franchise is granted or upon its revocation or earlier expiration, as provided for herein, in any such case without renewal, extension or transfer, the grantor shall have the right to require grantee to remove, at its own expense, all above-ground portions of the cable television system from all streets and public ways within the city within a reasonable period of time, which shall not be less than one hundred eighty (180) days.

C. Notwithstanding anything to the contrary set forth in this chapter, the grantee may abandon any underground franchise property in place so long as it does not materially interfere with the use of the street or public rights-of-way in which such property is located or with the use thereof by any public utility or other cable grantee.

(Ord. 439 § 2 (1.39), 1996)

5.16.400 - Abandonment or removal of franchise property.

A. In the event that use of any franchise property or a portion thereof is discontinued for a continuous period of twelve (12) months, grantee shall be deemed to have abandoned that franchise property. Any part of the cable system that is intended for use only when needed because it is parallel or redundant to other parts of the system, shall not be deemed to have been abandoned because of its lack of use.

B. Grantor, upon such terms as grantor may impose, may give grantee permission to abandon, without removing, any system facility or equipment laid, directly constructed, operated or maintained under the franchise. Unless such permission is granted or unless otherwise provided in this chapter, the grantee shall remove all abandoned above-ground facilities and equipment upon receipt of written notice from grantor and shall restore any affected street to its former state at the time such facilities and equipment were installed, so as not to impair its usefulness. In removing its plant, structures and equipment, grantee shall refill, at its own expense, any excavation that shall be made by it and shall leave all public ways and places in as good condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles or attachments. Grantor shall have the right to inspect and approve the condition of the public ways, public places, cables, wires, attachments and poles prior to and after such removal. The liability, indemnity and insurance provisions of this chapter and the surety bond provided herein shall continue in full force and effect during the period of removal and until full compliance by grantee with the terms and conditions of this section.

C. Upon abandonment of any franchise property in place, the grantee, if required by the grantor, shall submit to the grantor any instrument, satisfactory in form to the grantor, transferring to the grantor ownership of the franchise property abandoned.

D. At the expiration of the term for which the franchise is granted or upon its revocation or earlier expiration, as provided for herein, in any such case without renewal, extension or transfer, the grantor shall have the right to require grantee to remove, at its own expense, all above-ground portions of the cable television system from all streets and public ways within the city within a reasonable period of time, which shall not be less than one hundred eighty (180) days.

E. Notwithstanding anything to the contrary set forth in this chapter, the grantee may abandon any underground franchise property in place so long as it does not materially interfere with the use of the street or public rights-of-way in which such property is located or with the use thereof by any public utility or other cable grantee.

(Ord. 439 § 2 (1.40), 1996)

5.16.410 - Restoration by grantor—Reimbursement of costs.

In the event of a failure by grantee to complete any work required herein or by any other law or ordinance and if such work is not completed within thirty (30) days after receipt of written notice thereof from grantor or, if more than thirty (30) days are reasonably required therefor, if grantee does not commence such work within such thirty (30) day period and diligently complete the work thereafter (except in cases of emergency constituting a threat to public health, safety or welfare), grantor may cause such work to be done and grantee shall reimburse grantor for the costs thereof within thirty (30) days after receipt of an itemized list of such costs or grantor may recover such costs through the surety bond provided by grantee.

(Ord. 439 § 2 (1.41), 1996)

5.16.420 - Extended operation and continuation of services.

Upon either expiration or revocation of the franchise, the grantor shall have discretion to permit grantee to continue to operate the cable television system for an extended period of time not to exceed twelve (12) months from the date of such expiration or revocation, unless extended by resolution of grantor. Grantee shall, as trustee for its successor-in-interest, continue to operate the system under the terms and conditions of this chapter and the franchise and to provide the regular subscriber service and any and all of the services that may be provided at that time. It shall be the right of all subscribers to continue to receive all available services provided their financial and other obligations to grantee are honored. The grantee shall use reasonable efforts to provide continuous, uninterrupted service to its subscribers, including operation of the system during transitional periods following franchise expiration or termination.

(Ord. 439 § 2 (1.42), 1996)

5.16.430 - Receivership and foreclosure.

A. A franchise granted hereunder shall, at the option of grantor, cease and terminate one hundred twenty (120) days after appointment of a receiver or receivers or trustee or trustees, to take over and conduct the business of grantee, whether in receivership or reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of such one hundred twenty (120) days or unless: (1) such receivers or trustees shall have, within one hundred twenty (120) days after their election or appointment, fully complied with all the terms and provisions of this chapter and the franchise granted pursuant hereto and the receivership or trustees within such one hundred twenty (120) days shall have remedied all the faults under the franchise or provided a plan for the remedy of such faults which is satisfactory to the grantor; and (2) such receivers or trustees shall, within such one hundred twenty (120) days, execute an agreement duly approved by the court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bond by each and every term, provision and limitation of the franchise granted.

B. In the case of a foreclosure or other judicial sale of the franchise property or any material part thereof, grantor may serve notice of termination upon grantee and the successful bidder at such sale, in which event the franchise granted and all rights and privileges of the grantee hereunder shall cease and terminate thirty (30) days after service of such notice, unless: (1) grantor shall have approved the transfer of the franchise, as and in the manner that this chapter provides; and (2) such successful bidder shall have covenanted and agreed with grantor to assume and be bound by all terms and conditions of the franchise.

(Ord. 439 § 2 (1.43), 1996)

5.16.440 - Rights reserved to grantor.

A. In addition to any rights specifically reserved to the grantor by this chapter, the grantor reserves to itself every right and power which is required to be reserved by a provision of any ordinance or under the franchise and the grantee by accepting a franchise hereunder agrees to be bound thereby and to comply with any action or requirement of the grantor in its exercise of any such right or power.

B. The grantor shall have the right to waive any provision of the franchise, except those required by federal or state regulation, if the grantor determines: (1) that it is in the public interest to do so; and (2) that the enforcement of such provision will impose an undue hardship on the grantee or the subscribers. To be effective, such waiver shall be evidenced by a statement in writing signed by a duly authorized representative of the grantor. Waiver of any provision in one instance shall not be deemed a waiver of such provision subsequent to such instance nor be deemed a waiver of any other provision of the franchise unless the statement so relies.

(Ord. 439 § 2 (1.44), 1996)

5.16.450 - Rights of individuals.

A. Grantee shall not deny service, deny access or otherwise discriminate against subscribers, channel users or general citizens on the basis of race, color, religion, national origin, age or sex. Grantee shall comply at all times with all other applicable federal, state and local laws and regulations and all executive and administrative orders, relating to nondiscrimination, including without limitation, Section 51 of the California Civil Code which is incorporated in this section by reference.

B. Grantee shall adhere to the applicable equal employment opportunity requirements of the FCC, state and local regulations, as now written or as amended from time to time.

C. Neither grantee, nor any person, agency or entity shall, without the subscriber's consent, tap or arrange for the tapping of any cable, line or signal input device or subscriber outlet or receiver for any purpose except routine maintenance of the system, detection of unauthorized service, polling with audience participating or audience viewing surveys to support advertising research regarding viewers where individual viewing behavior cannot be identified.

D. In the conduct of providing its services or in pursuit of any collateral commercial enterprise resulting therefrom, grantee shall take reasonable steps to prevent the invasion of a subscriber's or general citizen's right of privacy or other personal rights through the use of the system as such rights are delineated or defined by applicable law. Grantee shall not without lawful court order or other applicable valid legal authority utilize the system's interactive two-way equipment or capability for unauthorized personal surveillance of any subscriber or general citizen.

E. No cable line, wire, amplifier, converter or other piece of equipment owned by grantee shall be installed by grantee in the subscriber's premises, other that in appropriate easements, without first securing any required consent. If a subscriber requests service, permission to install upon subscriber's property shall be presumed.

F. The grantee or any of its agents or employees, shall not sell or otherwise make available to any party for any purpose other than the operation or transfer of the cable system without consent of the subscriber pursuant to state and federal privacy laws:

1. Any list of the names and addresses of subscribers containing the names and addresses of subscribers who request in writing to be removed from such list; and

2. Any list which identifies the viewing habits of individual subscribers, without the prior written consent of such subscribers. This does not prohibit the grantee from providing composite ratings of subscriber viewing to any party.

(Ord. 439 § 2 (1.45), 1996)

Chapter 5.20 - CARD ROOMS

Sections:

5.20.010 - Definitions.

5.20.020 - Identity cards—Required.

5.20.030 - Identity cards—Applications.

5.20.040 - Identity cards—Denial.

5.20.050 - Identity cards—Denial—Appeals.

5.20.060 - Permits and identity cards—Suspension or revocation—Appeals.

5.20.070 - Rules and regulations.

5.20.080 - Public nuisances—Abatement.

5.20.010 - Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Card room" means any space, room or enclosure, furnished or equipped with a table, used or intended to be used, as a card table for the playing of cards, the use of which is available to the public or any portion of the public.

"Employee" means a dealer, manager or any other person directly connected with the operation and supervision of a card table.

"Person financially interested in such business" means and includes any person who shares in the profits of the business on the basis of gross or net revenue.

(Prior code § 5-2.01

5.20.020 - Identity cards—Required.

Each employee shall secure an identity card from the chief of police. Such card shall be valid for one year after the date of issuance and shall be renewed annually.

(Prior code § 5-2.09)

5.20.030 - Identity cards—Applications.

Applications for the identity cards required by the provisions of this chapter shall be submitted in writing under oath and shall contain the past criminal record, if any, of the applicant, a physical description of the applicant and such information as may be deemed by the chief of police to be necessary to determine whether the applicant is a proper person to be issued such identity card. At the time of the filing of such application, the applicant shall submit to fingerprinting by the chief of police.

(Prior code § 5-2.10)

5.20.040 - Identity cards—Denial.

The chief of police shall deny the application for the identity card required by the provisions of this chapter if:

A. The applicant has previously been convicted of any narcotics violation, a felony involving theft or any crime involving moral turpitude within the past ten (10) years; or

B. The applicant is not, in the opinion of the chief of police, a person of good moral character.

(Prior code § 5-2.11)

5.20.050 - Identity cards—Denial—Appeals.

The action of the chief of police in denying an application for the identity card required by the provisions of this chapter on the basis of the applicant not being a person of good moral character shall be subject to an appeal to the council. Notice of such appeal shall be filed in writing with the city clerk within ten (10) days after the denial of the application.

(Prior code § 5-2.12)

5.20.060 - Permits and identity cards—Suspension or revocation—Appeals.

The chief of police shall have the right for cause to suspend, revoke or take possession of any employee's identity card issued pursuant to the provisions of this chapter. Any of the grounds upon which the chief of police shall be required to refuse an initial card room employee's identity card shall also constitute grounds for such suspension or revocation. In addition, the failure of a holder of a card room employee's identity card to comply with the provisions of this chapter shall also constitute grounds for the suspension or revocation of such permit or identity card. Such action of the chief of police shall be subject to an appeal to the council. Notice of such appeal shall be filed in writing with the city clerk within ten (10) days after such suspension or revocation. Upon the failure to file such notice of appeal within such ten (10) day period, the action of the chief of police shall be final and conclusive.

(Prior code § 5-2.13)

5.20.070 - Rules and regulations.

It is unlawful to operate a card room in violation of any of the following rules and regulations:

A. Not more than two card rooms shall be located at any one premises and there shall be not more than five card tables in any one card room.

B. Card rooms shall be located and so arranged that the card tables and players at the card tables shall be plainly visible from the door opening to the card room. No wall, partition, screen or similar structure between the card room door opening and any card table located in the card room shall be permitted if such wall, partition, screen or similar structure interferes with such visibility.

C. No person under the age of twenty-one (21) years shall be allowed in any card room during operating hours.

D. Card rooms may be open seven days a week, twenty-four (24) hours per day; except that in all events the card room shall close for a twenty-four (24) hour period from Sunday at six a.m. until the following Monday at six a.m.

E. All card rooms shall be open to police inspection at all times.

F. All card room doors shall be unlocked and accessible to the general public during operating hours.

G. Operators and employees shall be required to exhibit their permits or identity cards on the demand of any law enforcement officer.

H. It is unlawful to permit or conduct any game of chance in any card room or at any card table prohibited by the laws of the state.

I. It is unlawful to fail to maintain on the outside of all doors leading to any card room a sign not less than six inches by twelve (12) inches on which is printed the words "No person under the age of twenty-one years is permitted in this room."

(Prior code § 5-2.14)

5.20.080 - Public nuisances—Abatement.

Any house or building in which any card room or card table is operated, conducted or maintained in violation of the provisions of this chapter or for the purpose of evading the provisions of this chapter is declared to be a public nuisance and may be abated as such as provided by the laws of the state for the abatement of public nuisances.

(Prior code § 5-2.15)

Chapter 5.24 - OUTDOOR FESTIVALS

Sections:

5.24.010 - Festival defined.

5.24.020 - Licenses—Required.

5.24.030 - Licenses—Applications—Form—Fees.

5.24.040 - Licenses—Applications—Filing.

5.24.050 - Licenses—Applications—Investigations—Hearings—Notices.

5.24.060 - Licenses—Conditions—Bonds.

5.24.070 - Licenses—Issuance—Fees.

5.24.080 - Licenses—Fees—Waivers.

5.24.090 - Licenses—Suspension or revocation.

5.24.100 - Licenses—Nontransferable.

5.24.010 - Festival defined.

For the purposes of this chapter, unless otherwise apparent from the context, "festival" means and includes any gathering of individuals for the purpose of participating in street dances, outdoor "rock" dances and similar musical or theatrical type performances which are of a periodic nature and to which the public is admitted with or without the payment of an admission charge.

(Prior code § 5-5.01)

5.24.020 - Licenses—Required.

Any person desiring to operate, maintain, conduct, advertise or sell or furnish tickets or other types of written authority for admission to a festival within the city shall first obtain a license from the city to operate or conduct such festival.

(Prior code § 5-5.02)

5.24.030 - Licenses—Applications—Form—Fees.

Applications for licenses to conduct festivals shall be made in writing to the council accompanied by a fee of one hundred dollars ($100.00) which shall be subject to waiver as set forth in this chapter, but which, unless waived, shall be a nonrefundable application fee filed with the city clerk. Such application shall contain as much of the following information as the nature of the proposed activity may require:

A. The name, age, residence, mailing address and telephone number of the applicant. If the application is made by a partnership, the names and addresses of all general partners shall be listed. If the application is made by a corporation, the application shall be signed by the president and attested by the secretary thereof, shall contain the names and addresses of all corporate officers and a certified copy of the articles of incorporation shall be attached to the application;

B. The location and the legal description of the place or premises where the festival is proposed to be conducted, including all areas to be used for parking or other uses incidental to the festival. The applicant shall submit proof of ownership of such place or premises or the written consent of the owners thereof for the proposed use;

C. The dates and the hours during which the festival is to be operated;

D. An estimate of the anticipated number of participants, spectators and other persons attending the festival for each day it is conducted;

E. A detailed explanation of the applicant's program and arrangements for security, public safety, water supply, food supply, sanitation facilities, emergency medical services, vehicle access and parking facilities, on-site traffic control, overnight accommodations in the event participants or spectators are expected to remain in the area for more than one day, lighting the festival areas and the cleanup of the festival areas and removal of rubbish after the festival ends; and

F. A detailed explanation of the applicant's plan for police protection during the festival, with particular emphasis on the control of the illegal use of alcohol and drugs.

(Prior code § 5-5.03)

5.24.040 - Licenses—Applications—Filing.

The application required by the provisions of this chapter shall be filed with the city clerk at least thirty (30) days prior to the date of the proposed festival. The city clerk shall review the application and, if complete, shall submit it to the council at its next regular meeting. No license shall be issued by the city clerk until he or she is authorized to do so by resolution of the council made at a regular meeting of the council.

(Prior code § 5-5.04)

5.24.050 - Licenses—Applications—Investigations—Hearings—Notices.

A. Hearings—Time—Notices. Upon the receipt of the application and fee, if applicable, for the license required by the provisions of this chapter, the council shall set a time and date for a public hearing to be held at a regular meeting of the council not less than five days and not more than thirty (30) days, thereafter, but in no case less than fifteen (15) days prior to the proposed festival and shall notify the applicant of the hearing not less than five days prior to the time and date of the proposed hearing.

B. Investigations and Reports. The chief of police shall be directed to investigate the matter and to report in writing to the council the results of his or her investigation and his or her recommendations prior to the public hearing.

C. Notices to County and State Agencies. Copies of the application and notice of hearing shall be forwarded to the county sheriff and health officer and to the Highway Patrol of the state for their information.

D. Hearings—Decisions. The council, at the scheduled public hearing, shall consider all documents submitted and such further matter that may be presented and shall thereafter take appropriate action to either refuse to issue the license, grant the license without conditions imposed or impose conditions which shall be met before the license may be granted.

(Prior code § 5-5.05)

5.24.060 - Licenses—Conditions—Bonds.

A. Conditions. If conditions are imposed by the council upon the issuance of the license required by the provisions of this chapter, the applicant shall furnish to the city clerk proof that all such conditions have been met and that the required security, if any, has been given before the license may be issued by the city clerk.

B. Bonds. The security which the council may require may include the posting of an indemnity bond and/or performance bond in favor of the city in connection with the operation of the festival. Such bond shall be prepared by a corporate bonding company authorized to do business in the state by the Department of Insurance in an amount determined by the council. The bond shall indemnify the city and its council, agents, officers and employees against any and all losses, damages or injuries to either persons or property which may arise from the operation of the festival and shall further indemnify the city and owners of property affected by the operation of the festival against the costs of the cleanup and removal of debris and rubbish attributable to the festival activity.

(Prior code § 5-5.06)

5.24.070 - Licenses—Issuance—Fees.

Upon determining that the council has authorized the issuance of the license required by the provisions of this chapter and that all the conditions, if any, have been met, the city clerk shall collect a fee of one hundred fifty dollars ($150.00) per day for each day the festival is to be conducted, unless such fee is waived by the council and shall issue a license to the applicant for the dates and locations the council has approved and authorized.

(Prior code § 5-5.07)

5.24.080 - Licenses—Fees—Waivers.

The application and license fees required by the provisions of this chapter may be waived at the discretion of the council for a neighborhood or community benefit organization or for an organization having a charitable, religious or eleemosynary purpose provided the net proceeds from the operation of the festival do not inure to the benefit of any person.

(Prior code § 5-5.08)

5.24.090 - Licenses—Suspension or revocation.

A. Suspension. The chief of police may suspend the operation of and close any festival prior to the expiration of the license issued pursuant to the provisions of this chapter in the event of the occurrence of a riot, major disorder or serious breach of the peace when, in his or her opinion, it may become necessary to prevent injuries to persons or property.

B. Revocation. The council shall have the right to immediately revoke any license issued pursuant to the provisions of this chapter if:

1. The licensee fails, neglects or refuses to perform any of the conditions imposed upon the granting of the license;

2. The licensee permits the festival to be conducted in a disorderly manner or permits any person to remain on the premises while under the influence of liquor or drugs;

3. The licensee violates or attempts to violate the laws of the state, the county or the city; or

4. The licensee makes or is found to have made, a false or fraudulent statement of material fact in the application for the license or in the documents required to be submitted pursuant to the provisions of this chapter.

C. Revocation—Notices. Written notice of such revocation shall be forwarded by the city clerk to the chief of police and to the licensee at the address shown in the application. Such revocation shall be effective immediately upon the order being made by the council.

(Prior code § 5-5.09)

5.24.100 - Licenses—Nontransferable.

No license issued pursuant to the provisions of this chapter shall be transferred to any person or to any location not specified in the application and approved by the council.

(Prior code § 5-5.10)

Chapter 5.28 - TAXICABS AND VEHICLES FOR HIRE

Sections:

5.28.010 - Definitions.

5.28.020 - Certificates of public convenience and necessity.

5.28.030 - Licenses—Issuance—Fees.

5.28.040 - Drivers' permits.

5.28.050 - Insurance.

5.28.060 - Vehicles—Maintenance and inspections.

5.28.070 - Vehicles—Replacement.

5.28.080 - Vehicles—Identification.

5.28.090 - Rate schedules.

5.28.100 - Fares.

5.28.110 - Service mandatory.

5.28.120 - Passengers.

5.28.130 - Routes.

5.28.140 - Appeals.

5.28.150 - Violation—Penalty.

5.28.010 - Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Driver" means any person in charge of or operating a taxicab or motor vehicle for hire, either as an owner or employee or under the direction of the owner or another employee. "Driver" shall not include the hirer of a U-drive type vehicle.

"Motor vehicle for hire" means a motor-propelled vehicle, other than a taxicab, used for the transportation of persons along public streets, not over definite routes at fixed times, for which transportation a money fee is paid or is contracted to be paid, whether or not a driver is furnished with such vehicle and shall include the rental of U-drive vehicles and vehicles used only for the transportation of passengers and parcels from and to public carrier stations.

"Owner" means every person who in any manner has the proprietary use, ownership or control of any passenger-carrying motor-propelled vehicle.

"Stand" means a place upon a public street for the use of the particular taxicabs authorized to utilize such stand while awaiting employment.

"Taxicab" means a motor-propelled vehicle used for the transportation of passengers for hire over and along public streets not over a defined route but, as to route and destination, in accordance with and under the direction of the person hiring such vehicle and which is required by the provisions of this chapter, with a visible schedule of rates for the use of such taxicab.

(Prior code § 4-4.01)

5.28.020 - Certificates of public convenience and necessity.

A. Required. No license to operate vehicles for hire shall be issued unless and until the council, by resolution, declares that the public convenience and necessity will be served by the issuance of the license applied for and authorizes the issuance of a certificate of public convenience and necessity. Such certificates of public convenience and necessity shall be subject to the terms and conditions set forth in this section.

B. Applications. It is unlawful for any person to engage in the business of operating or causing to be operated, a taxicab or motor vehicle for hire in the city without first making an application to the council. Such application insofar as is applicable to the type of certificate sought to be obtained, shall set forth the following:

1. The name, residence and business address of the applicant, if a natural person or, if a firm, association or partnership, the name and address of such firm, association or partnership and the names and addresses of all members. If the application is made on behalf of a corporation, the name and address of such corporation and the names and residences of the officers and local manager, if any and the names and addresses of any person owning more than twenty (20) percent of the voting stock of the corporation;

2. The nature of the business and the fictitious name, if any, under which the business is proposed to be operated;

3. The number of vehicles for which a certificate of public convenience and necessity is desired and the specific type of business in which such vehicles are proposed to be used;

4. The make, type, year of manufacture and passenger accommodating capacity for each vehicle for which an application for a certificate is made, assigning a specific number to each such vehicle;

5. A statement as to whether or not the applicant or any officer of the applicant, has been convicted of any crime, misdemeanor or felony or any violation of any municipal law or state law other than minor traffic and parking offenses, the nature of the offense and the punishment or penalty assessed therefor;

6. The exact location of any taxicab stand which the applicant requests permission to use;

7. The schedule of rates or fares to be charged; and

8. Such other information as the council may require for the proper police protection of the city.

C. Issuance. If the council, after reviewing the application by resolution finds that the public convenience and necessity require or will admit the additional service of the type applied for a certificate to that effect shall be issued to the persons entitled to the certificate upon all the provisions of this chapter having been met. The council, in its discretion, shall determine the total number of vehicles which may be licensed and operated under such certificate and the date of the issuance thereof.

No certificate authorized pursuant to the provisions of this chapter shall be issued to any person who shall not have fully complied with all of the provisions of this chapter.

D. Revocation, Suspension and Changes. The council at any time may revoke, suspend or change, after proper notice and an opportunity of hearing given to the holder thereof, the certificate of public convenience and necessity granted if the owner or a driver fails to operate a vehicle authorized by the provisions of this chapter in accordance with such provisions or if the council determines such revocation, suspension or change to be in the public interest. All certificates suspended or revoked

by the council shall be surrendered to the city clerk and the operation of all taxicabs or motor vehicles for hire covered by such certificates shall cease.

E. Sales and Transfers. If an owner to whom a certificate of public convenience and necessity has been issued desires to sell or transfer his or her business, the intended buyer or transferee shall make an application for a certificate of public convenience and necessity as required by the provisions of this chapter. Such application shall be accompanied by a statement of the seller of his or her intention to surrender and cancel the certificate and licenses held by such seller conditionally upon and concurrently with, the consummation of such sale and the issuance of a replacement certificate and license in the name of the buyer. If a buyer/applicant or transferee/applicant for a certificate of public convenience and necessity meets all of the provisions set forth in this chapter for the issuance of the type of certificate sought, the council shall issue a new certificate to the applicant and concurrently therewith shall cancel the certificate of the seller.

F. Sales, Leases and Transfers without Approval. If the owner or person to whom a certificate of public convenience and necessity, license or permit has been issued pursuant to the provisions of this chapter sells, leases, rents or transfers or attempts to sell, lease, rent or transfer, any such certificate, license or permit in any manner other than as set forth in this chapter, such seller, lessor, renter or transferor and any person knowingly attempting to receive such certificate, license or permit or benefit in any such actual or attempted sale, lease, rental or transfer shall be deemed guilty of a misdemeanor and shall be subject to the revocation and cancellation of the certificate, license or permit involved.

(Prior code § 4-4.02)

5.28.030 - Licenses—Issuance—Fees.

Upon the issuance of a certificate of public convenience and necessity by the council to an applicant, the city clerk shall cause a license to be issued for each taxicab or motor vehicle for hire authorized by such certificate upon the payment of the license fee required by this section. A minimum license fee of twenty-five dollars ($25.00) per year for each vehicle authorized in such certificate is levied. Such amount may be changed from time to time by the council by resolution. The license fee shall be payable annually on July 1st of each year and shall not be subject to apportionment.

(Prior code § 4-4.03)

5.28.040 - Drivers' permits.

A. Required. No person shall operate or drive a taxicab without first having obtained a written permit or license to do so from the chief of police.

B. Applications. To secure a driver's permit as required by the provisions of this chapter, a written application setting forth complete information on the applicant with respect to those matters dealt with in this chapter and such other information as the chief of police may desire shall be filed with the chief of police.

C. Denial—Revocation. The chief of police may refuse to issue a driver's permit and may revoke a permit already granted for any of the following reasons:

1. If the applicant is under eighteen (18) years of age;
2. If the applicant does not possess a valid Class 3 driver's license issued by the state;
3. If the applicant has been convicted of reckless driving or a crime involving moral turpitude or has had repeated traffic violations;

4. If the applicant has been convicted of driving while under the influence of intoxicating liquors or narcotics;

5. If the applicant violates any of the provisions of this chapter; and

6. If the applicant is unable to produce at any time a certificate from a duly licensed physician stating that the driver's physical condition is such that, in the opinion of such physician, the possibility of such driver being involved in an accident by reason of his or her physical condition is negligible; that is, that there is no reason to believe that such driver is more susceptible to accidents by reason of any physical disability or condition, injury, sickness or disease than such driver would be were he or she in perfect physical condition.

D. Issuance—Fingerprints. If an applicant for a driver's permit meets all of the requirements set forth in this chapter, expressed or implied, such applicant shall be fingerprinted and the fingerprints and records shall be filed in the office of the police department. Thereupon, a permit shall be issued.

E. Change of Employment. If a driver changes his or her employment to employment by a different owner, within twenty-four (24) hours after such change in employment, he or she shall notify the chief of police for the purpose of having his or her driver's permit changed so as to properly designate the name of the new employer.

F. Renewal. A driver's permit issued pursuant to the provisions of this chapter shall be valid for one year after the date of issuance, unless the permit has been revoked for any of the causes set forth in this chapter. The driver, in making an application for a permit renewal, shall follow the same procedure set forth for making an original application, except that such applicant shall not be required to be fingerprinted.

G. Posting. Any applicant receiving a driver's permit pursuant to the provisions of this chapter shall display such permit in the front portion of the operating vehicle in a place in plain view to all occupants and inspectors and such permit shall be displayed at all times when the vehicle is in operation.

(Amended during 2004 codification; prior code § 4-4.04)

5.28.050 - Insurance.

It is unlawful for any owner or operator to drive or operate a taxicab or rent a motor vehicle for hire or cause a taxicab or motor vehicle for hire to be driven or operated in the city and no license for the operation thereof shall be granted, until there is on file with the city clerk and in full force and effect at all times during which such vehicle is being operated, a policy of insurance, approved as to form by the city attorney, with a solvent and responsible company authorized to do business in the state, insuring the owner and operator of such vehicle and the city, as co-insured to the extent of any insurable interest, obligations or risk to the city, against loss by reason of injuries or damages which may result to persons or property from the faulty or negligent operation or defective construction or condition of such vehicle or from any other cause whatsoever. Each vehicle shall be designated by number and state license number. Such insurance shall be with limits of not less than one hundred thousand dollars ($100,000.00) for injuries to one person and not less than three hundred thousand dollars ($300,000.00) for injuries to more than one person and not less than fifty thousand dollars ($50,000.00) for damages to property. Such insurance amounts may be adjusted from time to time by the council by resolution. No such insurance policy shall be cancelable, except upon thirty (30) days' advance written notice to the city.

(Prior code § 4-4.05)

5.28.060 - Vehicles—Maintenance and inspections.

A. Safety and Sanitation Required. All taxicabs and motor vehicles for hire shall be under the supervision and control of the council and no owner or driver shall operate or permit any such vehicle to be operated in the city while any equipment used thereon shall be defective, unsafe or in an unsanitary condition.

B. Inspections. Every such vehicle shall be subject to inspection at all times by any police officer of the city.

C. Noncompliance—Suspension of Licenses. The council shall suspend without previous notice any taxicab or motor vehicle for hire license granted pursuant to the provisions of this chapter whenever the owner or driver violates any of the provisions of this section.

D. Noncompliance—Suspension of Licenses—Appeals. The owner of the vehicle, the license of which has thus been suspended, within thirty (30) days after such suspension, may appeal from such order of suspension to the council which, after due notice to the owner, shall hear and determine the matter and the decision of the council thereon shall thereupon become final. The council, in such decision, may order a continued suspension of such license until such time as the vehicle shall be restored to a safe or sanitary condition.

(Prior code § 4-4.06)

5.28.070 - Vehicles—Replacement.

If an owner sells or transfers the title to a taxicab or motor vehicle for hire for which a license has been issued or in the event a vehicle for which a license has been issued has been destroyed, the owner, as a matter of right, upon a written application to the city clerk made within forty-five (45) days after such sale, transfer or destruction, shall be entitled to have a new license issued for the taxicab or motor vehicle for hire replacing the one so sold, transferred or destroyed; provided, however, no license or certificate issued pursuant to the provisions of this chapter shall be transferable with vehicles sold or transferred. If a taxicab is withdrawn from service for a period of sixty (60) days without written permission from the council being first secured, the license for such taxicab shall be automatically cancelled and the number of taxicabs authorized by the certificate of the owner shall thereafter be reduced by one or more, as the case may be.

(Prior code § 4-4.07)

5.28.080 - Vehicles—Identification.

Any vehicle operated pursuant to the provisions of this chapter shall be marked on the front doors of both sides of the vehicle with the name of the company and telephone number, if applicable, in clear print with letters not less than three inches in height.

(Prior code § 4-4.08)

5.28.090 - Rate schedules.

A. Filing. Each person engaging in a taxicab or motor vehicle for hire business in the city shall at all times keep on file with the city clerk an up-to-date schedule of rates charged for the services provided the public and no person shall demand or charge any rate for such services which does not conform to the schedule of rates currently on file.

B. Changes—Filing. Such rates shall not be changed or modified in any manner without first filing such changed or modified rates with the council fifteen (15) days prior to the effective date of such change or modification.

C. Posting. All owners and operators of taxicabs shall keep posted in a conspicuous place in the passenger compartment of each vehicle operated the schedule of fares chargeable for the use of such vehicle. It is unlawful to change the schedule of fares so posted unless and until a new schedule of fares has been filed in accordance with the provisions of this chapter.

(Prior code § 4-4.09)

5.28.100 - Fares.

A. Payment. It is unlawful for any person, except where credit is extended, to refuse to pay the lawful fare fixed by the provisions of this chapter for the use of any taxicab or motor vehicle for hire after hiring such taxicab or motor vehicle.

B. Receipts. If requested, every driver shall give a receipt upon the payment of the correct fare.

C. Overcharging. No driver shall charge a passenger a greater fare than that to which he or she is entitled pursuant to the provisions of this chapter.

(Prior code § 4-4.10)

5.28.110 - Service mandatory.

It is unlawful for any driver, when the vehicle is in service and not otherwise engaged, to refuse to transport any person who presents himself or herself or is presented for carriage, in a sober and orderly manner and for a lawful purpose.

(Prior code § 4-4.11)

5.28.120 - Passengers.

A. Receiving and Discharging. Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall drive as near as possible to the right-hand sidewalk or, in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers.

B. Overloading. No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of such vehicle. A child in arms shall not be counted as a passenger.

(Prior code § 4-4.12)

5.28.130 - Routes.

A. Direct. Any driver employed to transport passengers to a definite point shall take the most direct route which will take the passengers to their destination safely and expeditiously.

B. Passengers With Different Points of Destination. It is unlawful for any taxicab driver to accept passengers with different points of destination, except from a common point of origin and unless such points of destination shall be in the same general direction from the point of origin.

C. Passengers With Different Points of Destination—Effect of Points of Discharge. It is unlawful for any driver to permit any other person to occupy or ride in a taxicab, unless the persons first employing the taxicab shall first consent to the acceptance of the additional passengers. When carrying passengers whose points of destination are different, the point of discharge shall become the point of

origin for the next passenger and that passenger's point of discharge shall become the point of origin for the next passenger and so forth and each fare shall be collected accordingly.

(Prior code § 4-4.13)

5.28.140 - Appeals.

Any applicant, owner, driver or permittee shall have the right to appeal to the council from the decision or action or failure to act, of any city agent, officer or employee. Such appeal shall be in writing and shall be filed with the city clerk within thirty (30) days after the act or until the failure to act after a request therefor, from which the appeal is taken. The decision of the council shall be final. Such proceedings shall be informal and need not be reported, nor need any finding of fact or written decision be made or filed.

(Prior code § 4-4.14)

5.28.150 - Violation—Penalty.

Any person violating any provision of this chapter shall be punishable as set forth in Chapter 1.24 of this code. In addition, the council may revoke the license or permit issued as provided in this chapter of any person violating any provision of this chapter.

(Prior code § 4-4.15)

Title 6 - ANIMALS

Chapters:

Chapter 6.04 - GENERAL PROVISIONS

Chapter 6.08 - DOGS

Chapter 6.12 - KENNELS

Chapter 6.16 - BIRD SANCTUARY

Chapter 6.20 - LIMITATIONS ON NUMBER OF ANIMALS

Chapter 6.04 - GENERAL PROVISIONS

Sections:

6.04.010 - Definitions.

6.04.020 - Poundmaster—Duties.

6.04.030 - Poundmaster—Bond.

6.04.040 - Animals—Impounded—Redemption.

6.04.050 - Dogs and animals—Impounded—Disposition—Records.

6.04.060 - Enforcement.

6.04.070 - Funds.

6.04.080 - Violation—Penalty.

6.04.010 - Definitions.

For the purposes of this title, unless otherwise apparent from the context, certain words and phrases used in this title are defined as follows:

"Dog" means any domesticated animal of the canine family, including domesticated coyotes, wolves and other wild species of the canine family.

"Dog license" means the license required to be issued annually for each individual dog.

"Dog license collector" means the city clerk or any authorized deputy or the agricultural commissioner of the county when there shall exist a contract between the county and the city for the enforcement of the provisions of this title within the city by the county and its officers.

"Health officer" means the health officer of the city or any authorized deputy or the director of health, health officer or any duly authorized deputy of the health department of the county when the contract between the county and the city referred to this section is in effect.

"Kennel license" means an annual license issued to the owner or proprietor of a kennel where there is maintained more than five dogs for breeding, training, treating, sale or other commercial purpose.

"Owner" means any person who owns, controls, harbors or keeps in his or her possession any dog over the age of four months.

"Poundmaster" means the poundmaster of the city or any authorized deputy or the poundmaster of the county when the contract between the county and the city referred to in this section is in effect.

(Prior code § 6-1.01)

6.04.020 - Poundmaster—Duties.

The duties of the poundmaster shall be as follows:

A. To enforce all the provisions of this title and all the laws of the state relating to the issuance of licenses, the impounding and destroying of unlicensed dogs and the impounding of animals and licensed dogs found unlawfully running at large in the city;

B. To destroy all dogs and other animals not redeemed by any person as provided in this chapter;

C. To maintain and keep a pound or other place where dogs and other animals may be kept under restraint in a proper and sanitary manner and to feed and keep in a humane manner all impounded dogs and other animals;

D. To take up and impound any horse, mule, ass, kine, hog, sheep, goat or other animal which may be found in or upon any public street, alley or public grounds, unless the animal is securely fastened with a tether not exceeding four feet in length; provided, however, the poundmaster shall not impound any such animal which is in the immediate charge of any person;

E. To keep a register in which he or she shall enter in numerical order a full description of each dog and animal impounded, together with all natural and artificial marks and brands, including the time when and the place where taken;

F. To remove the carcass of any horse, mule, ass, kine, hog, sheep, goat, dog, cat or other animal that may be found in or upon any public street, alley or other public grounds and, if the carcass is unclaimed by the owner thereof, to dispose of the carcass; and

G. To cooperate with the health officer for the prevention of rabies and the quarantine of all dogs suspected of having rabies and, with the consent of the owner and upon the certificate of a qualified physician or veterinarian, to destroy any dog forthwith which is infected with rabies.

(Prior code § 6-1.02)

6.04.030 - Poundmaster—Bond.

The poundmaster, upon the date of his or her appointment and thereafter upon his or her reappointment, shall give a bond to the city in the penal sum of one thousand dollars ($1,000.00).

(Prior code § 6-1.03)

6.04.040 - Animals—Impounded—Redemption.

Any animal, other than a dog, taken up and impounded pursuant to the provisions of this chapter may be redeemed by the owner thereof within the periods set forth in the Food and Agricultural Code of the state. If not redeemed, such animal shall be disposed of as provided in the Food and Agricultural Code.

(Amended during 2004 codification; prior code § 6-1.12)

6.04.050 - Dogs and animals—Impounded—Disposition—Records.

Whenever any impounded dog or other animal has been redeemed, the poundmaster shall enter in his or her register under the same number as its description the date it was redeemed, by whom and the total costs and expenses, specifying each item charged and unpaid. Whenever any impounded dog or other animal has been sold, the poundmaster shall enter in his or her register under the same number as its description the date it was sold, to whom, the price and the total costs and expenses, specifying each item charged and unpaid. Such register may be examined and copied free of charge at all reasonable hours.

(Prior code § 6-1.13)

6.04.060 - Enforcement.

The council shall from time to time make such provisions as shall be proper for the expenses incident to the enforcement of the provisions of this chapter, for transportation facilities for the poundmaster and for the expense of impounding, feeding and disposing of dogs and other animals.

(Prior code § 6-1.17)

6.04.070 - Funds.

The poundmaster shall pay to the dog license collector all fees, costs and mileage collected by him or her in the discharge of his or her duties and the dog license collector shall pay all license fees collected and all fees, costs and mileage collected by him or her from the poundmaster into the general fund of the city or into the county treasury when the contract between the county and the city referred to in Section 6.04.010 of this chapter is in effect.

(Prior code § 6-1.18)

6.04.080 - Violation—Penalty.

It shall be a violation of the provisions of this chapter and punishable as set forth in Chapter 1.24 of this code for any person to violate any of the provisions of this chapter or to commit any of the following acts:

A. If unauthorized, to remove from any dog any collar, harness or other device to which a license tag for the current year is attached or to remove such license tag therefrom;

B. To attach to or keep upon or cause or permit to be attached to or kept upon, any dog, any license tag issued pursuant to the provisions of this chapter except the tag issued for such dog or to attach to or keep upon or cause or permit to be attached to or kept upon, any dog or to make or cause or permit to be made or to have in possession, any counterfeit or imitation of any tag provided for by this chapter;

C. To have, harbor, control or keep or cause or permit to be harbored or kept, any unlicensed dog or to maintain, conduct or operate or cause or permit to be maintained, conducted or operated, any unlicensed dog kennel;

D. For any person owning or having in his or her possession any dog to cause, permit or allow the dog to be in or upon any public street, alley or other public grounds or place unless the dog is under the immediate charge of a person and securely restrained with a leash not in excess of five feet; and

E. To interfere with, oppose or resist the poundmaster or any other person authorized pursuant to the provisions of this chapter to take up and impound dogs and other animals, while the poundmaster or such other person is engaged in the performance of any act authorized by this chapter.

(Prior code § 6-1.19)

Chapter 6.08 - DOGS

Sections:

6.08.010 - Licenses—Applications—Tags.

6.08.020 - Licenses—Fees—Delinquencies—Penalties.

6.08.030 - Licenses—Terms.

6.08.040 - Licenses—Tags—Use.

6.08.050 - Licenses—Tags—Duplications—Fees.

6.08.060 - Vaccinations.

6.08.070 - Impounding.

6.08.080 - Impounded—Redemption—Fees.

6.08.090 - Rabies symptoms.

6.08.010 - Licenses—Applications—Tags.

A. The dog license collector is authorized and directed to have prepared suitable application blanks and license tags to be issued to the owners of dogs.

B. Such license tags shall be metallic and shall have a stamp thereon bearing the name of the city or the name of the county when the contract referred to in Section 6.04.010 of this title is in effect and the year of their issuance. The tags shall be numbered serially and each tag shall have its number stamped thereon. Each owner of a dog shall pay to the dog license collector the fees required by the provisions of this chapter within the time provided and shall procure the license and tag and attach the tag to a collar to be permanently worn by the dog for which such license was issued.

C. The application forms shall bear the name, address and telephone number, if any, of the owner of the dog, the name of the dog, if any and the age, sex, color and breed of the dog for which such license is applied. The application shall be signed by the owner or his or her duly authorized agent. Upon the issuance of the license, the dog license collector shall endorse upon the application the number of the license tag issued in pursuance thereof and all such applications so endorsed shall be filed in the office of the dog license collector.

D. It is made the duty of the dog license collector to collect in advance of the issuance of such license the fees required by Section 6.08.020 of this chapter.

(Prior code § 6-1.04)

6.08.020 - Licenses—Fees—Delinquencies—Penalties.

A. Fees. The owner of any dog over the age of four months shall procure annually a license for such dog between January 1st and April 30th of each year and shall pay two dollars ($2.00) as a license fee.

B. Delinquencies—Penalty Fees. Any person failing to procure and pay for such license before April 30th of any year shall pay an additional sum of two dollars ($2.00) as a penalty for such failure.

C. Delinquencies—Penalty Fees—Exceptions. The additional penalty fee provided for in subsection B of this section shall not apply to the owner of any such dog who brings such dog into the city after April 30th; nor shall such penalty apply in any case where such dog has not arrived at the age of four months on or prior to April 30th if such owner shall procure such license within ten (10) days after such dog shall have attained the age of four months.

(Prior code § 6-1.05)

6.08.030 - Licenses—Terms.

The license required by the provisions of this chapter shall be issued upon the payment of the fees required for the period commencing January 1st or on the date of such issuance, of each year and no license shall be issued for any other period. Such licenses shall be valid for the calendar year in which issued and thereafter shall be void.

(Prior code § 6-1.06)

6.08.040 - Licenses—Tags—Use.

The license tag required by the provisions of this chapter shall at all times be attached to the collar of the dog for which it was issued. Any owner who shall wilfully fail, neglect or refuse to attach such tag to such dog after having procured the tag and to keep the tag attached to such dog at all times while such license is in force, shall be in violation of the provisions of this chapter and shall be punishable as set forth in Chapter 1.24 of this code.

(Prior code § 6-1.07)

6.08.050 - Licenses—Tags—Duplications—Fees.

In the event a license tag shall be lost from any dog for which the tag was issued, the owner, within ten (10) days thereafter, shall procure a new license for such dog for a fee of twenty-five cents ($0.25). License tags shall be so replaced as often as they are lost. Any owner who shall fail to apply for a new license tag within ten (10) days after the date of the loss of the license tag shall be in violation of the provisions of this chapter and shall be punishable as set forth in Chapter 1.24 of this code.

(Prior code § 6-1.08)

6.08.060 - Vaccinations.

When rabies have been declared endemic in the city by proper authorities, it is unlawful for any person owning or having an interest in a dog to cause, permit or allow such dog to be in or upon any public street, alley or other public grounds or place, whether or not restrained by a leash, unless such dog has been vaccinated with a canine rabies vaccine approved by the health officer. The vaccination tag shall at all times be attached to the collar of the dog for which it is issued.

(Prior code § 6-1.09)

6.08.070 - Impounding.

A. Any dog having no license tag attached to its collar, whether a license shall have been issued for it or not, shall be captured and impounded by the poundmaster. The poundmaster is also authorized and empowered to capture and impound any dog not vaccinated and licensed as provided for by this

chapter or not wearing the official vaccination tag as required by this chapter and which is found going free or running at large in or upon any place within the city.

B. An impounded unlicensed dog shall be kept and maintained by the poundmaster for a period of seventy-two (72) hours, after which, if the dog is not redeemed or otherwise disposed of, it shall be humanely destroyed by the poundmaster. If the dog carries a license, the poundmaster shall keep and maintain the dog for a period of seven days and shall notify the owner thereof of the impounding, either personally or by registered mail, after which, if the dog is not redeemed or otherwise disposed of, it shall be humanely destroyed by the poundmaster.

(Prior code § 6-1.10)

6.08.080 - Impounded—Redemption—Fees.

A. Any dog taken up and impounded pursuant to the provisions of this chapter may be redeemed by the owner thereof within the periods set forth in Section 6.08.070 of this chapter upon the payment by such owner of all license fees due, plus the sum of fifteen cents ($0.15) per day for keeping and feeding the dog, the additional sum of ten cents ($0.10) for each mile necessarily and actually traveled by the poundmaster in pursuing, capturing and impounding the dog and a redemption fee of one dollar ($1.00) for the redemption of the dog.

B. When rabies have been declared endemic in the city, any dog so impounded which does not show evidence satisfactory to the health officer of rabies immunization shall not be returned to the owner or legal custodian thereof without first having been immunized for rabies to the satisfaction of the health officer. Such immunization shall be at the sole cost and expense of the owner or person claiming the redemption of the dog.

(Prior code § 6-1.11)

6.08.090 - Rabies symptoms.

It shall be the duty of any owner of a dog to immediately notify the health officer and the poundmaster of any symptoms or acts of such dog which would lead a reasonable person to suspect that the dog has rabies. It shall thereupon be the duty of the health officer to quarantine the dog. The owner shall thereafter abide by all proper orders for the protection of the public and other dogs from infection by confining the dog and tying it for a period of three weeks, during which time the owner shall allow the health officer to make an inspection or examination. If it shall appear to the health officer upon examination that the dog has rabies, the poundmaster is authorized to kill the dog forthwith.

(Prior code § 6-1.14)

Chapter 6.12 - KENNELS

Sections:

6.12.010 - Licenses—Fees.

6.12.020 - Construction.

6.12.010 - Licenses—Fees.

A. Every person owning or controlling a kennel or place where more than five dogs are kept for breeding, training, treating, sale or other commercial purposes shall pay an annual license fee of five dollars ($5.00) for such kennel, which shall include the license fee for all dogs regularly kept in such kennel. Such license fee shall be paid between December 15th and February 1st of the year next ensuing and shall be the license fee for such kennel for a period of one year commencing January 1st. If such license fee is paid after February 1st, the annual license fee shall be ten dollars ($10.00) for such delinquency. License fees for the operation of new kennels shall be paid within thirty (30) days after the new operation is commenced and shall be five dollars ($5.00).

B. Any person who shall refuse to apply for and pay for such license as required by the provisions of this section shall be in violation of the provisions of this chapter and shall be punishable as set forth in Chapter 1.24 of this code.

C. No kennel license shall be issued until the poundmaster shall have first issued a certificate that the kennel is being operated or is to be operated pursuant to the provisions of this chapter and such certificate shall be presented to the dog license collector with an application for such kennel license.

D. Whenever a dog not theretofore licensed is removed from any such kennel, the owner thereof shall forthwith apply for and obtain an annual license as required by the provisions of this chapter.

(Prior code § 6-1.15)

6.12.020 - Construction.

All kennels or other places where dogs are kept for breeding, training, treatment, sale or other commercial purposes shall be so constructed as to prevent the dogs confined therein from running at large off the premises where the kennel is maintained and shall be constructed, operated and maintained in a sanitary and proper manner so that the kennel will not become a nuisance to the neighborhood. No dog shall at any time be taken from the premises where such kennel is operated, except dogs permanently removed and licensed as provided in this chapter and licensed dogs removed by their owners. Any owner of a kennel or his or her agents or employees, who shall otherwise run or take dogs off the premises of the kennel or permit them to be run or be taken therefrom, shall be in violation of the provisions of this chapter and shall be punishable as set forth in Chapter 1.24 of this code.

(Prior code § 6-1.16)

Chapter 6.16 - BIRD SANCTUARY

Sections:

6.16.010 - Designated—Posting of signs.

6.16.020 - Molesting wild birds.

6.16.030 - Control of birds declared nuisances.

6.16.010 - Designated—Posting of signs.

The city is designated a bird sanctuary and signs bearing the legend "Colfax Is a Bird Sanctuary" shall be placed at appropriate locations at or near the city limits at principal entrances to the city.

(Prior code § 5-1.01)

6.16.020 - Molesting wild birds.

No person shall shoot or trap any species of wild birds within the city and no person shall molest or damage the nest or the eggs of any wild bird within the city.

(Prior code § 5-1.02)

6.16.030 - Control of birds declared nuisances.

If the council, the chief of police or the animal control officer shall determine that birds which are unprotected by federal or state statutes have become so numerous in any particular location or area as to become a public nuisance or, for any other reason, have become a public nuisance or a menace to health or property, such fact may be declared and such birds may be destroyed or otherwise controlled by such method as shall be determined by the council, the chief of police or the animal control officer.

(Prior code § 5-1.03)

Chapter 6.20 - LIMITATIONS ON NUMBER OF ANIMALS

Sections:

6.20.010 - Agricultural zoned properties.

6.20.020 - Properties zoned other than Agricultural.

6.20.030 - Exemptions.

6.20.040 - Penalties for violation.

6.20.010 - Agricultural zoned properties.

A. Large-sized Animals, Such as Horses, Bulls, Cows, Llamas, Alpacas, Etc.

1. No large animals on parcels of less than two acres;
2. One large animal on parcels larger than two acres and smaller than four acres;
3. A maximum of two large animals on parcels of four to six acres;
4. Not more than one large animal for every three acres, for parcels of seven or more acres in size.

B. Medium-sized Animals, Such as Sheep, Goats, Pigs, Etc.

1. No medium-sized animals on parcels less than two acres in size;
2. Not more than five medium-sized animals on parcels larger than two acres and less than four acres;
3. Not more than ten (10) medium-sized animals on parcels of between four and six acres in size;
4. Not more than five such medium-sized animals for each acre, for parcels of seven or more acres in size.

C. Small-sized Animals, Such as Rabbits, Small Commercial Fur Animals, Chickens and Small Fowl Other Than Turkeys, Pea Fowl and Guinea Fowl.

1. Not more than fifteen (15) small-sized animals on parcels of one acre or less;
2. Not more than thirty (30) small-sized animals on parcels of two or less acres in size;
3. For parcels of three or more acres in size, not more than fifty (50) small-sized animals for each three acres or fraction thereof.

(Ord. No. 519, 8-8-2012)

6.20.020 - Properties zoned other than Agricultural.

A. Dogs and Cats. No more than two dogs and two cats over four months of age are allowed on properties zoned other than agricultural. Non-domesticated (wild/feral) dogs and cats are prohibited.

B. Chickens and Rabbits. Chickens and rabbits will be allowed only on residential parcels one-third of an acre or more in size and only upon the issuance of an administrative permit. Roosters are prohibited.

(Ord. No. 519, 8-8-2012)

6.20.030 - Exemptions.

A. Temporary animal rescue centers are exempt from these limitations.

B. Animal sales and service type uses, as defined in Chapter 17.12 of the Colfax Municipal Code, are exempt from these limitations.

C. Service animals are exempt from these limitations.

D. Small, indoor household pets such as fish, hamsters, guinea pigs, mice, rats, turtles, snakes and birds, are exempt from these limitations.

(Ord. No. 519, 8-8-2012)

6.20.040 - Penalties for violation.

Any violation of the provisions of this chapter shall be subject to the penalties set forth in Chapter 1.24 of the Colfax Municipal Code.

(Ord. No. 519, 8-8-2012)

Title 7 - (RESERVED)

Title 8 - HEALTH AND SAFETY

Chapters:

Chapter 8.04 - FIREWORKS

Chapter 8.08 - LITTER

Chapter 8.12 - MUNICIPAL DUMP

Chapter 8.16 - NUISANCES

Chapter 8.20 - REFUSE COLLECTION

Chapter 8.24 - CAMPING AND STORAGE OF PERSONAL PROPERTY

Chapter 8.28 - NOISE STANDARDS

Chapter 8.04 - FIREWORKS

Sections:

8.04.010 - Authority.

8.04.020 - Permits—Required—Exceptions.

8.04.030 - Permits—Applications—Filing.

8.04.040 - Permits—Applications—Investigations.

8.04.050 - Permits—Granting—Denial.

8.04.060 - Permits—Compliance conditions.

8.04.070 - Permits—Displays—Granting—Denial.

8.04.080 - Permits—Limitations.

8.04.090 - Sales and displays—License fees.

8.04.100 - Sale and discharge prohibited.

8.04.010 - Authority.

The provisions of this chapter are enacted pursuant to the authority set forth in the State Fireworks Law and particularly in the provisions of Sections 12600 through 12609 of the Health and Safety Code of the state. All definitions therein set forth are adopted. References to all or any portion of the State Fireworks Law refer to such law as amended and as in effect at any given time.

(Prior code § 4-3.201)

8.04.020 - Permits—Required—Exceptions.

A. Required. It is unlawful for any person to do any of the following without securing a permit from the fire chief:

1. Manufacture, import, export, possess or sell any fireworks at wholesale or retail for any use, including agricultural purposes or wildlife control;
2. Discharge dangerous fireworks at any place;
3. Make a public display of fireworks; and
4. Transport fireworks, except as a public carrier.

B. Exceptions. The provisions of this section shall not apply to the transportation of safe and sane fireworks by retail licensees or to any purchase at retail or to the use of safe and sane fireworks; nor shall such provisions apply to purchases at retail or to the use of automobile, marine and aircraft signal flares.

(Prior code § 4-3.202)

8.04.030 - Permits—Applications—Filing.

Any adult person or other group desiring to do any act set forth in Section 8.04.020 of this chapter shall first make a written application for a permit to the fire chief. Applications for such permits shall be made in writing at least thirty (30) days in advance of any proposed fireworks display.

(Prior code § 4-3.203)

8.04.040 - Permits—Applications—Investigations.

The fire chief shall promptly investigate and submit a report of his or her findings and recommendations for or against the issuance of the permits required by the provisions of this chapter, together with his or her reasons therefor, to the council. In making his or her investigations, reports and recommendations, the fire chief shall be guided by those factors which, in his or her experience, he or she has learned materially affect the safety of the citizens of the city and the safety of their property. He or she may also consider the past history of any applicant or the lack of the applicant's experience with fireworks in the city, his or her safety record and any facts related to the applicant's ability to work with the fire department and police department. The fire chief may also consider whether or not the applicant is a charitable, benevolent or patriotic nonprofit organization.

(Prior code § 4-3.204)

8.04.050 - Permits—Granting—Denial.

The council shall have the power in its discretion to grant or deny the application, subject to such reasonable conditions, if any, as the council shall prescribe.

(Prior code § 4-3.205)

8.04.060 - Permits—Compliance conditions.

Compliance with the provisions of Sections 12604, 12606, 12608 and 12609 of the Health and Safety Code of the state shall be conditions precedent to the issuance of a permit pursuant to the provisions of this chapter.

(Prior code § 4-3.206)

8.04.070 - Permits—Displays—Granting—Denial.

If the application is for a permit for a public display of fireworks, the fire chief shall make the investigation and grant or deny the application either conditionally or absolutely in accordance with the provisions of Section 12605 of the Health and Safety Code of the state.

(Prior code § 4-3.207)

8.04.080 - Permits—Limitations.

In granting or denying any application for a permit pursuant to the provisions of this chapter, the council or the fire chief, as the case may be, may limit the number of permits granted to any number which is found to be a suitable number of permits which will give the maximum effective control by the public safety departments of the city, taking into consideration the inherently dangerous nature of fireworks and the resultant serious dangers to persons and property likely or possibly resulting from insufficient control and the supervision of their sale and use.

(Prior code § 4-3.208)

8.04.090 - Sales and displays—License fees.

The sale or display of fireworks is declared to be a business upon which there is fixed, for revenue purposes, a license fee of two hundred fifty dollars ($250.00) for the portion of any calendar year in which the licensee is granted a permit for that purpose.

(Prior code § 4-3.209)

8.04.100 - Sale and discharge prohibited.

The sale and discharge of "safe and sane" fireworks is prohibited within the city limits.

(Prior code § 4-3.210)

Chapter 8.08 - LITTER

Sections:

8.08.010 - Short title.

8.08.020 - Definitions.

8.08.030 - Littering prohibited.

8.08.040 - Placement of litter in receptacles to prevent scattering.

8.08.050 - Duty to keep public places free of litter.

8.08.060 - Clearing of litter from private premises and adjacent public places by the city.

8.08.070 - Litter thrown by persons in vehicles.

8.08.080 - Placing commercial and noncommercial handbills on vehicles.

8.08.090 - Depositing commercial and noncommercial handbills on uninhabited or vacant premises.

8.08.100 - Distributing handbills on posted property.

8.08.110 - Distributing commercial and noncommercial handbills to inhabited private premises.

8.08.120 - Posting notices prohibited.

8.08.130 - Alternative procedure.

8.08.010 - Short title.

This chapter shall be known and may be cited as the "city of Colfax anti-litter law."

(Prior code § 5-9.01)

8.08.020 - Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Authorized private receptacle" means an approved refuse container as required and authorized by Chapter 8.20 of this title relating to garbage and rubbish.

"City" means the city of Colfax.

"Commercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copy of any matter of literature:

1. Which advertises for sale any merchandise, product, commodity or thing; or
2. Which directs attention to any business or mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or
3. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefits and gain of any person so engaged as advertiser or distributor.

"Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

"Litter" means garbage, refuse and rubbish as defined in this section and all other materials which, if thrown, deposited or allowed to accumulate as prohibited by this chapter, tend to create a danger to the public health, safety and welfare and which are not within a receptacle provided therefor.

"Newspaper" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statutes or regulations and any newspaper filed and recorded with any recording officer as provided by general law and, in addition thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

"Noncommercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet or any other printed or otherwise reproduced original or copy of any matter or literature not included in the definitions of a commercial handbill or newspaper as set forth in this section.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

"Private premises" means any private property, together with any structure thereon, whether inhabited or temporarily or continuously uninhabited or vacant, including the yard, grounds, walks, driveway, porch, steps, vestibule or entryway thereof and any off-street parking area.

"Public place" means any and all public streets, sidewalks, gutters, boulevards, alleys or other public rights-of-way and any and all public parks, squares, spaces, grounds and buildings.

"Refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.

"Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, including, but not limited to, paper, wrappings, cardboard, tin cans, yard clippings, leaves, dirt (other than the natural soil in place), wood, glass, bedding, crockery, abandoned, dismantled or no longer used automobiles, junk, worthless and useless articles which are in such a state or such a quantity as to be unsightly against the general welfare, unhealthful, dangerous to persons or property or so as to interfere with the abatement of weeds and similar materials.

"Sidewalk" means the paved or unpaved, planted or unplanted, area maintained between the property line and the curb line or the edge of the surfaced roadway and shall include a driveway, curbing, bulkhead, retaining wall and other works for the protection of any sidewalk or parking located in any public street, way or thoroughfare within the city.

"Vehicle" means every device upon or by which any person shall or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

(Prior code § 5-9.02)

8.08.030 - Littering prohibited.

No person shall throw, deposit or accumulate litter in or upon any public place or private premises, as defined in Section 8.08.020 of this chapter, within the city, except for collection or at a city dump or except while such person is temporarily engaged in clearing such public place or private premises of litter and improving such public place or private premises. No person shall deposit or cause to be deposited in any city-owned receptacle located in a public place the garbage or litter which was accumulated in the residence or place of business occupied by such person. (Amended during 2004 codification; prior code § 5-9.03)

8.08.040 - Placement of litter in receptacles to prevent scattering.

Persons placing litter in authorized public or private receptacles shall do so in such a manner as to prevent the litter from being carried or deposited by the elements upon any public place or private premises.

(Prior code § 5-9.04)

8.08.050 - Duty to keep public places free of litter.

Persons owning or occupying private premises within the city shall keep the public places abutting or adjacent to such premises free of litter, except while such person is temporarily engaged in clearing the public place or private premises. No person owning, occupying or controlling private premises shall sweep into or deposit in any public place within the city the accumulation of litter from any private premises or public place, except for the collection thereof when properly authorized by the city. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or flat or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalks in front of their business premises free of litter.

(Prior code § 5-9.05)

8.08.060 - Clearing of litter from private premises and adjacent public places by the city.

A. Notices to Remove. The city engineer and director of public works are authorized and empowered to notify the owner, his or her agent or person in control of any private premises within the city to dispose of litter on such premises or upon the public places abutting or adjacent to such premises. Such notice shall be given by posting private premises and by certified mail addressed to such owner, his or her agent or such other person at his or her last known address or by personal service on the owner, agent, person in control or occupant of such property.

B. Contents of Notices. The notice shall describe the work to be done and shall state that if the work is not commenced within five days after the receipt of the notice and diligently prosecuted to completion without interruption, the director of public works shall dispose of the litter and the cost thereof shall be a lien on the property. The notice shall be substantially in the following form:

Notice to Remove Litter

The owner of the property described as follows:

_____

_____

commonly known as

_____

is hereby ordered to properly dispose of the litter located on said property, to wit,

_____

within five (5) days from the date hereof. If the disposal of the litter herein indicated is not commenced and diligently prosecuted to completion within the time fixed herein, the Director of Public Works of the City of Colfax shall cause such disposal to be done and the cost thereof,

including any incidental expenses, will be made a lien upon the property pursuant to the provisions of Chapter 8.08 of the Colfax Municipal Code.

Estimated Cost of Disposal:

$;daterule;

Dated:;daterule;

C. Director of Public Works to Keep Records. The director of public works shall cause to be kept in his or her office a permanent record containing:

1. A description of each parcel of property for which notice to dispose of litter has been given;
2. The name of the owner, if known;
3. The date on which such notice was mailed and posted;
4. The charges incurred by the city in disposing of the litter and all incidental expenses in connection therewith; and
5. A brief summary of the work performed.

Each such entry shall be made as soon as practicable after the completion of such work.

D. Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of the litter within five days after notice has been given as provided in this section or within ten (10) days after the date of mailing such notice in the event the Post Office Department is unable to make delivery thereof provided the notice was properly addressed to the last known address of such owner or agent, the director of public works is authorized and empowered to pay for the disposal of such litter out of city funds or to order its disposal by city forces. The director of public works and his or her authorized representatives, including any contractor with whom he or she contracts for the work and the assistants, employees and agent of such contractor, are authorized to enter upon such property for the purpose of disposing of the litter described in the notice. Before the director of public works or contractor arrives, any property owner may dispose of the litter at his or her own expense.

E. Charges to Owners. Where the city has effected the removal of such litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of seven percent per year after the date of the completion of the work, shall be charged to the owner of such property and the owner or his or her agent shall be billed therefor or by mail if not paid prior thereto. The bill shall apprise the owner that failure to pay the bill will result in a lien.

F. Recorded Statements Constitute Liens. Where the full amount due the city is not paid by such owner within thirty (30) days after the date of such billing by the director of public works, he or she shall cause to be recorded with the director of finance a sworn or certified statement showing the costs and expenses incurred for the work, the date the work was done and the location of the property on which such litter disposal work was done. The recordation of such sworn or certified statement shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such costs and expenses shall be subject to a delinquency penalty of ten (10) percent in the event they are not paid in full on or before the date the amount due becomes a lien. Sworn or certified statements recorded in accordance with the provisions of this section shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest and costs, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law. The director of finance shall record such lien with the county recorder. The remedy provided in this section shall not constitute an election of remedies by the city.

(Amended during 2004 codification; prior code § 5-9.06)

8.08.070 - Litter thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city or upon private property.

(Prior code § 5-9.07)

8.08.080 - Placing commercial and noncommercial handbills on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, it is not unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(Prior code § 5-9.09)

8.08.090 - Depositing commercial and noncommercial handbills on uninhabited or vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(Prior code § 5-9.10)

8.08.100 - Distributing handbills on posted property.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so or if there is placed on such premises, in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisements" or any similar notice indicating in any manner that the occupants of such premises do not desire to be molested or have their right of privacy disturbed or have any such handbills left upon such premises.

(Prior code § 5-9.11)

8.08.110 - Distributing commercial and noncommercial handbills to inhabited private premises.

No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, in case of inhabited private premises which are not posted as provided in this chapter, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places and except that mailboxes may not be so used when so prohibited by federal postal laws or regulations. The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers (as defined in Section 8.08.020 of this chapter,) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Prior code § 5-9.12)

8.08.120 - Posting notices prohibited.

No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamp post, public utility pole, shade tree or upon any public structure or building, except as may be authorized or required by law.

(Prior code § 5-9.13)

8.08.130 - Alternative procedure.

The procedures established by this chapter are alternative and cumulative to any other procedure allowed by law for the accomplishment of the objectives of this chapter.

(Prior code § 5-9.14)

Chapter 8.12 - MUNICIPAL DUMP

Sections:

8.12.010 - Prohibited acts.

8.12.020 - Exceptions.

8.12.010 - Prohibited acts.

Except as otherwise provided in Section 8.12.020 of this chapter, no person shall fire or discharge any gun, rifle, pistol, firearm, air rifle, gas gun or BB gun, explode any rocket, firecracker, Roman candle, torpedo, blank cartridge or other combustible device or explosive substance, ignite or cause to be ignited any flammable materials or smoke any cigarette, cigar or pipe within the Colfax municipal dump.

(Prior code § 4-3.301)

8.12.020 - Exceptions.

The provisions of Section 8.12.010 of this chapter relating to the use of firearms shall not apply to peace officers in the discharge of their official duties, nor shall the provisions of Section 8.12.010 of this chapter relating to the burning of flammable materials apply to the duly constituted custodian of the Colfax municipal dump in the course of his or her employment nor to the members of the fire department under conditions of controlled burning.

(Prior code § 4-3.302)

Chapter 8.16 - NUISANCES

Sections:

Article I - Nuisances Generally

Article II - Abatement Procedure

Article III - Lien Procedure

Article IV - Miscellaneous

Article I - Nuisances Generally

8.16.010 - Purpose and intent.

8.16.020 - Definition of nuisance.

8.16.030 - Nuisances declared.

8.16.040 - Nuisance abatement.

8.16.010 - Purpose and intent.

The purpose of this chapter is to preserve locally recognized values of community appearance to safeguard and enhance property values in residential, commercial and industrial areas. The intent of this chapter is to protect public investment in the character of public thoroughfares; to aid in the attraction of tourists and other visitors who are important to the economy of the city; to reduce hazards to motorists and pedestrians traveling on the public way; and to thereby promote the public health, safety and welfare.

(Ord. 454 (part), 1999: prior code § 9-4.101 (part))

8.16.020 - Definition of nuisance.

For the purpose of this chapter, a "nuisance" shall be any use, activity, structure or condition found to exist to be a hazard to the public health, safety or welfare of the community.

(Ord. 454 (part), 1999: prior code § 9-4.101 (part))

8.16.030 - Nuisances declared.

It is unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the city to maintain or to allow to be maintained in such manner that any of the following conditions are found to exist, except as may be allowed by this code. Except as otherwise specifically noted, a condition described herein is declared a nuisance if existing for a period of ten (10) days.

A. The accumulation of dirt, litter or debris on the property which is visible from a public street;

B. Clotheslines or clothes hanging in front yards, side yards, porches or balconies and visible from a public street at any time;

C. Trash, garbage or refuse cans, bins, boxes or other such containers stored in front or side yards and visible from a public street, except when concealment is an unreasonable burden on the business or residence affected;

D. Packing boxes, lumber, junk, trash, salvage materials or other debris kept on the property for thirty (30) days and visible from a public street;

E. Attractive nuisances dangerous to children and visible from a public street, including abandoned, broken or neglected equipment, machinery, refrigerators and freezers, hazardous pools, ponds and excavations at any time;

F. Broken or discarded furniture, household equipment and furnishings or shopping carts stored on the property for thirty (30) days and visible from a public street;

G. Overgrown vegetation likely to harbor rats, vermin and other nuisances causing detriment to neighboring properties or property values or obstructing necessary views of drivers on public streets or private driveways and visible from a public street;

H. Dead, decayed, diseased or hazardous trees, weeds or other vegetation constituting unsightly appearance, dangerous to public safety and welfare or detrimental to neighboring properties or property value and visible from a public street;

I. Graffiti, letters or drawings which remain on the exterior of any building, fence or wall;

J. Buildings where the paint on the building exterior is mostly worn off or not in compliance with the general plan design element, established design guidelines or historic design guidelines and any amendments and visible from a public street for sixty (60) days;

K. Boats, trailers, vehicle parts or other articles of personal property which are abandoned or left in a state of partial construction or repair for thirty (30) days in front yards, side yards, driveways, sidewalks or walkways and are visible from a public street;

L. Camper shells which are left for an unreasonable length of time in front yards, driveways, side yards, sidewalks or walkways are visible from a public street;

M. Buildings which are abandoned, boarded up, partially destroyed or left in a state of partial construction for sixty (60) days and subject to applicable Uniform Building Codes and city codes which specify time periods;

N. Abandoned vehicles pursuant to Chapter 16: Roads and Traffic, Abandoned Vehicle Ordinance of the Placer County Code and any amendments made thereto and incorporated by reference herein.

(Ord. 454 (part), 1999: prior code § 9-4.102)

8.16.040 - Nuisance abatement.

Any property found to be maintained in violation of Section 8.16.030 of this chapter is declared to be a public nuisance and shall be abated by rehabilitation, removal, demolition or repair pursuant to the procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law.

(Ord. 454 (part), 1999: prior code § 9-4.103)

Article II - Abatement Procedure

8.16.050 - Abatement—Notification.

8.16.060 - Abatement—Administrative hearing.

8.16.070 - Notice of hearing.

8.16.080 - Administrative hearing by city manager.

8.16.090 - Procedure—No appeal.

8.16.100 - Appeal procedure —Hearing.

8.16.110 - Council decision.

8.16.120 - Service of order to abate.

8.16.130 - Hearing procedure before city manager and council.

8.16.140 - Abatement by city.

8.16.150 - Limitation of filing judicial action.

8.16.160 - Demolition.

8.16.170 - Notice of intent to demolish.

8.16.050 - Abatement—Notification.

Whenever the city manager determines that any property within the city is being maintained contrary to one or more of the provisions of Section 8.16.030 of this chapter, he or she shall cause to be given a written notice (notice to abate) to the owner of the property stating the section(s) being violated. Such notice shall set forth a reasonable time limit, in no event less than seven or more than thirty (30) calendar days for correcting the violation(s) and may also set forth suggested methods of correcting the same. Such notice shall be served upon the owner in accordance with the provisions of Section 8.16.070 of this chapter covering service in person or by mail.

(Ord. 454 (part), 1999: prior code § 9-4.104)

8.16.060 - Abatement—Administrative hearing.

In the event the owner shall fail, neglect or refuse to comply with the notice to abate, the city manager shall conduct an administrative hearing to ascertain whether the violation constitutes a public nuisance.

(Ord. 454 (part), 1999: prior code § 9-4.105)

8.16.070 - Notice of hearing.

Notice of the hearing shall be served upon the owner not less than seven calendar days before the time fixed for hearing. Notice of hearing shall be served in person or by certified mail to the owner's last known address. Service shall be deemed complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings hereunder. Notice shall be substantially in the format set forth as Attachment 1 attached to the ordinance codified in this chapter.

(Ord. 454 (part), 1999: prior code § 9-4.106)

8.16.080 - Administrative hearing by city manager.

A. At the time stated in the notice, the city manager shall hear and consider all relevant evidence, objections or protests and shall receive testimony under oath relative to such alleged public nuisance and to proposed rehabilitation, repair, removal or demolition of such property. The hearing may be continued from time to time.

B. If the city manager finds that such public nuisance does exist and that there is sufficient cause to rehabilitate, demolish, remove or repair the same, the city manager shall prepare findings and an order, which shall specify the nature of the nuisance, the method(s) of abatement and the time within which the work shall be commenced and completed but in no case, in less than seven days. The order shall include reference to the right to appeal set for in Section 8.16.100 of this chapter. A copy of the findings and order shall be served on all owners of the subject property in accordance with the provisions of Section 8.16.070 of this chapter. In addition, a copy of the findings and order shall be conspicuously posted on the property.

(Ord. 454 (part), 1999: prior code § 9-4.107)

8.16.090 - Procedure—No appeal.

In the absence of any appeal, the property shall be rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in the findings and order. In the event the owner fails to abate the nuisance as ordered the city manager shall cause the same to be abated by city employees or private contract. The costs shall be billed to the owner, as specified in Section 8.16.130 of this chapter. The city manager is expressly authorized to enter upon the property for such purposes.

(Ord. 454 (part), 1999: prior code § 9-4.108)

8.16.100 - Appeal procedure —Hearing.

A. The owner may appeal the city manager's findings and order to the city council by filing an appeal with the city clerk within seven calendar days of the date of service of the city manager's decision. The appeal shall contain:

1. A specific identification of the subject property;
2. The names and address of all appellants;
3. A statement of appellant's legal interest in the subject property;
4. A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof;
5. The date and signatures of all appellants; and
6. The verification of at least one appellant as to the truth of the matters stated in the appeal.

B. As soon as practicable after receiving the appeal, the city clerk shall set a date for the council to hear the appeal which date shall be not less than seven calendar days nor more than thirty (30) calendar days from the date the appeal was filed. The city clerk shall give each appellant written notice of the time and place of the hearing at least five calendar days prior to the date of the hearing, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal. Continuances of the hearing may be granted by the council on request of the owner for good cause shown or on the council's own motion.

(Ord. 454 (part), 1999: prior code § 9-4.109)

8.16.110 - Council decision.

Upon the conclusion of the hearing, the council shall determine whether the property or any part thereof, as maintained, constitutes a public nuisance. If the council so finds, the council shall adopt a resolution declaring such property to be a public nuisance, setting forth its findings and ordering the abatement of the same having such property rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in the resolution. The resolution shall set forth the time within which the owner, in no event shall complete such work less than fifteen (15) days. The decision and order of the council shall be final.

(Ord. 454 (part), 1999: prior code § 9-4.110)

8.16.120 - Service of order to abate.

A copy of the resolution of the council ordering the abatement of the nuisance shall be served upon the owner(s) of the property in accordance with the provisions of Section 8.16.060 of this chapter. Upon abatement in full by the owner, the proceedings hereunder shall terminate.

(Ord. 454 (part), 1999: prior code § 9-4.111)

8.16.130 - Hearing procedure before city manager and council.

All hearings shall be tape-recorded. Hearings need not be conducted according to the technical rules of evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in conduct of serious affairs. Oral evidence shall be taken only on oath or affirmation. Irrelevant and unduly repetitious evidence shall be excluded.

(Ord. 454 (part), 1999: prior code § 9-4.112)

8.16.140 - Abatement by city.

If such nuisance is not abated as ordered within the abatement period; the city manager shall cause the same to be abated by city employees or private contract. The city manager is expressly authorized to enter upon the property for such purposes. The cost, including incidental expenses, of abating the nuisance shall be billed to the owner and shall become due and payable thirty (30) days thereafter. The term "incidental expenses" shall include, but not be limited to, personnel costs, both direct and indirect, costs incurred in documenting the nuisance, the actual expenses and costs of the city in the preparation of notices, specifications and contracts and in inspecting the work and the costs of printing and mailing required hereunder.

(Ord. 454 (part), 1999: prior code § 9-4.113)

8.16.150 - Limitation of filing judicial action.

Appeals of the council's decision and order shall be commenced within thirty (30) calendar days of the date of service of the decision.

(Amended during 2004 codification; Ord. 454 (part), 1999: prior code § 9-4.114)

8.16.160 - Demolition.

No property shall be found to be a public nuisance under Section 8.16.030 of this chapter and ordered demolished unless the order is based on competent sworn testimony and it is found that in fairness and in justice there is no way other than demolition reasonably to correct such nuisance.

(Ord. 454 (part), 1999: prior code § 9-4.115)

8.16.170 - Notice of intent to demolish.

A copy of any order or resolution requiring abatement by demolition under Section 8.16.110 of this chapter shall be forthwith recorded with the Placer County recorder.

(Ord. 454 (part), 1999: prior code § 9-4.116)

Article III - Lien Procedure

8.16.180 - Record of costs of abatement.

8.16.190 - Assessment lien.

8.16.180 - Record of costs of abatement.

The city manager shall keep an account of the cost, including incidental expenses, of abating such nuisance on each separate lot or parcel of land where the work is done by the city and shall render an itemized report in writing to the city council showing the cost of abatement, including the rehabilitation, demolition or repair of the property, including any salvage value relating thereto; provided that before the report is submitted to the city council, a copy of the same shall be posted for at least five days upon such property, together with a notice of the time when the report shall be heard by the city council for confirmation. A copy of the report and notice shall be served upon the owners of the property in accordance with the provisions of Section 8.16.070 of this chapter at least five calendar days prior to submitting the same to the city council. Proof of the posting and service shall be made by affidavit filed with the city clerk.

(Amended during 2004 codification; Ord. 454 (part), 1999: prior code § 9-4.117)

8.16.190 - Assessment lien.

A. The total cost for abating such nuisance, as so confirmed by the city council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, upon recordation in the office of the county recorder or a notice of lien, as so made and confirmed, shall constitute a lien on the property for the amount of such assessment. After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

B. Such notice of lien for recordation shall be in form substantially set forth as Attachment 2 attached to the ordinance codified in this chapter.

(Ord. 454 (part), 1999: prior code § 9-4.118)

Article IV - Miscellaneous

8.16.200 - Appropriate actions.

8.16.210 - Summary abatement.

8.16.220 - Burning permits—Required.

8.16.200 - Appropriate actions.

The city council may bring appropriate actions, in a court of competent jurisdiction, to collect any amounts due by reason of the abatement of a nuisance by the city and to foreclose any existing liens for such amounts. Notwithstanding the provisions of this chapter, the city may bring the appropriate civil and criminal actions in a court of competent jurisdiction for abatement of any nuisance existing within the city pursuant to any other provision of the law.

(Ord. 454 (part), 1999: prior code § 9-4.119)

8.16.210 - Summary abatement.

Notwithstanding any provisions of this chapter, the city council may cause a nuisance to be summarily abated if the city council determines that the nuisance creates an emergency condition involving an immediate threat to the physical safety of the population. Prior to abating the nuisance, the city manager shall attempt to notify the owner or possessor of the property, place or area involved of the nuisance and requests him or her to immediately abate the nuisance. If, in the sole discretion of the city council, the owner or possessor of the property, place or area containing the nuisance which creates an emergency condition fails to take immediate and meaningful steps to abate the nuisance, the city may abate the nuisance and charge the cost of abating such nuisance to the owner or possessor of the property, place or area involved. The city shall notify in writing the owner or possessor of the property, place or area upon which the city has abated a nuisance and of the costs thereof.

(Ord. 454 (part), 1999: prior code § 9-4.120)

8.16.220 - Burning permits—Required.

A. It is unlawful, within the city boundaries for any person to set fire to, or burn, brush, stumps, logs, fallen timber, fallows, slash or grass, forest land or any other flammable material and it is unlawful for any person to set fire to burn flammable material in an incinerator, except upon the issuance of a permit for such burning, issued by the city clerk, city manager, their duly authorized agents or the chief or officers of any legally constituted fire department or fire protection district in the city.

B. The permit shall be issued in writing and shall state the times at which and the terms and conditions subject to which such burning shall be done and it is unlawful for any such person to violate any of the terms, provisions or conditions of such permit.

C. Regardless of such permit, any person burning any material or setting any fire shall observe all reasonable and proper care and precautions in so doing and nothing contained in such permit shall relieve or exonerate any such person from civil liability by any reason of any violation of law.

(Ord. 454 (part), 1999: prior code § 9-4.121)

Chapter 8.20 - REFUSE COLLECTION

Sections:

8.20.010 - Definitions.

8.20.020 - Refuse collection and disposal system—Findings.

8.20.030 - Refuse—Deposit and storage.

8.20.040 - Refuse collection and disposal system—Established.

8.20.050 - Refuse collection and disposal system—Exclusivity.

8.20.060 - Mandatory subscriptions.

8.20.070 - Refuse collection services—Rates—Establishment.

8.20.080 - Refuse collection service —Rate—Basis.

8.20.090 - Refuse collection service—Rates—Payments.

8.20.100 - Refuse collection service—Rates—Liability.

8.20.110 - Refuse collection service—Charges—Delinquencies.

8.20.120 - Refuse collection service—Charges—Delinquencies—Penalties.

8.20.130 - Refuse collection service—Charges—Delinquencies—Liens.

8.20.140 - Franchises or contracts—Authority.

8.20.150 - Franchises or contracts—Right to contract.

8.20.160 - Franchises or contracts—Solid waste landfill facilities.

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8.20.240 - Enforcement.

8.20.250 - Violation—Penalty.

8.20.010 - Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Approved refuse container" means a commercially manufactured can made of galvanized metal, heavy-duty plastic, pressed fiberboard or other nonbreakable watertight material of at least twenty-six (26) gallons capacity, but not to exceed thirty-five (35) gallons capacity, with a close-fitting, removable

insect-proof cover and including a cover handle and side handles. An approved refuse container may also include any other container approved by the contractor. Approved refuse containers shall be maintained in such a manner as to be free from rough edges or jagged surfaces which would be likely to cause injuries to persons handling them.

"Bin and bin service" means a heavy-gauged metal box, suitable for mechanical unloading, from one to six cubic yards in capacity, furnished by the refuse collection contractor to service business and commercial establishments.

"Business establishment" means any commercial, professional or industrial use and any multiple-family dwelling housing three or more residential units, where refuse is gathered collectively for all units and/or residents.

"City" means that portion of incorporated territory known as the city, including its disposal area.

"Collection" means the accumulation and disposal of refuse.

"Contractor," "contract agent" or "franchisee" means an agent or employee of the city or any person or the agents or employees thereof, with whom the city shall have duly contracted pursuant to the provisions of this chapter to collect, transport through the streets, alleys and public ways and dispose of garbage, rubbish and refuse produced within the city.

"Disposal area," "dump" or "sanitary landfill" means any site, location, tract, area, building, structure or premises so specifically designed and authorized for refuse disposal.

"Franchise" means any license or permit issued or contract entered into pursuant to the provisions of this chapter to engage in the occupation of collecting, removing and disposing of garbage, rubbish and refuse.

Franchisee. See definition of "contractor" in this section.

"Garbage" is a sub-classification of refuse and means and includes all animal and vegetable kitchen waste, all household waste which has resulted from the preparation of food, all table refuse or offal and every accumulation of animal, vegetable or other matter that attends the preparation, consumption, packing, canning, storage and decay of meats, fish, fowl, vegetables and fruits intended for human and animal consumption.

"Garden refuse" is a sub-classification of refuse and shall include grass, tree or shrub trimmings and other plant materials accumulated as a result of noncommercial gardening and fireplace ashes.

"Health office" or "health officer" means the county department of health and/or its duly authorized representatives.

"Occupant" means and includes every owner, tenant, occupant or person who is in possession of or who is the inhabitant of or has the care or control of any place or premises.

"Owner" means and includes any person, firm, association, partnership, business trust, joint venture, corporation or company having part or full interest in any real property in the city as shown on the most recent records in the office of the county assessor.

"Person" means and includes any individual, firm, corporation, association, public agency or other legal entity.

"Place or premises" means every dwelling house, dwelling unit, apartment house, multiple-dwelling building, trailer or mobilehome park, store, restaurant, rooming house, hotel, motel, office building, department store, manufacturing, processing or assembling shop or plant, warehouse and every other place or premises where any person resides or any business is carried on or conducted within the city.

"Refuse" is a general classification which includes the sub-classifications of garbage, garden refuse and solid waste (also known as rubbish).

"Refuse collection area or point" means that space and/or place on the premises where refuse is deposited by occupants and where such refuse is stored until it is transferred into or onto a collection vehicle and removed from the premises.

"Residence or residential" means any single building housing from two or fewer families in separate units.

Rubbish. See definition of "solid waste" in this section.

Sanitary Landfill. See definition of "disposal area" in this section.

"Solid waste" means combustible and noncombustible waste materials not included in the term "garbage" and includes paper, pasteboard, magazines, books, rags, rubber, carpets, clothing, boots, shoes, hats, furniture, bedding, bottles, cans, metals, mineral matter, glass, crockery, dirt, dust, packing boxes and cartons, crates, packing materials and all other kinds of rubbish, trash or waste materials which ordinarily accumulate in the operation of a residence or a business.

"Special solid waste" means and includes construction refuse (rocks, debris, concrete or large quantities of earth) resulting from the construction, rehabilitation, remodeling or repair of buildings or other structures; dead animals, manure, sewage waste, wastewater, explosive or radioactive substances and other materials which have been exposed to highly infectious or contagious diseases or other highly dangerous materials; junk, abandoned and partially cannibalized automobiles, trucks, mobilehomes and trailers and their parts and appliances. "Special solid waste" means solid waste to be disposed of under special arrangements.

"Standard service" means curbside collection service provided on a weekly basis to occupants not receiving bin service.

(Prior code § 6-2.01)

8.20.020 - Refuse collection and disposal system—Findings.

A. The council finds that, for the preservation of the public health, safety and welfare, the establishment of a municipal system for the collection and disposal of all refuse is necessary.

B. The council finds that, for the purpose of maintaining adequate control of a refuse disposal system, the city must retain exclusive rights to the system.

C. The council finds that the disposal of refuse by individuals on a voluntary basis, throughout California cities, has been unsuccessful. Therefore mandatory subscription to a refuse disposal system is necessary.

D. The council finds that the periodic collection of refuse from all places and premises in the city benefits all people in the city and that inasmuch as it is necessary that charges be assessed to support the cost of the refuse disposal system, then such charges shall be assessed to all places and premises where refuse is produced or generated to assure the equitable spread of financial liability. This means that all places and premises, regardless of whether the occupant places such refuse for collection in a manner prescribed in this chapter or not and regardless of whether the occupant has any refuse for collection, the cost of removal thereof should be shared by all persons.

E. The council finds that losses in revenue attributed to "skipped" accounts receivable and increased administrative overhead costs to maintain a system of billing and accounting records on an occupant basis are prohibitive and, because only limited legal collection recourses are available, it is imperative that refuse collection fees become a liability to the owner and be billed and accounted for on that basis.

F. The council finds that to operate an exclusive refuse disposal system with mandatory subscription to the service, together with providing special arrangements for the disposal of special solid waste, will satisfy the collection and disposal requirements of its citizens. Further, the council finds that the

satisfaction of those disposal requirements will obviate the need to maintain an "open dump" policy. Further, the council finds that in order to protect the city sanitary landfill capacity, it is in the best interests of the city to close the city dump to the public.

G. The council finds that the successful operation of a refuse disposal system requires the adoption of supplementary rules and regulations which are binding on both the contractor and patrons of the service to include an appellate process.

(Prior code § 6-2.02)

8.20.030 - Refuse—Deposit and storage.

It is unlawful for any person to deposit, store or maintain refuse within the city, except as provided in this chapter.

(Prior code § 6-2.03)

8.20.040 - Refuse collection and disposal system—Established.

There is established a refuse collection and disposal system for the city.

(Prior code § 6-2.04)

8.20.050 - Refuse collection and disposal system—Exclusivity.

A. The city and its refuse collection contractor shall have the exclusive right to collect, transport and dispose of refuse in the city and all refuse placed for collection by the city or its refuse collection contractor shall be deemed to be the property thereof, except as otherwise provided in this chapter.

B. Collectors of refuse originating outside the city may haul such refuse over city streets.

C. Any person may collect, transport and dispose of refuse during a period in which collection services by the city or its refuse collection contractor are interrupted or delayed due to a labor strike or other circumstances affecting collection services throughout the city provided such persons comply with any and all directives of the city manager.

D. This chapter shall not apply to the hauling, removal or disposal at a legal point of disposal of grass cuttings, prunings, manure or other trash as a result of gardening or horticulture by any commercial gardener licensed to do business in the city.

E. Special solid waste may be arranged for removal and disposal between the occupant and the contractor; however, nothing in this section shall be construed as preventing an occupant or owner from disposing of solid waste directly, either personally or by other contract, to any approved sanitary landfill site and in accordance with Sections 8.20.200 and 8.20.210 of this chapter.

F. No person shall bury refuse at any place within the city without a valid permit or license granted by the council.

G. No person shall burn garbage at any place within the city.

H. No person shall burn solid waste at any place within the city, except in conformance with the rules and regulations of the county air pollution control district and the applicable laws of the state.

I. The provisions of this section shall not be construed as prohibiting the composting of appropriate refuse for composting, which compost is intended for exclusive use on the property on which it is maintained, provided it does not, in the opinion of the health officer, create a public health hazard.

J. No person shall transport household refuse to deposit the same in a commercial bin, the container owned by another or a city-owned litter container.

K. Any person, other than the city or its refuse collection contractor, who collects, transports or disposes of refuse or who pays another to do so, other than as permitted in this chapter, shall be guilty of a misdemeanor.

(Prior code § 6-2.05)

8.20.060 - Mandatory subscriptions.

There is established mandatory subscriptions to the refuse disposal system service of the city. Effective July 1, 1980, every person in possession, charge or control of any place or premises in the city in, upon or from which refuse is created, produced or accumulated shall dispose of such refuse through the regular refuse collection service of the city or its authorized collector.

(Prior code § 6-2.06)

8.20.070 - Refuse collection services—Rates—Establishment.

The council shall establish by resolution the rates to be charged for the collection and disposal of refuse. Such rates may be established by competitive bidding, negotiation or other means deemed acceptable by the council and may be reviewed annually.

(Prior code § 6-2.07)

8.20.080 - Refuse collection service —Rate—Basis.

A. Despite variations in the amount of refuse produced at residential locations, such deviation does not justify the expense of measuring the quantities at such residential locations and would be greater than any difference in hauling costs per container.

B. The amount of refuse produced at places of business varies greatly. The most equitable method of charging for collection refuse at such locations is based on the amount of refuse produced or generated, the related basis of the size and number of containers required for the collection of refuse and upon differing schedules and the regularity of collection.

(Prior code § 6-2.08)

8.20.090 - Refuse collection service—Rates—Payments.

A. Each and every household or tenant occupying any dwelling, house or residence and each and every proprietor or each and every store, shop, apartment house, rooming house or factory, shall pay to the city or its authorized agent, the applicable rate as and for garbage and rubbish collection. Such fees are based upon the calls as indicated, irrespective of whether there is any refuse to remove from any premises.

B. For purposes of this chapter, a dwelling, house, residence or other structure whether it is a store, shop, apartment house, rooming house or factory, shall be considered to be occupied, despite temporary absence therefrom unless electrical services have been discontinued for a period of not less than ninety (90) days.

(Prior code § 6-2.09)

8.20.100 - Refuse collection service—Rates—Liability.

All rates and other charges provided for in this chapter shall be charged against the property on which furnished and against the owner of record thereof and shall be deemed delinquent at the same time and in the same manner as the next regular refuse collection bill. No change of ownership or occupation shall in any way affect the application of this section. The owner of the property shall remain liable for the payment of all rates and charges notwithstanding any agreement he or she may have with a tenant, manager or other third party to the contrary.

(Ord. 431 § 1, 1995: prior code § 6-2-10)

8.20.110 - Refuse collection service—Charges—Delinquencies.

A. All charges imposed by this chapter shall be due and payable upon presentation of the bill. The charges for refuse collection service between the time of the commencement of the service and the thirtieth day of the same month or the close of the established billing period shall be added to the next billing period. If the charge remains unpaid thirty (30) days after the billing date, the charge becomes delinquent and the refuse collection service may be discontinued.

B. At least ten (10) days prior to the discontinuance of the service the city manager or his or her designee shall notify the property owner of record by mail and by personal delivery to the service address that the service will be discontinued. Notwithstanding the cessation of service the owner shall remain obligated for payment of the minimum mandatory rates and charges for refuse collection applicable to the subject property.

C. When an account becomes delinquent the full amount of both the delinquent and current bill must be paid to avoid discontinuation of the service.

(Ord. 431 § 2, 1995: prior code § 6-2-11)

8.20.120 - Refuse collection service—Charges—Delinquencies—Penalties.

A penalty of ten (10) percent of the charge shall be imposed on the first day of the third month following the date such charge was due and payable. In addition, a penalty of two percent per quarter of the basic charge, plus the ten (10) percent, shall be imposed on the first day of the third month following the date such charge was due and payable and on each due date thereafter until there is payment in full of the charge, plus all penalties.

(Prior code § 6-2.12)

8.20.130 - Refuse collection service—Charges—Delinquencies—Liens.

A. The contractor shall be entitled to payment from the owner for any refuse collection services rendered by the contractor. Any fees, rates or charges (collectively "charges") which remain unpaid for refuse collection services rendered by the contractor for a period of sixty (60) days or more after the close of the period for which they are billed may be collected thereafter by the city as provided herein.

B. At least once each year, or more often as the council or city manager deem appropriate, the city shall prepare or cause to be prepared a report of delinquent charges. Information concerning delinquent accounts shall be provided by the contractor or any other source the city deems reasonably accurate. The report shall include the parcel number of the real property upon which the charges are delinquent, the name or names of the owner of the real property to which the refuse collections services were provided, the street address of the property served, the period of service, and the amounts due including reasonable administrative charges, which administrative charges

shall be as determined by the franchise agreement between the city and the contractor or, if the franchise agreement does not specify an amount of administrative charges, then by the city manager.

C. Upon receipt of the report of delinquent charges, the city council, city manager or the city manager's designee shall fix a time, date and place for hearing the report, and any protests or objections thereto. The hearing shall be held before the city council, the city manager or the city manager's designee as soon as is practicable after receipt of the report of delinquent charges. For purposes of this section, the body or individual before which the hearing is conducted shall be referred to as the "hearing body". Notice of the hearing shall be mailed to the owners of the property listed on the report not less than ten (10) days prior to the date of the hearing.

D. At the hearing, the hearing body shall hear any objections or protests of owners liable to be assessed for delinquent charges and administrative charges. The hearing body may make such revisions or corrections to the report as it deems just. If the hearing body is the city council, then at the conclusion of the hearing and after making any revisions or corrections to the report as it deems just, the city council shall confirm the report by resolution. If the hearing body is an entity or individual other than the city council, then after the hearing body makes any revisions or corrections to the report as it deems just, the report shall be submitted to the city council for approval by resolution at its next regular meeting after the hearing.

E. The delinquent charges set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such charges. A certified copy of the confirmed report and resolution shall thereafter be filed with the county auditor for the amounts of the assessments against the respective parcels of land as they appear on the then current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county of placer, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem taxes shall be applicable to such assessments, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date in which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquent fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

F. The contractor may charge the city, at the established collection rates, for those owners who are delinquent. Said charges shall cover the period during which the contractor provided collection and disposal services for the delinquent owner as confirmed by the report of delinquent charges and ensuing resolution. The city shall not become liable to pay such charges until the charges have been assessed against the owner and the county has disbursed funds covering said charges.

(Prior code § 6-2.13)

(Ord. No. 517, 5-9-2012)

8.20.140 - Franchises or contracts—Authority.

A. The council may provide for solid waste collection by the granting of an exclusive franchise or contract for such purpose, subject to such terms and conditions as the council deems appropriate.

B. The franchise or contractor, during the term of the franchise, shall be the sole person permitted to perform solid waste collection within the city.

(Prior code § 6-2.14)

8.20.150 - Franchises or contracts—Right to contract.

Notwithstanding any provision of this chapter to the contrary, any owner shall have the right to remove and dispose of or to contract for the removal and disposal of, his or her own refuse as otherwise provided by law, but the exercise of such right shall not release such owner from any obligation imposed by this chapter to pay the city the minimum mandatory rates and charges as set for residential and business establishments respectively.

(Prior code § 6-2.15)

8.20.160 - Franchises or contracts—Solid waste landfill facilities.

The council may provide for the operation and use of any city solid waste landfill or transfer station in any franchise or contract; provided, however, such operation shall be in accordance with Chapter 9 of Article I of the county provisions relating to solid waste landfill areas adopted May 8, 1979, on file in the office of the city clerk, which is adopted by reference as though set forth in full in this chapter and the provisions shall take effect at such time as the solid waste landfill areas are so designated and operative.

(Prior code § 6-2.16)

8.20.170 - Solid waste landfill facilities—Right to close to public.

The council reserves the right to close the city solid waste landfill facilities and privileges to the general public.

(Prior code § 6-2.17)

8.20.180 - Solid waste landfill facilities—Declared closed to public.

Pursuant to the provisions of Section 8.20.170 of this chapter, the council declares that the city solid waste landfill facilities and privileges are closed to the public, except as otherwise provided in this chapter.

(Prior code § 6-2.18)

8.20.190 - Standard service regulations.

All fees for such extra services and occupants receiving standard service shall comply with the following regulations as a condition to regular curbside collection:

A. All residential refuse presented for collection and disposal shall be kept and placed in an approved refuse container (see Section 8.20.010 of this chapter) not to exceed sixty (60) pounds.

B. All business establishment refuse presented for collection and disposal shall be kept in approved refuse containers in a number not to exceed six or metal bins or roll off containers (debris boxes) of a type approved by the city. The city may require that a bin or roll off container be used, even though the number of cans which would otherwise be used does not exceed six, when necessary to prevent an unhealthy or unsightly condition. All business establishment refuse shall be gathered collectively for all units and/or residents and shall be kept in centralized areas. The location of the centralized refuse containers shall be as determined by the city.

C. Every owner, occupant, manager or person in control of the premises of any dwelling unit or units or of any place of business or institution within the city where garbage and refuse

accumulates, shall provide or cause to be provided, a sufficient number of approved refuse containers of adequate size to accommodate all refuse and garbage accumulated on the premises between collection days. The occupant, manager or person in control of the premises shall be primarily responsible for providing and maintaining containers in such condition so as to prevent injury, not attract vermin, rodents or flies or otherwise from becoming a public health matter and upon failure to do so shall comply with the requirements of this section within five days after the receipt of written notice by the health officer or his or her authorized representative to do so. Occupants shall maintain containers, including bin containers obtained from the city's refuse collection contractor, in a reasonably sanitary condition, free from obnoxious odors and from attachments of garbage likely to create breeding grounds for insects or vermin, beyond that incidental to refuse deposited since the previous collection; provided, however, occupants receiving bin service may order bin cleaning services, subject to a reasonable fee, from the city's refuse collection contractor in lieu of cleaning such bin containers themselves.

D. Except as provided in this section, all solid waste shall be presented for collection not less than once weekly.

E. Except as provided in subsection F of this section, all containers, except bins and roll off containers, shall be placed within five feet of the edge of pavement or, if there is no pavement, within five feet of the edge of the public or private right-of-way along established routes.

F. A person who demonstrates to the city that he or she has a permanent physical impairment or disability which makes it difficult or impossible to place containers for collection in the location required by subsection E of this section and that no one occupying the premises is capable of so doing, may place such containers at a location not more than fifty (50) feet from the curb, edge of pavement or right-of-way.

G. All bins and roll off containers shall be placed in a convenient location, accessible to the loading apparatus used to empty them, as may be directed by the fire marshal.

H. Where a business establishment has a bin or roll off container which, because of the amount of solid waste generated, does not require weekly service, the bin or roll off container may be presented for collection on any reasonable periodic basis approved by the city or its authorized agent, provided such bin or container does not contain putrescible waste.

I. All business establishments engaged in the preparation, sale, distribution or storage of perishable food products shall present refuse for collection not less than twice weekly.

J. Where necessary to prevent an insanitary or unsightly condition, the city may require that a residence or business establishment present refuse for collection more often than once per week.

K. The schedule for the collection of refuse shall be as determined by the city and refuse shall be presented for collection on the day or days specified.

L. Except as prohibited by subsection A of this section, cardboard or wood cartons or bags made for refuse disposal purposes may be used as temporary containers; provided, however, they shall be considered as refuse and will not be returned. Any cardboard or wooden carton not specifically used as a temporary container shall be broken down, flattened and disposed of as set forth in subsection M of this section.

M. Cardboard, paper, magazines, palm fronds, tree limbs, brush, weeds and similar dry materials shall be tied in bundles with a heavy cord or wire strong enough to act as a handle or shall be placed in other acceptable containers. No such bundle shall exceed four feet in length, eighteen (18) inches in thickness or forty (40) pounds in weight.

N. Large bulky items, such as furniture and household equipment (see "special solid waste" as defined in Section 8.20.010 of this chapter) will not be collected unless broken down and

packaged to a size and weight easily handled by one person, except upon such days as may be designated by the city for the special collection of large bulky items without charge.

O. All kitchen waste, ashes, hair clippings, floor sweepings and similar light materials shall be well and securely wrapped to prevent spillage. Hot ashes will not be collected. Free liquids shall be drained from the refuse prior to placement for collection.

P. No occupant shall allow refuse or empty containers to remain along, at or near any public street, sidewalk or parkway (excluding alleys), except:

1. Between the hours of four p.m. of the day preceding the occupant's weekly collection day and twelve midnight of such collection day;
2. Pursuant to an agreement for collection services between the occupant and the city's refuse collection contractor; or
3. During any period in which regular collection service is interrupted or delayed.

Q. The following are not approved refuse containers:

1. Oil or grease drums or similar heavy metal containers;
2. Paper grocery bags or bags which are torn or which are not securely closed;
3. Broken or wet cardboard boxes; and
4. Broken wooden boxes or crates or any other container with sharp, rough or jagged edges which may hamper or injure the collector.

(Amended during 2004 codification; prior code § 6-2.19)

8.20.200 - Refuse collection vehicles—Governing regulations.

All vehicles used for refuse collection and disposal activities owned by the city, franchisee or contractor to the city and transporters of refuse pursuant to Section 8.20.050(B) through (E) of this chapter shall be under license to the same and shall meet all the requirements of all the laws and ordinances of the state, county and city.

(Prior code § 6-2.20)

8.20.210 - Refuse collection vehicles—Transporting over city streets.

No refuse collection vehicle (including transporters of refuse pursuant to Section 8.20.050(B) through (E) of this chapter) shall transport refuse or other waste materials along the streets of the city unless such refuse or other materials are enclosed or otherwise secured so as to prevent the refuse or other waste materials from being blown, dropped, spilled or leaked.

(Prior code § 6-2.21)

8.20.220 - Administration.

The city manager shall administer the provisions of this chapter. In carrying out this responsibility, he or she shall have the following powers and duties:

A. To establish additional rules and regulations consistent with this chapter as may be necessary, reasonable and proper to effect the sanitary, expedient, economical and efficient collection, removal and disposal of garbage, refuse and cuttings;

B. To establish the routes, hours and days of collection, to change the same as he or she deems necessary and to give notice of such routes, hours, days and changes as he or she deems advisable;

C. To determine whether waste material falls within the definition of refuse;

D. To determine whether the conditions for the receipt of standard service have been satisfied;

E. To determine whether agreements between occupants and the city's refuse collection contractor for special or additional services are reasonable and consistent; and

F. To establish regulations pertaining to periods of labor strikes or other circumstances affecting collection services throughout the city.

(Prior code § 6-2.22)

8.20.230 - Settlement of disputes.

The city manager or his or her designated representative, shall hear any dispute which may arise between the collectors and patrons of the service over complaints regarding service. Any person aggrieved by a rule or determination of the city manager shall have the right of appeal to the council, who shall retain the authority to confirm, modify or revoke the same.

(Prior code § 6-2.23)

8.20.240 - Enforcement.

The chief of police and his or her designated representative are authorized to enforce any provision of this chapter, the violation of which is made an infraction or a misdemeanor or which declares any condition to constitute a public nuisance. The health officer is likewise authorized to enforce any such provisions insofar as they pertain to the protection of the public health and sanitation.

(Prior code § 6-2.24)

8.20.250 - Violation—Penalty.

Violations of the provisions of this chapter shall constitute:

A. In the case of any person allowing the accumulation or maintenance of solid waste in violation hereof and/or of the health, safety and welfare, a public nuisance; and

B. In all instances, including those specified in subsection A of this section, a misdemeanor, as the same is now or may hereafter be defined by the laws of the state.

(Amended during 2004 codification; prior code § 6-2.25)

Chapter 8.24 - CAMPING AND STORAGE OF PERSONAL PROPERTY

Sections:

8.24.010 - Findings and purpose.

8.24.020 - Definitions.

8.24.030 - Unlawful camping.

8.24.040 - Storage of personal property on public and private property.

8.24.050 - Exceptions.

8.24.060 - Public nuisance; misdemeanor.

8.24.010 - Findings and purpose.

The streets and public areas within the city should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a public health and safety hazard which adversely impacts neighborhoods and commercial areas. Camping on private property without the consent of the owner, proper sanitary measures and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the city. The purpose of this chapter is to maintain streets, parks and other public and private areas within the city in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community, while recognizing that, subject to reasonable conditions, camping and camp facilities associated with special events can be beneficial to the cultural and educational climate in the city. Nothing in this chapter is intended to interfere with otherwise lawful and ordinary uses of public or private property.

(Ord. No. 508, 12-16-09)

8.24.020 - Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

A. "Camp" means to place, pitch, set up or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

B. "Campfire" means a fire built outdoors.

C. "Camp facilities" include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or temporary shelter.

D. "Camp paraphernalia" includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

E. "City" means and refers to the City of Colfax and its subordinate agencies and bodies.

F. "City manager" means and refers to the city manager or his/her designee.

G. "Establish" means setting up or moving equipment, supplies or materials on to public or private property to camp or operate camp facilities.

H. "Maintain" means keeping or permitting equipment, supplies or materials to remain on public or private property in order to camp or operate camp facilities.

I. "Operate" means participating or assisting in establishing or maintaining a camp or camp facility.

J. "Park" means, refers to and includes all parks, parkways, malls, plazas, greenbelts, gardens, lakes, and any other property owned by the city, including structures thereon, and used, operated, or maintained for recreational purposes whether passive or active. The term "park" also includes all off street parking areas which are used or intended to be used in connection therewith. The term "park" also includes any property owned or kept by the city as open space, including undeveloped sites for future parks.

K. "Private property" means all private property including, but not limited to, streets, sidewalk, alleys, and improved or unimproved land.

L. "Public property" means all public property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land and parks.

M. "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

N. "Street" means a street, alley, way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Street" includes highway, as that term is defined in the California Vehicle Code.

(Ord. No. 508, 12-16-09)

8.24.030 - Unlawful camping.

A. It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia in the following areas:

(1) Any public property; or

(2) Any private property.

B. It is not intended by this section to prohibit overnight camping on private residential property by friends or family of the property owner, as long as the owner consents and the overnight camping is limited to not more than one consecutive night.

C. Nothing in this chapter is intended to prohibit or make unlawful, activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes. Nothing is intended to prohibit or make unlawful, activities of a property owner or other lawful user if such activities are expressly authorized by the city's comprehensive zoning ordinance or other laws, ordinances and regulations.

D. The city manager may issue a temporary permit to allow camping on public or private property in connection with a special event.

(Ord. No. 508, 12-16-09)

8.24.040 - Storage of personal property on public and private property.

It is unlawful and a public nuisance for any person to store personal property, including camp paraphernalia, in the following areas, except as otherwise provided by resolution of the city council:

A. On any public property; and

B. On any private property, without the written consent of the owner, and provided that the written consent is in their possession at the time and is shown upon demand of any peace officer.

(Ord. No. 508, 12-16-09)

8.24.050 - Exceptions.

The provisions of this chapter shall not apply to any regularly scheduled activities sponsored by the city, any political subdivision of the state, or special district, or any activities being held on land owned or controlled by the city, political subdivision of the state, or special district.

(Ord. No. 508, 12-16-09)

8.24.060 - Public nuisance; misdemeanor.

A. Any violation of this chapter shall constitute a public nuisance, abatable pursuant to chapter 8.16 of the Code, by civil action or by any other remedy allowed by law.

B. In addition to being a public nuisance, a violation of this chapter or any section of this chapter is a misdemeanor.

(Ord. No. 508, 12-16-09)

Chapter 8.28 - NOISE STANDARDS

Sections:

8.28.010 - Noise standards.

8.28.010 - Noise standards.

A. It is unlawful for any person to make or continue or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others within the city when not in the normal or usual conduct of commercial or industrial business.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of the provisions of this chapter, but such enumeration shall not be deemed to be exclusive:

1. Horns, Signaling Devices and the Like. The sounding of any horn or signaling device on any automobile, motorcycle, bus, train or other vehicle on any street or public place of the city, except as a danger warning or as required by federal or state statute; the creation by means of any such signaling device of any unreasonably loud or harsh sound, the sounding of any such device for an unnecessary and unreasonable period of time; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up;

2. Radios, Phonographs and the Like. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other such machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto; and the operation of any such set, instrument, phonograph, machine or device between the hours of eleven (11) p.m. and seven a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which such sound is located shall be prima facie evidence of a violation of the provisions of this section;

3. Loudspeakers and Amplifiers for Advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure;

4. Yelling, Shouting and the Like. Yelling, shouting, hooting, whistling or singing on the public streets particularly between the hours of eleven (11) p.m. and seven a.m. or at any time or place or as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence or of any person in the vicinity;

5. Animals and Birds. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity;

6. Steam Whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger or upon the request of proper city authorities;

7. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

8. Defects in Vehicles or Loads. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise;

9. Construction or Repair of Buildings.

    a. The performance of any construction, alteration or repair activities which require the issuance of any building, grading or other permit may occur only during the following hours:

        i. Monday through Friday: six a.m. to six p.m.;

        ii. Saturdays: eight a.m. to five p.m.;

        iii. Sundays and observed holidays: eight a.m. to five p.m.

    b. Any noise from the above activities, including from any equipment used therewith, shall not produce noise levels in excess of the following:

        i. Saturdays: eighty (80) dBA when measured at the property line or at a distance of twenty-five (25) feet, whichever is greater.

        ii. Sundays and observed holidays: seventy (70) dBA when measured at the property line or at distance of twenty-five (25) feet, whichever is greater.

    c. The building official may grant a permit for building activities during other time periods for emergency work or extreme hardship. "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. Any permit so granted shall be of specified limited duration and may be subject to any conditions necessary to limit or minimize the effect of any noise permitted thereby.

10. Schools, Courts, Churches and Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while they are in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or disturbs or unduly annoys patients in the hospital provided conspicuous signs are displayed in such streets indicating that the building is a school, hospital or court street;

11. Hawkers and Peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood;

12. Drums. The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show or sale by the creation of noise;

13. Transportation of Metal Rails, Pillars and Columns. The transportation of rails, pillars or columns of iron, steel or other materials over and along the streets and other public places upon carts, drays, cars or trucks or in any other manner as to cause loud noises or disturb the peace and quiet of such streets or other public places between the hours of ten (10) p.m. and six a.m.

14. Pile Drivers, Hammers and the Like. The operation between the hours of ten (10) p.m. and seven a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance the use of which is attended by loud or unusual noise; and

15. Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

B. Exceptions. The provisions of this section shall not apply to any regularly scheduled activities sponsored by a municipal corporation, political subdivision of the state or special district or any activities being held on land owned or controlled by a municipal corporation, political subdivision of the state or special district.

C. Remedies and Penalties for Violation.

1. Violation and Infraction. A person who violates any provision of this section shall be deemed guilty of an infraction upon conviction thereof, punishable pursuant to the provisions of this code.

2. Violation a Public Nuisance. A violation of this section is a public nuisance and may be abated by a civil action, including a restraining order or injunction.

(Ord. No. 519, 8-8-2012)

Title 9 - PUBLIC PEACE, MORALS AND WELFARE

Chapters:

Chapter 9.04 - OFFENSES AGAINST PUBLIC PEACE AND DECENCY

Chapter 9.08 - MINORS—RESTRICTED HOURS*

Chapter 9.12 - WEAPONS

Chapter 9.14 - PUBLIC URINATION OR DEFECATION PROHIBITED

Chapter 9.04 - OFFENSES AGAINST PUBLIC PEACE AND DECENCY

Sections:

9.04.010 - Intoxicating liquor defined.

9.04.020 - Use restricted.

9.04.010 - Intoxicating liquor defined.

For the purposes of this chapter, unless otherwise apparent from the context, "intoxicating liquor" means any and all liquors and drinks which contain more than three and- two-tenths percent alcohol by weight.

(Prior code § 5-3.01)

(Ord. 513, 5-26-2010)

9.04.020 - Use restricted.

It is unlawful for any person to drink intoxicating liquor in any vehicle or upon any street, alley or sidewalk or any portion thereof, in the city except in the following permitted situations:

A. Special events when approved in advance by resolution of the city council and subject to all applicable laws, rules and regulations; and

B. Sidewalk cafes that are duly licensed and permitted to sell intoxicating liquor and subject to all applicable laws, rules and regulations.

(Prior code § 5-3.02)

(Ord. No. 513, 5-26-2010)

Chapter 9.08 - MINORS—RESTRICTED HOURS*

Sections:

9.08.010 - Minors—Curfew.

9.08.020 - Violation—Penalty.

9.08.010 - Minors—Curfew.

It is unlawful for any minor under the age of eighteen (18) years to loiter on the streets, roads, highways or other public place open to the public, in the city between the hours of eleven p.m. and six a.m. Sunday through Thursday and midnight and six a.m. Friday and Saturday; provided, however that a minor under the age of eighteen (18) years may be on the streets, road, highway or other public place or in a place open to the public between these hours when such minor in the company of his or her parents or guardian or person having legal care, custody and control of such minor.

(Ord. 493 § 1 (part), 2007)

9.08.020 - Violation—Penalty.

Any minor violating the provisions of this chapter shall be guilty of a misdemeanor, and shall be dealt with in accordance with juvenile court law and procedure.

(Ord. 493 § 1 (part), 2007)

Chapter 9.12 - WEAPONS

Sections:

9.12.010 - Firearm defined.

9.12.020 - Firearms—Discharging.

9.12.030 - Firearms—Discharging—Exceptions.

9.12.040 - Push-button and spring-blade knives—Dangerous weapons.

9.12.050 - Push-button and spring-blade knives—Prohibited.

9.12.060 - Push-button or spring-blade knives—Nuisances—Confiscation.

9.12.010 - Firearm defined.

For the purposes of this chapter, "firearm" means any gun, cannon, rifle, pistol, air rifle, BB gun, rocket, torpedo cane, gas gun or other firearm of any kind.

(Prior code § 5-7.01)

9.12.020 - Firearms—Discharging.

No person shall fire or discharge any firearm within the city, except as otherwise provided in Section 9.12.030 of this chapter.

(Prior code § 5-7.02)

9.12.030 - Firearms—Discharging—Exceptions.

The provisions of Section 9.12.020 of this chapter shall not apply to:

A. Peace officers using reasonable care in the discharge of their official duties;

B. Persons using firearms in necessary self-defense;

C. Bona fide gun clubs and shooting galleries;

D. Persons using firearms in a careful manner in a bona fide shooting gallery; and

E. Persons using explosive substances for construction, tree planting or other necessary purposes within the city with the written permission of the chief of police and under conditions which will preclude the possibility of injuries to persons or property because of such blasting.

(Prior code § 5-7.03)

9.12.040 - Push-button and spring-blade knives—Dangerous weapons.

Push-button and spring-blade knives are declared to be dangerous weapons by reason of the rapidity with which the blades can be changed from a closed to an open position.

(Prior code § 5-7.04)

9.12.050 - Push-button and spring-blade knives—Prohibited.

It is unlawful for any person to keep for sale, offer or expose for sale, give, lend or possess within the city any push-button or spring-blade knife.

(Prior code § 5-7.05)

9.12.060 - Push-button or spring-blade knives—Nuisances—Confiscation.

Push-button or spring-blade knives are declared to be nuisances and subject to confiscation and summary destruction whenever found within the city; provided, however, upon the certification of a judge or the city attorney that the ends of justice will be subserved thereby, such weapon shall be preserved until the necessity for their use ceases.

(Prior code § 5-7.06)

Chapter 9.14 - PUBLIC URINATION OR DEFECATION PROHIBITED

Sections:

9.14.010 - Acts prohibited.

9.14.020 - Human waste defined.

9.14.030 - Violation—Penalty.

9.14.010 - Acts prohibited.

No person shall deposit, by means of urination or defecation, any human waste material in any public place (other than in a public toilet or restroom designed to receive waste material), in any place exposed to public view, or upon the surface of the ground or upon any premises, lot, or public street.

(Ord. No. 511, 5-12-2010)

9.14.020 - Human waste defined.

For the purposes of this chapter "human waste material" means human urine or human fecal matter discharged from the body.

(Ord. No. 511, 5-12-2010)

9.14.030 - Violation—Penalty.

Violation of this chapter shall be a misdemeanor, but may be charged as either a misdemeanor or an infraction in the discretion of the prosecuting attorney.

(Ord. No. 511, 5-12-2010)

Title 10 - VEHICLES AND TRAFFIC

Chapters:

Chapter 10.04 - SPEED LIMITS

Chapter 10.08 - ONE-WAY STREETS

Chapter 10.12 - ARTERIAL STREETS

Chapter 10.16 - STOPPING, STANDING AND PARKING

Chapter 10.20 - OVERWEIGHT AND OVERSIZE VEHICLE LOADS

Chapter 10.24 - BICYCLES AND SKATEBOARDS

Chapter 10.28 - MISCELLANEOUS RULES

Chapter 10.32 - ADMINISTRATIVE REVIEW

Chapter 10.36 - PARKING CITATION BAIL SCHEDULE

Chapter 10.40 - TRIP REDUCTION PROGRAM

Chapter 10.04 - SPEED LIMITS

Sections:

10.04.010 - Designation—Authority.

10.04.020 - Radar enforcement.

10.04.030 - Increase limits.

10.04.010 - Designation—Authority.

The council may establish and designate by ordinance an increase or decrease of local speed limits pursuant to Vehicle Code Sections 22357 and 22358.

(Prior code § 4-5.401)

10.04.020 - Radar enforcement.

Radar may be utilized to enforce speed limits on roadways within city boundaries when a prima facia speed limit is justified by an engineering and traffic survey pursuant to the Vehicle Code.

(Prior code § 4-5.402)

10.04.030 - Increase limits.

Pursuant to a traffic and engineering survey, the posted speed on the following streets will be raised from thirty-five (35) mph to forty (40) mph:

A. South Auburn Street between Placer Hills Road and a point 0.25 miles south of State Route 174.

B. South Canyon Way between a point 0.15 miles south of Placer Hills Road to a point 0.10 miles north of Seims Avenue.

(Prior code § 4-5.403)

Chapter 10.08 - ONE-WAY STREETS

Sections:

10.08.010 - Council—Designation.

10.08.020 - Signs and markings.

10.08.010 - Council—Designation.

The city council may establish and designate by resolution public roads or highways upon which travel may only occur in only one direction.

(Prior code § 4-8.101)

10.08.020 - Signs and markings.

Whenever any resolution of the city designates an area for one-way travel, the director of public works shall erect signs and mark those portions or the street designated for one-way travel.

(Prior code § 4-8.102)

Chapter 10.12 - ARTERIAL STREETS

Sections:

10.12.010 - Designation—Authority.

10.12.020 - Stop signs—Installation and maintenance.

10.12.030 - Stop signs—Obedience.

10.12.010 - Designation—Authority.

The council, when deemed necessary and convenient for improving traffic and avoiding accidents, may establish and designate by resolution arterial streets and may designate and declare by resolution any intersection as a stop intersection and authorize stop signs to be posted at one or more entrances thereto.

(Prior code § 4-5.101)

10.12.020 - Stop signs—Installation and maintenance.

Whenever any resolution of the city designates and describes any street or portion thereof, as an arterial street or any intersection at which vehicles are required to stop at one or more entrances thereto, the director of public works shall erect and maintain stop signs on each and every street intersecting such arterial street or portion thereof or stop intersection so designated. Every such sign shall conform with and be placed as provided in the Vehicle Code of the state.

(Prior code § 4-5.102)

10.12.030 - Stop signs—Obedience.

Every operator of a vehicle traversing any street or alley intersecting any arterial street shall stop such vehicle at the place where such street or alley meets the nearest property line of the arterial street before entering such arterial street provided the property line is clearly marked or signposted as required by the provisions of this title. Every operator of a vehicle approaching a stop intersection where a stop sign is erected at the entrance to the cross street shall come to a full stop before entering or crossing such street.

(Prior code § 4-5.103)

Chapter 10.16 - STOPPING, STANDING AND PARKING

Sections:

10.16.010 - Finding.

10.16.020 - Authority.

10.16.030 - Enforcement—Designation.

10.16.040 - Signs and markings.

10.16.050 - Obedience to signs and markings.

10.16.060 - Twenty-minute parking.

10.16.070 - Two-hour parking.

10.16.080 - Prohibited parking.

10.16.090 - Storage of vehicles on streets.

10.16.100 - Removal of over-parked vehicles.

10.16.110 - Approval of Department of Public Works of the state.

10.16.120 - Withdrawal of approval of Department of Public Works of the state.

10.16.130 - Administrative review.

10.16.140 - Appeal.

10.16.150 - Parking violation bail schedule.

10.16.010 - Finding.

The city council finds establishing parking regulations, violations, offense and administration, appeal process, parking violation bail schedule and establishing fines for such violations a necessity for the health, safety and welfare of the community.

(Ord. 469 § 1, 2000)

10.16.020 - Authority.

The city establishes regulations, violations, methods of administration and appeals pursuant to California Government Codes.

(Ord. 469 § 2, 2000)

10.16.030 - Enforcement—Designation.

The city establishes the Placer County sheriff's department under contract to serve as local law enforcement to the city. The Placer County sheriff's office assigns a supervising deputy(s) and designates that person(s) to the city.

(Ord. 469 § 3 (part), 2000: prior code § 4-5.201)

10.16.040 - Signs and markings.

The city may designate areas for diagonal, parallel, right angle, limited or prohibited parking. The director of public works shall erect signs and mark those portions of the streets and curbs designated for such parking.

(Ord. 469 § 3 (part), 2000: prior code § 4-5.202)

10.16.050 - Obedience to signs and markings.

When curb markings or signs are in place, no operator of any vehicle shall stop, stand or park such vehicle adjacent to any such legible curb marking or sign in violation of the provisions of this chapter. Vehicles shall be parked so that no part of the vehicle extends over or across any mark or line designating the parking space.

(Ord. 469 § 3 (part), 2000: prior code § 4-5.203)

10.16.060 - Twenty-minute parking.

The following areas of the city shall be limited to twenty (20) consecutive minutes of parking time per vehicle between the hours of eight a.m. and six p.m. on every day of the week except Sundays and holidays:

A. One diagonal parking place directly in front of 33 Depot Street;

B. One diagonal parking place directly in front of 46 North Main Street.

(Ord. 469 § 3 (part), 2000: prior code § 4-5.204)

10.16.070 - Two-hour parking.

The following areas of the city shall be limited to two consecutive hours of parking time per vehicle between the hours of eight a.m. and six p.m. on every day of the week, except Saturdays, Sundays and holidays:

A. The west side of Main Street between Church Street and Depot Street;

B. The north and south sides of Grass Valley Street from Main Street to the first designated alleyway;

C. The south side of Depot Street between Main Street and the first designated alleyway; and

D. Both sides of Auburn Avenue between Central Street and Oak Street.

(Ord. 469 § 3 (part), 2000: prior code § 4-5.205)

10.16.080 - Prohibited parking.

The following areas of the city shall be designated as no parking areas:

A. Foresthill Street between Oak Street and Central Street, except to load or unload;

B. South Auburn Street and Placer Hills Road beginning at the Canyon Way over crossing sign which reads S. Auburn Street and Placer Hills Road and extending along both sides of S. Auburn Street northward four hundred fifty (450) feet.

(Ord. 469 § 3 (part), 2000: prior code § 4-5.206)

10.16.090 - Storage of vehicles on streets.

A. Person(s) who own or have the possession, custody or control of any commercial or recreation vehicle may not park such vehicle(s) on any street or alley in the city in excess of seventy-two (72) consecutive hours.

B. Commercial or recreation vehicle(s) for the purpose of this chapter are those vehicles recognized and subject to registration as recreation or commercial vehicles under the California Vehicle Code. They are described herein as commercial vehicles with three or more axles, commercial vehicles over twenty-five (25) feet in length, any motor home or truck and trailer combination to include boat trailers (with or without vessel), any box style or flatbed trailer used for commercial purposes, any truck or trailer commonly rented by private parties for the purposes of moving items. Such vehicles are subject to towing for violation of this section.

(Ord. 469 § 3 (part), 2000: prior code § 4-5.207)

10.16.100 - Removal of over-parked vehicles.

In the event any motor or recreation vehicle is parked or left standing upon a street or alley in violation of the provisions of this chapter, such motor or recreation vehicle may be removed from the street or alley and stored subject to the requirements of the Vehicle Code of the state.

(Ord. 469 § 3 (part), 2000: prior code § 4-5.209)

10.16.110 - Approval of Department of Public Works of the state.

Whenever the provisions of this chapter delegate authority to the director of public works to regulate parking upon a state highway in any way which by state law requires the prior approval of the Department of Public Works of the state, the director of public works shall not exercise such authority with respect to any state highway without prior approval in writing by the Department of Public Works of the state when and to the extent required by the Vehicle Code of the state.

(Ord. 469 § 3 (part), 2000: prior code § 4-5.210)

10.16.120 - Withdrawal of approval of Department of Public Works of the state.

Any provision of this chapter which regulates parking or delegates the regulation of parking upon state highways in any way for which the approval of the Department of Public Works of the state is required by state law shall cease to be operative six months after the receipt by the council of a written notice of the withdrawal of such approval by the Department of Public Works of the state.

(Ord. 469 § 3 (part), 2000: prior code § 4-5.211)

10.16.130 - Administrative review.

A. The city adopts Placer County Code Sections 16.865 through 16.690 establishing administration, process, procedure and enforcement of parking violation citations by reference.

B. Pursuant to the Vehicle Code Section 402.007, for a period of twenty-one (21) days from the issuance of a notice of parking violation or ten (10) days from the mailing of a notice of delinquent parking violation, a person shall submit parking violation citation fees to the parking administrator as designated by Placer County. The hearing officer shall determine guilty or not guilty.

(Ord. 469 § 3 (part), 2000: prior code § 4-5.212)

10.16.140 - Appeal.

Pursuant to the Vehicle Code Section 402.30, within twenty (20) days after the mailing of the final decision by the Placer County parking administrator hearing officer, the person may seek review by filing an appeal with the Placer County municipal court. All citations fines must be paid prior to filing an appeal.

(Ord. 469 § 3 (part), 2000: prior code § 4-5.213)

10.16.150 - Parking violation bail schedule.

Any violation of this chapter and any violation of the Vehicle Code sections set forth in the bail schedule of Placer County adopted by reference shall be an infraction and shall be punishable by fine(s) set forth in Chapter 10.36 of this title. Fine(s) may be revised and amended by resolution of the city council from time to time as necessary and consistent with the adopted Placer County fines.

(Ord. 469 § 3 (part), 2000: prior code § 4-5.214)

Chapter 10.20 - OVERWEIGHT AND OVERSIZE VEHICLE LOADS

Sections:

10.20.010 - Findings.

10.20.020 - Authority.

10.20.030 - Purpose and intent.

10.20.040 - Streets identified.

10.20.050 - Fee.

10.20.060 - Vehicle load limits.

10.20.070 - Procedure and permit.

10.20.080 - Liability.

10.20.010 - Findings.

The city council finds establishing a permit(s), fee(s) and process procedure for overweight and oversize vehicles and equipment in the city a necessity for health, safety and welfare of the community.

(Ord. 463 § 1, 2000)

10.20.020 - Authority.

The transportation of oversize and overweight vehicle loads is established pursuant to California Government Code, Section 35783 and any amendments thereto. The city council establishes this chapter to require transportation permits.

(Ord. 463 § 2, 2000)

10.20.030 - Purpose and intent.

The purpose and intent of the establishment of a permit fee and procedure is to protect city streets from unnecessary degradation and to protect the health, safety and welfare of the community.

(Ord. 463 § 3, 2000)

10.20.040 - Streets identified.

Auburn Street, Grass Valley Street, Rising Sun, Canyon Way, East Oak Street, Central Street and Main Street within the city are identified for overweight and maneuvering of oversize vehicles. Permits for State Route 174 and Interstate 80 within the city are processed through the State of California Department of Transportation. Oversize and overweight vehicles and equipment are prohibited on all other streets in the city.

(Ord. 463 § 4, 2000)

10.20.050 - Fee.

The city council of the city establishes an annual permit fee for transporting on designated streets overweight vehicle(s) or oversize vehicle(s) loads per single trip fee of twelve dollars ($12.00), a round-trip fee twenty-four dollars ($24.00) and an annual fee of ninety dollars ($90.00). The council may from time to time increase the permit fee by resolution. However, pursuant to the Public Resources Code of the state the fee may not exceed that most current fee established by the California State Department of Transportation.

(Ord. 463 § 5, 2000)

10.20.060 - Vehicle load limits.

Any weights that exceed the legal weight chart in the California Vehicle Code Section 35783 are non-adjustable. Any load that requires Cal-Trans and/or Placer County permit(s) must obtain a city permit.

(Ord. 463 § 6, 2000)

10.20.070 - Procedure and permit.

The permittee and the city agree to the following:

A. Permittee of overweight or oversize loads in excess of Section 10.20.060 of this chapter shall contact the city and shall complete the transportation permit form (Exhibit A attached to the ordinance codified in this chapter) and pay fees prior to commencement of transporting.

B. The city will then issue the permittee a load number. The driver of the transport shall comply with the California Vehicle Code Section 35783.

C. In accepting this permit, the permittee agrees to repair at his or her own expense and to the satisfaction of the director of public works and/or city engineer, any damage to street(s), street appurtenances or structures. Notwithstanding work/repair completed by public works forces at the option of the city manager, the cost to be borne by the permittee.

D. In the event of damage to city streets, traffic signs, light standards and other appurtenances, a written report must be filed with the public works department within seventy-two (72) hours after such damage has been done. Failure to make this report will be considered cause for cancellation of all permit privileges pending satisfactory arrangement with the city for repair or replacement of the damage.

E. Permittee shall have the sole responsibility to and shall provide that transports clear all telephone, electrical, cable TV and other utility lines prior to transport. Permittee shall have the sole responsibility to and shall contact the utilities involved if clearance will not be made and to take appropriate mitigation measures.

F. Permittee shall have the sole responsibility to and shall make financial restitution to any and all utility companies which may have had their facilities damaged by the transport.

(Ord. 463 § 7, 2000)

10.20.080 - Liability.

The permittee agrees to the following:

A. The permittee is responsible for all liability for injury to or death or any person or damage to property which may occur through any act or omission of either the permittee or the city arising from the issuance of this permit.

B. In the event any claim, suit or action is brought against the city, its officers, employees or agents thereof by reason of or in connection with any such act or omission, permittee shall defend, indemnify and hold harmless the city, its officers, employees or agents from such claim, suit or action.

(Ord. 463 § 8, 2000)

Chapter 10.24 - BICYCLES AND SKATEBOARDS

Sections:

Article I - Bicycles

Article II - Skateboards

Article I - Bicycles

10.24.010 - Operation on sidewalks—Prohibited.

10.24.020 - Violation—Penalty.

10.24.010 - Operation on sidewalks—Prohibited.

It is unlawful for any person to ride a bicycle on the sidewalks of the city.

(Prior code § 4-1.01)

10.24.020 - Violation—Penalty.

Any person violating the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding five dollars ($5.00).

(Prior code § 4-1.02)

Article II - Skateboards

10.24.030 - Purpose.

10.24.040 - Definitions.

10.24.050 - Prohibition in central business district.

10.24.060 - Sidewalk prohibition.

10.24.070 - Skateboards prohibited—Specific locations.

10.24.080 - Right-of-way.

10.24.090 - General prohibitions and restrictions.

10.24.100 - Designation of additional prohibited areas.

10.24.110 - Violation—Penalty.

10.24.030 - Purpose.

A. Pursuant to California Vehicle Code Section 21967, this article prohibits or regulates skateboarding on and along public pedestrian walks, bridges, buildings, parking facilities and streets; and on and along privately owned roadways and parking areas associated with shopping centers. The city

council finds that the practice of skateboarding, which is increasing, within and upon pedestrian walks and malls and privately owned roadways and parking areas at shopping centers creates physical hazards to pedestrians and motorists using such walkways and roadways in that skateboards can be and often are, operated at speeds greatly in excess of normal pedestrian travel and can be and often are, traffic hazards; that the direction of travel of skateboards can be changed and reversed extremely quickly by the operator and without warning to nearby pedestrians and motorists; that total operational control of a skateboard is very rarely, if ever, achieved; that a person operating a skateboard can become easily hidden behind pedestrians and motorists and thus temporarily remain unseen to other nearby pedestrians and motorists; and that the noise emanating from the operation of a skateboard alarms many pedestrians and motorists, particularly when the location of the skateboard is nearby, but not immediately apparent. The city council further finds that mistakes made by the operator of a skateboard, which are frequent, commonly result in the skateboard flying off in an uncontrolled fashion in one direction, thus endangering any persons or motorists nearby, with the rider falling in an uncontrolled manner in another direction, also endangering those nearby and that the noise emanating from the nearby operation of a skateboard on shopping center walkways, privately owned roadways and parking areas is, for these and other reasons, annoying and worrisome to a substantial portion, if not the vast majority, of pedestrians using such walkways and motorists using such privately owned roadways and parking areas.

(Ord. 404 § 2 (part), 1993: prior code § 4-6.01)

10.24.040 - Definitions.

As used in this chapter:

"Skateboard" means a mechanism having two or more sets of wheels, often resembling wheels on rollerskates, which are fastened to a platform, commonly constructed to accommodate a standing person. Skateboards are normally propelled by the operator pushing off the ground with one foot or by the force of gravity.

"Shopping center" means the privately owned real property upon which a business-commercial development is situated, which development is open to the general public and primarily devoted to retail sales and services from shops and stores situated therein, although it may also contain some offices and eating places, as well as other accessory uses compatible in the retail-sales shopping area.

(Ord. 404 § 2 (part), 1993: prior code § 4-6.02 (part))

10.24.050 - Prohibition in central business district.

A. It is unlawful for any person upon rollerskates, rollerblades or riding on or by means of a coaster, skateboard or similar device to go upon any roadway, sidewalk, bridge or publicly owned building or parking facility in the central business district.

B. The central business district, for purposes of this article, is defined as that area of the city bounded by and including: (1) Main Street from the intersection of School Street to the intersection of Quinn's Lane and including the alley lying west of and parallel to Main Street from its intersection at Church Street to its intersection at Depot Street; (2) Auburn Street from its intersection with Main Street to its intersection with Whitcomb Avenue. Such district shall include the roadway and sidewalks on both sides of all boundary streets.

(Ord. 404 § 2 (part), 1993: prior code § 4-6.03 (part))

10.24.060 - Sidewalk prohibition.

It is unlawful for any person upon rollerskates, roller blades or riding on or by means of a coaster, skateboard or similar device to go upon any sidewalk or other area devoted to pedestrian traffic within the city. This prohibition shall not be construed to include bicycle lanes and routes so marked outside of otherwise prohibited areas.

(Ord. 404 § 2 (part), 1993: prior code § 4-6.04)

10.24.070 - Skateboards prohibited—Specific locations.

A. No person shall use or operate a skateboard within any shopping center, apartment parking lot or within twenty (20) feet of the entrance of any shop, store or commercial building which has been posted by the owner or manager with a sign, as described below. The posting of these signs is voluntary on the part of any such property manager or owner.

   1. For shopping centers, signs shall be posted on the property of the shopping center, along each exterior entrance of the shopping center, in plain view of pedestrians and motor vehicle operators entering the center at such entrances. Additional signs, as described below, may be posted within the interiors of the shopping center. These signs shall be maintained by the management of the shopping center.

   2. Each such sign shall state "SKATEBOARDING PROHIBITED" and underneath, "City of Colfax Municipal Code Section 10.24.070." The signs shall be not less than one square foot in area and will have letters not less than two inches in height.

   3. Managers and owners of private property desiring to post their property shall deliver written notification of such posting to the chief of police not less than twenty-four (24) hours prior to posting the signs.

   4. Any manager or owner may withdraw from the provisions of this chapter by notifying the chief of police, in writing, of such withdrawal and removing the required signs.

B. It is unlawful for any person to ride or propel any skateboard in the following places:

   1. On both sides of Main Street between Church Street and Depot Street;

   2. On both sides of Church Street, Grass Valley Street and Depot Street from Main Street to Culver Street and Culver Street between Church Street and West Grass Valley Street;

   3. On both sides of Auburn Street;

   4. On the front sidewalks in front of the House of Standlock, the Liquor Store and the Beacon, Chevron and Tom's Sierra Service Stations on the Freeway Frontage Road; and

   5. On the paved walkway in the Lions Club Park.

C. The city council may designate additional places where skateboarding is prohibited by resolution; the director of public works shall post or erect or cause to be posted or erected signs prohibiting skateboarding in such places. (Amended during 2004 codification; Ord. 432 § 1, 1995: Ord. 404 § 2 (part), 1993: prior code§ § 4-6.02 (part), 4-6.05)

10.24.080 - Right-of-way.

Persons upon roller skates, roller blades or riding by means of a coaster, skateboard or similar device shall yield the right-of-way to all motor vehicles, bicycles and pedestrians.

(Ord. 404 § 2 (part), 1993: prior code § 4-6.06)

10.24.090 - General prohibitions and restrictions.

A. No person on roller skates, roller blades or riding on or by means of a coaster, skateboard or similar device shall attach the same or himself or herself to any vehicle or allow himself or herself to be towed by the use of any mechanical device.

B. No person shall use or operate a skateboard more than thirty (30) minutes after sunset or more than thirty (30) minutes prior to sunrise.

C. No person shall use or operate a skateboard on any public or private street, alley or right-of-way or on any property owned, used or operated by the city in a manner which endangers the safety of any other person or property.

D. Skateboards shall only be used or operated on public property while the user is in the standing, upright position.

E. The use of ramps, jumps or any other device on public property which is used to force the skateboard off of the pavement is prohibited.

(Ord. 404 § 2 (part), 1993: prior code § 4-6.07)

10.24.100 - Designation of additional prohibited areas.

The city council may, from time to time, designate additional publicly owned buildings, property or facilities or additional private property as areas upon which it is unlawful for any person to skate, use or ride any skateboard or similar device. Such areas shall be designated by resolution of the city council and shall be posted at the entrance of the property with a sign as described below.

A. Each such sign shall state "SKATEBOARDING PROHIBITED" and underneath, "Colfax Municipal Code Section 10.24.100." The letters of the prohibition shall be two inches in height and shall be printed in black with a white background. The citation of the Colfax Municipal Code shall be printed in black in letters one inch in height at the bottom and right side of the sign. The sign shall not exceed two hundred eighty (280) square inches in area. (Amended during 2004 codification; Ord. 404 § 2 (part), 1993: prior code § 4-6.08)

10.24.110 - Violation—Penalty.

A violation of this chapter shall constitute an infraction and shall be punishable by a fine of not less than ten dollars ($10.00) for a first offense, twenty-five dollars ($25.00) for a second offense and one hundred dollars ($100.00) for each offense thereafter.

(Ord. 432 § 1, 1995: Ord. 404 § 2 (part), 1993: prior code §§ 4-6.03 (part), 4-6.09)

Chapter 10.28 - MISCELLANEOUS RULES

Sections:

10.28.010 - Trains—Obstructing streets.

10.28.010 - Trains—Obstructing streets.

It is unlawful for any person in charge of any car engine or train of cars to permit or allow such car, engine or train of cars to be upon or obstruct any street crossing in the city for a period longer than ten (10) successive minutes on any occasion.

(Prior code § 4-5.301)

Chapter 10.32 - ADMINISTRATIVE REVIEW

Sections:

10.32.010 - Designation—Authority.

10.32.020 - Initial review.

10.32.030 - Appeal.

10.32.010 - Designation—Authority.

Pursuant to Vehicle Code Section 402.007, for a period of twenty-one (21) days from the issuance of a notice of parking violation or ten (10) days from the mailing of a notice of delinquent parking violation, a person may request a review of the appropriateness of the parking citation by the chief of police.

(Ord. 420 § 1 (part), 1994: prior code § 4-5.501)

10.32.020 - Initial review.

If a person is not satisfied with the review and decision of the chief of police, that person may, within fifteen (15) days of the mailing of the results of the initial investigation review by the chief of police, request in writing that the appropriateness of the parking citation be reviewed by the city manager. At the time the written request for the review is made, the person must tender the amount of the parking penalty and tender an explanation of the reason for contesting the parking violation. Within a reasonable time after receiving the request for review, the city manager shall notify the person of the time and place of the hearing. At the hearing, the city manager shall review all information supplied by the person who is appealing and any other information available and make his or her decision. The decision of the city manager shall be mailed to the person requesting the appeal by first class mail.

(Ord. 420 § 1 (part), 1994: prior code § 4-5.502)

10.32.030 - Appeal.

Pursuant to Vehicle Code Section 402.30, within twenty (20) days after the mailing of the final decision by the city manager, the person may seek review by filing an appeal with the municipal court and pay the appeal fee of twenty-five dollars ($25.00) to the city.

(Ord. 420 § 1 (part), 1994: prior code § 4-5.503)

Chapter 10.36 - PARKING CITATION BAIL SCHEDULE

Sections:

10.36.010 - Parking violation bail schedule.

10.36.010 - Parking violation bail schedule.

Any violation of Chapter 10.16 of this title and any violation of the Vehicle Code section set forth in the bail schedule below, shall be an infraction and shall be punishable by a fine set forth in the following bail schedule.

Bail Schedule

Vehicle Code Section	Offense	Bail Amount
21210	Bicycle Impeding Pedestrians	$ 20.00
22500 (a-h, j, k)	Improper Parking	20.00
22500 (i)	Parking in Bus Zone	250.00
22500 (1)	Parking in Wheelchair Access	250.00
22502 (a, e)	Curb Parking Restricted	20.00
22505 (b)	Posted "No Parking"	20.00
22507.8 (a-c)	Parking in Disabled Space	275.00
22514	Parking in front of Fire Hydrant	20.00
22515	Unattended Vehicle	20.00
22516	Locking Occupied Vehicle	100.00
22517	Opening Door on Traffic Side	100.00
22521	Parking on Railroad Tracks	20.00

22522	Parking Near Sidewalk Access	275.00
22523 (a, b)	Vehicle Abandonment	270.00
22526	Blocking Intersection	50.00
22650	Unauthorized Removal of Vehicle	50.00
22951	Parking Lot - Street/Alley Parking	20.00
22952 (a, b)	Vehicle Removal from Parking Lot	100.00
23333	Stopping/Parking on Bridge	20.00

(Amended during 2004 codification; Res. 27-2000; Ord. 420 § 2, 1994: prior code § 4-5.601)

Chapter 10.40 - TRIP REDUCTION PROGRAM

Sections:

10.40.010 - Purpose.

10.40.020 - Objective.

10.40.030 - Intent.

10.40.040 - Definitions.

10.40.050 - Project requirements.

10.40.060 - Transportation plan.

10.40.070 - Trip reduction credit for transportation control measures (TCMs).

10.40.080 - Annual reporting requirements.

10.40.090 - Implementation schedule.

10.40.100 - Compliance monitoring.

10.40.110 - Violation—Penalty.

10.40.120 - Appeal.

10.40.010 - Purpose.

The purpose of this chapter is as follows:

A. Reduce total vehicle emissions in Placer County and South Placer region by reducing the number of vehicular trips that might otherwise be generated by home-to-work commuting.

B. Reduce traffic congestion in Placer County by reducing both the number of vehicular trips and the vehicular miles traveled that might otherwise be generated by home-to-work commuting.

C. Reduce or delay the need for major transportation facility improvements by making efficient use of existing facilities.

D. Reduce present and future motor vehicle emissions as a contribution for complying with federal and state ambient air quality standards.

E. Implement measures that will work towards attainment of ambient air quality standards and compliance with congestion management program (CMP) requirements.

F. Increase the average vehicle ridership (AVR) during the weekday commute period ("peak period") to work towards goals set forth in the California Clean Air Act.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.01)

10.40.020 - Objective.

The fundamental objective of the trip reduction program as established by this chapter is to increase the average vehicle ridership (AVR) for home-to-work commuting to thirty-three (33) percent higher average number of passengers per vehicle (AVR=1.4) than would occur if all such trips were made in single-occupant vehicles (AVR=1.0). Large employment facilities or common work locations will be

expected to accomplish a higher portion of this reduction than small employment centers in recognition of the greater opportunity for rideshare matches and increased viability of transit at large employment facilities.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.02)

10.40.030 - Intent.

It is the intent of this chapter that employers strive to reach the goal of an average vehicle ridership (AVR) of 1.4 persons per vehicle. Employers are required to put forth a good faith effort to encourage employees to use alternative transportation modes through the methods described below.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.03)

10.40.040 - Definitions.

As used in this chapter:

"Alternative commute mode" means a method of traveling to and from the worksite other than by single-occupant vehicle (i.e., transit, carpool, vanpool, bicycle, walking, telecommuting).

"Average vehicle ridership (AVR)" means the average number of persons occupying each vehicle. AVR is calculated by multiplying the number of employees by the standard number of trips in a work week (generally ten (10)), then divided by actual number of vehicular trips per work week. For example, if all employees drive alone to work each day, the AVR = 1.0. If there are ten (10) employees and only sixty-seven (67) vehicular trips, then the AVR is 1.5, which means that, on average, each vehicle is transporting 1.5 people to their destination. The higher the AVR, the more people are using alternative transportation methods.

"Carpool" means a motor vehicle occupied by two or more persons traveling to and from work.

"Common work location" means a single building, building complex, campus or work sites at common location. A common work location is typified by a common private parking lot or area to be used by employees, tenants, customers and/or other visitors to the complex, notwithstanding parking slot designations, such as specific spaces designated for specific tenants. Common work locations may be public, private or educational facilities. More than one employer may be grouped at one common work location.

"Commuter" means an employee who travels regularly to and from an employment facility three or more times a week.

"Commuter matching service" means any system for mapping and matching home and work locations of interest commuters to identify prospects for ridesharing.

"Employee" means those who provide a paid service for twenty (20) or more hours per week.

"Employee transportation coordinator (ETC)" means an employee or other individual designated by the employer or project controller to coordinate and implement TSM activities as required by the transportation plan.

"Peak period commuter" means any employee who travels regularly to and from a facility three or more days a week and arrives or departs from the facility between six a.m. to nine a.m. Monday through Friday.

"Project controller" means the owner, lessor and/or manager of a common work location.

"Rideshare program" means the commuter matching service and commuter information service operated by the South Placer TMA or Caltrans-Sacramento Rideshare.

"Ridesharer" means any employee who commutes to and from his or her work location by any mode other than single-occupancy light or medium duty vehicle, motorcycle or moped.

"Shift of employment" means any group of employees who work at a common work location and who arrive and depart from work in a common time interval not greater than one hour.

"Single-occupant vehicle (SOV)" means a motor vehicle occupied by one employee for commute purposes.

"Transportation control measures (TCMs)" means measures used to maintain or improve the efficient movement of persons and goods while reducing the congestion and air quality impacts associated with motorized vehicles.

"Transportation control measure (TCM) coordinator" means the city employee or other individual designated to manage and enforce employer compliance with TRO requirements.

"Transportation management association (TMA)" means an association, usually of public agencies and private firms organized to facilitate, support and encourage the use of alternative transportation methods for commuters.

"Transportation plan" means the plan developed by the employer or project controller to reduce single-occupant vehicle trips, pursuant to Section 10.40.060 of this chapter.

"Trip reduction credit" means the number of points credited to an employer's transportation plan for implementing a specific transportation control measure (TCM) program.

"Vanpool" means a motor vehicle, other than a motor truck or truck tractor, suited for occupancy by more than six but less than sixteen (16) persons including the driver, traveling to and from work.

(Ord. 417 § 1 (part), 1993; Ord. 407 § 2 (part), 1993: prior code § 6-6.04)

10.40.050 - Project requirements.

A. Level 1—All Employers. Every employer shall encourage use of alternative commute modes by providing the following:

   1. Posting in a conspicuous place or places informational material provided by the TCM coordinator to encourage ridesharing, such as:

      a. Current schedules, rates (including procedures for obtaining transit passes) and routes of mass transit service to the common work location or employment site;

      b. The location of all bicycle routes within at least a five-mile radius of the facility;

      c. Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing;

   2. Commuter Matching Service. Disseminating annually to all tenants and employees and to new tenants and new employees when hired, written information provided by the TCM coordinator regarding an area-wide commuter ridesharing matching service.

B. Employee Survey Tabulation. All employers will be asked to complete and return an annual survey regarding employees' use of alternative transportation modes. For employers of less than fifty (50), a brief survey form on a postcard will be used. Employers of more than fifty (50) shall be provided a more detailed survey form for completion.

C. Level 2—All Employers or Common Work Locations With One Hundred (100) or More Employees. In addition to the requirements of Level 1, all employers or common work locations with one hundred (100) or more employees shall provide additional encouragement for the use of alternative transportation modes, through the provision of the following incentives and resources:

1. Employee Transportation Coordinator (ETC). Every employer or common work location with one hundred (100) or more employees shall facilitate the employees use of an area-wide ridesharing program by designating an employee transportation coordinator (ETC). The name, title, address and telephone number of such coordinator shall be reported to the TCM coordinator within sixty (60) calendar days of the effective date of this chapter for those employers currently having one hundred (100) or more employees or within sixty (60) calendar days after reaching one hundred (100) or more employees. In the case of common work locations, property managers or owners may not be immediately aware when the one hundred (100) employee threshold is met. Annual surveys and/or employers database updates may provide this information to the TCM coordinator sooner, in which case they would then notify the property manager or owner of the new employment level. The ETC should be strongly encouraged to take advantage of educational resources, including training seminars, workshops, training manuals and discussions with other ETCs. ETCs need not be full-time employees, not is it necessary that ETC duties take up a majority of the designated employee's time.
2. The ETCs responsibilities shall include:
   a. Publicizing the availability of public transportation;
   b. Communicating employee or tenant transportation needs to the city TMC coordinator, property manager, property owner and/or city staff as appropriate;
   c. Assisting employees or tenants in forming carpools or vanpools;
   d. Developing, coordinating and implementing the employer's transportation plan;
   e. Coordinating, documenting and preparing the annual transportation mode survey and report;
   f. Performing an annual survey of employees and tenant transportation profile showing the distribution of employees and tenants by transportation mode;
   g. Coordinating with property owner and other tenants' transportation plans as applicable;
   h. Coordinating participation in a ridesharing program through a transportation management association, either as a member agency or otherwise, including the distribution and collection of commuter matching forms and submittal to the appropriate rideshare program. The information on these forms will then be entered into the regional database to match commuters by home and work address for carpools and vanpools;
   i. Coordinating any necessary, authorized on-site visit by city TCM coordinator.
3. Any specific common work location may be excluded from Level II requirements if implementation is deemed infeasible by the city council.

(Ord. 417 § 1 (part), 1993; Ord. 407 § 2 (part), 1993: prior code § 6-6.04)

10.40.060 - Transportation plan.

A. A transportation plan is required for each existing employer or common work location having one hundred (100) or more employees and/or for every employer or common work location upon reaching one hundred (100) or more employees.

B. The transportation plan shall include:
   1. Description. A description of the activity and operating characteristics of the proposed or existing project (e.g., business hours and peak hours of travel), including a parking area map or diagram.

2. Existing Conditions. A description of the alternative transportation facilities and programs currently in place, such as bike lockers, preferential carpool parking, rideshare information posting, vanpool subsidies, etc.

3. Estimate. A description and estimation of the commuting characteristics of the labor force (e.g., travel distance and mode).

4. Transportation Control Measures (TCMs). Measures designed to reduce the number of single-occupant vehicle trips.

5. Implementation Schedule. A timeline showing the approximate schedule of implementation of each of the selected mitigation measures.

6. Management Support Letter. In order for the transportation plan to be successfully implemented, the top management of the employer of common work location must be aware of the program and committed to making it work. A letter expressing this commitment is required.

C. If an existing project generates or a new project is expected to generate one hundred (100) or more employees, the plan shall be designed with a goal of achieving an AVR of 1.4. To do this, the plan must include mandatory and optional transportation control measures (TCMs) from the list in subsection B of this section. Each of these transportation control measures (TCMs) are assigned a trip reduction credit; the plan must include measures that have a cumulative total of twenty (20) trip reduction points.

D. The city TCM coordinator shall provide assistance to ETCs in preparing and managing their transportation plan. This assistance may include, but is not limited to, guidebooks to an estimate of the potential effectiveness of common ridesharing activities, sample transportation plans, educational resources and networking opportunities.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.06)

10.40.070 - Trip reduction credit for transportation control measures (TCMs).

A. In order to meet the required levels of trip reduction, every transportation plan shall list the TCMs proposed to be implemented. Every plan shall include and implement all of the mandatory TCMs set forth in the project requirements. The employer or project controller may then select from optional TCMs that will best serve to reduce commute trips of the employees of the particular project. The transportation plan will then receive the vehicle trip reduction credits as defined in Section 10.40.040 of this chapter. These TCMs shall be selected by the applicant and may include, but are not limited to the following:

1. Payment of subsidies or provision of other incentives to carpoolers or vanpoolers;

2. Payment of parking charges or absorption of vanpool operation expense for ridesharers;

3. Payment of subsidies or provision of incentives for the use of transit or transportation by other than single-occupant motor vehicles;

4. Provision of amenities, such as bicycle lockers, transit shelters, shuttle buses, etc. designed to enhance the use of other than single-occupancy motor vehicles;

5. An adequate number of shower and personal locker facilities for regular bicycle commuters;

6. A vanpool program consisting of a continuously outstanding offer to acquire a van or vans (by purchase, lease or otherwise), to obtain insurance and to make available to any group of at least seven employees a van for their use in a vanpool;

7. Provisions for a flex-time program to shift vehicle trips from the peak period to nonpeak hours. A reduction in vehicle trips per day shall be permitted and calculated in the following manner:

The number of trips taken out of the peak period, divided by the estimated total trips multiplied by 25% would equal the percent reduction of vehicle trips per day credited.

8. Implementation of telecommuting and teleconferencing programs;
9. Implementation of a compressed work week program;
10. Joining and maintaining active membership in a transportation management association (TMA);
11. Provision of necessary services on-site, such as child care, banking, dry cleaning, restaurants and so on;
12. Any other program the applicant may devise, with approval of TCM coordinator and designated approving body.

B. Required Transportation Control Measures (TCMs). Each of the following transportation control measures (TCMs) are assigned a trip reduction credit. Each transportation plan must include measures that have a cumulative total of twenty (20) trip reduction points.

1. Designation of an employee transportation coordinator (ETC).	Trip reduction credit— 2 points.
2. Posting of ridesharing information, including:	Trip reduction credit— 1 point.
a. Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing;	
b. The names and phone numbers of the TSM coordinator, transportation management association and the city/county transportation coordinator.	
3. Posting of alternative transportation mode information, such as:	Trip reduction credit— 1 point.
a. Current schedules, rates (including procedures for obtaining transit passes) and routes of mass transit service to the common work location or employment site;	
b. The location of all bicycle routes within at least a five-mile radius of the facility.	
4. Distribution of Commuter Matching Service Information. The South Placer TMA and Caltrans Sacramento Rideshare each maintain regional computer databases to match	Trip reduction

commuters with common cross streets. Each provides rideshare information to employers for distribution and then directly mails the match lists to the employees. The South Placer TMA provides rideshare matchlisting for destinations within Placer County, while Caltrans Sacramento Rideshare provides matchlisting for out-of-county destinations. Credit will be given if the ETC distributes the information annually to all employees and upon hiring to all new employees.	credit— 3 points.
5. Bicycle Parking Facilities. Unless there are overriding considerations specific to the employment site, parking must be supplied for at least two percent of employment. The bicycle parking facilities shall be, at minimum, Class II stationary bike racks.	Trip reduction credit— 1 point.
6. Preferential Carpool/Vanpool Parking. Unless there are overriding considerations specific to the employment site, parking spaces for four percent of employees must be painted "Carpool Parking" or "Vanpool Parking" and must be, with the exception of handicapped parking, the spaces with most convenient access to the employee entrances. The ETC may issue carpool and vanpool stickers to the vehicle owners and shall be responsible for monitoring the spaces.	Trip reduction credit— 2 points.

C. Optional Transportation Control Measures (TCMs).

1. ETC Education Program. ETC must attend educational seminars, workshops or other approved training programs on an annual basis. Points given are based on number of hours of attendance; two points are given for one hour of training, with an additional point for every additional one hour of training, to a maximum credit of four points.	Trip reduction credit— 2-4 points.
2. Additional Preferential Carpool/Vanpool Parking. Additional employee parking spaces must be painted "Carpool Parking" or "Vanpool Parking" and must be, with the exception of handicapped parking, the spaces with the most convenient access to the employee entrances. The ETC may issue carpool and vanpool stickers to the vehicle owners and shall be responsible for monitoring the spaces. An additional point is provided for each additional two percent of total number of employees for which preferential carpool/vanpool parking is provided, up to a maximum of three additional points.	Trip reduction credit— 1-3 points.
3. In-House Carpool Matching Service. The ETC conducts a survey of all	Trip reduction

employees in order to identify persons interested in being matched into carpools. Potential carpoolers are then matched by work address and shift. Credit is given if this service is performed on an annual basis and for all new employees interested in ridesharing.	credit— 4 points.
4. Transportation Management Association (TMA) Membership. The ETC or other designated management employee shall actively participate in a regional TMA. The ETC shall attend all membership meetings or send a designated representative, pay all required dues and/or be involved in any other programs which the TMS board administers. By taking full advantage of full TMA membership, many additional points may be earned.	Trip reduction credit— 4 points.
5. Guaranteed Ride Home Program. Employers will provide or contract to provide a guaranteed ride home for employees who rideshare two days a week or more. The guaranteed ride home would be provided to the ridesharer in the event that an emergency or illness requires that they or their carpool or vanpool driver must leave work early.	Trip reduction credit— 3 points.
6. Parking Fee. Employees who arrive at work in single-occupant vehicles must pay a parking fee of ten dollars ($10.00) per week, while carpool and vanpool vehicles are not charged.	Trip reduction credit— 6 points.
7. Vanpool Program. The employer is required to continuously extend an offer to purchase or lease a van or vans, to obtain insurance and to make available to any group of at least seven employees a van for commute purposes. The employer may recover full or partial operating costs from the vanpool participants.	Trip reduction credit— 4 points.
8. Shuttle Bus/Buspool Program. The employer must provide sufficient shuttle service to transport workers to and from their residences, a park-and-ride lot or other staging area to the workplace. The employer may choose to lease a bus and may work with nearby employers to maximize ridership.	Trip reduction credit— 4 points.
9. Transit/Rail Pass Subsidy. The employer provides a monthly transit or rail pass subsidy of fifty (50) percent or the maximum taxable benefit limit, whichever is higher. The workplace must be within a reasonable walking distance to a transit stop or rail station. The ETC will be responsible for distribution of the passes and collection of fees.	Trip reduction credit— 4 points.

10. Transit Shelter. The developer/owner will construct a shelter on the designated bus route or will post a bond for future construction once the transit route is extended to the site.	Trip reduction credit— 2 points.
11. Secure Bicycle Parking Facilities. Parking must be supplied for at least three percent of employment. The bicycle parking facilities shall be of the following types:	Trip reduction credit— 2 points.
a. A Class I bicycle parking facility with a locking door, typically called a bicycle locker, where a single bicyclist has access to a bicycle storage compartment;	
b. A fenced or covered area with Class II stationary bike racks and a locked gate.	
12. Showers and Lockers. Two showers, one men's and one women's, shall be provided for employers of less than two hundred (200) persons. For employers of more than two hundred (200) persons, there shall be four showers with the number increasing by two for every five hundred (500) employees. Ten (10) lockers shall be provided for employers of less than two hundred (200) persons. For employers of more than two hundred (200) persons, there shall be twenty (20) lockers, with the number increasing by ten (10) for each five hundred (500) employees.	Trip reduction credit— 2 points.
13. Flexible Work Location. A management strategy allowing the employee flexibility in work place outside the employer's established location. These strategies may include but are not limited to telecommuting from the employee's home or the creation of neighborhood office satellites.	Trip reduction credit— 4 points.
14. Flexible Work Hours. A work hour management strategy allowing the employee to adjust work hours outside of the employer's established start and stop time and outside peak hours. Variable work hours may include, but are not limited to: (a) staggered work hours involving a shift in the set work hours of all employees at the workplace to those outside of peak hours; and (b) flexible work hours involving individually determined work hours within guidelines established by the employer. The developer/owner shall agree to devise a lease agreement in which the variable work hours are available to all tenant's employees.	Trip reduction credit— 2 points.
15. Compressed Work Weeks. A management strategy allowing the employee to compress the total number of hours required in a week to fewer days. For	Trip reduction credit—

example, a typical forty (40) hour work week could be compressed into four ten (10) hour days.	3 points.
16. On-Site Services. Through employer provision, cooperative efforts of employers and services or other means, necessary services are available within one-fourth mile of the employment site. Necessary services would include, but are not limited to, child care, cafeteria/restaurant, lunch room, automated teller machine, dry cleaners or post office. Actual credits awarded will depend on which service or combination of services are provided and proximity to employment site.	Trip reduction credit— Negotiable with TCM coordinator and designated approving body.
17. Transit System Subsidy/Grant. Employer provides support to local transit system, which could be for system operations or for capital needs such as new buses. Subsidies or grants could be financial or through donation of capital needs. Actual credits awarded will depend on the amount and type of subsidy or grant.	Trip reduction credit— Negotiable with TCM coordinator and designated approving body.
18. Other. Trip reduction measures that are not included in this subsection or do not specifically fit the descriptions contained herein may also be considered. Innovative methods are strongly encouraged. An example would be a high school setting up a ridesharing educational program for their students.	Trip reduction credit— Negotiable with TCM coordinator and designated approving body.

D. A county-wide technical advisory committee comprised of representatives of jurisdictions, the Placer County air pollution control district, TMAs, regional planning agencies, Caltrans and the business community as represented by chambers of commerce will be available to provide technical evaluation of innovative TCM proposals to TCM coordinators and designated approving bodies. This technical advisory committee will then advise the TCM coordinator and designated approving body on the appropriate trip reduction points to be credited to the transportation plan. The input of this technical advisory committee is offered as a support service; it is up to the individual jurisdictions' discretion as to whether to pursue it. In addition, the evaluation and opinion provided by this committee is for advisory purposes only and is in no way binding on the designated approving body's final determination.

E. The transportation plan shall be referred to the city TCM coordinator for review and evaluation of the proposed mitigation measures and recommendation made to the person or body designated by the city to approve the plan.

F. Approving person is the city planner or in the case of appeals, the planning commission and city council.

G. A decision to approve or disapprove the transportation plan shall be deemed final fourteen (14) calendar days after the date that the applicant receives a notice of the approving person or body's decision unless an appeal has been filed pursuant to Section 10.40.120 of this chapter.

(Amended during 2004 codification; Ord. 417 § 1 (part), 1993; Ord. 407 § 2 (part), 1993: prior code § 6-6.07)

10.40.080 - Annual reporting requirements.

A. The ETC shall complete an annual transportation mode survey and status report. The purpose of this report is to verify the dates and results of the mitigation measures specified in the transportation plan.

B. The survey portion of the report requires the ETC to annually perform a transportation survey of employees on standard form to be provided to determine the changes in the distribution of employees using various transportation modes on in comparison with the baseline information. The transportation survey shall include information such as origin and destination of travel, transportation mode used, work schedule and interest in alternative mode commuting. A survey response rate of seventy-five (75) percent is required to ensure the significance of the results. The surveys distributed by the ETC shall be available for audit by the city following the completion of the annual report.

C. The status report portion shows the mitigation measures included in the transportation plan with the implementation or completion date entered for each measure. If a measure was not implemented within the stated time frame, an explanation why it was not done must be included. If there are certain measures stipulated in the previous transportation plan that are believed to no longer be feasible, an explanation must be included.

D. Contents.

1. Compliance Program. Description and documentation of your compliance with mitigation measures described in the transportation plan, including details of individual programs.

2. Commute Characteristics. Status report on effectiveness of transportation plan as shown by the commute characteristics of employees. Specifically, this includes the average number of tenants and/or employees regularly arriving at and leaving the project site by each of the following modes of transportation:

   a. Single-passenger motor vehicles (including mopeds);

   b. Carpools, including number of vehicles and number of occupants per vehicle;

   c. Van-type vehicles with seven or more commuters including the number of vehicles and number of occupants per vehicle;

   d. Mass transit;

   e. Bicycles;

   f. All others.

3. Totals. The total number of tenants and/or employees by work shift at the project site.

4. Employee Characteristics. The zip code and nearest cross streets of each employee's residence.

5. Employee Transportation Coordinator (ETC). The name, address and telephone number of the ETC.

6. Statement of Certification. The employer or project controller must certify that the TCMs agreed to for trip reduction credit have been fully implemented. If the TCMs have not been

implemented, an explanation must be included and the annual transportation survey and report shall include actions to be taken to implement the program.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.08)

10.40.090 - Implementation schedule.

Employers and common work location with one hundred (100) or more employees must comply with this chapter within six months of adoption of the ordinance codified in this chapter. Employers and employment complexes with less than one hundred (100) employees must comply with this chapter within thirty (30) days of receipt of posting information.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.09)

10.40.100 - Compliance monitoring.

A. The TCM coordinator shall review the annual transportation mode survey and report of each project and compare performance with the goals established in the approved transportation plan. Inspection of the business location by the TCM coordinator may be conducted as necessary to determine compliance with these provisions or to assist ETCs in preparing surveys or reports. Survey will be forwarded to the Placer County transportation commission (PCTC) for calculation of AVR. Survey results will be tabulated by the PCTC and available to employers for review and reference. A good faith effort to encourage employees to use alternative transportation as provided in the transportation plan is required. However, this chapter does not hold employers liable if the results of their efforts on employee commute habits do not produce the state trip reduction goals.

B. If after review of the annual transportation mode survey and report, the TCM coordinator finds the performance has been unsatisfactory in that progress was not made toward full implementation of TCM programs within the approved plan, the TCM coordinator shall notify the employer or project controller in writing that revisions and/or additions must be made in order to achieve the required implementation of TCMs within one year of submittal. The employer or project controller will then be granted thirty (30) days to submit a revised report.

C. If the revised report is still not satisfactory, the TCM coordinator will prepare a staff report to the approving person/body. The approving person/body may then find that the employer or project controller and/or the ETC is in violation of this chapter and recommend that the matter be forwarded to the city council.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.10)

10.40.110 - Violation—Penalty.

Failure to comply with the requirements of this chapter or with the terms of a transportation plan required pursuant to this chapter shall be deemed a violation and subject to the following penalties:

A. Misdemeanor or as an infraction in the discretion of the city attorney.

B. Violations of this chapter are punishable separately and independently of any other remedies at law or inequity, including, but not limited to, those remedies provided in any applicable transportation plan.

C. In addition to any other penalty allowed, the city council may impose civil or administrative fines of up to five hundred dollars ($500.00) per day for failure to meet the goals set forth in this chapter.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.11)

10.40.120 - Appeal.

Appeal from an action taken by the approving person pursuant to this chapter may be made in writing to the city council within twenty (20) days of the approving person's decision.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.12)

Title 11 - (RESERVED)

Title 12 - STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

Chapter 12.04 - CONSTRUCTION AND MAINTENANCE STANDARDS

Chapter 12.08 - EXCAVATIONS

Chapter 12.12 - DRIVEWAYS

Chapter 12.16 - TREES

Chapter 12.20 - CITY PARKS

Chapter 12.04 - CONSTRUCTION AND MAINTENANCE STANDARDS

Sections:

12.04.010 - Authority.

12.04.020 - Adoption.

12.04.030 - Amendments.

12.04.040 - Fees.

12.04.010 - Authority.

The provisions of this chapter are enacted pursuant to the provisions of Sections 38660 and 50022.1 through 50022.8 of the Government Code of the state.

(Prior code § 7-7.01)

12.04.020 - Adoption.

For the purpose of regulating the repair, improvement and construction or modification of streets, sewers, sidewalks, curbs, gutters and other public works of the city, that certain document entitled "Standard Specifications of the City of Colfax," published by the city, which standard specifications adopt by reference therein those secondary codes entitled "Standard Specifications of the State of California, Department of Public Works, Division of Highways," dated August, 1954 and as currently amended and the "Land Development Manual, Departments of Public Works, Planning and Public Health, County of Placer," dated July, 1979, are adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to any amendments, additions and deletions set forth in this chapter.

(Prior code § 7-7.02)

12.04.030 - Amendments.

Amendments to the Standard Specifications shall be made by resolution which shall thereafter be maintained in the office of the director of public works.

(Prior code § 7-7.03)

12.04.040 - Fees.

Fees for the issuance of such permits as may be required and for the inspection of improvements shall be as set by the most current resolution of the council.

(Prior code § 7-7.04)

Chapter 12.08 - EXCAVATIONS

Sections:

12.08.010 - Unlawful acts.

12.08.020 - Permits—Required—Applications—Form—Deposits—Denial—Appeals.

12.08.030 - Award of contracts.

12.08.040 - Permits—Fees.

12.08.010 - Unlawful acts.

It is unlawful for any person, whether an individual, partnership, association or corporation, to make an excavation or tear up, loosen or remove any part of the macadam or other surface or any base or subbase of any public street or public thoroughfare in the city or do any public or private works upon any public street or public thoroughfare in the city, except as provided in this chapter.

(Prior code § 7-4.01)

12.08.020 - Permits—Required—Applications—Form—Deposits—Denial—Appeals.

Any person desiring to make any excavation, tear up, loosen or remove any part of the macadam or other surface or any base or subbase of any public street or public thoroughfare in the city or do any public or private works upon any public street or public thoroughfare in the city shall file with the director of public works a written request therefor upon a form to be supplied by the city, shall furnish with such written request a plan showing the exact location of the proposed work and shall deposit with the director of public works a sum, in either cash or surety bond, in an amount equal to the estimated cost of such work, such amount to be determined by the director of public works as sufficient to pay the then prevailing costs of such work. Such applicant shall have the right to appeal to the council if his or her application shall be denied by the director of public works or if the applicant disagrees with the terms upon which the permit is proposed to be granted.

(Prior code § 7-4.02)

12.08.030 - Award of contracts.

The council, from time to time, by resolution, may award contracts to persons, firms or corporations for such periods and under such terms as the council shall deem to be in the best interests of the city for the making of all excavations in the city streets or thoroughfares for which applications are received and approved by the director of public works and the costs thereof shall be borne by the applicant.

(Prior code § 7-4.03)

12.08.040 - Permits—Fees.

Fees for the processing of permits for excavations in public rights-of-way shall be as set by council resolution.

(Prior code § 7-4.04)

Chapter 12.12 - DRIVEWAYS

Sections:

12.12.010 - Construction—Improvements—Approval.

12.12.020 - Public nuisances.

12.12.030 - Fees.

12.12.010 - Construction—Improvements—Approval.

It is unlawful for any person owning real property abutting any city street or owning an interest in or a right-of-use over any roadway leading to a public street, to construct or improve the junction of a driveway with a public street unless, before any such work or improvement is commenced, such person shall present to the director of public works accurate information concerning the nature and scope of the work proposed to be performed. The director of public works, if he or she finds such proposed improvement does not interfere with the rights of the public for the use of such street, shall approve the proposed improvement. The director of public works shall have the power to modify the proposed plan of improvement so as to create no interference with the drainage of such street or the flow of water through the gutters of such street.

(Prior code § 7-6.01)

12.12.020 - Public nuisances.

In the event any improvement referred to in Section 12.12.010 of this chapter is performed without full compliance with the provisions of this chapter, such work or improvement is declared to be a public nuisance. If the person responsible for such public nuisance shall fail to comply with the provisions of this chapter within thirty (30) days after receiving written notice to remedy such defect, the director of public works shall abate such nuisance and remedy such defect so as to secure substantial compliance with the provisions of this chapter. The costs to the city of such compliance shall be assessed against the real property benefited by such improvement.

(Prior code § 7-6.02)

12.12.030 - Fees.

Fees for the processing and inspection of driveway construction shall be as set by council resolution.

(Prior code § 7-6.03)

Chapter 12.16 - TREES

Sections:

Article I - General Provisions— Permitted Species

Article II - Tree Preservation Guidelines

Article I - General Provisions— Permitted Species

12.16.010 - Planting and removing—Permission required.

12.16.020 - Permitted species.

12.16.030 - Prohibited species.

12.16.040 - Care.

12.16.050 - Abuse and mutilation.

12.16.060 - Fire or health hazard—Abatement.

12.16.070 - Appeals.

12.16.010 - Planting and removing—Permission required.

No tree or shrub shall be planted in or removed from any public parking strip or other public place in the city without permission from the director of public works.

(Prior code § 7-2.01)

12.16.020 - Permitted species.

The following trees are approved for planting in public parking strips and other public places subject to permission from the director of public works:

A. Crataegus Lavallei (Lavalle Hawthorn);

B. Betula Pendula (Alba) (European White-bark Birch);

C. Acer Platanoides Schwedleri (Schwedler Maple);

D. Morus "Stribling" or "Kingans" (Fruitless Mulberry);

E. Fraxinus Velutina Glabra (Modesto Ash);

F. Liriodendron Tulipifera (Tulip Tree);

G. Crataegus Oxyacantha Paulii (Paul's Double Flowering English Hawthorn);

H. Ginkgo Biloba (Maidenhair Tree) (male only);

I. Koelreuteria Paniculata (Goldenrain Tree);

J. Pistacia Chinensi (Chinese Pistachio);

K. Zelkova Serrata (Sawleaf Zelkova);

L. Acer Palmatum (Japanese Maple);

M. Crataegus "Autumn Glory" (Autumn Glory Hawthorn);

N. Lagerstroemia Indica (Crape-Myrtle); and

O. Prunus Pissardii (Purple-leaf Plum).

(Prior code § 7-2.02)

12.16.030 - Prohibited species.

A. It is unlawful to plant the following trees in any public parking strip or other public place:

1. Acacia;
2. Black Walnut;
3. Eucalyptus;
4. Elm (American and other large species);
5. Palm;
6. Poplar;
7. Tree of Heaven (Ailanthus);
8. Conifers, except such as shall be approved by the director of public works;
9. Oriental Plane; and
10. Willow.

B. It is unlawful to plant willow, cottonwood or poplar trees anywhere in the city, unless the director of public works approves the site as one where the tree roots will not interfere with a public sewer.

(Prior code § 7-2.03)

12.16.040 - Care.

A. The director of public works or his or her duly authorized representative, may cause to be trimmed, pruned or removed any tree, shrub, plant or vegetation in any parking strip or other public place or may require any property owner to trim, prune or remove any tree, shrub, plant or vegetation in a parking strip abutting upon such owner's property. The failure of the property owner to trim, prune or remove any such tree, shrub, plant or vegetation after thirty (30) days notice by the city clerk shall be deemed a violation of the provisions of this chapter.

B. The provisions of this chapter shall not be construed as limiting the right of any public utility to remove or trim trees which, in its opinion, endanger the safe operation of its wires, poles and appurtenances.

(Prior code § 7-2.04)

12.16.050 - Abuse and mutilation.

It is a violation of the provisions of this chapter to:

A. Abuse, destroy or mutilate any tree, shrub or plant in a public parking strip or other public place;

B. Attach or place a rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other thing to or on any tree growing in a public place;

C. Cause or permit any wire charged with electricity to be attached to such tree; or

D. Allow any gaseous, liquid or solid substance which is harmful to such tree to come in contact with its roots or leaves.

(Prior code § 7-2.05)

12.16.060 - Fire or health hazard—Abatement.

Any weeds, rubbish, accumulation of materials, refuse, garbage or dirt, growing, standing or lying, on or around any public or private property, which is declared a fire or health hazard by the fire marshal of the city, must be removed or abated within fifteen (15) days of receipt of notice to the owner of the property. On or after the sixteenth day from receipt of notice, the city may remove or abate the fire or health hazard from the property at the owner's expense. The cost of removal or abatement shall be a lien against the property upon which the fire or health hazard was maintained. Should the fire marshal determine that any of the above fire or health hazards constitute an immediate threat to the public or to any private or public building, then the owner of same shall have forty-eight (48) hours to undertake abatement or the city may proceed with abatement as outlined above.

(Ord. 426 § 1, 1994: prior code § 7-2.06)

12.16.070 - Appeals.

Appeals from orders made pursuant to the provisions of this chapter may be made by filing a written notice with the city clerk within ten (10) days after such order is received, stating in substance that an appeal is being made for such order to the council. The city clerk shall thereupon set such appeal for a hearing at a regular meeting of the council and shall notify the appellant of such hearing at least five days before the date for which such hearing is set.

(Prior code § 7-2.07)

Article II - Tree Preservation Guidelines

12.16.080 - Purpose and intent.

12.16.090 - Authority.

12.16.100 - Tree identification.

12.16.110 - Tree preservation requirements.

12.16.120 - Tree replacement requirements.

12.16.080 - Purpose and intent.

The purpose of establishing tree preservation guidelines is to maintain natural scenic beauty, improve air quality, water quality, reduce soil erosion, preserve significant natural heritage values, preserve wildlife habitat and help to reduce energy consumption for air cooling by providing shade. As development of vacant land occurs, loss of some tree cover may be unavoidable. The city's intent is to reduce the loss of trees to reasonably acceptable levels while encouraging cooperation between the development community, citizens and the city in attempting to retain tree cover within the city to the maximum extent possible. In the spirit of reasonableness these guidelines shall not categorically prohibit tree removal. It is recognized that development of foothill topography and project-specific terrain may

dictate tree removal. It shall be the policy of the city to preserve trees whenever feasible through the review of all proposed development activities where trees are present, while recognizing individual rights to develop property in a reasonable manner.

(Ord. 472 § 1, 2000)

12.16.090 - Authority.

The city has an established planning application review process. The planning commission shall oversee enforcement of the tree preservation guidelines through project conditions of approval in conjunction with granting planning application approval. In the event planning commission approval is not required of the application the city manager or his or her designee shall oversee enforcement of the tree preservation guidelines.

(Ord. 472 § 2, 2000)

12.16.100 - Tree identification.

Planning applications submitted to the city shall identify all trees on the property in excess of six inches in diameter, measured four and one-half feet from ground level. Trees to be saved and removed shall be clearly designated on the plan. Clearing of trees over six inches in diameter measured four and one-half feet from the ground is prohibited prior to issuance of a grading permit.

(Ord. 472 § 3, 2000)

12.16.110 - Tree preservation requirements.

Innovative techniques or alternative project design shall be considered to preserve trees to the maximum extent feasible to retain conifers, oaks, maples and cedars. Preserving trees shall require installing bright colored mesh fencing, flagged stakes or some visible means of physical demarcation around the drip line of the tree(s) in the field prior to issuance of a grading permit. The drip line of a tree is the outermost edge of a tree's canopy. No movement of soil or earth material shall take place within the drip line of trees designated for preservation.

(Ord. 472 § 4, 2000)

12.16.120 - Tree replacement requirements.

Trees enhance the aesthetic appearance of any project. When tree removal is unavoidable:

A. The applicant/developer shall replace and replant removed trees with an equal number of trees.

B. Minimum/maximum replacement trees shall range from one gallon to forty-eight (48) inch box container sizes mixed to create a natural horizon line.

C. A mix of tree species is preferred (rather than planting the same species throughout the project) to achieve a more natural, native appearance.

D. Hillside development shall preserve trees when feasible or be replanted immediately to prevent erosion. "Immediate" means prior to the issuance of a certificate of occupancy or final inspection.

E. Trees shall be irrigated and maintained by any and all subsequent owners for a minimum period of five years after installation in accordance with the Colfax design guidelines maintenance requirements:

1. Deposit with the city a maintenance bond, cash, letter of credit or its equivalent, in an amount equal to one-half the market value of landscaping and irrigation guaranteeing the proper care, treatment and maintenance of landscaping for a period of three years; or
2. Execute an agreement and equitable lien in an amount equal to the full market value of the landscaping and irrigation with the city, guaranteeing the lien shall cause a written letter of notification by the city to the owner of the real property within ten (10) days that the city will perform or have performed by a reputable landscaper any and all maintenance work it deems necessary and bring legal action against the owner for the frill cost of such maintenance work or foreclose such equitable lien as provided by law.

(Ord. 472 § 5, 2000)

Chapter 12.20 - CITY PARKS

Sections:

12.20.010 - Traffic.

12.20.020 - Animals.

12.20.030 - Glass containers.

12.20.040 - Swimming pool and other city park facilities—Unlawful entry.

12.20.050 - Hours of operation—All city parks.

12.20.010 - Traffic.

The operation or parking of any unauthorized motor vehicle in any city park except upon established roadways or at designated park areas, is prohibited.

(Ord. 491 § 1 (part), 2007: Prior code § 10-1.01)

12.20.020 - Animals.

It is unlawful for any person to ride, graze or post any horse, cow, goat, swine or large domestic animal within the area and on the premises of any city park, including any roadways leading to or from the park.

(Ord. 491 § 1 (part), 2007: Prior code § 10-1.02)

12.20.030 - Glass containers.

It is unlawful for any person to use, possess or dispose of glass containers while on the premises of any city park, including any roadways leading to or from the park. The exception is for those facilities that are rented under the approval of an event application having paid designated deposits for facility use.

(Ord. 491 § 1 (part), 2007: Prior code § 10-1.03)

12.20.040 - Swimming pool and other city park facilities—Unlawful entry.

It is unlawful for any unauthorized person to enter upon that portion of the swimming pool area enclosed by a fence at any time when the pool is not open to the public or any other enclosed or closed city park facility. Violation of this subsection will be considered an infraction and is punishable by a fine up to one hundred dollars ($100.00) or community service work as deemed by a court of law.

(Ord. 491 § 1 (part), 2007: Prior code § 10-1.04)

12.20.050 - Hours of operation—All city parks.

City parks shall be open to the public only during the hours of seven a.m. to ten p.m., on each day of operation, unless a city-approved event is in progress. Violation of this subsection will be considered an

infraction and punishable by a fine up to one hundred dollars ($100.00) or community service works as deemed by a court of law.

(Ord. 491 § 1 (part), 2007: Ord. 474 § 2, 2001: Ord. 470 § 2, 2000)

Title 13 - PUBLIC SERVICES

Chapters:

Chapter 13.04 - WATER SERVICE SYSTEM

Chapter 13.08 - SEWER SERVICE SYSTEM

Chapter 13.12 - WELLS

Chapter 13.16 - UNDERGROUNDING UTILITY FACILITIES

Chapter 13.04 - WATER SERVICE SYSTEM

Sections:

13.04.010 - Water division created.

13.04.020 - Definitions.

13.04.030 - Office manager of the water division—Duties.

13.04.040 - Administrative manual.

13.04.050 - Water rates.

13.04.060 - Applications for service.

13.04.070 - Deposits.

13.04.080 - Notices.

13.04.090 - Discontinuance and restoration of service.

13.04.100 - Meters.

13.04.110 - City's responsibility for water damages.

13.04.120 - Water usage.

13.04.130 - Water systems in subdivisions and other developments—Dedications.

13.04.140 - Fire hydrants.

13.04.150 - Regulations for water division personnel.

13.04.160 - Violation—Penalty.

13.04.010 - Water division created.

There is created and established a water division to be known as the water division of the city. The water division shall be a division of the public works department within the framework of the city's administrative organization and shall be governed by state and federal laws pertaining thereto, the ordinances, policies and resolutions established by the council and the procedures designated by the city manager.

(Prior code § 7-8.01)

13.04.020 - Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Consumer" means any person, public or private corporation, the United States of America, the state, any county, municipality and all governmental agencies and departments and every officer, agent and employee thereof during the course of his or her employment, who uses or is entitled to use, water from the department and the division.

"Department" means the public works department of the city.

"Division" means the water division of the public works department.

"Office manager" means the person designated by the city manager as the office manager of the water division of the city.

"Premises" and "property" mean all real property, buildings and appurtenances occupied by an owner, lessee or tenant as a dwelling or a business, commercial or industrial enterprise upon an integral parcel of land undivided by a street or railway.

"Service connection" means the pipeline extending from the division's water main, whether located in a public thoroughfare or private right-of-way, to the curb line or property line of the consumer's premises, together with the valves, meter and fittings necessary to connect to the consumer's private pipeline.

"Standby service" means the permanent, unmetered connection to the division's water main of a system of hoses, sprinklers or other appliances, such system to be designed and used for fire emergencies only.

"Water superintendent" means the person designated by the city manager as the water superintendent of the water division of the public works department.

(Prior code § 7-8.02)

13.04.030 - Office manager of the water division—Duties.

There shall be an office manager of the water division who, subject to the general supervision of the water superintendent, shall be solely responsible for the management and conduct of the division office. The duties of the office manager of the water division shall include, but not be limited to, the following:

A. The supervision, subject to the provisions of this code and other regulations, with the approval of the water superintendent, of the administration of the division office;

B. The preparation and submission to the water superintendent of the annual water division report and such other reports as may be directed from time to time by the city manager;

C. The approval of all expenditures of the division office, subject to the provisions of this code;

D. At the end of each fiscal year and at such other times as it may be required, the submission to the water superintendent of a report concerning the affairs of the division; and

E. Carrying out such affairs and other assignments as assigned by the water superintendent.

(Prior code § 7-8.03)

13.04.040 - Administrative manual.

The day-to-day administrative activities of the water division shall be governed by an administrative procedures manual which shall be established and from time to time amended subject to the direction of the water superintendent and with the approval of the city manager.

(Prior code § 7-8.04)

13.04.050 - Water rates.

A. Water Services. For supplying consumers, water shall be measured through meters installed by the water division at the expense of the consumer and rates shall be set from time to time by resolution of the council.

B. Standby Services. Charges shall be set from time to time by resolution of the council.

C. Prorating of Charges for Water. There shall be no prorating of charges for water whatsoever and the monthly minimum shall apply to the services rendered and the water supplied during any fractional part of a thirty (30) day period.

D. No Rebate Until Notified. No allowance or rebate shall be made in the water rate charged against any premises so long as the water remains connected therewith and the full rate shall be charged against any and all property or premises as specified in this chapter until the water division has been notified by the owner or consumer to shut off the water therefrom.

E. Vacant Dwellings. In the event a premises becomes vacant, the regular minimum rates shall be charged and no refund or discount shall be made until the water division has been notified by the owner or consumer to shut off the water.

(Prior code § 7-8.05)

13.04.060 - Applications for service.

Before water shall be supplied to any premises, an application by the owner, tenant or agent of the property shall be made in writing to the division for the proper service and stating the official building number and street to be served and any other information which may be necessary to establish the credit of the applicant. Thereupon a service connection shall be made at the nearest distribution main by the division but only after the charges provided for in this chapter have been paid.

(Prior code § 7-8.06)

13.04.070 - Deposits.

A. Service Deposits. The division may require each applicant for water service within the corporate limits of the city and shall require each applicant for water service outside the corporate limits of the city or any consumer delinquent in the payment of bills for such service, to guarantee the payment of water charges by a cash deposit in an amount equal to the cost of the consumer's water during a billing period as estimated by the division; provided, however, no deposit shall be less than the monthly minimum.

B. Return of Deposits. Deposits may be refunded upon an application by the consumer when the account has not been delinquent within a period of twelve (12) consecutive months prior to the date of the application for a refund or when service is ordered discontinued by the consumer, except when there are charges due the division from the consumer, in which case the deposit will be applied to the charges and the excess portion only of the deposit will then be returned.

The division may notify the consumer that his or her deposit is subject to return and shall refund the deposit upon the surrender to the division of the deposit receipt properly endorsed.

(Prior code § 7-8.07)

13.04.080 - Notices.

A. When Issued. Regular bills will be issued on the first day of the month. Consumers shall be regularly billed quarterly.

B. When Due. All charges for water shall be due and payable on presentation. All unpaid water charges shall become delinquent at five p.m. on the fifteenth day of the month presented.

C. Owners of Property Liable for Payment. The owner of any property upon which city water is used shall be liable for the payment of the rates for such water. All rules and regulations provided for the government of the water service shall apply to the owner of the premises as well as to the water user

and, in case of default in the payment of water rates, all arrearages, fines and penalties shall be attached to the premises and the particular connection from which the water was used without payment.

D. Manager May Adjust. The office manager of the water division, subject to approval by the city manager, may adjust bills and, in the event of any dispute as to a charge to a consumer, the office manager may determine the charge; provided, however, all persons affected shall have the right to appeal such determination to the council and the decision in respect thereto shall be final and conclusive as to all parties.

E. Collection Charges. After the twenty-fourth day of the month during which water charges are presented, a collection for such charges may be made by the division for which a collection fee of five dollars ($5.00) shall be imposed.

(Prior code § 7-8.08)

13.04.090 - Discontinuance and restoration of service.

A. Consumers About to Vacate Premises. Each consumer about to vacate any premises supplied with water service by the division shall give advance notice of his or her intended removal, specifying the date service is desired discontinued; otherwise he or she will held responsible for water service furnished to such premises until the division shall have notice for such removal.

B. Division's Right to Discontinue Service.

1. For Nonpayment of Bills. If water charges are not paid by the twenty-fifth day of the month presented, the water service shall be shut off and a penalty imposed, which penalty, together with all arrearages and fines, shall be paid before the service can be restored to the same consumer at the same address or at a new address.

2. For Failure to Comply With Regulations. If a consumer or owner fails to comply with the provisions of this chapter or the regulations of the division after five days notice thereof, the division may forthwith discontinue water service to such consumer or owner until full and complete compliance is obtained.

3. For Improper Disposal of Water. Any person who, as an owner or tenant of any premises, fails, refuses or neglects to equip and maintain such premises with plumbing of such character, quality and design as to assure that water will be disposed of into a disposal system acceptable to the city, five days after being served by written notice of such intention, shall have all water service discontinued pending such improvements.

4. For Wastage of Water. Any person who wastes, causes, permits or allows to be wasted any water in any cooling system ornamental fountain or other device of any kind whatsoever, after service of five days notice of intention, may have all water service discontinued.

5. For Refusal to Admit Employees to Inspect. Any person who, as owner or occupant of any premises, refuses admittance to or hinders or prevents an inspection by, an authorized employee of the division, after service of twenty-four (24) hours notice of intention, may have all water cut off.

C. Only Water Division May Turn Water On. No person shall tap, open or connect to or cause, permit or allow to be turned on, in any way any water after the water has been turned off by the division.

D. Restoration of Service. On failure to comply with the regulations of the division or to pay rates or to comply with any charge or penalty imposed for such failure as provided in this chapter, water services may be turned off until the regulations or such penalties are complied with and/or payment is made of the amount due, if any and, in addition thereto, at the discretion of the division, the sum of at least twenty-five dollars ($25.00) for the expense of turning the service off and on. In the event the

consumer turns on the water service or suffers or causes it to be turned on after it has been turned off for any of such reasons, the division may again turn off the water service, remove the meter and charge and collect at least fifty dollars ($50.00), in addition to the other amounts due from the consumer, before water service is restored. In the event the consumer's service is discontinued for the nonpayment of the bill for service or where notice of discontinuance for the nonpayment of the bill has been given, the division may require the consumer to reestablish his or her credit by the making of a cash deposit as provided in Section 13.04.070 of this chapter.

(Prior code § 7-8.09)

13.04.100 - Meters.

A. Consumer Dissatisfaction With Meters—Meter Testing. In the event of dissatisfaction with the registration of any meter, the consumer shall make a written complaint to the water division, together with a deposit of five dollars ($5.00), which sum will be returned and the water bill adjusted in an equitable manner in case the meter shall be found to register over three percent more than actually passes through it. If the meter is found accurate within three percent, the deposit shall be forfeited to the city and the water bill paid as rendered.

B. Meter Failure. If a meter fails to register during any period or is known to register inaccurately, the consumer shall be charged with an average daily consumption according to the season as shown by the meter when in use and registering accurately.

C. Installation and Perpetual Maintenance of Meters and Laterals. The water division shall determine and make charges for the installation and perpetual maintenance of meters and service laterals. Upon the filing with the water division of a written application by a property owner and the payment to the water division of the required charge for a meter, the water division will make a connection for such property owner to the city water main. Such connection shall be laid to the inside of the curb line in front of the applicant's property or at the side or rear of the property provided there is a city main passing along the street in front of or at the side or rear of such property. Where there is no water main in front of, at the side of or to the rear of the applicant's property, the applicant shall install at his or her own expense.

D. Meters City Property. All services and all water meters installed by the division at all times shall remain the property of the division. The expense of the maintenance, repair and renewal of such meters due to the wear of normal service shall be borne by the division; provided, however, any expense occasioned by any act, careless or otherwise, on the part of the consumer or any member of his or her family or any person in his or her employ, shall be charged to such consumer.

E. Unlawful to Tamper With Meters or Break Seals. No person shall tamper with or remove, cause, permit or allow to be tampered with or removed, any meter where the meter has been attached to any service or break or cause, permit or allow to be broken, any meter seal. If such tampering or breaking occurs, the division shall impose a penalty of twenty-five dollars ($25.00) and may remove the meter.

F. Bypass Connections Unlawful. Any bypass or connection around the meter between the service and the main shall be prohibited. All water use, except as provided in Section 13.04.140 of this chapter, shall pass through the meter.

G. Unlawful to Cover Meter Boxes. It is unlawful at any time to cover meter boxes with trash, rubbish, dirt or other foreign matter, to permit ivy or other shrubbery to grow over meter boxes or to park automobiles or other vehicles over meter boxes. (Amended during 2004 codification; prior code § 7-8.10)

13.04.110 - City's responsibility for water damages.

The city's responsibility shall end at the meter and the city shall in no case be liable for damages occasioned by water running free from open or faulty fixtures or from broken or damaged pipes beyond the water meter.

(Prior code § 7-8.11)

13.04.120 - Water usage.

A. Supplying Other Persons. No service connection for water shall be made for the purpose of supplying through a common service two or more independent consumers occupying premises held under the same or independent ownership unless such premises are located on the same lot or the property is known as an apartment, hotel or court apartment covering more than one lot and then only provided the owner or operator of such premises shall guarantee the payment of all bills for water and water services.

B. Proper Disposal—Wasting Water. As provided in Section 13.04.090(B)(3) of this chapter, water shall be disposed of into an approved legal disposal system. No person shall waste any water in any device of any kind as set forth in Section 13.04.090(B)(4) of this chapter.

C. Pressure Regulators, Check Valves, Syphon Breakers and Pressure and/or Temperature Relief Valves. If and when the safety and protection of the water system or any appliance thereof so requires, either an approved pressure regulator, check valve, syphon breaker or pressure and/or temperature relief valve shall be installed immediately by the consumer, at his or her expense, on the property side of the consumer's water meter and at the appliance or piece of equipment as required by the division to effectively serve the purpose intended.

D. May Be Restricted. The use of water for sprinkling, wetting construction or industrial purposes may be restricted if and when such consumer's water usage is contrary to the public safety and welfare.

E. In Case of Fire. In case of a fire in the city within reach of the water system, all standpipes, fire hydrants, hose connections, faucets and other outlets to such system in the immediate area of the fire shall be promptly closed, except such as may be used in quenching the fire and preventing the spread of the fire and shall be kept closed until such fire is extinguished. In addition, it shall be the responsibility of the water superintendent to divert, reroute, pump and otherwise provide the necessary water supply to suppress such fire.

(Prior code § 7-8.12)

13.04.130 - Water systems in subdivisions and other developments—Dedications.

A. Subdividers and Developers to Install Approved Water Systems. For any development or subdivision approved by the council, the subdivider or developer shall install, at his or her own proper expense and charge, a domestic water system approved by the water superintendent. After the water system has been completed and attached to the water mains and accepted by the water superintendent, the system ownership shall be dedicated to the city. Water systems to be installed by subdividers or developers shall consist of water mains, laterals, meters, hydrants, valves, pumps and storage facilities to meet present or future city standards. The water system shall include brass fire hydrants meeting all current and future standards of design and spacing by the Colfax volunteer fire department. All installations will be connected to and become a part of the city water system.

B. Use of Service Connections When Property is Subdivided. When property provided with a service connection is subdivided, the service connection shall be considered as belonging to that part of the lot or parcel of land which it directly enters.

C. Memorandum of Agreement. In order to effect the provisions of this section on an interim basis, the city shall enter into an agreement by memorandum with the Pacific Gas and Electric Company to perform services, including, but not limited to, systems design, construction inspection, maintenance and operation and administration.

(Prior code § 7-8.13)

13.04.140 - Fire hydrants.

A. Permits to Use. Any person intending to take water through, from or by means of any fire hydrant in the city shall first make and file with the water division an application in writing, showing the hydrant or hydrants through, from or by means of which and the time or times at which, he or she intends to take such water or to use such hydrant or hydrants. Such application shall also contain such other information as may be required therein by the water division. Permits shall be good only for the hydrant or hydrants for which they are issued. Permits shall not be transferable. Permits may be refused any person who may be indebted to the city for water theretofore served and not paid for or whose use of water through hydrants installed primarily for fire service is deemed by the water superintendent to be against the public interests. It is unlawful for any person to take water through, from or by means of or to use any such fire hydrant at any other time other than that for which such permit was issued or in violation of any reasonable terms and conditions fixed therein.

B. Fees and Rates for Use. The cost of the permit and the charges for water through any fire hydrant shall be set by council resolution.

C. Proper Use. Any person using or taking water through, from or by means of any fire hydrant in the city, upon turning such hydrant off, shall carefully close the valve or valves upon such hydrant so that the same and each and all thereof, shall be in good working order and shall remove any hose or hose connections attached to such hydrant. Any person so taking water through, from or by any means of or using any such hydrant shall accurately fit the valve stem or cap thereof and it is unlawful for any person to apply to and use upon the valve stem or cap of any such hydrant any wrench which does not so fit the valve stem or cap to which applied.

D. Unlawful to Damage. It is unlawful for any person to injure or damage any fire hydrant in the city.

E. Unlawful to Leave Refuse Near. It is unlawful for any person to make or leave or to permit to be made or left, any dirt, refuse or other obstruction on any public street or alley within twenty (20) feet of any fire hydrant in the city; provided, however, nothing in this section shall apply to any obstruction necessarily made by reason of any work of street improvement ordered by the of officers of the city.

(Prior code § 7-8.14)

13.04.150 - Regulations for water division personnel.

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

B. Free Access to Private Premises. Upon the presentation of official identification, any authorized employee of the division on official business shall be allowed free access at all reasonable hours to any premises supplied with city water.

C. Identification Cards to Be Turned In. Every employee who has been issued identification cards, badges and/or credentials of the division shall surrender and deliver to the proper official all such cards, badges and/or credentials upon leaving the division for any reason.

D. Unauthorized Use of Official Identification Unlawful. It is unlawful for any unauthorized person to possess, carry, wear or exhibit any badge or other official identification of the division; nor shall any person, whether or not possession shall be authorized, display, exhibit or cause to be exhibited any

badge or other official identification of the division at any time, place or in any manner or for any purpose which is not authorized by the division.

(Prior code § 7-8.15)

13.04.160 - Violation—Penalty.

Any person violating any provision of this chapter shall be guilty of a misdemeanor pursuant to the provisions of Chapter 1.24 of this code.

(Prior code § 7-8.16)

Chapter 13.08 - SEWER SERVICE SYSTEM

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13.08.010 - Authority.

This chapter is adopted pursuant to the authority set forth in Article 4 of Chapter 6 of Part 3 of Division 5 of the Health and Safety Code of the state and the constitutional authority of the city.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.101)

13.08.020 - Purpose.

The provisions of this chapter are adopted for the purpose of prescribing and providing for the collection and enforcement of charges for sewer services and charges for the privilege of connecting to sewerage facilities.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.102)

13.08.030 - Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as defined below. Terms relating to wastewater quality are further defined in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

"Ancillary use" means any additional use identified in user group categories beyond the initial and primary use of the facility, as determined by the engineer or public works director, for purposes of sewer service and impact fees.

"Building sewer" means that part of the sanitary sewer system which receives discharge from soil and waste pipes in a building and conveys it to the junction with the service sewer at the property line or sewer easement line.

"BOD" means biological oxygen demand, indicating the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five consecutive days at twenty (20) degrees centigrade.

"Capital surcharge" means a component of the monthly service charge which finances capital projects or debt service and covenant requirements for sewerage system components as specified by the engineer.

"COD" means chemical oxygen demand, a chemical measure of the oxygen-consuming capacity of inorganic and organic matter present in wastewater.

"Collection systems" means all facilities maintained for collecting, pumping, conveying, storing and controlling wastewater.

"Combined sewer" means a sewer that services the purpose of both a sanitary sewer and a storm sewer.

"Commercial user" means any nonresidential user that the engineer or public works director determines does not meet the definition of an industrial user.

"Connection fee" is a previously used term for "sewer impact fee," used to determine the fair share costs to finance planning, design, construction inspection, administrative, debt service, debt covenant and other related costs for wastewater conveyance, treatment and disposal facilities for sewerage system expansion.

"Domestic wastewater" means wastewater originating from residential sources or from sanitary devices in industrial or commercial establishments.

"Easement" means an acquired legal right to the exclusive or joint use of a defined portion of land for construction or maintenance of sewers.

"Engineer" means the city engineer or designee responsible engineer carrying legal and professional duties for oversight and engineering administration of utility systems and facilities.

"Equivalent dwelling unit (EDU)" is a term used to characterize the average wastewater discharge from a single-family dwelling (SFD). For purposes of calculating sewerage system design parameters and comparing wastewater discharge from sewer service users other than SFDs, one EDU equals a domestic wastewater volume of two hundred (200) gallons per day (GPD) and one hundred eighty milligrams per liter (180 mg/l) maximum each, BOD and SS, per day at average dry weather flow rates. One EDU is further considered to generate domestic wastewater, carrying a minimal to moderate load of non-hazardous contaminants such as common household cleaning and maintenance products.

"Federal Act" means the Federal Water Pollution Control Act, PL 92-500 and amendments thereto; as well as regulations and standards promulgated by the Environmental Protection Agency (the EPA) or successor, pursuant to the Act.

"Fiscal year" means the year beginning July 1st and ending June 30th.

"Garbage" means solid wastes from preparation, cooking and dispensing of food and from handling, storage and sale of food products.

"Industrial user" means any user which meets one or more of the following criteria:

1. Any discharge of fifteen thousand (15,000) gallons or more of wastewater per day (excluding the domestic portion of the discharge) or more than 22.5 pounds of biochemical oxygen demand (BOD_5) or suspended solids (SS) per day (fifteen thousand (15,000) gallons at 180 mg/l);
2. Discharges wastewater to a POTW, which contains hazardous materials in sufficient quantity either singly or by interaction with other wastes, to constitute a potential hazard to humans or animals, to potentially cause interference or create a public nuisance or create any hazard in or have an adverse effect on the waters receiving any discharge from the POTW;
3. Is subject to EPA categorical pretreatment standards or any pretreatment standards set by the state;
4. Is required to obtain an industrial wastewater discharge permit pursuant to this chapter.

"Industrial waste" means the waterborne waste and wastewater from any industrial user.

"Infiltration" means groundwater that enters sewers.

"Inflow" means storm and other surface waters that enter the sewers.

"MG" means million gallons.

"MGD" means million gallons per day.

"MMF" means the maximum month wastewater flow occurring during the preceding twelve (12) month period.

"Multiple-family dwelling" means and includes duplexes, triplexes, quadplexes, apartments, mobilehomes, condominiums, townhouses or other combination of multiple living units, transient or permanent, private or public, discharging domestic wastewater primarily from sanitary devices.

"Nuisance" means that which is injurious to health or offensive to the senses or an obstruction to the free use of property so as to interfere with comfortable enjoyment of life or property and any violation of a city ordinance.

"Person" means any individual, firm, company, association, society, partnership, corporation organization, group or public agency.

"POTW" means publicly owned treatment works or wastewater treatment plant.

"Premises" means a parcel of real property or portion thereof, including any improvement thereon, which is determined by the engineer to be a single unit for purposes of receiving, using and paying for sewage disposal service. In making this determination, the engineer shall take into consideration such factors as whether the unit could reasonably be subdivided, number and location of services sewers and whether the unit is being used for a single activity and, if not, what the principal activity is for sewage disposal services, but in any case, the engineer's determination shall be final.

"Public sewer" means any sanitary sewer, which is maintained by a public agency or quasi-public body (homeowners association, property owners association, etc.)

"Residential user" means a user whose premises are used solely for non-transient human habitation.

"Sanitary sewer" means a sewer which carries sewage or industrial wastes and to which inflow and infiltration are not permitted.

"Service sewer" means the extension of the building sewer from the property line or sewer easement line to the public sewer line.

"Sewage" means the wastewater derived from the human habitation and use of buildings for residential, institutional or commercial purposes, excluding storm waters and industrial waste.

"Sewer" means a pipe or conduit (and including pumping facilities and in-line treatment and control facilities appurtenant thereto) that receives and carries wastewater.

"Sewerage system" means all facilities for collecting, pumping, conveying, controlling, treating, storing and disposing of wastewater.

"Single-family dwelling" means any detached residential premise designed to house one family.

"SS" means suspended solids, defined as solids that either float on the surface of or are in suspension in, wastewater and which are largely removable by standard laboratory filtration procedures.

"Storm sewer" means a sewer that carries stormwater and surface water, street wash and other wash waters or drainage, but excludes sewage and industrial wastes.

"Street" means any public highway, road, street, avenue, way, alley or right-of-way.

"Trunk sewer" means a public sanitary sewer receiving wastewater from two or more different users.

"User" means any person discharging sewage or industrial waste to the city's sewerage system, including commercial, industrial and residential users, as defined herein.

"User group" means a category of facilities connected to the city sewerage system, whether public or private, with common characteristics of sewer service usage, as defined herein.

"Waste" means and includes sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal origin or from any commercial, producing, manufacturing or processing operation of whatever nature.

"Wastewater" means all wastes and waters considered for and/or discharged to and carried by the city sewerage system.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.103)

13.08.040 - Use of revenues.

Revenues derived pursuant to the provisions of this chapter shall be used only for the acquisition, construction, reconstruction, maintenance and operation of the sewerage systems and facilities of the city and the planning, engineering and administration related thereto, to repay the principal and interest on bonds issued for the acquisition, construction or reconstruction of such sewerage systems and facilities

and to repay any federal or state loans or advances made for the construction or reconstruction of such sewerage systems and facilities.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.104)

13.08.050 - Appeals.

Any person adversely and directly affected by a determination made by the city manager or his or her designee under the provisions of this chapter may appeal such determination to the city council. A notice of appeal shall be filed in writing with the city clerk not later than fifteen (15) days after the date of such determination or not later than fifteen (15) days after the receipt by the appellant of a notice of such determination, whichever shall last occur. The notice shall specify the basis for the appeal. Any determination not appealed within the fifteen (15) days shall be final and binding.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.105)

13.08.060 - Appeals—Hearings.

At the next regular meeting of the city council following the receipt of the appeal by the city clerk, the council shall set the matter for a hearing within thirty (30) days and shall direct the city clerk to give the appellant written notice of the time, date and place of the hearing. At the time of the hearing, the council shall consider all testimony and evidence presented which is relevant to the subject of the appeal and, within fifteen (15) days thereafter, shall affirm, modify or reverse the determination of the city manager or his or her designee.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.106)

Article II - Connection Permits and Charges

13.08.070 - Purpose.

13.08.080 - Permit and payment of fees required for change of service.

13.08.090 - Sewer impact fee required.

13.08.100 - Impact fee adjustments.

13.08.110 - Payment.

13.08.070 - Purpose.

This article prescribes permit requirements and fees for connecting to or expanding the use of any facility connected to the city sewerage system.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.201)

13.08.080 - Permit and payment of fees required for change of service.

Any person making a new connection to the sewerage system of the city or expanding, modifying, enlarging or conducting any other activity that will increase the volume or change the physical character of the sewage already discharged from the premises shall obtain a permit from the city, prior to any change of service in accordance with the permit procedure set forth in Article VII of this chapter. At the

same time, the user shall pay the appropriate sewer impact fee for connecting to the city sewerage system to pay their share of the capital investment in the city sewerage system as provided in this article.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.202)

13.08.090 - Sewer impact fee required.

A. Effective upon the adoption of the ordinance codified in this chapter, the base sewer impact fee shall initially be five thousand eight hundred dollars ($5,800.00).

B. Residential facilities, commercial facilities, institutional facilities and industrial facilities shall be assessed one base sewer impact fee for each equivalent dwelling unit or portion thereof, to the nearest one-tenth unit; provided, however, that a minimum of one base sewer impact fee shall be charged. The number of EDUs assigned to a particular facility shall be determined in accordance with the procedure set forth in Article IV of this chapter.

C. The sewer impact fees for the expansion of existing facilities shall be determined by applying the classification procedure set forth in Article IV of this chapter to the entire facility including the new expansion, subtracting that portion allocated to the original use.

(Ord. 479 (part), 2004: Ord. 475 § 2(b) (part), 2002: prior code § 6-3.203)

13.08.100 - Impact fee adjustments.

The sewer impact fee shall be subject to adjustment to reflect annual increases in construction cost and increases required to fund necessary wastewater system improvements as follows:

A. Annual Construction Cost Adjustment. The sewer impact fee shall be adjusted on July 1st of each year by the city engineer by a percentage equal to the annual percentage of increase or decrease in the San Francisco Bay Area construction cost index, as published in the May Engineering News-Record (ENR) or equivalent ENR data. The adjusted amount shall be published in the city fee schedule.

B. Adjustment for Required Wastewater System Improvements. In addition to the annual adjustment, the council may, from time to time, adjust the sewer impact fee as necessary to reflect cost of necessary improvements to the city wastewater system to accommodate additional connections. Such adjustment shall be made by resolution, after a duly noticed public hearing.

(Ord. 479 (part), 2004: Ord. 475 § 2(b) (part), 2002: prior code § 6-3.204)

13.08.110 - Payment.

A. The sewer impact fees set forth in Section 13.08.090 of this chapter shall be payable prior to the issuance of a building permit.

B. In those cases in which a building permit is not required, the sewer impact fees shall be payable as a condition of any land use approval or business license issuance and, in any event, before connection is made to the city's sewerage system.

C. For mobilehome parks, the sewer impact fees shall be paid prior to the time of the first connection in the mobilehome park for the total number of mobilehome lots or spaces permitted.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.205)

Article III - Sewer Service Charges

13.08.120 - Purpose.

13.08.130 - Basis of charges.

13.08.140 - Sewer service fees.

13.08.150 - Lift station charges.

13.08.160 - Fee adjustments.

13.08.170 - I & I project sewer charge.

13.08.120 - Purpose.

This article prescribes periodic charges for use of the city's sewerage system.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.301)

13.08.130 - Basis of charges.

All users discharging to the city's sewerage system shall pay an appropriate monthly amount for their share of the operation, maintenance and replacement costs of the city's sewerage system. These charges may also include a capital surcharge for capital improvements that benefit existing users.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.302)

13.08.140 - Sewer service fees.

A. Effective January 1, 2003, the base rate per EDU per month shall be twenty-five dollars and forty-six cents ($25.46).

B. The amount of the sewer service charge for a particular user shall be determined based on the classification of the primary use plus any ancillary uses and the accompanying number of EDUs, in accordance with Article IV of this chapter. Users shall be assessed one base sewer service fee for each equivalent dwelling unit or portion thereof, to the nearest one-tenth unit; provided, however, that a minimum of one base sewer service fee shall be charged.

C. Users on premises located outside of the city shall be charged an additional amount per month equal to twenty (20) percent of the total monthly sewer service charge assessed to that user.

D. Each sewer service account established with the city is the responsibility of the property owner of record, regardless of who applied for the sewer permit or connection.

(Ord. 475 § 2(b) (part), 2002: Ord. 456 § 5, 1999; prior code § 6-3.303)

13.08.150 - Lift station charges.

Whenever users are served by one or more sewer lift stations, an additional charge for each lift station shall be added to the sewer service charge otherwise required by this chapter, in an amount determined by resolution of the city council, to cover the costs of the operation, maintenance and replacement of such lift stations.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.304)

13.08.160 - Fee adjustments.

The sewer service fee, including lift station charges, shall be reviewed annually and amended by resolution of the city council when determined necessary.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.305)

13.08.170 - I & I project sewer charge.

A. The city establishes and levies an additional sewer charge to finance the costs of a sewer system infiltration/inflow project (the "I & I project sewer charge"). The I & I project sewer charge shall be levied against the owners of real property that are connected to and receive city sewer service. The charge shall be retroactive to July 1, 1998 and be included on the tax roll of the 1998-99 fiscal year. The I & I project sewer charges shall be determined and levied in accordance with the following rate: seventy-four dollars and forty cents ($74.40) per unit (with "unit" as defined at Section 13.08.030 of this chapter) per year. The city council by resolution adopted from time to time may amend this rate.

B. Commencing with the 1998-99 fiscal year, the I & I project sewer charges shall be billed and collected on the county tax roll in accordance with Article VI of this chapter and Health and Safety Code Sections 5473 to 5473.11. In preparing the report pursuant to Section 13.08.320 of this chapter and Health and Safety Code Section 5473, the city clerk, in consultation with the city manager, shall apply the rate from subsection A of this section to the parcels and uses that receive city sewer service and determine an annual I & I project sewer charge for each such parcel.

C. All I & I project sewer charge revenue collected by the city shall be used by the city solely for the costs of designing, installing and constructing the sewer system infiltration/inflow improvements project, together with related indirect administration and overhead costs. They city shall keep and maintain a separate fund and accounting showing the revenues and expenses concerning this project.

D. The I & I project sewer charge shall remain in effect until May 30, 2018. A property owner may elect to pay the charge in an advance lump sum payment for the full term. Upon such an election and payment that parcel shall be excluded from the levy and collection of the annual I & I project sewer charge on the tax roll.

(Ord. 456 § 4, 1999: prior code § 6-3.306)

Article IV - User Classification

13.08.180 - General.

13.08.190 - Primary facility.

13.08.200 - Ancillary facilities.

13.08.210 - Swimming pools.

13.08.220 - Non-defined facilities.

13.08.180 - General.

The amount determined for sewer impact fees and sewer service charges shall be based on the number of EDUs allocated for the use of the facility in accordance with the criteria set forth in this article and Appendix A, Sewer User Groups.

APPENDIX A
SEWER USER GROUPS

User Group Code	Main Group	Subcategory	EDU Rate Factor Base	EDU Rate Factor Add'l	EDU Basis
100. RESIDENTIAL					
110	Single Family Dwellings		1.0		
	110.1	Additional "Granny House"		0.8	Per Colfax Ordinance
	Ancillary Uses (1)	Non-Commercial Swimming Pool			Exempt from additional charges
		Separate Business Structure			Separate account required.
120	Multiple Family Dwellings (incl.Commercial)		1.0		Minimum 1 EDU for first unit, plus:
	120.1	Apartments, Duplex, Triplex		0.8	Per each additional dwelling unit.
	120.2	Bed & Breakfast, Boarding Houses		0.4	Per each additional rental / sleeping room.
	120.3	Convalescent Homes, Community		0.6	Per each additional rental / sleeping room.
	120.4	Hotels, Motels, Resorts		0.3	Per unit
	120.5	Trailer Parks, Mobile Home Parks		0.8	Per pad or space.
	Ancillary Uses (1)	Examples: Coffee shop or Restaurant (220), Health Studio and/or Spa/Gym (211), Self-serve Laundry facilities (213), Halls / Auditoriums (210), & similar uses other than units for rent. Pool; Sanitary Dump Station = 1 EDU each.			
200. NON-RESIDENTIAL COMMERCIAL					
201	Auto Dealerships (New and Used)		1.0	0.2	1 EDU min., to 1000 sq ft ; 0.2 EDU each additional 1000 sq.ft. gross floor area
	Ancillary Uses (1)	Examples: Garage & Equipment Rental / Service Yards (209), Car Wash (206), Service Stations for vehicle fueling (223), similar commercial services.			
202	Banks & Financial Institutions		1.0	0.3	1 EDU min., to 1000 sq ft ; 0.3 EDU each additional 1000 sq.ft. gross floor area
	Ancillary Uses (1)	Examples:			
203	Bakeries		2.0	1.7	2 EDU min., to 1000 sq ft ; 1.7 EDU each additional 1000 sq.ft. gross floor area
	Ancillary Uses (1)	Examples: Coffee Shop or Restaurant (220).			
204	Bars & Taverns		1.0	1.0	1 EDU min to 1000 sq.ft; 1 EDU each additional 1000 sq ft.
	Ancillary Uses (1)	Examples: Coffee Shop or Restaurant (220).			
205	Bowling Alleys		1.0	0.4	1 EDU minimum, plus 0.4 EDU each additional 1000 sq.ft. gross floor space.
	Ancillary Uses (1)	Examples: Restaurant (220), Bar (204), Retail Store (221).			
206	Car Wash		1.0		1 EDU minimum (if stand alone), plus:
	206.1	Self-Service		1.0	1 EDU per stall
	206.2	Automatic		3.0	3 EDU per wash rack
	Ancillary Uses (1)	Examples: Coffee Shop or Restaurant (220).			

User Group Code	Main Group	Subcategory	EDU Rate Factor Base	EDU Rate Factor Add'l	EDU Basis
207	Dry Cleaners, Commercial/Industrial Laundries		1.7	1.7	1.7 EDU per 1000 sq.ft. floor space
	Ancillary Uses (1)	Examples: Self-service Laundry (213).			
208	Fire Stations		1.0	0.6	1 EDU up to 1000 sq ft.; 0.6 EDU each additional 1000 sq.ft.
	Ancillary Uses (1)	Not applicable - Base Rate Factor for Fire Stations includes all rooming and cooking facilities for staff, all equipment and vehicle service and fueling.			
209	Garages & Equipment Rental / Service Yards		1.0	1.0	1 EDU minimum (if stand alone), plus 1 EDU per 10 repair bays.
	Ancillary Uses (1)	Examples: Car Wash (206), Service Station (223), Industrial (400).			
	Note	Production and release of hazardous wastes to sewer very possible; may require mitigation.			
210	Halls, Lodges & Auditoriums		1.0	0.3	1 EDU minimum, plus 0.3 EDU each 1000 sq.ft. floor space
	Ancillary Uses (1)	Examples: Coffee Shop or Restaurant (220), Bars & Taverns (204), Pool.			
211	Health Studios, Beauty Salons, Spas & Gyms		2.0	1.0	2 EDU up to 1000 sq ft.; 1 EDU each additional 1000 sq.ft.
	Ancillary Uses (1)	Examples: Food preparation and service area, equivalent of "Restaurant" (220); Pool.			
212	Hospitals, Medical Clinics, EMT Facilities		2.0	1.0	2 EDU minimum (if stand alone), plus 1 EDU per 10 licensed beds or equivalent care stations.
	Ancillary Uses (1)	Examples: Coffee shop or Restaurant (220), Commercial/Industrial Laundry (207).			
	Note	Wastewater may require treatment for chemical, biological, radiological hazards.			
213	Laundries: Self-Service Laundromats		1.0	0.3	1 EDU minimum (if stand alone), plus 0.3 EDU per washing machine
	Ancillary Uses (1)	Examples:			
	Note	Wastewater may require treatment for high chemical loading.			
214	Markets, & "Mini-marts"		1.0	0.5	1 EDU minimum, plus 0.5 EDU each additional 1000 sq.ft.
	Ancillary Uses (1)	Examples: Coffee shop, food prep and service to public, equivalent of "Restaurant" (220), Bakeries (203).			
215	Medical & Dental Offices		1.0	0.5	1 EDU minimum, plus 0.5 EDU each additional 1000 sq.ft.
	Ancillary Uses (1)	Examples: Hospital (including laboratory preparation area) (212).			
	Note	Wastewater may require treatment for chemical, biological, radiological hazards.			

User Group Code	Main Group	Subcategory	EDU Rate Factor Base	EDU Rate Factor Add'l	EDU Basis
216	Mortuaries		1.0	1.0	1 EDU minimum, plus 1 EDU per "slumber room".
	Ancillary Uses (1)	**Examples:** Hospital (including laboratory / forensics preparation area) (212)			
217	Office Buildings		1.0	0.2	1 EDU minimum (if stand alone); plus 0.2 EDU per 1000 sq ft gross floor area.
	Ancillary Uses (1)	**Examples:** Complex may provide common facilities: pool; gym with showers (211); cafeteria (220)			
	Note	May have high chemical (cleaning product) loading. Rapid change in tenancy can dramatically impact sewage characteristics.			
218	Parks & Fairgrounds		1.0	1.0	1 EDU minimum, plus 1 EDU per restroom ("comfort station") complex: men's, women's and janitorial supply.
	Ancillary Uses (1)	**Examples:** Trailer / RV spaces (120); Spa / Gym w/ Showers (211); Halls, Auditoriums (210) permanent food service area(s), as equivalent of "Restaurant" (220); Equipment service, storage and/or maintenance yards (209). Sanitary dump stations = 1 EDU each; Pool.			
	Note	May include confined animal facilities; if sewered, consider additional impacts.			
219	Places of Worship		2.0	0.2	2 EDU per facility, up to 10,000 sq. ft. gross floor space, plus 0.2 EDU per each additional 1000 sq.ft. 1 EDU additional per each residence on site.
	Ancillary Uses (1)	**Examples:** Full kitchen, for food preparation & service equivalent to "Restaurant" (220); Community Care rooms rented (120).			
220	Restaurants				Base EDU min, (if stand alone), plus:
	220.1	Take-out Only	1.0	1.0	1 EDU per 1000 sq ft gross floor area
	220.2	Full Service	2.0	2.0	2 EDU per 1000 sq ft gross floor space
	Ancillary Uses	**Examples:** Bar (204); Market (214); Retail "gift shop" (221).			
221	Retail Stores		1.0	0.5	1 EDU minimum; 0.5 EDU additional per each 1000 sq ft gross floor area
	Ancillary Uses (1)	**Examples:** Complex may include coffee shop, cafeteria or Restaurant (220).			
	Note	Rapid change in tenancy, as with Office Buildings, can result in dramatic change in sewage			
222	Schools				
	222.1	Elementary	1.0	1.0	1 EDU minimum, 1 EDU per 20 students (ADA) plus Staff.
	222.2	Secondary	2.0	1.0	2 EDU minimum, 1 EDU per 10 students (ADA) plus Staff.
	Ancillary Uses (2)	**Not applicable:** Ancillary facilities weighed in rate factor.			
	Note:	"ADA" = Average Daily Attendance, or the actual number of students attending class.			
223	Service Stations		1.0	0.1	1 EDU minimum, plus 0.1 EDU per pump.
	Ancillary Uses (1)	**Examples:** Car Wash (206); Garage, Equipment service / repair (209); Market or "mini-mart" (214); Food service (220); Industrial: "Paint & Body Shop" (400).			
	Note	Production and release of hazardous wastes to sewer very possible; may require mitigation.			

User Group Code	Main Group	Subcategory	EDU Rate Factor Base	EDU Rate Factor Add'l	EDU Basis
224	Theaters		1.0	0.4	1 EDU minimum, plus 0.4 EDU per 1000 sq.ft. Snack Bar included in base allocation.
	Ancillary Uses (1)	**Examples:** Full Service Restaurant (220); Retail sales area (221); If live production theater: may provide Gym with showers (211).			
225	Warehouses & Storage Facilities		1.0	1.0	1 EDU per 10,000 sq.ft plus 1 EDU if manager's quarters on-site
	Ancillary Uses (1)	**Examples:** Industrial / manufacturing activities (400).			
300	Non-defined Commercial		1.0		1 EDU minimum, plus additional allocation on per-case basis.
	Ancillary Uses (1)	Attempt should be made to assign undefined commercial user to one or more existing User Group, based on assumed sewage characteristics. New User, or significant changes in flow volume/loading at existing facility, will need to be re-characterized and reported at user's expense. Wholly new categories should be considered for addition by amendment to Ordinance.			
400	Industrial & Manufacturing		2.0		2 EDU minimum, plus additional allocation on per-case basis, plus additional applicable industrial wastewater fees.
	Ancillary Uses (1)	**Examples:** Garage, equipment / vehicle repair (209); Storage (225).			
	Note	Production and release of hazardous wastes to sewer very possible; may require mitigation. Industrial Wastewater Discharge Permit may be required.			

(1) Ancillary Uses: EDU allocation increases for each use provided on premises. Ancillary Uses are added to the Base Allocation, according to criteria for each category of use. Minimum requirement in each category does not apply for Ancillary Uses.

(2) EDU Allocations for schools are based on standard strength characteristics and average sewer flows provided by the State Water Resources Control Board.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.401)

13.08.190 - Primary facility.

Each sewer permit and sewer service account shall identify a primary facility sewer service classification by user group code. EDU allocation shall be according to criteria defined in Appendix A, Sewer User Groups, attached to the ordinance codified in this chapter. The account shall be assessed the base EDU rate factor plus additional EDU allocations according to appropriate EDU rate factors per user group. Under no circumstances shall any account be assessed less than one EDU rate factor.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.402)

13.08.200 - Ancillary facilities.

Each account shall identify ancillary facility sewer service usage by user group code, if applicable. For each building, facility, element of equipment or operation accessory to the primary facility usage specified in a sewer service account that constitutes a discrete and additional use, additional EDU allocation shall be determined. The EDU factor for ancillary facilities shall be determined according to the

criteria for additional EDU rate factors shown in Appendix A, Sewer User Groups, attached to the ordinance codified in this chapter and added to the EDU allocation for the primary facility.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.403)

13.08.210 - Swimming pools.

Swimming pools are usually ancillary to a primary facility usage (apartment, hotel, spa/gym, etc.) Each standard size swimming pool connected to the city's sewerage system shall constitute three-tenths EDU, in addition to other allocations on the premises. Private (noncommercial) swimming pools ancillary to single-family residences are excluded from additional EDU allocation.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.404)

13.08.220 - Non-defined facilities.

If in the opinion of the engineer or public works director, specific equipment, operational methods and/or facilities that significantly impact sewer service usage of a primary facility, yet are not defined by Appendix A, Sewer User Groups, attached to the ordinance codified in this chapter, additional EDU allocation may be made on a per-case basis.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.405)

Article V - Sewer Service Charges— Collection Procedures

13.08.230 - Billing period.

13.08.240 - Due date—Delinquencies—Collection.

13.08.250 - Delinquencies—Charged against the property and owner.

13.08.260 - Penalties and interest.

13.08.270 - Liens.

13.08.280 - Civil actions—Costs.

13.08.290 - Disconnections.

13.08.300 - Disconnections—Habitation—Public nuisances—Abatement.

13.08.230 - Billing period.

A. Sewer service charges to a property shall begin for a pre-existing structure when the owner of the property notifies the city to activate such sewer service. If service to the property had been previously discontinued, new connection charges may apply, in accordance with the requirements of Article II of this chapter.

B. Sewer service charges shall begin for a new service at the completion and acceptance of all the work required in the sewer permit for such property, but no later than the city's final inspection or issuance of the certificate of occupancy.

C. Unless action is taken pursuant to Article VI of this chapter to collect current sewer service charges on the tax roll, the city shall bill users directly for such charges. The regular billing period shall be bi-

monthly; provided, however, the council may establish semiannual or annual billing periods for public schools and other public institutions.

D. All sewer service charges shall be billed in advance to the property owner of record who shall be responsible for payment. Where more than one person owns the property or any interest therein, each such owner shall be responsible jointly and severally for all of such charges irrespective of the relative rights as between themselves.

E. Opening and closing bills for sewer service charges less than the normal billing period shall be for not less than one month.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.501)

13.08.240 - Due date—Delinquencies—Collection.

A. Sewer services charges shall be due and payable upon presentation. The charges for sewer service between the time of the connection and the thirtieth day of the same month or the close of the other established billing period, shall be added to the next billing period. If the charge remains unpaid thirty (30) days after the billing date, the sewer service to the subject property may be disconnected.

B. At least ten (10) days prior to the disconnection of service, the city shall notify the property owner of record and the tenant by mail of the proposed service disconnection. At least two days prior to the disconnection of service written notice that the service will be disconnected shall be delivered to the service address.

C. When an account becomes delinquent, the full amount of the both the delinquent and current bill must be paid to avoid disconnection of the service.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.502)

13.08.250 - Delinquencies—Charged against the property and owner.

In addition to any other remedy provided in this title for the enforcement and collection of any sewer impact fee, connection charge and service charge, all rates or other charges provided for in this chapter shall be charged against the property on which furnished and against the owner of record thereof and shall be deemed delinquent at the same time and in the same manner as the next regular sewer bill. No change of ownership or occupation shall affect in any way the application of this section.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.503)

13.08.260 - Penalties and interest.

A penalty of ten (10) percent shall be imposed on all charges imposed by this chapter that are not paid on or before the first day of the second month following the date such charges were due. An additional penalty of one percent per billing period shall be imposed on the first day of the second month following the date such charge was due and payable and on each due date thereafter until there is payment in full of the charge, plus all penalties. The percentage shall be calculated on the aggregate of the delinquent charge and the ten (10) percent penalty. This does not include sewer service charges for which provision is made, prior to delinquency, for the collection thereof on the tax rolls on which general city property taxes are collected.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.504)

13.08.270 - Liens.

If any charge imposed by this chapter remains delinquent for a period of sixty (60) days, such charge shall constitute a lien against the lot or parcel of land against which the charge was imposed upon the recording thereof with the county recorder. Such lien shall have the force, effect and priority of a judgment lien and shall continue for three years after the time of recording, unless sooner released or otherwise discharged. The city shall include a statement on its bill to each property owner, which shall give notice of the lien provided by this section.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.505)

13.08.280 - Civil actions—Costs.

The sewer service charges and connection charges imposed by this chapter shall constitute a debt to the city and the city may institute a civil action to recover delinquent charges, in which event the city shall have a judgment for the costs of the suit and reasonable attorneys' fees.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.506)

13.08.290 - Disconnections.

The city may disconnect any premises from the sewer system if the charges imposed by this chapter are not paid after they shall have become delinquent. The city manager or his or her designee shall estimate the cost of disconnection and the cost of reconnecting the facility to the sewer system. The owner of the premises shall deposit the estimated costs of disconnection and reconnection before such premises are reconnected to the sewer system. In the event such arrearages are paid and the premises are reconnected to the sewer system, the city manager or his or her designee shall refund any part of the deposit remaining after the payment of all costs of disconnection and reconnection.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.507)

13.08.300 - Disconnections—Habitation—Public nuisances—Abatement.

During any period of non-connection or disconnection, the habitation of the premises required to be connected to the sewer system shall constitute a public nuisance and the council shall cause proceedings to be brought for the abatement of the occupancy of such premises for human habitation. In the event such action is commenced, there shall be paid to the city, as a condition of connection or reconnection, reasonable attorneys' fees and costs of suits arising in such action.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.508)

Article VI - Collection of Sewer Fees with Property Taxes

13.08.310 - Collection with property taxes—Decisions.

13.08.320 - Collection with property taxes—Reports.

13.08.330 - Collection with property taxes—Notices.

13.08.340 - Collection with property taxes—Hearings.

13.08.350 - Collection with property taxes—Final determinations.

13.08.360 - Collection with property taxes—Filing reports with county auditor.

13.08.370 - Collection with property taxes—Parcels not on assessment roll.

13.08.380 - Collection with property taxes—Liens.

13.08.390 - Collection with property taxes—Tax bills.

13.08.400 - Collection with property taxes—Payments under protest.

13.08.410 - Collection with property taxes—Application of state laws.

13.08.420 - Collection with property taxes—Compensation of county.

13.08.430 - Collection with other utility service charges.

13.08.440 - Collection procedures.

13.08.310 - Collection with property taxes—Decisions.

The council, by ordinance approved by a two-thirds vote, may elect to have the sewer service charges for any forthcoming fiscal year or delinquent sewer service charges which have accrued, together with the interest thereon or both, collected on the secured tax roll in the same manner and at the same time, as general property taxes.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.601)

13.08.320 - Collection with property taxes—Reports.

In the event of an election pursuant to the provisions of Section 13.08.310 of this article, a written report shall be prepared and filed with the city clerk. The report shall contain a description of each parcel of real property receiving sewer services and facilities and the amount of the current and/or delinquent sewer service charges for each parcel, computed in conformity with the provisions of Article III of this chapter. The real property may be described by reference to the maps of the county assessor or by such other reference sufficient to identify the property affected.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.602)

13.08.330 - Collection with property taxes—Notices.

The city clerk shall cause notice of the filing of the report required by the provisions of Section 13.08.320 of this article and notice of the time and place of the hearing thereon by the council. The notice shall be published once each week for two successive weeks prior to the date set for the hearing in the Colfax Record, a newspaper of general circulation printed and published in the county. Prior to collection of the sewer service charges on the tax roll for the first time, the city clerk shall cause notice in writing to be mailed to each person to whom any part or parcel of real property described in the report is assessed on the last equalized assessment roll. The notice shall be mailed to the address shown on such roll or as known to the city clerk. The notice shall include the filing of the report and the time and place of the hearing thereon.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.603)

13.08.340 - Collection with property taxes—Hearings.

At the time of the hearing on the report described in Section 13.08.320 of this article, the council shall hear and consider all objections or protests, if any, to such report and may continue the hearing from time to time. If the council finds that protests are made by the owners of a majority of the separate parcels

of property described in the report, the report shall not be adopted and the sewer service charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel of property.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.604)

13.08.350 - Collection with property taxes—Final determinations.

Upon the conclusion of the hearing on the report described in Section 13.08.320 of this article, unless protests are made by the owners of a majority of the separate parcels of property described in the report, the council may adopt, revise, change, reduce or modify any sewer service charge or overrule any or all objections and shall make its determination upon each charge as described in such report, which determination shall be final.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.605)

13.08.360 - Collection with property taxes—Filing reports with county auditor.

On or before July 1st of each year following the final determination of the council as set forth in Section 13.08.350 of this article, the city clerk shall file with the county auditor a copy of such report with a statement endorsed thereon over the nature of the city clerk that the report has been finally adopted by the council. The county auditor shall enter the amounts of the sewer service charges against the respective lots or parcels of land as they appear on the current assessment roll. Where any such parcels are outside the boundaries of the city, such parcels shall be added to the assessment roll of the city for collecting such charges.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.606)

13.08.370 - Collection with property taxes—Parcels not on assessment roll.

If the property described in the report of the city clerk, as set forth in Section 13.08.360 of this article, is not described on the assessment roll, the county auditor shall enter the description thereon, together with the amounts of the sewer service charges, as shown on the report.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.607)

13.08.380 - Collection with property taxes—Liens.

The amount of the sewer service charges shall constitute a lien against the lot or parcel of land against which the sewer service charge was imposed as of noon on the first Monday in March immediately preceding the date of the levy. The tax collector shall include the amount of the sewer service charges on bills for taxes levied against the respective lots and parcels of land.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.608)

13.08.390 - Collection with property taxes—Tax bills.

The amount of the sewer service charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the city and shall be delinquent at the same time and thereafter be subject to the same penalties for delinquency.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.609)

13.08.400 - Collection with property taxes—Payments under protest.

Whenever provisions are made for the collection of sewer service charges on the tax roll on which general taxes are collected, any person may pay such charges under protest and the provisions of Article 2 of Chapter 5 of Part 9 of Division I of the Revenue and Taxation Code of the state shall apply.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.610)

13.08.410 - Collection with property taxes—Application of state laws.

All laws applicable to the levy, collection and enforcement of general taxes of the city, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, shall be applicable to such sewer service charges, except as provided by Section 5473.8 of the Health and Safety Code of the state.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.611)

13.08.420 - Collection with property taxes—Compensation of county.

The tax collector, in his or her discretion, may issue separate bills for such sewer service charges and separate receipts for collections because of such charges. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for the city in an amount to be fixed by an agreement between the board of supervisors and the council. The compensation shall not exceed five dollars ($5.00) for each account handled or one percent of all money collected, whichever is greater. The compensation shall be paid into the county salary fund.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.612)

13.08.430 - Collection with other utility service charges.

The council may provide that sewer service charges shall be collected with the rates and charges for any other utility service furnished by the city and that any or all such charges may be itemized and billed upon the same bill and collected as one item.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.313)

13.08.440 - Collection procedures.

Ordinance No. 453, "An Ordinance Transferring Collection of Assessments, Fees and Charges to County Tax Roll and Establishing Procedures for Transfer to County Tax Rolls" is applicable to this chapter if such charges are transferred to the tax rolls.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.314)

Article VII - Sewer Construction and Sewer Use

13.08.450 - Building sewers and connections.

13.08.460 - Use of public sewers.

13.08.470 - Violation—Penalty.

13.08.450 - Building sewers and connections.

A. With the exception of duly authorized city employees, no person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a permit from the city.

B. There are established two classes of building sewer permits, as follows:

1. For residential and commercial service; and

2. For service to establishments producing industrial wastes (i.e. "industrial users"). An application for either class of permit shall be made by the property owner or his or her agent on a form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information, which the city may require.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the city from any loss or damage that may directly or indirectly result from the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and through testing by the city, to meet all the requirements of this chapter.

F. The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of this code or other applicable rules and regulations of the city.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. No person shall make connections of roof downspouts, exterior foundation drains, area drains or other sources of surface runoff or groundwater to a building sewer or building drain, which, in turn, is connected directly or indirectly to a public sanitary sewer.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the city. All connections shall be made gastight and watertight. A cleanout shall be installed at the point of connection with the public sewer. The cleanout shall be an approved box and shall be easily accessible. The building sewer and cleanout shall be maintained by the owner.

J. The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city.

K. All excavations for a building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.701

13.08.460 - Use of public sewers.

A. No person shall discharge or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water to any sanitary sewer.

B. No person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

2. Any water or waste containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant;

3. Any water or waste having a pH lower than five and one-half or having any other corrosive property capable of causing damages or hazards to structures, equipment and personnel of the sewage works; or

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer works; such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.

C. No person shall discharge or cause to be discharged, the following described substances, materials, waters or wastes, if it appears likely, in the opinion of the city, that such wastes can harm either the sewers or sewage treatment process or equipment, have an adverse effect on the natural outlet or otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of such wastes, the city will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are as follows:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit;

2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit;

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the city;

4. Any water or waste containing strong acid, iron, pickling wastes or concentrated plating solutions, whether neutralized or not;

5. Any water or waste containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the city for such materials;

6. Any water or waste containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the city as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;

7. Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;

8. Any water or waste having a pH in excess of nine and five-tenths;

9. Materials which exert or cause:

a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and

d. Unusual volumes of flow or concentrations of wastes constituting slugs.

10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.

D. If waters or wastes are discharged or are proposed to be discharged to the public sewers contain the substances or possess the characteristics enumerated in subsection C of this section and which, in the judgment of the city, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the city may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers;

3. Require control over the quantities and rates of discharge; and/or

4. Require payment to cover the added costs of handling and treating the wastes not covered by sewer charges under the provisions of this section.

If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city and subject to the requirements of all applicable codes ordinances and laws.

E. Grease, oil, grit and sand interceptors, traps and similar systems (FOG Systems) shall be provided as set forth in Title 13, Chapter 13.08, Article X commencing with Section 13.08.600

F. Where preliminary treatment or rate-of-flow controller facilities are provided for any water or waste, they shall be maintained continuously, in satisfactory and effective operation, by the owner at his or her expense.

G. When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate the observation, 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 to be safe and accessible at all times.

H. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association and shall be determined at the control manhole provided or upon suitable samples taken at such control manhole. In the event 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 building sewer is connected. Sampling shall be carried out in the customarily accepted methods to reflect the effect of constituents upon the sewer works and to determine the existence of hazards to life, limb and property.

I. Nothing in this chapter 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 council for treatment, subject to payment therefor by the industrial concern.

(Amended during 2004 codification; Ord. 475 § 2(b) (part), 2002: prior code § 6-3.702)

(Ord. No. 501, § I, 12-16-09)

13.08.470 - Violation—Penalty.

A. Any person found to be violating any provision of this chapter shall be served by the city with a written notice stating the nature of the violation, which notice shall provide a reasonable time limit for the satisfactory correction thereof. The offender, within the time period stated in such notice, shall permanently cease all such violations.

B. Any person who shall continue any violation beyond the time limits provided for in subsection A of this section shall be guilty of an infraction and the penalty shall be that penalty provided in the laws of the state for the commission of an infraction. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any provision of this chapter shall be liable to the city for any expense, loss or damage occasioned by the city because of such violation.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.703)

Article VIII - Industrial Users

13.08.480 - Industrial wastewater permit requirements.

13.08.490 - Industrial wastewater fees.

13.08.480 - Industrial wastewater permit requirements.

A. Any user whose facility may generate wastewater meeting the standards for an "industrial user" set forth in Section 13.08.030 of this chapter must apply for an industrial wastewater permit prior to connection to the city sewer system and pay the industrial wastewater fee set forth in Section 13.08.490 of this article.

B. An industrial wastewater discharge permit shall be approved by the city manager if he or she finds that the application satisfies all of the following:

1. The applicant has submitted a letter of authorization from the Placer County department of environmental health;

2. The applicant has submitted satisfactory proof of compliance (e.g., laboratory analysis or report) to show that the wastewater discharge will meet the requirements, limitations and conditions contained in the current city wastewater discharge permit issued by California Regional Water Quality Control Board;

3. The application and the quality, quantity and condition of the proposed discharge have been approved by the director of public works and the engineer as satisfying the provisions of this chapter, applicable federal and state laws, the city wastewater discharge permit and other city policies and regulations concerning sewer service; and

4. The city's POTW has available, unallocated capacity to accommodate the proposed discharge.

C. As part of issuance of any industrial wastewater permit, the city may require installation of inspection ports, additional cleanouts and other facilities as the engineer may require to handle or pre-treat the wastewater flow.

D. Industrial users facilities and flows shall be subject to periodic inspection by the city and testing of wastewater constituents. As a condition of grant of a permit, the industrial user shall agree to such conditions, including the right to make surprise inspections and testing at any time.

E. The conditions imposed by this article on industrial users shall be in addition to all of the other requirements of this chapter applicable generally to all users.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.801)

13.08.490 - Industrial wastewater fees.

In addition to the other fees and charges required by this chapter, industrial wastewater disposal permit applicants and permittees shall pay the following fees to the city:

A. A two hundred fifty dollar ($250.00) application processing fee due at time of submitting application for industrial wastewater discharge permit together with any additional amounts required by the city engineer for testing and other city costs.

B. Industrial wastewater disposal user fee calculated at five cents ($0.05) per gallon of wastewater discharge, due and payable bi-monthly, with a minimum fee of one hundred dollars ($100.00) bi-monthly.

C. Reimbursement of the costs of any testing undertaken by the city of the industrial wastewater generated by the industrial user as authorized by this article.

D. Industrial wastewater discharge permit triennial review and renewal fee of two hundred dollars ($200.00) due every three years from the date of issuance of the permit.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.802)

Article IX - Private Sewer Laterals

13.08.500 - Purpose.

13.08.505 - Definitions.

13.08.510 - Testing of new building sewer laterals.

13.08.520 - Testing of existing building sewer laterals.

13.08.530 - Building sewer lateral certification.

13.08.540 - Notices to correct violations.

13.08.550 - Coordination of lateral repairs with city utility and street improvement projects.

13.08.560 - Regulations to implement this chapter.

13.08.570 - Nuisance.

13.08.580 - Right of entry.

13.08.500 - Purpose.

The purposes of this article are (i) to provide for operation and maintenance of the city's sewer system in a reliable and serviceable condition, (ii) to eliminate or minimize sewage overflows by eliminating or minimizing stoppages and reducing sources of infiltration and inflow into the city's sewer system, (iii) to comply with applicable legal requirements pertaining to the city's sewer system and (iv) to protect the public health and safety by establishing and providing a mechanism for enforcing performance standards for private sewer laterals that connect or are connected to the city sanitary sewer system.

(Ord. No. 499, 12-9-09)

13.08.505 - Definitions.

As used in this article, the following words, phrases and terms shall have the following definitions:

A. "Air testing" or "air tested" shall mean and refer to a method whereby a building sewer lateral is pressurized with air for the purpose of detecting leaks or defects in the pipe being tested. An air tested building sewer lateral will be deemed defective for purposes of this article if it does not hold three and five-tenths pounds per square inch of air pressure (psi-air) for at least two minutes with at least two and five-tenths psi-air remaining at end of the air test.

B. "Building drain" shall mean and refer to that part of the lowest piping of a building drainage system which receives the discharge of waste and other drainage pipes inside the walls of the building or structure and conveys it to the building sewer lateral beginning two feet outside the building wall.

C. "Building sewer lateral" or "lateral" shall mean and refer to that part of the generally horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal. The building sewer lateral begins at the wye or point of connection with the public sewer, private sewer, individual sewage disposal system or other point of disposal and terminates at the point of connection to the building drain two feet outside the building wall.

D. "Building wall" shall mean and refer to a component part of a structure built, erected, framed and designed for the housing, shelter, enclosure or support or persons, animals, or property of any kind.

E. "Certificate of compliance" shall mean and refer to a written certificate issued to a property owner by the city engineer or his/her designee certifying that a building sewer lateral is properly equipped, structurally sound complies with all standards established by the city.

F. "Closed circuit TV inspection" (CCTVI) shall mean and refer to a process whereby a camera is placed into, run through and videotapes the inside of a building sewer lateral for the purpose of detecting leaks or other obvious defects.

G. "Common sewer lateral" shall mean and refer to a lateral serving more than one building, dwelling or premises.

H. "Defective sewer lateral" shall mean and refer to any building sewer lateral that displays obvious leaks or defects upon the completion of CCTVI or that is deemed by the city, in its discretion, to be defective upon completion of air testing or any other testing method required by the city.

I. "Property owner" shall mean and refer to any individual or entity owning property within the boundaries of the city that is connected to the city public sewer main.

J. "Public sewer main" shall mean and refer to the sewers owned or maintained by the city lying within the limits of the public streets, roads, easements, reserves, nonexclusive easements or other public rights-of-way serving or intended to serve two or more separate properties, persons, or parcels. That

portion of the building sewer lateral which may lie within any public street or right-of-way is not a public sewer main in the city.

(Ord. No. 499, 12-9-09)

13.08.510 - Testing of new building sewer laterals.

All new building sewers laterals shall be tested in accordance with provisions of this article and all other rules and regulations established the city as of the effective date of this article or thereafter. The method of testing used shall be at the discretion of the city. The test section shall be throughout the full length of the building sewer lateral.

(Ord. No. 499, 12-9-09)

13.08.520 - Testing of existing building sewer laterals.

A. General. Every property owner shall keep and maintain every building sewer lateral(s) connecting the property owner's premises to the public sewer main in good condition and repair. It shall be unlawful for any property owner of a house, building, property or other structure connected to the city's public sewer main to maintain a building sewer lateral in a defective condition. As used in this article, "defective condition" includes, but is not limited to:

1. Displaced joints;
2. Root intrusion;
3. Substantial deterioration;
4. Damaged or missing cleanout;
5. Damaged or missing backflow prevention device;
6. In a condition that will allow infiltration and inflow of extraneous water or exfiltration of sewage;
7. In a condition that materially increases the possibility of a blockage or overflow;
8. Constructed without a proper permit or with materials not approved by the city;
9. Lack of an approved manufactured connection to the city's public sewer main;
10. Otherwise in violation of city requirements; or
11. In such a condition that the tests required by this article cannot be accomplished to the satisfaction of the city.

B. Conditions Requiring Cleaning and Testing of Building Sewer Laterals. All building sewer laterals, including but not limited to those serving residential, multiple residential, industrial, retail and commercial properties connected to the city's public sewer main shall be cleaned and tested, at the property owner's expense, when any of the following events occur:

1. The installation of additional plumbing facilities that produce a major increase, in the judgment of the city, in sewage flow from the house, building, property or other structure served;
2. Whenever property located in the city is remodeled or modified with an estimated or actual remodel or modification cost or value in excess of twenty thousand dollars ($20,000.00) as determined by the city. Before final building inspection, all repairs or replacements necessary to bring the building sewer lateral(s) serving the remodeled or modified premises into compliance shall be completed;
3. A change of use of the house, building, property or other structure served from residential to business, commercial, or other nonresidential, or from

nonresidential/nonrestaurant/nonindustrial to restaurant or industrial uses such as carwashes, cleaners and laundries;

4. Upon repair or replacement of any portion of the building sewer lateral;

5. Upon a determination by the city that the cleaning, testing, repair or replacement is required for the protection of the public health, safety and welfare;

6. Prior to the close of escrow upon a sale or other transfer of the house, building, property or other structure served or, if there is no escrow, prior to recording a deed or other document transferring title to the house, building, property or other structure served;

7. In a probate or other testamentary proceeding or in the event of a transfer pursuant to the terms of a revocable living trust, joint tenancy termination or other similar instrument, within one hundred eighty (180) days after the sale, transfer or conveyance of the house, building, property or other structure connected to the city's public sewer main.

C. Testing Criteria for Existing Building Sewer Laterals. The property owner or an agent of the property owner of a house, building, property or other structure connected to the city's public sewer main shall notify the city at least forty-eight (48) hours prior to testing so the city has the opportunity to witness the testing. All building sewer laterals shall be tested by closed circuit television video (CCTV) inspection method in accordance with all requirements imposed by the city. When cleaning and testing of an existing building sewer lateral is required, the building sewer lateral shall first be cleaned, and then tested via an internal CCTV inspection for the full length of the building sewer lateral. The internal CCTV inspection shall be performed by qualified individuals or entities with a minimum of three years' experience in the performance CCTV inspection. An individual or entity with less than three years' experience may perform the work if they can demonstrate to the satisfaction of the city that they have the capabilities and overall experience, equipment, and expertise to perform the work. Video recordings of the inspection shall be submitted to the city for verification of the condition of the building sewer lateral. A building lateral will comply with the provisions of this article if CCTV inspection verifies all of the following conditions as approved by the city:

1. The building sewer lateral is free of roots, grease deposits, and other solids which may impede or obstruct the transmission of sewage.

2. There are no illicit or illegal connections to the building sewer lateral such as roof or yard drainage facilities.

3. All joints in the building sewer lateral are tight and sufficiently sound to prevent the exfiltration of sewage or the infiltration of groundwater.

4. The building sewer lateral is free of structural defects, cracks, breaks, or missing portions and the grade is reasonably uniform without major sags or offsets.

5. The building sewer lateral is equipped with at least one cleanout located within five feet of the building footprint; and with a backflow protection device if required by the city.

A video inspection shall be valid for a period of six months from the date of the video. If a CCTV inspection cannot be performed on a building sewer lateral, that building sewer lateral shall be air tested, smoke tested or tested by any other method required by the city.

D. Testing Failure Mitigation. When an existing building sewer lateral fails to comply with the provisions of this chapter, the property owner shall cause all repairs necessary to bring the building sewer lateral(s) to be made to the satisfaction of the city, or replace the building sewer lateral(s) in accordance with all city requirements. When replacement of a building sewer lateral(s) is required, the property owner shall install a cleanout at the property line nearest to the connection between the building sewer lateral and the public sewer main and, if required by the city, a backflow prevention device at the point within five feet of the building footprint, unless otherwise approved by the city to

be placed in another location. All costs of repair or replacement of the building sewer lateral(s), cleanouts, and backflow prevention devices shall be borne by the property owner.

E. Repair or Replacement of Building Sewer Laterals Upon Sale or Transfer of Property. The repairs or replacement of building sewer laterals that result from the testing required as a result of the sale or transfer of property in a nonprobate transaction shall be completed prior to the close of escrow of the sale or, if there is no escrow, prior to recording the deed or other document transferring title. For properties sold or transferred in a probate other testamentary proceeding, pursuant to the terms of a revocable living trust or similar instrument, or pursuant to the termination of a joint tenancy or similar proceeding, any repair or replacement of a building sewer lateral shall be completed within one hundred eighty (180) days after the probate sale or other transfer.

F. Hardship Deferrals for Building Sewer Lateral Repair or Replacement. In the event that the property owner establishes to the satisfaction of the city that repair or replacement of the building sewer lateral(s) before the close of escrow in a nonprobate sale will result in undue hardship inconsistent with the purpose or intent of this chapter, a request for hardship status may be submitted to the city manager. The city manager shall make a hardship recommendation to the city council only if the requesting property owner presents facts that clearly demonstrate, in the city manager's sole discretion, that the property owner's payment for and completion of a building sewer lateral(s) repair or replacement at the required time would result in an undue hardship. The city manager shall submit his/her hardship recommendation to the city council which may grant or deny hardship status in its sole discretion. If hardship status is granted, the property owner who is selling the property (or the property owner who is purchasing the property) shall have up to one hundred eighty (180) days after the close of escrow or other transfer of the property to repair or replace the building sewer lateral(s).

1. For purposes of this section, undue hardship shall be defined as (1) the severe illness or incapacitation of the property owner; (2) the immediate transfer or removal of the property owner from the state, thereby making the hiring of a contractor to repair or replace the building sewer lateral(s) impractical or overly burdensome; or (3) any physical or financial situation that would render compliance with the time limits for the repair or replacement of building sewer lateral(s) extraordinarily difficult or impractical. The property owner shall bear the burden of submitting documentation and proving the existence of such a bona fide hardship to the satisfaction of the city council.

2. Any property owner to whom a hardship finding is granted shall be given written notice of the finding. Said notice shall inform the property owner that the building sewer lateral(s) repair or replacement requirement is only deferred up to one hundred eighty (180) days after the close of escrow—not waived entirely. A copy of the notice shall be sent to both the property owner who is selling the property and to the purchaser of the property.

3. In the event of a failure to comply with the this article within the allotted time, the city may bring an enforcement action and exercise any other remedy provided by the Code or other applicable law against the property owner and any other responsible party. In addition thereto, any property owner who fails to fully comply with this article shall be responsible for all damages that arise from or relate to such failure. For purposes of this section, "damages" include all compensatory damages, fines, penalties, assessments and other monetary exactions that may be awarded to, levied or assessed by any person, firm, corporation, company or public entity.

G. Extension of Time for Building Sewer Lateral(s) Repairs and Replacements. A property owner may request that an extension of time be granted for repairs or replacements that are required as a result of testing associated with the sale or transfer of property in a nonprobate transaction. Extension requests shall be in writing and must include at the time of the extension request the name and contact information of the party responsible for accomplishing the repair or replacement of the building sewer lateral(s). The city will review the request and may grant a time extension of up to, but no more than, one hundred eighty (180) days after the close of escrow on the subject property.

H. Common Interest Developments. The homeowners association of a common interest development shall provide closed circuit TV inspection of all building sewer lateral(s) within the common interest areas at least once every fifteen (15) years for compliance with the duties and obligations imposed by this article in relation to any building sewer lateral(s) located within a common area of the development. If no homeowners association exists, then the individual unit owners, both jointly and individually, shall be liable for compliance with the duties and obligations with respect to building sewer lateral(s) established by this the article.

(Ord. No. 499, 12-9-09)

13.08.530 - Building sewer lateral certification.

After a building sewer lateral(s) passes the testing procedure required by this article, and upon payment of the fees required by the city, the city engineer, or his or her designee, shall issue a signed certificate of compliance to the property owner specifying the address of the property served by the compliant building sewer lateral. A certificate of compliance shall be valid for no less than ten (10) and no more than twenty (20) years in the discretion of the city. The certificate of compliance shall be valid only for the building sewer lateral at the address(s) specified in the certificate of compliance. The city engineer shall maintain records of all certificates of compliance issued. No certificate of compliance shall be issued for laterals that serve more than one property.

(Ord. No. 499, 12-9-09)

13.08.540 - Notices to correct violations.

If the city engineer receives notice that a building sewer lateral does not or may not meet the standards set forth in this chapter and the property owner does not agree in writing to perform the repairs or replacements necessary to bring the building sewer lateral into compliance, then the city engineer shall give written notice to the property owner of any conditions that violate this chapter. Such notice shall specify the repair or replacement necessary to correct the condition and the time in which to make the correction, and shall advise the property owner of the enforcement provisions of this chapter. If the repairs are not completed within the time allowed by the city, or if the city determines that the property may be transferred before the required testing or repairs can be completed, the city shall record a notice of violation in the Official Records of Placer County specifying the nature of the violation and the action needed to correct it. The notice shall only be rescinded when the building sewer lateral serving such property has been repaired or replaced to the satisfaction of the city. Recording a notice of violation is in addition to all other remedies available to the city.

(Ord. No. 499, 12-9-09)

13.08.550 - Coordination of lateral repairs with city utility and street improvement projects.

Whenever the city plans a project to maintain, repair or replace a public sewer main that involves excavation of a street, the city shall notify all property owners whose laterals connect to that public sewer main where the project is to be performed. The city shall work with interested property owners to develop a comprehensive program for repair/replacement of building sewer laterals needing replacement at the same time the city's project is performed. The city may seek federal and/or state grants and available loan programs to assist affected property owners with the cost of their building sewer lateral repairs, but property owners who agree to participate shall bear the cost of such building sewer lateral repairs or replacement not funded by grants or loans. If a building sewer lateral needs repair or replacement within five years after a public right-of-way is newly paved, the property owner repairing or replacing the building

sewer lateral shall comply with all requirements of this chapter and any other requirements imposed by the city to repair or replace the paving on the public right-of-way.

(Ord. No. 499, 12-9-09)

13.08.560 - Regulations to implement this chapter.

The city shall establish rules, regulations, guidelines and policies for implementing and enforcing this chapter.

(Ord. No. 499, 12-9-09)

13.08.570 - Nuisance.

Any building sewer lateral or appurtenance thereto that is in violation of this chapter is hereby declared to be unlawful and a public nuisance and subject to abatement pursuant to Colfax Municipal Code, title 8, chapter 8.16 as currently in effect or as hereafter amended. Such nuisance conditions include, but are not limited to, any defective sewer lateral, any building sewer lateral with or sewer cleanouts which contain leaks or breaks; uncapped or improperly capped sewer cleanouts; sump pumps, downspouts or yard drains or other sources which discharge into the city's public sewer main; and all other sources of accidental, negligent or intended introduction of stormwater runoff or similar waters into the city's public sewer main.

(Ord. No. 499, 12-9-09)

13.08.580 - Right of entry.

As a condition of receipt of city sewer services and use of the public sewer main, the city engineer, or his or her designee, may enter, inspect, collect wastewater samples, and test any buildings, structures, or premises to secure compliance or prevent a violation of this chapter. Unless there is an emergency threatening the public health, safety or welfare, the city engineer shall provide at least ten (l0) business days' notice to the property owner of intent to enter upon property. The city engineer may also request that a property owner provide all written records of building sewer lateral inspection, maintenance, repair and replacement at the time of inspection or within ten (l0) or more business days after receipt of the request.

(Ord. No. 499, 12-9-09)

Article X - Fats, Oils and Grease

13.08.600 - FOG Systems required.

13.08.610 - Inspections.

13.08.620 - Grease and oil interceptors and separators (FOG Systems).

13.08.630 - Maintenance of FOG Systems.

13.08.640 - Enforcement.

13.08.650 - Reimbursement of city costs.

13.08.660 - Appeals.

13.08.600 - FOG Systems required.

A. All food service establishments ("FSE's") and all nonresidential sewer users shall be required to install and maintain a grease, oil, grit and sand interceptor, trap or similar system (collectively a "FOG System") when the city manager or his/her designee finds that a FOG System is necessary for the proper collection, handling and disposal of (i) fats, oil or grease, (ii) flammable substances, (iii) grit, sand or dirt or (iv) other harmful constituents (collectively, "FOG") and will prevent or minimize the discharge of FOG into the city's sewer system. A FOG System shall be installed when the wastewater flow from an FSE or any nonresidential user is anticipated to contain FOG in amounts or concentrations which the city determines, in its discretion, present the possibility of causing or contributing to the fouling of, blockage of or other damage to the city's sewer system.

B. All FSEs connected to the city's sewer system that use grease traps prior to the effective date of this article shall upgrade to grease interceptors if after an inspection the city determines that the FSE is not complying with the city's operation, repair and maintenance requirements or if the city determines, in the city's discretion, that a grease trap alone is or is likely to be ineffective at preventing the discharge of FOG into the city's sewer system.

C. The type of FOG System to be installed shall be at the discretion of the city. Installation, maintenance and repair of the FOG System shall be the responsibility of (1) the owner of the property upon which the FOG System is installed, and (2) the person/entity that applies for connection to or use of the city's sewer system, and (3) the person/entity connecting to or using the city's sewer system, even if the property is leased, rented or otherwise occupied by a person or entity that is not the property owner. It shall be the responsibility of the owner of the property upon which a FOG System is installed to assure compliance by tenants or occupants of such property with the requirements of this article. The city shall establish a FOG System permitting process.

(Ord. No. 501, § II, 12-16-09)

13.08.610 - Inspections.

A. Initial Inspection of Food Service Establishments.

The city shall make a diligent effort to conduct FOG compliance inspections of all existing FSEs in its jurisdiction within ninety (90) days of the effective date of this article using the criteria in Subsection 13.08.610D. If after making such inspection the city determines that a FOG System needs to be installed or upgraded on the inspected property, the city shall require the installation of an appropriate new or upgraded FOG System. The new or upgraded FOG System shall be installed to the city's satisfaction within a reasonable time, not to exceed one hundred eighty (180) days or such additional time as the city in its discretion may approve in writing upon a showing of good cause.

B. New FSE's and Commercial and Industrial Users. Prior to issuance of a building permit or other entitlement, all new FSE's and other new nonresidential users of the city's sewer system shall be evaluated to ascertain whether they warrant installation of a FOG System. If the city in its discretion determines that a FSE or other nonresidential user of the city's sewer system warrants installation of a FOG System, the FOG System shall be installed and must pass inspection prior to issuance of a certificate of occupancy.

C. Other Inspections. The city may inspect any FSE or nonresidential user of the city's sewer system and require the installation or upgrade of a FOG System at anytime. If the city in its discretion determines that a FOG System should be installed or upgraded, the responsible parties shall complete the installation within such time as the city shall allow which shall in no case exceed one hundred eighty (180) days except upon the written consent of the city for good cause shown.

D. Criteria for Determining Need for Installation or Upgrading of a FOG System. The city shall determine whether a FOG System is required to be installed or upgraded on a case-by-case basis based on an evaluation of objective criteria including, but not limited to, the following factors:

1. The type of facility (for example: a restaurant, bakery, ice cream shop, gas station, etc.);
2. The volume of the user's business or operation (such as number of meals served, number of seats, hours of operation);
3. Size and nature of facilities (including kitchen facilities) based on size, type, number of fixtures, and type of processing or cooking equipment used;
4. The type of service provided or operation undertaken (such as dine-in meal service versus carry-out meal service);
5. The type of foods or other materials used in the cooking, processing, or manufacturing operations carried on within the user's facility;
6. The overall potential for FOG-laden discharges;
7. The existence of devices, procedures, or processes which are designed to minimize the amount of FOG from entering the sewer system; and
8. Such other factors as the city may establish from time to time.

(Ord. No. 501, § II, 12-16-09)

13.08.620 - Grease and oil interceptors and separators (FOG Systems).

A. The design, size, location and procedures for operating a FOG System shall be approved by the city and shall meet at least the minimum requirements of the latest edition of the Uniform Plumbing Code and this article, as well as satisfying all requirements established by the city engineer. The minimum interceptor size shall be determined by the city engineer, shall have a retention time of not less than fifteen (15) minutes and shall be located to be easily accessible for cleaning and inspection.

B. All FOG Systems shall be constructed of impervious materials capable of withstanding abrupt and extreme changes of temperature and conditions. They shall be of substantial construction and equipped with easily removable covers.

C. Dishwashers and food grinders shall not discharge through a FOG System as prohibited by the California Plumbing Code.

(Ord. No. 501, § II, 12-16-09)

13.08.630 - Maintenance of FOG Systems.

A. A FOG System maintenance and management program ("FOG Program") shall be prepared and submitted to the city for approval prior to construction or upgrade of a FOG System. The FOG Program shall provide:

1. All FOG Systems shall be operated, maintained, repaired in continuous and good working order at all times.
2. FOG Systems shall be cleaned by a licensed and permitted waste hauler on a periodic basis so the FOG System will operate as designed at all times.
3. Generally, the minimum cleaning frequency of any outdoor grease interceptor shall be once every six months, or as otherwise directed by the city, or whenever the combined layer of settled solids and the layer of floating solids in the interceptor reaches twenty-five (25) percent

of the depth of the interceptor, whichever occurs earlier. Grease traps may require more frequent maintenance to stay below the twenty-five (25) percent limit.

4. Best management practices (BMP's) for FOG System operation, maintenance and repair shall be established and enforced by the city and shall include, where appropriate, adoption of kitchen practices to minimize the FOG-laden waste which ultimately enters the FOG System and/or other such procedures as may be required for the proper operation of the FOG System. Decanting or discharging removed waste back into a FOG System for the purpose of reducing the volume to be hauled shall be prohibited.

5. The use of chemicals, enzymes, grease solvents or emulsifiers to temporarily dissolve FOG in lieu of physical cleaning is not acceptable interceptor or trap maintenance and is prohibited.

6. The use of biological additives as a supplement to FOG System maintenance, including the addition of micro-organisms, may be authorized in writing by the city prior to the use of such additives.

7. Maintenance records indicating date and type of service, volume pumped, name of waste hauler and waste disposal location for each pumping of a FOG System shall be kept for by the property owner for a minimum of three years. The records shall be provided to the city upon request.

8. All waste removed from a FOG System must be disposed at a duly permitted facility authorized to receive such waste. The waste shall not be returned to the public sewer system or manhole, any private wastewater system or any storm drain.

9. Such other information as the city may require.

10. The FOG Program shall contain the following statement signed by the responsible parties:

I (We) the undersigned property owners/tenants/business operators agree to comply with the terms of this FOG Program and will reimburse all city costs of inspection and enforcement of this FOG Program and any damages arising out of violation of this FOG Program or any applicable ordinance.

B. The FOG System shall be inspected at least once each year by the city. City personnel shall have the right to enter the premises to be inspected at all reasonable times for the purpose of FOG System inspection, sampling, records examination and copying, or other performance of their duties.

C. If significant grease accumulation (e.g. a partial blockage) is found downstream or if significant grease wicking is found upstream of FOG System, a special inspection of the premises may occur. The inspection will include a review of the FOG System, the FOG Program, waste storage area, drains not flowing to the FOG System and such other investigation as the city deems necessary.

D. If an FSE or other nonresidential user of the city's sewer system causes, or is a substantial factor in causing, a FOG-related sanitary sewer overflow, the operator of the FSE or other nonresidential user, and the owner of the property will be responsible for all related costs, fines, penalties and other expenses.

(Ord. No. 501, § II, 12-16-09)

13.08.640 - Enforcement.

A. Failure of any user of the city's sewer system to comply with the requirements of this chapter shall be subject to each of the enforcement provisions set forth in Section 13.08.470. In addition, any violation of this chapter shall constitute a public nuisance, abatable pursuant to Chapter 8.16, by civil action or other remedy allowed by law and an infraction enforceable as permitted by this Code and by applicable California law.

B. In addition to the foregoing, any user of the city's sewer system subject to the provisions of this chapter who is subject to any enforcement action for violating any provision of this chapter shall pay all related city fees, costs and expenses including, but not limited to, staff costs, attorneys fees, consultant costs and out-of-pocket expenses established pursuant to the procedures set forth in Title 8, Chapter 8.16, Article III as amended from time to time.

(Ord. No. 501, § II, 12-16-09)

13.08.650 - Reimbursement of city costs.

All users of the city's sewer system subject to the provisions of this chapter shall pay a fee established by city resolution, as amended from time to time, for all approvals, inspections and appeals allowed by this chapter.

(Ord. No. 501, § II, 12-16-09)

13.08.660 - Appeals.

Notwithstanding any other provision of this Code, all determinations regarding FOG Systems shall initially be made by the city engineer or his/her designee. Any person adversely and directly affected by a determination made by the city engineer or his/her designee under the provisions of this article may appeal such determination to the city manager. A notice of appeal shall be filed in writing with the city clerk not later than fifteen (15) days after the date of such determination or not later than fifteen (15) days after the receipt by the appellant of a notice of such determination, whichever shall last occur. The notice shall include the name and address of the appellant(s), the decision that is being appealed, a detailed description of the factual, legal and other basis for the appeal and all applicable filing and other fees. The city manager or his/her designee shall decide all appeals. Any determination not appealed within the allowed fifteen (15) days shall be final and binding. The city manager's decision of the appeal shall be final and conclusive and shall be the final step in the administrative process. There shall be no right to appeal a decision of the city manager under this article to the city council.

(Ord. No. 501, § II, 12-16-09)

Chapter 13.12 - WELLS

Sections:

13.12.010 - Adoption of county code provisions.

13.12.010 - Adoption of county code provisions.

The provisions of Sections 4.800 through 4.808 H of Subchapter 8 of Chapter 4 of the Placer County Code and Section 19.38 of Subchapter 1 of Chapter 19 of the Placer County Code relating to wells are adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to any amendments, additions and deletions set forth in this chapter.

(Prior code § 6-4.01)

Chapter 13.16 - UNDERGROUNDING UTILITY FACILITIES

Sections:

13.16.010 - Definitions.

13.16.020 - Hearings—Notices—Determinations.

13.16.030 - Designation of districts.

13.16.040 - Unlawful acts.

13.16.050 - Exceptions—Emergencies or unusual circumstances.

13.16.060 - Other exceptions.

13.16.070 - Notices to property owners and utility companies.

13.16.080 - Responsibility of utility companies.

13.16.090 - Responsibility of property owners.

13.16.100 - Responsibility of city.

13.16.110 - Extensions of time.

13.16.010 - Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Commission" means the Public Utilities Commission of the state.

"District" or "underground utility 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 13.16.030 of this chapter.

"Person" means and include individuals, firms, corporations and 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, insulation, 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 services.

"Utility" means and includes all persons or entities supplying electric, communication or similar or associated services by means of electrical materials or devices.

(Prior code § 7-3.01)

13.16.020 - Hearings—Notices—Determinations.

The council may from time to time set public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication or similar or associated services. The city clerk shall notify by mail all affected property owners, as shown on the last equalized assessment roll and utilities concerned of the

time and place of such hearings at least ten (10) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At such hearings all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive.

(Prior code § 7-3.02)

13.16.030 - Designation of districts.

If, after such public hearing provided for in Section 13.16.020 of this chapter, the council finds that the public necessity, health, safety and welfare requires such removal and such underground installation within a designated area, the council, by resolution, shall declare such designated area an underground utility district and order such removal and underground installations. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installations shall be accomplished and within which affected property owners shall be ready to receive underground services. A reasonable time shall be allowed for such removal and underground installations, having due regard for the availability of the labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

(Prior code § 7-3.03)

13.16.040 - 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 13.16.030 of this chapter, 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 such district after the date such overhead facilities are required by resolution to be removed, except such overhead facilities which may be required to furnish services 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 set forth in Section 13.16.090 of this chapter and for such reasonable time required to remove such facilities after such work has been performed and except as otherwise provided in this chapter.

(Prior code § 7-3.04)

13.16.050 - Exceptions—Emergencies 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 the authority of the council, in order to provide emergency services. The council may grant special permission, on such terms as it 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.

(Prior code § 7-3.05)

13.16.060 - Other exceptions.

The provisions of this chapter and any resolution adopted pursuant to the provisions of Section 13.16.030 of this chapter shall not apply to the following types of facilities, unless otherwise provided in such resolution:

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 wires have been prohibited or connecting to buildings on the perimeter of a district, where such wires originate in an area for 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 in excess of thirty-four thousand five hundred (34,500) volts; provided, however, this exception shall not be construed to alter, amend or repeal the provisions of the zoning regulations requiring a use permit for overhead electric transmission lines in excess of sixty thousand (60,000) volts capacity;

E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;

F. Antennas, 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; and

H. Temporary poles, overhead wires and associated overhead structures used or to be used, in conjunction with construction projects.

(Prior code § 7-3.06)

13.16.070 - Notices to property owners and utility companies.

A. Within ten (10) days after the effective date of a resolution adopted pursuant to the provisions of Section 13.16.030 of this chapter, the city clerk shall notify all affected utilities and all persons owning real property within the district thereby created of the adoption of such resolution. 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 the necessary facility changes on their premises so as to receive such services from the lines of the supplying utilities at a new location, subject to the applicable rules, regulations and tariffs of the respective utilities on file with the commission.

B. Such notification by the city clerk shall be made by mailing a copy of the resolution adopted pursuant to the provisions of Section 13.16.030 of this chapter, together with a copy of the provisions of this chapter, to the affected property owners, as they are shown on the last equalized assessment roll and to the affected utilities.

(Prior code § 7-3.07)

13.16.080 - Responsibility of utility companies.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to the provisions of Section 13.16.030 of this chapter, 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.

(Prior code § 7-3.08)

13.16.090 - Responsibility of property owners.

A. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his or her property between the facilities referred to in Section 13.16.080 of this chapter and the termination facility on or within such building or structure being served, all in accordance with the applicable rules, regulations and tariffs of the respective utilities on file with the commission.

B. In the event any person owning, operating, leasing, occupying or renting such property does not comply with the provisions of subsection A of this section within the time provided for in the resolution enacted pursuant to the provisions of Section 13.16.030 of this chapter, the director of public works 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 facilities supplying utility service to such property.

(Prior code § 7-3.09)

13.16.100 - Responsibility of city.

The city shall remove, at its own expense, all city-owned equipment from all poles required by the provisions of this chapter to be removed in ample time to enable the owner or user of such poles to remove the poles within the time specified in the resolution enacted pursuant to the provisions of Section 13.16.030 of this chapter.

(Prior code § 7-3.10)

13.16.110 - Extensions of time.

In the event any act required by the provisions of this chapter or the resolution adopted pursuant to the provisions of Section 13.16.030 of this chapter cannot be performed within the time provided on account of shortages of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience or any other circumstances beyond the control of the actor, the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

(Prior code § 7-3.11)

Title 14 - (RESERVED)

Title 15 - BUILDINGS AND CONSTRUCTION

Chapters:

Chapter 15.04 - COLFAX BUILDING CODE

Chapter 15.08 - COLFAX FIRE CODE

Chapter 15.12 - BUILDING PERMITS

Chapter 15.16 - MANUFACTURED BUILDINGS AND MOBILEHOME PARKS

Chapter 15.20 - DEMOLITION REVIEW AND PERMIT PROCESS

Chapter 15.30 - GRADING, EROSION AND SEDIMENT CONTROL

Chapter 15.04 - COLFAX BUILDING CODE [1]

Sections:

15.04.010 - Building Code—Adopted.

15.04.015 - Building Code—Amended.

15.04.020 - Plumbing Code—Adopted.

15.04.025 - Plumbing Code—Amended.

15.04.030 - Mechanical Code—Adopted.

15.04.035 - California Mechanical Code—Amended.

15.04.040 - Electrical Code—Adopted.

15.04.050 - Residential Building Code—Adopted.

15.04.055 - Residential Building Code—Amended.

15.04.060 - CALGreen Code adopted.

15.04.075 - Solar photovoltaic systems installations.

15.04.100 - Uniform Swimming Pool, Spa and Hot Tub Code, 2009 Edition—Adopted.

15.04.130 - Building Code Appendices—Adopted and amended.

15.04.010 - Building Code—Adopted.

The California Building Code, known as Part 2 of the 2010 Edition of the California Code of Regulations, Title 24, incorporating the International Building Code, 2006 Edition, published by the International Code Council including the following appendices:

Appendix Chapter C Group U - Agricultural Buildings;

Appendix Chapter I Patio Covers;

Appendix Chapter J Grading.

There is one copy of the code on file in the office of the building official for use and examination by the public.

(Ord. No. 514, § 4, 1-26-2011)

15.04.015 - Building Code—Amended.

Amendments to the 2010 California Building Code. Chapter 1 of the 2010 California Building Code is hereby adopted and amended as follows:

Subsection 105.5 Expiration, is hereby amended to read as follows:

105.5 Expiration. Every permit shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing one or more extensions of time,

for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated. For the purpose of this section, work shall be considered abandoned if a required inspection has not been recorded and approved within 180 days.

Subsection 109 Fees, is hereby included and amended to read as follows:

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the established fee schedule as adopted by resolution by the City of Colfax.

(Ord. No. 514, § 4, 1-26-2011)

15.04.020 - Plumbing Code—Adopted.

The California Plumbing Code, known as Part 5 of the 2010 Edition of the California Code of Regulations, Title 24, incorporating the Uniform Plumbing Code, 2009 Edition, published by the International Association of Plumbing and Mechanical Officials and the non-building and administrative regulations of the Uniform Plumbing Code, 2009 Edition are adopted by reference. There is one copy of the code on file in the office of the building official for use and examination by the public.

(Ord. No. 514, § 4, 1-26-2011)

15.04.025 - Plumbing Code—Amended.

Chapter 1; subsection 103.4 of the 2010 California Plumbing Code is hereby adopted and amended as follows:

115.1: General. Fees shall be assessed in accordance with the fee schedule as adopted by resolution of the City Council. All References to in Table 1-1 Subsection 103.4.1 and 103.2 are hereby deleted.

(Ord. No. 514, § 4, 1-26-2011)

15.04.030 - Mechanical Code—Adopted.

The California Mechanical Code, known as Part 4 of the 2010 Edition of the California Code of Regulations, Title 24, incorporating the Uniform Mechanical Code, 2009 Edition, published by the International Association of Plumbing and Mechanical Officials 2009 Edition, are adopted by reference. There is one copy of the code on file in the office of the building official for use and examination by the public.

(Ord. No. 514, § 4, 1-26-2011)

15.04.035 - California Mechanical Code—Amended.

Chapter 1; subsection 115.0 of the 2010 California Mechanical Code is hereby adopted and amended as follows:

115.1: General. Fees shall be assessed in accordance with the fee schedule as adopted by resolution of the City Council. All References to in Table 1-1 Subsection 115.1, 115.2, and 115.3 are hereby deleted.

(Ord. No. 514, § 4, 1-26-2011)

15.04.040 - Electrical Code—Adopted.

The California Electrical Code, known as Part 3 of the 2010 Edition of the California Code of Regulations Title 24, incorporating the National Electrical Code, 2008 Edition, published by the National Fire Protection Association. There is one copy of the code on file in the office of the building official for use and examination by the public.

(Ord. No. 514, § 4, 1-26-2011)

15.04.050 - Residential Building Code—Adopted.

California Residential Building Code, 2010 Edition, based on the 2009 International Residential Building Code including, the administrative provisions in the California Building Code, Chapter 1, Division II and Appendix H - Patio Covers as published by the International Code Council (ICC) as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations, Part 2.5.

(Ord. No. 514, § 4, 1-26-2011)

15.04.055 - Residential Building Code—Amended.

Amendments to the 2010 California Building Code. Chapter 1 of the 2010 California Residential Building Code, is hereby adopted and amended as follows:

Subsection 105.5 Expiration, is hereby amended to read as follows:

105.5 Expiration. Every permit shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated. For the purpose of this section, work shall be considered abandoned if a required inspection has not been recorded and approved within 180 days.

Subsection 108 Fees, is hereby included and amended to read as follows:

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the established fee schedule as adopted by resolution by the City of Colfax.

(Ord. No. 514, § 4, 1-26-2011)

15.04.060 - CALGreen Code adopted.

California Green Building Standards Code, 2010 Edition, including the administrative provisions in the California Building Code, Chapter 1, Division II as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations, Part 11.

(Ord. No. 514, § 4, 1-26-2011)

15.04.075 - Solar photovoltaic systems installations.

For the installation of solar photovoltaic systems, if the buildings module coverage is 50% or less and conforms to the Installation Guidelines, the Building Service Division would approve the installation. If the buildings module coverage exceeds more than 50% of the roof it will be reviewed by the local fire authority having jurisdiction to verify access and ventilation requirements are met prior to the issuance of a building permit.

(Ord. No. 514, § 4, 1-26-2011)

15.04.100 - Uniform Swimming Pool, Spa and Hot Tub Code, 2009 Edition—Adopted.

The 2009 Edition of the Uniform Swimming Pool, Spa and Hot Tub Code, published by the International Conference of Plumbing and Mechanical Officials. There is one copy of the code on file in the office of the building official for use and examination by the public.

(Ord. No. 514, § 4, 1-26-2011)

15.04.130 - Building Code Appendices—Adopted and amended.

The following Building Code appendices are hereby adopted and amended as follows:

California Building Code, Appendix J amended—Excavation and Grading. The following sections of Appendix J of the California Building Code are hereby amended to read as follows:

Section J101 "Scope" is amended to add the following: "All references to the "Building Official" within this appendix are hereby amended to read "City Engineer". All grading operations within the City of Colfax shall be performed in accordance with the provisions of the Building Code, the City of Colfax Grading Ordinance and any other regulations of the City pertaining to grading operations.

(Ord. No. 514, § 4, 1-26-2011)

FOOTNOTE(S):

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Editor's note— Ord. No. 514, §§ 1, 4, adopted Jan. 26, 2011, repealed Ch. 15.04 in its entirety and enacted a new ch. 15.04 to read as set out herein. Former Ch. 15.04 pertained to similar subject matter and derived from Ord. 476 § 1(Exh. A)(part), adopted 2003; Ord. 486 § 2 (part), adopted 2006; Ord. 494 § 4(part), adopted 2007. (Back)

Chapter 15.08 - COLFAX FIRE CODE [2]

Sections:

15.08.010 - Fire Code adopted.

15.08.020 - Fire Code amended.

15.08.010 - Fire Code adopted.

California Fire Code, 2010 Edition Volumes 1 & 2, including, the administrative provisions in the California Building Code, Chapter 1, Division II based on the 2009 International Fire Code including the Appendices, as published by the International Code Council (ICC) as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations, Part 9.

(Ord. No. 514, § 4, 1-26-2011)

15.08.020 - Fire Code amended.

The California Fire Code adopted in Section 15.04.700 is modified, amended and/or supplemented as follows:

A. The California Fire Code (CFC) as adopted above with approved amendments and appendix chapters, and all State Fire Marshal codes delegated to local agencies, are to be enforced by the Chief of each Fire District, CSA, or as designated by contract. In the absence of the above, the Placer County Fire Warden shall act as the County Fire Marshal. Where provisions in the CFC conflict with other statutes/regulations or County ordinances, including but not limited to the Placer County Land Development Manual, the most restrictive shall govern.

2. Pursuant to State Health and Safety Code Section 13869.7, all fire district amendments to the CFC will be valid after such amendments are first authorized by the fire district board and then approved by the Board of Supervisors.

B. Section 103.1, Department of Fire Prevention - General, is amended by replacing the first paragraph with the following:

The Chief of a fire department/district, with the written approval of the Board of Directors of the particular fire department is authorized to make and enforce such rules and regulations for the prevention and control of fires and fire hazards as may be necessary from time to time to carry out the intent of this Code. Three certified copies of such rules and regulations shall be filed with the Clerk of the jurisdiction and shall be in effect immediately thereafter. Pursuant to State Health and Safety Code Section 13869.7, rules and regulations that involve building standards will be valid when approved by the Board of Supervisors.

C. Section 108, Board of Appeals, is amended by replacing the first paragraph with the following:

In order to determine the suitability of alternate materials and type of construction and to provide for reasonable interpretation of the provisions of this code, there is hereby appointed a board of appeals consisting of the board of directors of each fire protection district for matters within their jurisdiction and the Placer County Building Board of Appeals in the remaining areas of the County. The Chief shall be an ex-officio member of the Board and shall act as secretary to the Board. The

Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the chief with a duplicate copy to the appellant and may recommend to the Executive Body such new legislation as is consistent therewith.

D. Chapter 1 Section 109.2, Notice of Violation, is amended by adding the following:

The Chief of any fire department/district within the County or his/her authorized representatives shall have authority to enforce this code and issue citations for violations in their respective jurisdiction.

E. The following is added to Section 202 - Definitions: Add the following:

FIRE HYDRANT: shall mean a hydrant supplied by a 6 inch or larger branch line, one or more pumper connection (4½ inch) and 2 or more 2½ inch outlets, capable of supply required fire flow for at least 2 hours.

Section 502 Definitions: Add the following:

Emergency Vehicle Access and occupant emergency egress/evacuation roads:

Use - Access for emergency vehicles during an emergency.

Emergency egress/evacuation for residents during an emergency.

Size - Roadways shall meet the requirements of the local authority having jurisdiction but shall not be less than the requirements set in PRC 4290 and Placer County Code.

Access restrictions - There shall be no means for restricting public or private use in the event of an emergency. If gated, gates shall be manually opening gates with no lock or latch requiring special knowledge.

Fire Department Access Gates:

Use - Fire Department access to open lands and vegetated areas for the purpose of extinguishing a vegetation fire.

Size - Minimum 10' wide opening with 15' clear vertical clearance.

Access restrictions - Access is for emergency firefighting equipment only.

Approved gates:

1. Any gate approved for Emergency Access and Residential Egress.

2. Bollards (4-6" iron pipe) with a hinge at grade with a hasp and break-away padlock.

3. Iron or wood cattle gate, unlocked or locked with a "Knox" lock.

4. Iron or wood swing gate.

5. Any gate approved by authority having jurisdiction.

Section 503.2.4 Turning Radius

The inside turning radius for a Fire Access road shall be 30 feet or greater. The outside turning radius for an access road shall be 50 feet or greater.

Section 503.6 Security gates to include the following:

Private Road Gated Entrance:

1. Gate openings to be 2' wider than the roadway served.

2. Emergency vehicle access shall be provided by both a "Knox" over-ride switch and an approved emergency radio frequency gate opening device (Click2Enter type) or other device approved by the authority district.

3. An approved hammerhead, turn-around bulb or other means of turn-around shall be provided on the entry side of the gate.

4. Gates shall automatically open from the interior without use of a special code or device. (Magnetic strip or pressure pad assemblies are acceptable).

5. All electric gates shall fail in the open position, i.e. loss of power, battery failure.

6. Vertical clearances shall be no less than 15'.

7. Gate shall be located no closer than 30' from the intersecting roadway ultimate edge of pavement.

8. Provide a separate personnel gate or opening sized and surfaced to allow for pedestrian and wheelchair access.

9. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.

Residential driveway gated entrance;

Gated residential driveways shall be provided with Fire Department access locks or switches as approved by the authority having jurisdiction.

F. Section 903.2, Where Required, is amended to read, add the following:

In all occupancies except Group R, Division 3 and Group U Occupancies an approved automatic sprinkler system shall be installed where the occupancy/building has 3,600 or more square feet of

total floor area, except where other sections of the IFC or the California State Fire Marshals regulations, and/or local fire district ordinances applicable to a project are more restrictive, then the more restrictive shall apply. Where additions increase the total size of the building to 3,600 square feet or more, the addition and the existing occupancy/building shall be provided with an approved automatic sprinkler system. Fire separation areas shall not be used to reduce this requirement.

G. Section 903.4, Sprinkler System Monitoring and Alarms, is amended to read:

All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically supervised. Valve supervision and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.

EXCEPTION: Group R, Division 3 Occupancies will only be monitored if required by the local fire district and/or authority having jurisdiction.

H. Section 907.2 of the IFC, Where Required - new buildings and structures, is amended to read as follows:

All occupancies except Group R, Division 3 and Group U occupancies shall have an approved automatic fire alarm system installed when the occupancy/building has 1,500 square feet or more of total floor area unless other sections of the CFC or California State Fire Marshals regulations are more restrictive, then the more restrictive shall apply. Fire alarms systems shall be in accordance with Section 907 of the CFC or the current edition of NFPA 72 if the specific occupancy is not covered in the CFC.

Additionally, all A, E, H, I and M occupancies shall have an automatic smoke/heat detection system installed in addition to any other system(s) required by this code. Where additions increase the total size of the building to 1,500 square feet or more, the addition and the existing occupancy/building shall be provided with an approved automatic smoke/heat detection system.

Fire alarm control panels in new buildings shall be sized to allow for maximum number of anticipated devices at build-out.

I. Section 2301, General, is amended by adding the following item:

6. Tires: No person shall pile, cause to be piled, or maintain any pile of tires (of any manufactured material) at a height greater than ten (10) feet, except in approved horizontal storage racks, measured in all cases from the ground level. Tires shall be neatly piled and in no case shall any one pile occupy more than two hundred (200) square feet of floor or lot area. An aisle of at least ten (10) feet shall be maintained at all times between the piles in such a manner as to allow free access.

J. Section 3401.1, Scope and Application, is amended to read as follows:

It shall be unlawful to store flammable liquids as defined in Chapter 34 of the International Fire Code including gasoline and other motor fuels, in above ground storage containers, either portable or installed, in a RS, RM, RA, RF, F or AE zoned area on a parcel of less than ten (10) acres. In areas where above ground storage is permitted, minimum distances from property lines and structures for a tank of any type shall be not less than 50 feet.

Any above ground storage must be approved, in writing, by an official of the appropriate fire protection department/district. This section shall not be applicable to portable containers suitable for such storage of 5 gallons or less.

K. Section 3404.2.9.5.: "Locations where above ground tanks are prohibited" is amended to read as follows:

Storage of Class I and Class II flammable liquids in aboveground tanks outside of buildings is prohibited unless approved by the Fire Chief having jurisdiction, using standards not less than the IFC or recognized equivalent.

L. Section 3406.4, Bulk Plants or Terminals, is amended to read as follows:

No new bulk plant shall be constructed within the limits established by the Placer County zoning ordinance, as limits of the districts in which such plants are prohibited. Where allowed portions of properties where flammable and combustible liquids are received by tank vessel, pipelines, tank cars or tank vehicles and are stored or blended in bulk for the purpose of distributing such liquids by tank vessels, pipelines, tank cars, tank vehicles or containers shall be in accordance with IFC Section 3406.4.

N. Appendix C, Fire Hydrant Locations and Distribution, Table C105.1, is amended to read:

TABLE C 105.1

NUMBER AND DISTRIBUTION OF FIRE HYDRANTS

FIRE-FLOW REQUIREMENT (gpm)		AVERAGE SPACING BETWEEN HYDRANTS[1,2,3,] (feet)[6]	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT[4]
X 3.85 for L/min.	MINIMUM NO. OF HYDRANTS	X 304.8 for mm	
1,000 - 1,750	2	300	250
2,000 - 2,250	2	300	225
2,500	3	300	225
3,000	3	300	225
3,500 - 4,000	4	300	210
4,500 - 5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500 - 7,000	7	250	150

7,500 or more	8 or more[5]	200	120

1. Reduce by 100 feet for dead-end streets or roads.

2. Where streets are provided with median dividers which can be crossed by firefighters pulling hose lines, or arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet (152.4m) on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute (26 495L/min.) and 400 feet (122 m) for higher fire-flow requirements.

3. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at not less than 1,000-foot (305m) spacing to provide for transportation hazards.

4. Reduce by 50 feet (15 240 mm) for dead-end streets or roads.

5. One hydrant for each 1,000 gallons per minute (3785 L/min.) or fraction thereof.

6. Spacing may be increased to 500′ for Single Family Dwelling Residential Sub-Divisions.

O. Appendix D, Fire Apparatus Access Roads is adopted and amended as follows:

D103.1 (add: Exception: R-3 Occupancies)

D103.2 In areas above 5,000 ft. elevation:

Exception 1: Driveways of R-3 Occupancies shall not exceed 12 percent in grade, unless otherwise authorized by the fire chief.

Exception 2: The driveway slope may exceed 12% (12 vertical feet in one hundred horizontal feet) slope provided the driveway meets or exceeds the prescribed minimum width, and is not longer in length than the maximum permissible height of the structure within such jurisdiction, but in no case more than 35 feet, and has the appropriate transitional slopes at the edge of pavement to property line, and has no significant articulation greater than 45% angle in its entire length).

In areas below 5,000 ft. elevation driveway grade shall not exceed 16% unless authorized by the fire chief.

Delete Section D103.5

Section D104 Commercial and Industrial Developments

D104.2 is amended to read:

D104.2 Buildings exceeding 62,000 square feet in area.

Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m2) shall be provided with two separate and approved fire apparatus access roads.

Delete exception

Section D107 is amended to read:

Section D107 One- or Two-Family Residential Developments

D107.1 One- or two-family dwelling residential developments.

Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Delete exception 1 and 2

(Ord. No. 514, § 4, 1-26-2011)

FOOTNOTE(S):

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Editor's note— Ord. No. 514, §§ 1, 4, adopted Jan. 26, 2011, repealed Ch. 15.08 in its entirety and enacted a new Ch. 15.08 to read as set out herein. Former Ch. 15.08, § 15.08.010, pertained to similar subject matter and derived from Ord. 495 § 5, adopted 2007. (Back)

Chapter 15.12 - BUILDING PERMITS

Sections:

Article I. - General Provisions

Article II. - Encroachment Permits

Article I. - General Provisions

15.12.010 - Denial—Grounds.

15.12.020 - Issuance—Building access required.

15.12.030 - Issuance—Improvements required.

15.12.040 - Reimbursement for costs of improvements.

15.12.010 - Denial—Grounds.

No building or occupancy permit shall be issued when the council or a properly delegated authority, gives notice to the building official to withhold such permit where such action is deemed to be in the public interest, for the protection of the public health and safety or for the general public welfare, including noncompliance by the applicant with any law or any agreement with the city or the planning commission or which would constitute an improper land use. Any such denial of a permit shall contain a provision for the issuance of the permit upon the completion of the designated corrective action by the applicant.

(Prior code § 8-3.01)

15.12.020 - Issuance—Building access required.

Before a building permit shall be granted for any use other than a single-family residence, a committee of the planning commission shall make a written finding that the lot in question has adequate frontage upon a dedicated public street or upon a recorded private easement determined by the director of public works or the planning director to be adequate for purposes of access, including access for emergency vehicles, reasonably sufficient for the intended use.

(Prior code § 8-3.02)

15.12.030 - Issuance—Improvements required.

A. Curbs, gutters, drainage facilities, sidewalks and driveways for other than single-family dwellings: following a finding that a lot has adequate frontage as set forth in Section 15.12.020 of this chapter, no building permit for other than a single-family residential use shall be granted until the applicant has either installed, at his or her own expense, curbs, gutters, drainage facilities, sidewalks and a driveway, all according to the Standard Specifications of the city, in and on all street frontage lots to be used in conjunction with the building to be constructed or improved or, in the alternative, has entered into an improvement agreement with the city, in which the applicant agrees to install the improvements required by this subsection, either prior to the final inspection or prior to the issuance of a certificate of occupancy or upon a date not more than one year from the date of the improvement agreement, agreeing to hold the city and its agents, officers and employees free and

harmless from all claims of any nature whatsoever arising in any way from the use and occupancy of the property or from the condition of the property. Such improvement agreement shall be in a form approved by the city. Unless it is waived by the city, the applicant shall furnish a performance bond in the amount deemed reasonably adequate by the director of public works or the planning director to secure full and complete performance of such agreement by the applicant.

B. Curbs, gutters, drainage facilities, sidewalks and streets for single-family residential uses: whenever a lot is without standard curbs, gutters, drainage facilities, sidewalks or a paved street or any one of them and the building official determines that any one or more of them have already been constructed on forty (40) percent of the occupied frontage on the same side of the street as the property for which a building permit is sought, the applicant shall construct such improvements, according to the Standard Specifications of the city, before a building permit shall be granted for single-family residential uses. For the purpose of computing such percentage, the percentage shall be of the block not to exceed two hundred fifty (250) feet on either side of the property to a street corner.

C. Paved streets: following a finding that the lot has adequate frontage as set forth in Section 15.12.020 of this chapter and upon a joint finding by the chief of police and the director of public works that the proposed occupancy of the premises is such that it will result in an increase in traffic or create any hazardous condition so that a paved street is reasonably necessary in order to protect the public, the applicant shall be required to pave, according to the Standard Specifications of the city, one-half the width of such street prior to the issuance of a building permit for other than single-family residential uses; provided, however, that such paving need not exceed thirty-three (33) feet in width. Where the frontage is on a private easement, the chief of police and the director of public works, upon such a joint finding, may require the entire width of such private easement to be so paved and adequate drainage to be provided.

D. Street widening and corner rounding: following a finding that a lot has adequate frontage, as set forth in Section 15.12.020 of this chapter and in all cases where the council determines, because of increased traffic caused by the intended use, that street widening or corner rounding is required, the property owner shall deed to the city, at no cost to the city, an adequate right-of-way therefor prior to the granting of a building permit for other than single-family residential uses.

E. Fire hydrants: following a finding that a lot has adequate frontage, as set forth in Section 15.12.020 of this chapter and if there is not, within two hundred fifty (250) feet of all parts of the proposed building, a fire hydrant approved by the fire chief as providing reasonably suitable fire protection for such building, the applicant shall be required, as a condition of the issuance of a building permit for other than single-family residential uses, to construct a fire main from the nearest existing city fire main to a point within two hundred fifty (250) feet of all parts of the proposed building and to establish one fire hydrant at such point in a location to be designated by the fire chief, together with such additional fire hydrants in locations as designated by the fire chief, for each twenty-five thousand (25,000) square feet of building space. Such fire main and hydrant shall be located, installed and constructed in accordance with the existing standards of the Pacific Fire Rating Bureau for such installations. If requested by the applicant, the decision of the fire chief shall be given in writing within ten (10) days after the request is made and the applicant shall thereupon have the right to appeal to the council by filing a notice of appeal in letter form with a filing fee of ten dollars ($10.00). The council shall thereupon hear the appeal within a reasonable time and may sustain, modify or reverse in any particular the decision of the fire chief.

(Prior code § 8-3.03)

15.12.040 - Reimbursement for costs of improvements.

Any applicant for a building permit who is required to construct public improvements pursuant to this chapter, which improvements would benefit other property owners who would otherwise be required to construct such improvements, may enter into an agreement with the city for the reimbursement of a pro

rata share of the initial cost of constructing such improvements from such other property owners upon the development of real property by such other benefiting property owners.

(Prior code § 8-3.04)

Article II. - Encroachment Permits

15.12.050 - Permit—Required.

15.12.060 - Permit—Application.

15.12.070 - Permit—Fee.

15.12.080 - Permit—Deposit or bond.

15.12.090 - Permit—Major project surety and fee.

15.12.100 - Permit—Insurance certificate.

15.12.110 - Permit—Secured when.

15.12.120 - Permit—Transferability—Work start and completion.

15.12.130 - Permit—Refusal.

15.12.140 - Permit—Revocation.

15.12.150 - Scope of excavation—Notice and inspection hours.

15.12.160 - Excavation restrictions—Restoration standards.

15.12.170 - Passage—Emergency facilities access.

15.12.180 - Safety—Devices.

15.12.190 - Safety—Legal compliance.

15.12.200 - Violation—Penalty.

15.12.050 - Permit—Required.

It is unlawful for any person to make or cause or permit to be made any excavation in or under the surface of any public street, alley, sidewalk or other public place for the installation, repair or removal of any tank, pipe, conduit, duct or tunnel or for any other purposes without first obtaining from the building inspector a written permit to make such excavations and making a deposit and executing a bond as provided in this chapter.

(Prior code § 8-4.01)

15.12.060 - Permit—Application.

Application for encroachment permits shall be made on a form provided by the city. The application shall state the name and address of the applicant and shall state the location, type and purpose of the proposed excavation or encroachment and, if requested, shall provide a drawing and other information showing the location and extent of excavation.

(Prior code § 8-4.02)

15.12.070 - Permit—Fee.

The city shall collect a fee in the amount set forth below before issuing any encroachment permit.

Valuation of Construction Cost or Contract Price	Fee
$1.00 to $5,000.00	$60.00
$5,001.00 to $10,000.00	$90.00
$10,001.00 or more	1% of valuation or contract, whichever is higher
Residential driveway encroachments	$30.00

(Prior code § 8-4.03)

15.12.080 - Permit—Deposit or bond.

The applicant shall post with the building official a cash deposit or a good and sufficient approved corporate surety bond in the amount of one thousand dollars ($1,000.00) to guarantee the faithful and proper performance of the work before any encroachment permit shall be issued. However, if the applicant can show evidence of financial ability satisfying the building official, it will not be necessary for the applicant to post a bond.

(Prior code § 8-4.04)

15.12.090 - Permit—Major project surety and fee.

If the proposed work is of major consideration, then the fees and bond shall be as set by the city engineer. A "major project" means the installation or replacement of any underground facility other than a service from an existing main to a single user. However, if the applicant can show evidence of financial ability satisfying the city engineer, it will not be necessary for the applicant to post a bond.

(Prior code § 8-4.05)

15.12.100 - Permit—Insurance certificate.

The permittee shall file with the city a certificate of insurance showing that the permittee has in effect public liability insurance for bodily injury in the amount of one hundred thousand dollars ($100,000.00) for each person and three hundred thousand dollars ($300,000.00) for each accident and twenty thousand dollars ($20,000.00) for property damage, before being issued a permit, excepting those persons, corporations or companies that are permissively self-insured under the laws of the state.

(Prior code § 8-4.06)

15.12.110 - Permit—Secured when.

All required permits shall be secured at least two working days prior to the time the work under such permit is proposed; except that where an emergency street cut is to be made, the applicant shall immediately give prior notice to the building inspector and shall make application for such work on the next working day.

(Prior code § 8-4.07)

15.12.120 - Permit—Transferability—Work start and completion.

No permit shall be transferable. Every permit shall be void unless the proposed work is commenced within fifteen (15) days from the date of issuance of the permit and the work is completed within a reasonable time of commencement unless prior arrangements are made with the city.

(Prior code § 8-4.08)

15.12.130 - Permit—Refusal.

The city shall have the right to refuse to issue a permit to any person who is in violation of or who has failed to comply with any provision of this chapter in connection with the permit being applied for or any previous permit.

(Prior code § 8-4.09)

15.12.140 - Permit—Revocation.

The city may revoke any permit issued for noncompliance with any of the provisions of this chapter.

(Prior code § 8-4.10)

15.12.150 - Scope of excavation—Notice and inspection hours.

A. Excavations shall be confined to the work described in the permits.

B. Each permittee shall notify the building inspector when excavation under the permit will be commenced and such notice shall be given at least twenty-four (24) hours prior to such commencement. All work under any permit shall be done and completed under the inspection of the building inspector or city engineer.

C. Except in cases of emergency, no work shall be done at any other time than between the hours of eight a.m. and five p.m. from Monday through Friday, unless prior arrangements have been made at the time the permit is issued or in the case of an emergency.

(Prior code § 8-4.11)

15.12.160 - Excavation restrictions—Restoration standards.

All excavations and back filling shall be done in the following manner:

A. No excavation shall be made on any street in any way to constitute a traffic hazard.

B. All excavated material shall be removed from the public right-of-way and disposed of off the public right-of-way or as directed by the building inspector.

C. All excavation shall be filled with clean sand to within eight inches of the existing or established street surface elevation and shall be thoroughly flooded.

D. After flooded sand has become firm and sufficiently dry, the ditch shall be filled with six inches of aggregate base rock plus three inches of asphaltic plan mix surfacing.

E. Permittee shall attain ninety (90) percent relative compaction as determined using the most recent A.A.S.H.O. method.

F. A minimum of thirty (30) inches of cover shall be provided over all pipes and conduits unless prior approval has been given by the city engineer.

G. All material used as provided in this section shall conform to the applicable sections of the most recent issue of the State Division of Highways and Standard Specifications.

(Prior code § 8-4.12)

15.12.170 - Passage—Emergency facilities access.

A. The permittee shall at all times maintain at least one safe crossing and unobstructed passage for vehicle traffic and pedestrians around any excavations.

B. Free access must be provided to all fire hydrants and other public service structures and property that may be required for emergency purposes.

(Prior code § 8-4.13)

15.12.180 - Safety—Devices.

The permittee shall provide and maintain during the performance of the work such barricade, warning directional signals, flares and other safety devises which are required by law or are deemed necessary for the safety and protection of the public.

(Prior code § 8-4.14)

15.12.190 - Safety—Legal compliance.

The permittee shall obey and enforce all safety orders, rules and recommendations of the Division of Industrial Safety of the state applicable to the work and permittee shall comply with all applicable state and local laws and ordinances.

(Prior code § 8-4.15)

15.12.200 - Violation—Penalty.

Any person, firm or corporation violating any provision of this article is guilty of a misdemeanor and upon conviction shall be punished as provided in Chapter 1.24 of this code.

(Prior code § 8-4.16)

Chapter 15.16 - MANUFACTURED BUILDINGS AND MOBILEHOME PARKS

Sections:

Article I - Manufactured Building Construction and Installation

Article II - Mobilehome Park and Mobilehome Subdivision Construction Permits

Article III - Regulation of Temporary Occupancy of Mobilehomes, Trailers or Recreational Vehicles

Article I - Manufactured Building Construction and Installation

15.16.010 - Definition.

15.16.020 - Permit required.

15.16.030 - Permit fees.

15.16.040 - Inspections, investigations and other fees.

15.16.010 - Definition.

"Manufactured building" means any manufactured, pre-manufactured, modular or mobilehome building, dwelling or structure, including miscellaneous accessory buildings or structures or appurtenances thereto: (1) not constructed on-site; or (2) not constructed under the provisions of the applicable Uniform Building Codes.

(Ord. 419 § 4 (part), 1994: prior code § 8-5.01)

15.16.020 - Permit required.

A permit shall be required for the construction and installation of all manufactured buildings.

(Ord. 419 § 4 (part), 1994: prior code § 8-5.02)

15.16.030 - Permit fees.

The fees for a permit to install, assemble, alter, add to, repair or construct each manufactured building, miscellaneous accessory structure and electrical, plumbing and mechanical installation, shall be as follows:

A. Plan Review Fee. Forty-five dollars ($45.00) per hour, with a minimum charge of one-half hour.

B. Installation/Construction Fee. The permit fee shall be based upon the total contract price or the total valuation of all work, whichever is greater, as follows:

Total Valuation/Contract	Fee
Up to $1,500.00	$30.00

$1,501.00 to $3,000.00	$45.00
$3,001.00 to $25,000.00	$55.00 or 1.25% of valuation, whichever is greater.
$25,000.00 and greater	$321.50 or 1.0% of valuation, whichever is greater.

C. Accessory Building or Structures.

1. Each cabana or ramada	$95.00
2. Each private garage	$110.00
3. Each awning garage	$45.00
4. Each porch, deck	$45.00
5. Each storage shed	$30.00

(Ord. 419 § 4 (part), 1994: prior code § 8-5.03)

15.16.040 - Inspections, investigations and other fees.

A. All construction, installation or work shall be inspected as required by the Uniform Building Code, including Section 305.

B. Fees for other than normal inspections, field or office technical services shall be as specified by the Uniform Building Code, Table No 3-A.

C. Whenever any work for which a permit is required has been commenced without first obtaining the permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee shall be collected and shall be an amount equal and in addition to the amount of the permit fee required.

(Prior code § 8-5.04)

Article II - Mobilehome Park and Mobilehome Subdivision Construction Permits

15.16.050 - Permit required.

15.16.060 - Permit fees.

15.16.070 - Other inspections and fees.

15.16.050 - Permit required.

A permit shall be required for the construction and installation of all improvements made to a mobilehome subdivision or mobilehome park.

(Ord. 419 § 5 (part), 1994: prior code § 8-6.01)

15.16.060 - Permit fees.

The fees for a permit to construct, install, enlarge, alter or repair any improvement within a mobilehome park or mobilehome subdivision shall be as follows:

A. Plan Review Fee (minimum charge 1/2 hour)	$45.00 per hour
B. Electrical Permit Fees:	
1. Each park service	37.50
2. Each unit substation or secondary distribution transformer	18.50
3. Each alteration or replacement of a service or transformer	18.50
4. Each individual lot service	18.50
5. Each alteration, repair or replacement of individual lot service equipment	18.50
6. Each street light, including the conduit, conductors and controls	18.50
7. Other electrical apparatus, circuits, conduits and conductors for which a permit is required, but for which no fee is set forth herein	11.00
8. Permit Issuance	
For issuing each permit	15.00
For issuing each supplemental permit	4.50

9. Minimum electrical permit fee	30.00
C. Plumbing Permit Fees	
1. Each park drain system	14.00
2. Each private sewage disposal system or park treatment installation	40.00
3. Each individual lot sewer	15.00
4. Each alteration or repair of drainage or vent piping	7.00
5. Each water service	7.00
6. Each backflow prevention device	7.00
7. Each alteration, repair or replacement of water fixtures or equipment	7.00
8. Each lawn sprinkler system	7.00
9. Each fire hydrant or riser	7.00
10. Each gas piping system	7.00
11. Each installation of a LPG tank of 60 gallons capacity or more	7.00
12. Each mobilehome lot gas riser	7.00
13. Each alteration, repair or replacement of gas distribution equipment	7.00
14. Each installation of equipment for which no fee is listed	7.00
15. Permit Issuance	
For issuing each permit	20.00
For issuing each supplemental permit	10.00

16. Minimum plumbing permit	30.00

(Ord. 419 § 5 (part), 1994: prior code § 8-6.02)

15.16.070 - Other inspections and fees.

A. All construction, installation and work shall be inspected as required by state law and/or the Uniform Building Code, including Section 305.

B. Fees for work not covered herein and fees for other than normal inspection, field or office technical services shall be as specified in Chapter 15.04 of this title.

C. Whenever any work for which a permit is required has been commenced without first obtaining the permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee shall be collected and shall be equal to and in addition to, the amount of the permit fee required.

(Ord. 419 § 5 (part), 1994: prior code § 8-6.03)

Article III - Regulation of Temporary Occupancy of Mobilehomes, Trailers or Recreational Vehicles

15.16.080 - Definitions.

15.16.090 - Temporary occupancy permits—When required.

15.16.100 - Conditions of approval for temporary occupancy permits.

15.16.110 - Duration of temporary occupancy permits.

15.16.120 - Application or refund of deposit.

15.16.130 - Fees.

15.16.140 - Appeals.

15.16.150 - Violation of article—Penalty.

15.16.080 - Definitions.

For the purpose of this article, unless otherwise apparent from the context, certain words and phrases used, in this article are defined as follows:

"Mobilehome" shall be as defined in Section 17.08.540 of this code.

"Moveable vehicle," "trailer" and "recreational vehicle" means any motorhome, trailer, travel trailer, tent trailer, fifth wheel trailer, camp car, van or van conversion, camper shell or unit (whether or not it is truck mounted) or other similar vehicles (motorized or not) not built or intended for permanent fixed situs occupancy.

"Occupation" or "occupancy" means the use of a mobilehome, trailer or recreational vehicle as a place of human habitation or as a dwelling, when used by one or more individual or family for living and sleeping.

(Prior code § 8-7.01)

15.16.090 - Temporary occupancy permits—When required.

A. No permit shall be required for the occupation of a moveable vehicle for less than twenty-one (21) days; provided, that in the discretion of the building official, health, safety and sanitation requirements of the city are met and that a nuisance to surrounding properties is not created. In the event the building official determines a temporary occupancy for less than twenty-one (21) days violates health, safety or sanitation ordinances or regulations or a nuisance is created for surrounding properties he or she shall take action or refer the matter for appropriate corrective action pursuant to other provisions of this code.

B. A permit shall be required for occupation of a moveable vehicle on a site or sites, on public or private property, within city limits for a time period exceeding twenty-one (21) days within any three hundred sixty-five (365) day period.

C. Nothing herein shall authorize the occupancy of an automobile for any period.

(Prior code § 8-7.02)

15.16.100 - Conditions of approval for temporary occupancy permits.

A. Applications for temporary occupancy permits, when required, shall be submitted to the city building official and shall be granted only upon review and consideration of the following:

1. Compliance with health and safety regulations;
2. Potential for disturbance to adjacent property uses;
3. The applicant's justification for the request; and
4. The specific length of time of proposed occupancy.

B. The building official may issue a temporary occupancy permit for only when all of the following conditions are met:

1. When for construction-related temporary occupancy, a building permit for a permanent dwelling or building has been issued;
2. The proposed temporary siting does not violate any valid existing deed restrictions or applicable covenants, conditions or restrictions (CC&Rs) of record;
3. The mobilehome, trailer or recreational vehicle will, at all times, be connected to the approved permanent water supply and sewage disposal facility;
4. The building permit and temporary occupancy permit holder shall agree in writing to hold the city harmless for any damages or injuries which may result from the approval of a temporary occupancy permit;
5. The applicant shall deposit a bond or cash amount equal to the cost of removal of the mobilehome, trailer or recreational vehicle, but in no event less than two hundred fifty dollars ($250.00).

(Prior code § 8-7.03)

15.16.110 - Duration of temporary occupancy permits.

A. Temporary occupancy permits shall not exceed the following periods:

1. For non-construction-related temporary occupancy, three months, with no more than three renewals upon approval by the building official and payment of the fees for each renewal;
2. For construction-related temporary occupancy, a maximum of one year, provided that after issuance, the building permit shall be maintained in a current status. In the event that the building permit expires or is suspended or revoked, any mobilehome, trailer or recreational vehicle shall be removed from the parcel within thirty (30) days and occupancy shall immediately terminate. Any building permit extension or reapplication may not include a temporary occupancy permit for the same use previously granted.

B. If, in the opinion of the building official, the terms and conditions of a temporary occupancy permit are violated, the building official may suspend or revoke the permit.

(Prior code § 8-7.04)

15.16.120 - Application or refund of deposit.

A. The deposit or bond required by Section 15.16.100(B)(5) of this chapter shall be refunded upon the removal of the mobilehome, trailer or recreational vehicle from the site for which a temporary permit has been issued on or before the date of the expiration of the permit or within thirty (30) days from the suspension or revocation of the permit or the related building permit, whichever date is sooner.

B. In the event that the mobilehome, trailer or recreational vehicle is not removed from the site for which a temporary occupancy permit has been granted at the expiration of the permit or within thirty (30) days from the suspension or revocation of the permit or the related building permit, the deposit may be applied by the city to the actual cost of removal and any storage or related fees incurred by the city. Any costs reasonably incurred by the city not covered or satisfied by the deposit shall be paid to the city as a condition of recovery of possession of the mobilehome, trailer or recreational vehicle.

(Prior code § 8-7.06)

15.16.130 - Fees.

The fee for temporary occupancy permits shall be seventy-five dollars ($75.00) per each three-month period provided for in the term of permit. The city council may increase such fees as deemed necessary in the future by resolution.

(Prior code § 8-7.07)

15.16.140 - Appeals.

Any decision of the building official pursuant to this article may be appealed to the planning commission by any applicant for or holder of a temporary occupancy permit or other party adversely affected by such decision by the filing of a written notice of appeal stating the grounds for the appeal with the building official or city clerk. The planning commission shall hear and decide any appeal at the next regularly scheduled commission meeting to be held more than seventy-two (72) hours following the filing of a notice of an appeal. A copy of the notice of appeal shall be given to the permit holder by personal service or certified mail if the appeal is filed by any other party. The filing of an appeal shall not stay the suspension or revocation of a temporary occupancy permit.

(Prior code § 8-7.08)

15.16.150 - Violation of article—Penalty.

Notwithstanding any other provisions of this article, any violation of this article or any modification thereto, shall be punishable as an infraction, as provided in Chapter 1.24 of this code.

(Prior code § 8-7.09)

Chapter 15.20 - DEMOLITION REVIEW AND PERMIT PROCESS

Sections:

15.20.010 - Purpose.

15.20.020 - Definition.

15.20.030 - Applicability of demolition review.

15.20.040 - Process and requirements.

15.20.050 - Review by planning commission.

15.20.060 - Emergency demolition.

15.20.010 - Purpose.

This chapter establishes procedures and requirements for discretionary review of certain demolition requests. This chapter is adopted for the purpose of implementation of historic preservation and maintenance of the architectural character and integrity of the city, in accordance with policies of the Colfax general plan.

(Ord. 477 (Exh. A) (part), 2003: prior code § 18.83.01)

15.20.020 - Definition.

"Demolition" as used in this chapter means the removal of more than sixty (60) percent of a structure, whether in a single action or through a series of separate actions. Within the historical district, "demolition" means the removal of more than thirty (30) percent of a structure whether in a single action or through a series of separate actions.

(Ord. 477 (Exh. A) (part), 2003: prior code § 18.83.02)

15.20.030 - Applicability of demolition review.

Demolition review shall be required for the demolition of any structure greater than two hundred (200) square feet in gross area within the city. No building permit shall be issued for any demolition subject to demolition review until completion of the demolition review process as set forth in this chapter.

(Ord. 477 (Exh. A) (part), 2003: prior code § 18.83.03)

15.20.040 - Process and requirements.

The demolition review process is initiated when the building official or planning director receives a request for a demolition permit.

A. Application Information. The materials for submittal shall include a completed application, all plans, elevations, specifications, sample materials, photos, etc. and any additional information required by the building official and planning director in order to conduct a thorough review of the proposed demolition.

B. Concurrent Processing with Other Permits. Demolition review in conjunction with projects that require the approval of other discretionary permit (e.g. site plan review, conditional use permit, variance, etc.) shall occur concurrently.

C. Fees. A fee shall be chargeable to cover the reasonable cost of processing the demolition review. The fee for demolition review shall be the same as the fee charged for a conditional use permit application and shall include costs related to environmental review, if required.

(Ord. 477 (Exh. A) (part), 2003: prior code § 18.83.04)

15.20.050 - Review by planning commission.

A. Factors to be Considered. In determining whether to approve the demolition permit, the commission shall consider the following factors: the age, location and setting, historical, architectural or aesthetic significance of the structure and the overall effect of the proposed demolition upon surrounding properties; design guidelines; building dilapidation or damage.

B. Conditions of Approval. The commission may deny the permit or impose conditions on the issuance of any such permit reasonably required to protect the public health, safety and welfare and to preserve the character of the neighborhood, including without limitation: (1) preservation of the facade or other architecturally or historically significant elements of the structure; or (2) replacement of the structure with a new structure in keeping with the historic look and style of the previous structure and/or the neighborhood.

C. Findings. To grant a demolition permit the planning commission must make a finding based on substantial evidence that: (1) the structure has no historical, architectural or aesthetic significance; or (2) while the structure has historical, architectural or aesthetic significance, the building has become so dilapidated or damaged that preservation is not practically feasible and that conditions have been imposed on the demolition to mitigate adverse impacts.

(Ord. 477 (Exh. A) (part), 2003: prior code § 18.83.05)

15.20.060 - Emergency demolition.

Notwithstanding the above provisions, if in the opinion of the building official, a structure is in imminent danger of collapse or otherwise poses an imminent danger and immediate action must be taken to safeguard the public health, safety and welfare, the building official may issue a special emergency permit for interim demolition. The city manager shall be notified immediately and city council shall be notified at the next council meeting. As a condition of issuance of a special emergency permit for interim demolition, the applicant shall be required to complete demolition review through the planning commission. The planning commission may impose conditions for replacement of the demolished structure as authorized by Section 15.20.050(B) of this chapter.

(Ord. 477 (Exh. A) (part), 2003: prior code § 18.83.06)

Chapter 15.30 - GRADING, EROSION AND SEDIMENT CONTROL

Sections:

Article I. - Purpose and Definitions

Article II. - General Grading Requirements

Article III. - General Requirements for a Grading Permit

Article IV. - Permit Application Procedures

Article V. - Plans and Specifications

Article VI. - Design Standards

Article VII. - Permit Requirements

Article VIII. - Requirements for Permit Finaling

Article IX. - Improvement Security

Article X. - Enforcement

Article XI. - Miscellaneous Provisions

Article I. - Purpose and Definitions

15.30.010 - Title.

15.30.011 - Administration.

15.30.012 - Purpose.

15.30.013 - Not retroactive.

15.30.014 - Definitions.

15.30.010 - Title.

This chapter shall be known as the grading ordinance of the city of Colfax.

(Ord. 483 (Exh. A) (part), 2005)

15.30.011 - Administration.

This chapter shall be administered for the city of Colfax by the city engineer and city manager.

(Ord. 483 (Exh. A) (part), 2005)

15.30.012 - Purpose.

This chapter is enacted for the purpose of regulating grading on private property within the incorporated area of the city of Colfax to safeguard public health, safety, and public welfare, to reduce environmental damage due to premature soil disturbance and removal of vegetation, to reduce pollution of watercourses with nutrients, sediments, or other earthen materials generated on or caused by surface runoff on or across the permit area; and to ensure that the intended use of a graded site is consistent with the Colfax Area General Plan, any specific plans adopted thereto and applicable city of Colfax ordinances including the zoning ordinance and Appendix Chapter 33 of the Uniform Building Code. In the event of conflict between UBC Appendix Chapter 33 and this ordinance, the provisions of this ordinance will prevail.

(Ord. 483 (Exh. A) (part), 2005)

15.30.013 - Not retroactive.

This chapter shall be prospective in operation only. The provisions of this chapter shall not apply to existing construction for which all previously necessary permits were obtained. Said provisions shall also not apply to a project or development not yet constructed provided that an appropriate permit has been obtained, or applied for and the application accepted, and said permit bears a date prior to the effective date of this chapter.

(Ord. 483 (Exh. A) (part), 2005)

15.30.014 - Definitions.

Unless the particular provision or the context otherwise requires, wherever the following terms are used in this chapter, they shall have the meaning ascribed to them in this section:

"Bedrock" means the solid undisturbed rock in place either exposed at the ground surface or beneath surface deposits of loose rock or soil.

"Bench" means a relatively level step excavated into sloping natural ground on which engineered fill or embankment fill is to be placed.

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

"City engineer" means the city engineer of the city of Colfax, California, acting either directly or through his authorized deputies, subject to the administrative direction of the city manager.

"Compaction" means the increase of density of a soil or rock fill by mechanical means.

"Cut." See Excavation.

"Department" means the public works department of the city of Colfax.

"Depth of fill" means the vertical dimension from the exposed fill surface to the original ground surface.

"Director of public works" means the director of public works of the city of Colfax, California, acting either directly or through his authorized deputies, subject to the administrative direction of the city manager.

"Drainage waters" means surface waters which collect, or are accumulated, on the ground and which, by means of drainage ways or watercourses, flow off the surface to larger rivers, streams, or lakes. Such waters shall include but are not limited to, natural precipitation, and irrigation waters.

"Drainage way" means a depression in the earth's surface such as swales, ravines, gullies, slews, draws, hollows, or ditches in which surface waters collect for drainage, but which otherwise are destitute of water.

"Embankment." See Fill.

"Encroachment permit" means a written permit issued by the city authorizing certain work within a publicly maintained right-of-way or easement.

"Engineering geologist" means a registered geologist certified as an engineering geologist by the State of California.

"Engineering geology" means the application of geologic knowledge in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

"Erosion" means the wearing away and transportation of earth material as a result of the movement of wind, water or ice.

"Excavation" (Cut) means the removal of naturally occurring earth materials by mechanical means, and includes the conditions resulting therefrom.

"Existing grade" means the elevation of the ground surface at a given point prior to excavating or filling.

"Expansive soil" means any soil which exhibits significant expansive properties as determined by a geotechnical engineer or the city engineer.

"Fill" (Embankment) means the deposit of soil, rock or other materials placed by man and includes the conditions resulting therefrom.

Finish grade" means the final grade of the site after excavating or filling which conforms to the approved final grading plan. The finish grade is also the grade at the top of a paved surface.

"Geologic Hazard" means any condition in naturally occurring earth materials which may endanger life, health or property.

"Geotechnical engineer" means the civil engineer registered by the State of California who is qualified in the field of soil mechanics and soil engineering and has the authority to use the title "soil engineer".

"Geotechnical engineering" means the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and may include the inspection, testing and construction thereof.

"Grade" means the vertical location of the ground surface.

"Existing grade" means the grade prior to grading.

"Rough grade" means the stage at which the grade approximately conforms to the approved plan.

"Finish grade" means the final grade of the site which conforms to the approved plan.

"Grading" means any land excavation or filling or combination thereof, or the removal, plowing under or burial of vegetative ground cover.

"Grading plan" means a plan prepared in accordance with this chapter showing grading and related work.

"Grading work" means grading and related work. "Related work" shall include, but is not limited to, vegetation removal, drainage improvements and erosion and sediment control in connection with the grading done.

"Keyway" means a special backfilled excavation which is constructed beneath the toe area of a planned fill slope or sloping ground to improve the stability of the slope.

"Landscape architect" means a landscape architect registered by the State of California.

"Level; Land leveling operation" means the physical movement of rock or soil which results in a change in the topography of the land.

"Lot." See Parcel.

"Owner" means the person shown as the legal owner of the property on the latest equalized assessment roll in the office of the county assessor.

"Parcel" (Lot) means is land described as a lot or parcel in a recorded deed or shown as a lot or parcel on a subdivision map or parcel map on file in the county recorder's office.

"Permit" means an approved grading permit issued pursuant to this chapter authorizing certain grading work.

"Permittee" means any person to whom a permit is issued pursuant to this chapter.

"Person" means any natural person, firm, corporation or public agency whether principal, agent, employee, or otherwise.

"Planning authority" means the planning director of the city of Colfax; acting directly or through his authorized agents subject to the administrative direction of the city manager.

"Preliminary grading plan" means is a plan that shows the proposed grading work in relation to the existing site prepared and submitted with the application for a grading permit.

"Rainy season" means the period of the year during which there is a substantial risk of rainfall. For the purpose of this chapter, the rainy season is defined as from October 15th to May 1st, inclusive.

"Sediment" means any material transported or deposited by water, including soil debris or other foreign matter.

"Site" means any lot or parcel of land or combination of contiguous lots or parcels of land, whether held separately or joined together in common ownership or occupancy, where grading is to be performed or has been performed.

"Slope" means an inclined ground surface the inclination of which may be expressed as the ratio of horizontal distance to vertical distance.

"Soil" means all earth material of any origin that overlies bedrock and may include the decomposed zone of bedrock which can be excavated readily by mechanical equipment.

"Structure" means that which is built or constructed or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage, maintenance or other purposes.

"Vehicular way" means a private roadway or driveway.

"Vegetation" means plant life or total plant cover of an area.

"Watercourse" means any natural or man-made channel flowing continuously or intermittently in a definite direction and course or used for the holding, delay or storage of waters, which functions at any time to convey or store storm water runoff. Natural channels shall generally be limited to those designated by a solid line or a dash and three dots as shown in blue on the most recent U.S. Geological Survey 7.5 minute series of topographic maps. At the discretion of the city engineer the definition of natural channel may be limited to those channels having a watershed area of fifty acres or more, and this definition will be commonly used in connection with the administration of this ordinance except for those cases in which the city engineer determines that the definition must be extended to a natural channel with a watershed smaller than fifty acres in order to prevent a condition which is a menace to life, limb, endangers property,

is a hazard to public safety, adversely affects the safety, use or serviceability of adjacent property, public way or drainage channel, or could adversely affect the water quality of any water bodies of watercourses.

"Work." See Grading work.

(Ord. 483 (Exh. A) (part), 2005)

Article II. - General Grading Requirements

15.30.020 - General requirements for grading.

15.30.021 - No activity causing erosion.

15.30.022 - Water obstruction.

15.30.023 - Construction in public rights-of-way.

15.30.024 - Hazards.

15.30.020 - General requirements for grading.

All grading within the city, whether or not a permit is required, shall be performed in conformance with the technical requirements of this code, the Uniform Building Code and other city codes including but not limited to; dust control, erosion control, protection of waterways and drainage ways, sediment control; excavation, cut and fill, slope and compaction requirements. Any work not done in conformance with these requirements is hereby declared a public nuisance.

(Ord. 483 (Exh. A) (part), 2005)

15.30.021 - No activity causing erosion.

No person shall do or permit to be done any grading in such a manner that quantities of dirt, soil, rock, debris, or other material substantially in excess of natural levels are washed, eroded, or otherwise moved from the site, except as specifically provided for by a permit.

(Ord. 483 (Exh. A) (part), 2005)

15.30.022 - Water obstruction.

No person shall do or permit to be done any grading which may obstruct, impede or interfere with the natural flow of storm waters, whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, unimproved channels or watercourses, or improved ditches, channels or conduits, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion except where said grading is in accordance with all applicable laws, including but not limited to these permit requirements.

(Ord. 483 (Exh. A) (part), 2005)

15.30.023 - Construction in public rights-of-way.

No person shall perform any grading work within the right-of-way of a public road or street, or within a public easement, without prior written approval of the public works director.

(Ord. 483 (Exh. A) (part), 2005)

15.30.024 - Hazards.

Whenever the city engineer determines that any grading on private property constitutes a condition which is a hazard to public safety, endangers property, adversely affects the safety, use or stability of adjacent property, or an overhead or underground utility, or a public way, watercourse or drainage channel, or could adversely affect the water quality of any water bodies or watercourses, the owner of the property upon which the condition is located, or other person or agent in control of said property, upon receipt of notice in writing from the city engineer shall, within the period specified therein, obtain a grading permit and conform to the conditions of said permit. The city engineer may require the submission of plans or soil or geological reports, detailed construction recommendations, drainage study or other engineering date prior to and in connection with any corrective or proposed work or activity.

(Ord. 483 (Exh. A) (part), 2005)

Article III. - General Requirements for a Grading Permit

15.30.030 - Grading review required prior to commencement of work.

15.30.031 - Grading permit required.

15.30.032 - Exemptions.

15.30.033 - Premature grading prohibited.

15.30.030 - Grading review required prior to commencement of work.

(a) Prior to commencement of any grading within the city, whether or not permit is required, the person shall meet with the city engineer or designee and complete a simple form application to outline what is proposed. The city engineer will then make a determination whether a permit is required and what other actions may be necessary before grading can be commenced.

(b) If the city engineer determines that no permit is required, the person will be required to sign the application stating that they will conform to the requirements of the city and this ordinance and have read or will read the city grading ordinance prior to commencing the work.

(Ord. 483 (Exh. A) (part), 2005)

15.30.031 - Grading permit required.

Except for the specific exemptions listed in Section 15.30.032 below, no person shall do or permit to be done any grading on any site in the city of Colfax without a valid permit obtained from the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

15.30.032 - Exemptions.

After review by the city engineer to assure compliance, the following minor grading may be done without obtaining a grading permit. Exemption from the requirement of a permit shall not be deemed to be permission to violate any provision of this chapter.

(a) Minor Grading Projects. Minor projects which meet all of the following requirements:

(1) Involve no cuts or fills exceeding five feet in vertical depth at its deepest point measured from the existing ground surface;

(2) Involve less than fifty (50) cubic yards of graded material;

(3) Do not create unstable or erodible slopes;

(4) Do not encroach onto sewage disposal systems or disposal areas;

(5) Do not encroach into or affect a drainage way.

(b) Vegetation Cutting. Vegetation cutting and removal when the cutting of vegetation is limited to the mowing and cutting of weeds, grasses, small trees and plants where the soil is not disturbed by said activity.

(c) Limited Vegetation Clearing. Clearing of vegetation in which the soil is disturbed, provided the area cleared is less than five thousand (5,000) sq ft. Clearing of larger areas shall require the prior approval of the city engineer as provided under Section 15.030.30 and the city fire chief.

(d) Limited Road and Firebreak Maintenance. Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition provided that no more than fifty (50) cubic yards of earth are moved.

(e) Excavation Authorized by Building Permit. An excavation below finished basements and footings of a building authorized by a valid building permit.

(f) Incidental Trenching. Trenching and grading incidental to the construction or installation of approved underground pipe lines, septic tank disposal fields, conduits, electrical or communication facilities, and drilling or excavation for postholes or approved walls.

(g) Public Agency Grading. Grading done by or under the supervision or construction control of a public agency that assumes full responsibility for the work.

(h) Swimming Pool Excavation. Excavations in connection with a swimming pool authorized by a valid building permit.

(i) Surface Mining Reclamation and Landfills. Grading in accordance with plans incorporated in an approved surface mining permit, reclamation plan or sanitary landfill.

(j) Cemetery Excavations. Routine cemetery excavations and fills.

(k) Emergency Work. Performance of emergency work necessary to protect life or property when an urgent necessity therefore arises. The person performing such emergency work shall notify the city engineer promptly of the problem and work required and shall apply for a permit therefore within ten (10) calendar days after commencing said work.

(Ord. 483 (Exh. A) (part), 2005)

15.30.033 - Premature grading prohibited.

No permit will be granted to conduct grading unless there is a demonstrated need to grade the property at the time the permit is sought. Permits will be issued only under the following circumstances and the grading will be limited to that justified by the need:

(a) Grading to Provide Access. Grading to provide reasonable access to undeveloped property.

(b) After Project Approval. After receipt of all discretionary permits and after application for a building permit to commence construction on the property proposed to be graded.

(c) Enhancement of Improved Properties. Where the property is already improved and developed, the grading is reasonably related to enhancement of the use of the property.

(d) Grading to Prevent Environmental Damage. Grading done usually to correct existing problems and reduce the risk of erosion, soil slippage, and other environmental damage.

(e) Other Circumstances. Such other circumstances as the city engineer determines present a justifiable need to conduct grading activities at the particular time.

(Ord. 483 (Exh. A) (part), 2005)

Article IV. - Permit Application Procedures

15.30.040 - Filing.

15.30.041 - Filing fees.

15.30.042 - Authorization of land owner.

15.30.043 - Compliance with CEQA and other permit requirements.

15.30.044 - Referral to utilities and other public agencies.

15.30.045 - Right of entry.

15.30.046 - Circumstances requiring geotechnical investigation.

15.30.047 - Licensing requirements for geotechnical reports.

15.30.048 - Content of soil/geologic investigation report.

15.30.049 - Soils reports approval.

15.30.04910 - Validity.

15.30.04911 - Appeals.

15.30.040 - Filing.

Applications for permits shall be filed with the city engineer on forms furnished by his office. Each application shall include a plan checking fee and other fees as required, preliminary or final grading plans as required herein, and a statement of the intended use of the site. Only one application and permit is allowed for grading work to be done on a site. The city engineer shall determine whether the application is complete in accordance with provisions of Article 4 herein and may require additional information from the applicant before accepting the application as complete. The applicant shall be notified within seven to twelve (12) working days if the application is deemed incomplete, and the requirements for completing the application.

(Ord. 483 (Exh. A) (part), 2005)

15.30.041 - Filing fees.

(a) Before a permit is issued, the applicant shall deposit with the city engineer cash or check, in a sufficient sum to cover the fee for issuance of the permit, charges for the review of plans, specifications and reports, other engineering services, field investigations, necessary inspection or other work and routine laboratory tests of materials and compaction.

(b) The schedule of fees and costs shall be those established and adopted by the city council from time to time by resolution or ordinance. The fee may be in the form of a deposit to cost. In such case, the city may require that the deposit be replenished if exhausted prior to finaling the permit.

(c) Public utilities may, at the option of the city engineer, make payment for the above charges as billed by the city engineer instead of by advance deposit as required above.

(d) If, upon completion of any work under a permit there remains any excess of deposit, the city shall refund the balance to the permittee.

(e) If, upon completion of any work under a permit there is not a sufficient deposit to cover the cost of the work, the city engineer shall notify the permittee to reimburse the amount equal to the cost deficit.

(f) If grading work is done in violation of this chapter or such work is not done in accordance with an approved permit, a fee, not less than twice the normal fee, covering investigation of any violation and inspection and plan checking of work required to correct such violation shall be charged to the violator to cover all actual costs plus administrative overhead costs.

(Ord. 483 (Exh. A) (part), 2005)

15.30.042 - Authorization of land owner.

No application for a permit will be accepted without the written authorization of the land owner corroborated by appropriate proof of ownership.

(Ord. 483 (Exh. A) (part), 2005)

15.30.043 - Compliance with CEQA and other permit requirements.

The city engineer and/or city planner shall review the proposed grading application and determine whether (1) the proposed grading activity is related to further development of the property and further permits from the city are required for that development, (2) the proposed grading is subject to environmental review under the California Environmental Quality Act (CEQA), and (3) there is a possibility that additional permits from other agencies are required in connection with the activity such as a Streambed Alteration Permit from the Department of Fish and Game or a 404 Permit from the Army Corps of Engineers. If the city determines that the grading or any related further development is subject to CEQA or that other agency permits may be required, they may require additional information. No grading permit will be issued and no grading may commence until the city has completed its environmental review process and all other needed permits have been obtained.

(Ord. 483 (Exh. A) (part), 2005)

15.30.044 - Referral to utilities and other public agencies.

Upon the filing of an application of permit, the city engineer shall notify by mail the owners of utilities on or abutting the site, that an application for a grading permit has been submitted pursuant to this chapter and that they may comment at any stage of the proceeding, and may lodge an appeal pursuant to the provisions of this chapter. The city engineer may also refer an application to other interested public agencies for their recommendations and shall refer it to other agencies if required by law. In such case, the granting of the permit shall not occur until a reasonable time has been given to the other agencies to respond.

(Ord. 483 (Exh. A) (part), 2005)

15.30.045 - Right of entry.

As a condition of issuance of any grading permit, the owner of the property subject to the permit shall grant the city the right of unrestricted access during business hours to inspect the progress of the work.

(Ord. 483 (Exh. A) (part), 2005)

15.30.046 - Circumstances requiring geotechnical investigation.

A soil or geologic investigation report shall accompany the application in any of the following circumstances:

(a) When the proposed grading includes a cut or fill exceeding ten feet in depth at any point; however, for vehicular ways, a soil investigation shall not be required unless the grading includes a proposed cut or fill that exceeds ten feet in depth and the slope of the natural ground exceeds thirty (30) percent.

(b) When highly expansive soils are present.

(c) In areas of known or suspected geological hazards, including landslide hazards and hazards of ground failure stemming from seismically induced ground shaking.

(d) When the proposed grading involves retaining walls exceeding four feet in height which support a slope in excess of thirty (30) percent.

(e) Such other circumstances as the city engineer determines may require a geotechnical report.

(Ord. 483 (Exh. A) (part), 2005)

15.30.047 - Licensing requirements for geotechnical reports.

Those portions of the soil or geologic investigation that constitutes "civil engineering" as defined by Section 6734 of the Business and Professions Code of the State of California shall be conducted by a geotechnical engineer or civil engineer competent to do so. Those portions of the investigation that involve the practice of "geology" as defined by Section 7802 of the Business and Professions Code of the State of California shall be conducted by an engineering geologist.

(Ord. 483 (Exh. A) (part), 2005)

15.30.048 - Content of soil/geologic investigation report.

The soil or geologic investigations shall be based on observations and tests of the material exposed by exploratory borings or excavations and inspections made at appropriate locations. Additional studies may be necessary to evaluate soil and rock strength, the effect of moisture variation on soil, bearing capacity, compressibility, expansiveness, stability and other factors. The soil or geologic investigation report shall contain all of the following, as they may be applicable to the subject site:

(a) An index map showing the regional setting of the site;

(b) A site map showing the topographic features of the site and locations of all soil borings and test excavations;

(c) A classification of the soil types (Unified Soil Classification); pertinent laboratory test date; and consequent evaluation regarding the nature, distribution and strength of existing soil;

(d) A description of the geology of the site and geology of the adjacent areas when pertinent to the site;

(e) A suitably scaled map and cross sections showing all identified areas of land slippage;

(f) A description of any encountered groundwater or excessive moisture conditions;

(g) A description of soil and geological investigative techniques employed;

(h) A log for each soil boring and test excavations showing elevation at ground level and the depth of each soil or rock strata;

(i) An evaluation of the stability of pertinent natural slopes and any proposed cut and fill slopes;

(j) An evaluation of settlement associated with the placement of any fill;

(k) Recommendations for grading procedures and specifications, including methods for excavation and subsequent placement of fill;

(l) Recommendations regarding drainage and erosion control including BMP's and a SWPPP;

(m) Recommendations for mitigation of geologic hazards.

(Ord. 483 (Exh. A) (part), 2005)

15.30.049 - Soils reports approval.

Any soil or geologic investigation report shall be subject to the approval of, and supplemental reports and data may be required by, the city engineer. Recommendations included in the reports and approved by the city engineer shall be incorporated in the final plans and specifications.

(Ord. 483 (Exh. A) (part), 2005)

15.30.04910 - Validity.

The issuance of a permit or approval of plans and specifications shall not be construed as a consent to any violation of the provisions of this chapter or of any other applicable laws, ordinances, rules or regulations. Upon discovery that a permit has been issued in error, the city may stop the work and require appropriate corrective action.

(Ord. 483 (Exh. A) (part), 2005)

15.30.04911 - Appeals.

Appeals on decisions pursuant to this chapter shall be made to the city council in writing, setting forth the specific grounds thereto within ten (10) calendar days from the date of such decision.

(Ord. 483 (Exh. A) (part), 2005)

Article V. - Plans and Specifications

15.30.050 - Application—Plans.

15.30.051 - Preliminary grading plans.

15.30.052 - Final grading plans—Engineer required.

15.30.053 - Final grading plans—Engineer not required.

15.30.054 - Modification of approved plans:

15.30.055 - Seasonal requirements.

15.30.056 - Distribution and use of approved plans.

15.30.050 - Application—Plans.

Two or more complete sets of plans, as determined by the city engineer, including but not limited to profiles, cross-sections, topographic maps and specifications shall be submitted to the city engineer with each application for a grading permit, or when otherwise required by the city engineer for enforcement of any provision of this chapter. At the time of applications, the applicant may provide preliminary grading plans. Prior to the issuance of a grading permit the applicant much furnish final grading plans. Preliminary grading plans with appropriate changes and additions thereto may be accepted as final grading plans. When the final grading plans and other required documents have been approved, a grading permit will be issued by the city engineer. The work shall be done in strict compliance with the approved plans and specifications which shall not be changed or altered except in accordance with the provisions of this article.

(Ord. 483 (Exh. A) (part), 2005)

15.30.051 - Preliminary grading plans.

Preliminary grading plans provide for review and determination of grading permit requirements prior to approval of final plans and issuance of a grading permit. Precise design at this stage is not required. The plans shall be clearly and legibly drawn and entitled "Preliminary Grading Plan", and shall contain a statement of the purpose of the proposed grading, and shall include all of the following:

On a map of appropriate scale, but not smaller than 1″ = 100′:

(a) A plan entitled "Preliminary Grading Plan" and the name and signature of preparer and date of preparation.

(b) A vicinity sketch (not at map scale) indicating the location of the site relative to the principal roads, lakes and watercourses in the area.

(c) A site plan indicating the site of the work and any proposed divisions of land.

(d) The complete site boundaries and locations of any easements and rights-of-way traversing and adjacent to the property, appropriately labeled and dimensioned.

(e) The location and all existing and proposed roads, buildings, wells, pipelines, watercourses, septic systems or areas reserved for on-site sewage disposal, and other structures, facilities, and features of the site, and the location of all improvements of adjacent land within fifty (50) feet of the proposed work.

(f) Location and nature of known or suspected soil or geologic hazard areas.

(g) Contour lines of the existing terrain and proposed approximate finished grade at intervals not greater than five feet, showing all topographic features and drainage patterns throughout the area where proposed grading is to occur. The contour lines shall be extended to a minimum of fifty (50) feet beyond the affected area, and further if needed to define intercepted drainage, and shall be extended a minimum of one hundred (100) feet outside of any future road rights-of-way.

(h) Approximate location of cut and fill lines and the limits of grading for all the proposed grading work, including borrow and stockpile areas.

(i) Location, width, direction of flow and approximate location of tops and toes of banks of any watercourses.

(j) Approximate boundaries of any areas with a history of flooding.

(k) Proposed provisions for storm drainage control and any existing or proposed flood control facilities or septic tank disposal fields or areas reserved for on-site sewage disposal in the vicinity of the grading.

(l) A conceptual plan for erosion and sediment control including both temporary facilities and long-term site stabilization features such as planting or seeding for the area affected by the proposed grading.

(m) North arrow and scale.

(n) General location and character of vegetation covering the site.

(o) Typical cross section (not less than two) of all existing and proposed graded areas taken at intervals not exceeding two hundred (200) feet and at locations of maximum cuts and fills.

(p) An estimate of the quantities of excavation and fill, including quantities to be moved both on and off site.

(q) The estimated starting and completion dates of grading.

(Ord. 483 (Exh. A) (part), 2005)

15.30.052 - Final grading plans—Engineer required.

Final grading plans and specifications shall be prepared and signed by a civil engineer, except as otherwise provided herein, on sheets twenty-four inches by thirty-six inches (24″ x 36″). The plans shall include the following, in addition to all requirements for preliminary grading plans:

(a) A Title Block. Plans shall be entitled "grading plan" and state the purpose of the proposed grading and the name of the engineer or firm by whom this plan is prepared;

(b) Accurate contour lines at intervals not greater than five feet, showing topographic features and drainage patterns and the configuration of the ground before and after grading, relative to a bench mark established on site;

(c) Location, extent and finished surface slopes of all proposed grading and final cut and fill lines;

(d) Cross-sections, profiles, elevations, dimensions and construction details based on accurate field data;

(e) Construction details for roads, watercourses, culverts, bridges and drainage devices, retaining walls, cribbing, dams, and other improvements existing or to be constructed, together with supporting calculations and maps as required;

(f) Complete construction specifications, including progress schedule of work;

(g) A detailed erosion and sediment control plan including specific locations, construction details, and supporting calculations for temporary and permanent sediment control structures and facilities;

(h) A revegetation plan including temporary erosion control plantings, permanent slope plantings, replacement of temporary ground cover, and irrigation facilities;

(i) An estimate of the quantities of excavation and fill;

(j) The location of any borrow site or location for disposal of surplus material;

(k) A projected schedule of operations including, as a minimum, the date of:

(1) Commencement of work;

(2) Start and finish of rough grading;

(3) Completion of drainage facilities;

(4) Completion of work in any watercourse;

(5) Completion of erosion and sediment control facilities;

(6) Completion of hydromulching and other landscaping prior to October 15th. If rough grading is proposed between October 15th and May 1st, a more detailed schedule of grading activities and use of erosion and sediment control facilities may be required;

(7) Itemized cost estimate of the proposed grading and related work;

(8) A complete drainage study, geotechnical report, and structural calculations may be required.

(Ord. 483 (Exh. A) (part), 2005)

15.30.053 - Final grading plans—Engineer not required.

All plans and specifications shall be prepared and signed by a civil engineer except that the city engineer may waive this requirement if the grading would not endanger the public health, safety or welfare as determined by the city engineer; and would not involve or require any of the following:

(a) Cuts and fills with a combined total of one thousand (1,000) cubic yards or more;

(b) An access road serving five or more existing or potential residences;

(c) A cut or fill that is intended to support structures;

(d) A cut or fill that is located so as to cause unduly increased pressure or reduce support upon adjacent structure or property;

(e) The construction of any extensive drainage or sediment control structures, culverts, or facilities or substantial alteration of any existing drainage course;

(f) The creation or aggravation of an unstable slope condition.

(Ord. 483 (Exh. A) (part), 2005)

15.30.054 - Modification of approved plans:

(a) Proposed modifications of an approved final plan shall be submitted to the city engineer for his written approval prior to commencing with the modification work.

(b) All necessary soils and geological information and design details shall accompany any proposed modification.

(c) The modification shall be compatible with any zoning, subdivision map or land use requirements.

(Ord. 483 (Exh. A) (part), 2005)

15.30.055 - Seasonal requirements.

Implementation of erosion and sediment control plans shall be based on the season of the year and the stage of construction at forecasted periods of rainfall and heavy storms. Erosion and sediment control plans shall allow for possible changes in construction scheduling, unanticipated field conditions, and relatively minor changes in grading. Modifications to plans may be required after initial plan approval.

(Ord. 483 (Exh. A) (part), 2005)

15.30.056 - Distribution and use of approved plans.

Two sets of approved plans and specifications shall be retained by the city engineer and one or more sets of approved and dated plans and specifications shall be provided to the applicant or his engineer. One set of approved plans and permit shall be retained on the site at all times during the work.

(Ord. 483 (Exh. A) (part), 2005)

Article VI. - Design Standards

15.30.060 - Excavation.

15.30.061 - Excavation slope.

15.30.062 - Fill placement.

15.30.063 - Fill compaction.

15.30.064 - Ground preparation for fill placement.

15.30.065 - Fill slopes.

15.30.066 - Adjacent structures protection.

15.30.067 - Setbacks—General.

15.30.068 - Drainage—General.

15.30.069 - Drainage—Disposal requirements.

15.30.0610 - Drainage—Water accumulation.

15.30.0611 - Drainage protection of adjoining property.

15.30.0612 - Terrace drainage.

15.30.0613 - Subsurface drainage.

15.30.0614 - Erosion and sediment control.

15.30.0615 - Emergency conditions.

15.30.0616 - Erosion and sediment control plans.

15.30.0617 - Vehicular ways—General.

15.30.0618 - Vehicular Ways—Drainage.

15.30.060 - Excavation.

Excavations shall be constructed or protected so that they do no endanger life or property.

(Ord. 483 (Exh. A) (part), 2005)

15.30.061 - Excavation slope.

The slope of cut surfaces of permanent excavations shall not be steeper than two horizontal to one vertical exclusive of terraces and exclusive of roundings described herein. Steeper slopes will be permitted in competent bedrock provided such slope inclinations are in accordance with recommendations contained in the geotechnical or geological report. The bedding planes or principal joint sets in any formation when dipping towards the cut face shall not be daylighted by the cut slope unless the soils and geologic investigations contain recommendations for steeper cut slopes. Cut slopes shall be rounded into the existing terrain to produce contoured transition from cut face to natural ground.

(Ord. 483 (Exh. A) (part), 2005)

15.30.062 - Fill placement.

Fills shall be constructed in layers. The loose thickness of each layer of fill material before compaction shall not exceed eight inches. Completed fills shall be stable masses of well integrated material bonded to adjacent materials and to the materials on which they rest. Fills shall be competent to support anticipated loads and be stable at the design slopes shown on the plans. Proper drainage and other appropriate measures shall be taken to ensure the continuing integrity of fills. Earth materials shall be used which have no more than minor amounts of organic substances and have no rock or similar irreducible material with a maximum dimension greater than three inches unless otherwise approved by the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

15.30.063 - Fill compaction.

All fills shall be compacted throughout their full extent to a minimum of ninety (90) percent of maximum density as determined by appropriate ASTM standard method or other alternate methods approved by the city engineer. Tests to determine the density of compacted fills shall be made on the basis of not less than one test for each two-foot vertical lift of the fill but not less than one test for each one thousand (1,000) cubic yards of material placed. Additional density tests at a point approximately one-foot below the fill slope surface shall be made on the basis of not less than one test for each one thousand (1,000) square feet in slope surface but not less than one test for each ten (10)-foot vertical increase of slope height. All tests shall be reasonably uniformly distributed within the fill or fill slope surface. Results of such testing and location of tests shall be presented in the periodic and final reports. Compaction may be less than ninety (90) percent of maximum density, as determined by the above test, within six inches of the slope surface when such surface material is placed and compacted by a method acceptable to the city engineer for the planting of the slopes. Compaction of temporary storage fills, to be used for a period of not greater than six months, shall not be required, except where the city engineer determines that compaction is necessary as a safety measure to aid in preventing saturation, sliding, or erosion of the fill.

(Ord. 483 (Exh. A) (part), 2005)

15.30.064 - Ground preparation for fill placement.

The natural ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, top soil, and other unsuitable material, and where slopes are five horizontal to one vertical or steeper, by benching into competent material in a manner acceptable to the city engineer. The keyway under the toe, if specified, shall be at least ten (10) feet wide.

(Ord. 483 (Exh. A) (part), 2005)

15.30.065 - Fill slopes.

The slope of permanent fills shall not be steeper than two horizontal to one vertical exclusive of terraces and exclusive of roundings described herein, unless a soils report supports a steeper slope, but shall not exceed one and one-half horizontal to one vertical. The city engineer may require that the fill be constructed with an exposed surface flatter than two horizontal to one vertical or may require such other measures as he deems necessary for stability and safety.

(Ord. 483 (Exh. A) (part), 2005)

15.30.066 - Adjacent structures protection.

Footings which may be affected by an excavation shall be underpinned or otherwise protected against settlement and shall be protected against lateral movement. Fills or other surcharge loads shall not be placed adjacent to any building or structure unless such building or structure is capable of withstanding the additional loads caused by such fill or surcharge. The rights of coterminous owners shall be as set forth in Section 832 Civil Code of the State of California.

(Ord. 483 (Exh. A) (part), 2005)

15.30.067 - Setbacks—General.

Unless otherwise recommended in a soil and geologic investigation report, Figures 18-I-1 on Page 1-176 of the 1997 Uniform Building Code or said similar provisions as provided for in adopted successor code shall be used for establishing setbacks for property boundaries, buildings and structures other than fences and retaining walls.

(Ord. 483 (Exh. A) (part), 2005)

15.30.068 - Drainage—General.

The drainage structure and devices required by this chapter shall be designed and constructed in accordance with standards herein and criteria authorized by the city engineer including the Placer County Stormwater Management Manual (SWM).

(Ord. 483 (Exh. A) (part), 2005)

15.30.069 - Drainage—Disposal requirements.

All drainage facilities shall be designed to carry surface and subsurface waters to the nearest adequate street, storm drain, natural watercourse of other juncture, and shall be subject to the approval of the city engineer. Drainage areas shall conform to patterns established by the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0610 - Drainage—Water accumulation.

All areas shall be graded and drained so that water will not pond or accumulate. Drainage shall not be affected in such a manner that it will not cause erosion or endanger the stability of any cut or fill slope or any building or structure.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0611 - Drainage protection of adjoining property.

When surface drainage is discharged onto any adjoining property, it shall be discharged in such a manner that it will not increase runoff peak flows or cause erosion or endanger any cut or fill slope or any building or structure.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0612 - Terrace drainage.

Terraces at least eight feet in width shall be established at not more than twenty-five (25) feet in height intervals for all cut and fill slopes exceeding thirty (30) feet in height. Where only one terrace is required, it shall be approximately mid-height. Suitable access shall be provided to permit proper cleaning and maintenance of terraces and terrace drains. Swales or ditches on terraces shall be a minimum depth of one foot, a minimum longitudinal grade of four percent, a maximum longitudinal grade of twelve (12) percent. Down-drains or drainage outlets shall be provided at approximately three hundred (300)-foot intervals along the drainage terrace. Down-drains and drainage outlets shall be of approved materials and of adequate capacity to convey the intercepted waters to the point of disposal. If the drainage discharges onto natural ground, adequate erosion protection shall be provided.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0613 - Subsurface drainage.

Cut and fill slopes shall be provided with surface and/or subsurface drainage as necessary for stability.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0614 - Erosion and sediment control.

The following shall apply to the control of erosion and sediment from grading operations:

(a) Grading plans shall be designed with long-term erosion and sediment control as a primary consideration;

(b) Grading operations during the rainy season if permitted by the city engineer shall provide erosion and sediment control measures except upon a clear demonstration, to the satisfaction of the city engineer, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site;

(c) Should grading be permitted during the rainy season, the smallest practicable area of erodible land shall be exposed at any one time during grading operations and the time of exposure shall be minimized;

(d) Natural features, including vegetation, terrain, watercourses and similar resources shall be preserved wherever possible. Limits of grading shall be clearly defined and marked to prevent damage by construction equipment;

(e) Permanent vegetation and structures for erosion and sediment control shall be installed as soon as possible;

(f) Adequate provision shall be made for long term maintenance of permanent erosion and sediment control structures and vegetation;

(g) No topsoil shall be removed from the site unless otherwise directed or approved by the city engineer. Topsoil overburden shall be stockpiled and redistributed within the graded area after rough grading to provide a suitable base for seeding and planting. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving water;

(h) Runoff shall not be discharged from the site in quantities or at velocities substantially above those which occurred before grading except into drainage facilities whose design has been specifically approved by the city engineer;

(i) Permittee shall take reasonable precautions to ensure that vehicles do not track or spill earth materials into public streets and shall immediately remove sure materials if this occurs.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0615 - Emergency conditions.

Should increased sediment discharge occur or become imminent, permittee shall take all necessary steps to control or reduce such discharge. Such steps may include construction of additional facilities or removal or alteration of facilities required by approved erosion and sediment control plans. Facilities removed or altered shall be restored as soon as possible afterward or appropriate changes in the plan shall be immediately requested pursuant to this chapter. Permittee shall take prompt action to resolve emergency problems; otherwise the city engineer may institute abatement proceedings pursuant to provisions of this Chapter 15.30.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0616 - Erosion and sediment control plans.

Erosion and sediment control plans prepared pursuant to this chapter shall comply with all of the following:

(a) The erosion and sediment control plan need not be a separate sheet if all facilities and measures can be shown on the grading sheets without obscuring the clarity of either the grading plan or the erosion and sediment control plan;

(b) An erosion and sediment control plan shall be required whenever:

(1) The graded portion of the site includes more than ten thousand (10,000) square feet of area having a slope less than ten (10) percent, or more than five thousand (5,000) square feet of area on slopes ten (10) percent or greater,

(2) There is a significant risk that more than two thousand five hundred (2,500) square feet will be unprotected or inadequately protected from erosion during any portion of the rainy season,

(3) Grading will occur within twenty (20) feet of any watercourse,

(4) The city engineer determines that the grading will or may pose a significant erosion or sediment discharge hazard for any reason;

(c) The applicant shall submit, with his erosion and sediment control plans, a detailed cost estimate covering this work;

(d) Erosion and sediment control plans shall include an effective revegetation program to stabilize all disturbed areas which will not be otherwise protected. All such areas where grading has been completed between April 1st and October 15th shall be planted by November 1st. Graded areas completed at other times of the year shall be planted within fifteen (15) days. If revegetation is infeasible or cannot be expected to stabilize an erodible area with assurance

during any part of the rainy season, additional erosion and sediment control measures or irrigation of planted slopes may be required as appropriate to prevent increased sediment discharge;

(e) Erosion and sediment control plans shall be designed to prevent increased discharge of sediment at all stages of the grading and development from initial disturbance of the ground to project completion. Every feasible effort shall be made to ensure that site stabilization is permanent. Plans shall indicate the implementation period and the stage of construction where applicable;

(f) Erosion and sediment control plans shall comply with the recommendations of a civil engineer, geotechnical engineer, engineering geologist, or landscape architect involved in preparation of the grading plans;

(g) The structural and hydraulic adequacy of all storm water containment or conveyance facilities shown on the erosion and sediment control plans shall be verified by a civil engineer, and he shall so attest on the plans. Sufficient calculations and supporting materials to demonstrate such adequacy shall accompany the plans when submitted;

(h) Erosion and sediment control plans shall be designed to meet anticipated field conditions;

(i) Erosion and sediment control plans shall provide for inspection and repair of all erosion and sediment control facilities at the close of each working day and for every day during the rainy season and for specific sediment cleanout and vegetation maintenance criteria;

(j) Erosion and sediment control plans shall comply with any and all standards and specifications adopted herein for the control of erosion and sedimentation of grading sites. These standards and specifications shall be in general compliance with "Erosion and Sediment Control Guidelines for Developing Areas of the Sierra Foothills and Mountains" published by the High Sierra Resource Conservation District Council.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0617 - Vehicular ways—General.

Vehicular ways shall conform to the grading requirements of this chapter.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0618 - Vehicular Ways—Drainage.

Vehicular ways shall be graded and drained in such a manner that will not allow erosion or endanger the stability of any adjacent slope. Surface discharge onto adjoining property shall be controlled in such a manner that it does not cause erosion or endanger existing improvements. Bridges and culverts installed in watercourses shall be reviewed and approved by the city engineer prior to installation.

(Ord. 483 (Exh. A) (part), 2005)

Article VII. - Permit Requirements

15.30.070 - General.

15.30.071 - Permit conditions.

15.30.072 - Permission of other agencies or owners.

15.30.72.1 - Offsite soil transport.

15.30.073 - Grading within property lines.

15.30.074 - Permit time limits.

15.30.075 - Grading prior to approval of subdivision improvement plans.

15.30.076 - Transfer of permit.

15.30.070 - General.

The city engineer will issue a grading permit if the grading plans satisfy the provisions of this chapter and all of the conditions imposed. The city engineer shall identify the provision, requirement or condition which has not been met or performed by the applicant in the event the issuance of a grading permit is denied.

(Ord. 483 (Exh. A) (part), 2005)

15.30.071 - Permit conditions.

(a) No permit shall be granted unless the project conforms with the Colfax area general plan, and specific plans adopted thereto, and applicable city ordinances including the zoning ordinance and hillside development guidelines.

(b) Where a proposed grading project requires the filing of a tentative map or the intended use requires approval of a discretionary permit, no grading permit shall be granted prior to the issuance of all needed discretionary permits.

(c) The permit shall be limited to work shown on the grading plans as approved by city engineer. In granting a permit, the city engineer may impose any condition deemed necessary to protect the health, safety and welfare of the public, to prevent the creation of a hazard to public or private property, and to assure proper completion of the grading, including but not limited to:

(1) Mitigation of adverse environmental impacts disclosed by any environmental document findings;

(2) Improvement of any existing grading to comply with the standards of this chapter;

(3) Requirements for fencing or other protection of grading which would otherwise be hazardous;

(4) Requirements for dust, erosion, sediment and noise control, hours of operation and season of work, weather conditions, sequence of work, access roads and haul routes;

(5) Requirements for safeguarding watercourses, whether natural or man-made, from excessive deposition of sediment or debris in quantities exceeding natural levels;

(6) Requirements for safeguarding areas reserved for on-site sewage disposal;

(7) Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion and that the hazards of flooding can be eliminated or adequately reduced;

(8) Requirements for safeguarding existing water wells.

(d) The city engineer may require the submission of improvement security as provided in Article 9 below.

(Ord. 483 (Exh. A) (part), 2005)

15.30.072 - Permission of other agencies or owners.

No permit shall relieve the permittee of responsibility for securing other permits or approvals required for work which is regulated by any other department or agency of the city, Placer County, or other public agency, or for obtaining any easements or authorization for grading on property not owned by the permittee. Proof of receipt of applicable public agency permits will be required prior to issuance of grading permit.

(Ord. 483 (Exh. A) (part), 2005)

15.30.72.1 - Offsite soil transport.

When a grading project proposes importation of soil from offsite or exportation of soil from the project site to another location, the following requirements shall be included in the grading plan:

(a) The plan shall specify the volume of soil material to be imported or exported, the estimated of truck trips involved and the route proposed for transport of the material;

(b) The plan shall identify the specific property which is the proposed source of the soil to be imported or the target site for the placement of the soil removed from the project site;

(c) The plan shall include evidence satisfactory to the city engineer that all requisite permits have been obtained for the removal of soil from the source site in the case of importation or the placement of soil at the target site in the case of exportation;

(d) The plan shall include such other information as the city engineer may require relating to the proposed soil transport;

(e) The city engineer may impose conditions to mitigate the impacts of such transport including (without limitation) the following:

  (i) Conditions with respect to the trucking, including time of operation, route, types of trucks used, etc.,

  (ii) Requirements for street cleaning,

  (iii) Payment of a mitigation fee to reimburse the city for the damage to city streets caused by the truck traffic.

(Ord. 483 (Exh. A) (part), 2005)

15.30.073 - Grading within property lines.

The applicant shall use reasonable effort to determine property lines prior to grading and shall keep all grading within the property on which the grading has been authorized. Whenever the location of a property line or easement or the title thereto is disputed during the application process or during a grading operation, the city engineer may stop the work and require a survey by a licensed land surveyor or civil engineer or resolution of title (all at the expense of the applicant)prior to recommencement.

(Ord. 483 (Exh. A) (part), 2005)

15.30.074 - Permit time limits.

(a) The permittee shall perform and complete all the work required by the permit within time limits specified in the permit. If the work cannot be completed within the specified time, a request for an extension of time setting forth the reasons for the requested extension shall be presented in writing

to the city engineer no later than thirty (30) days prior to the expiration of the permit. The city engineer may grant additional time for the work.

(b) If all the permit work required is not completed within the time limit specified in Subsection (a) above, no further grading shall be done without renewing the permit. A written request for renewal shall be submitted to the city engineer who may require a new application and fees depending on the time between the expiration date and the renewal request, revisions in the city regulations, or changed circumstances in the immediate area. Any revised plan shall be submitted to the city engineer for review, and any costs thereof shall be at the applicant's expense.

(c) Winter Season Shut Down. No grading shall be undertaken or continued during the winter season after November 1st until May 1st of each year, unless the city engineer finds in writing that exceptional circumstances require that grading occur or continue during that period and special protections are imposed. Commencing October 15th of each year, the permittee shall commence shut down of the work and winterization in accordance with the requirements of the city engineer to minimize erosion and sedimentation during the Winter Season.

(Ord. 483 (Exh. A) (part), 2005)

15.30.075 - Grading prior to approval of subdivision improvement plans.

Applications for permits for grading projects that require a tentative map or the intended use requires approval of a discretionary zoning permit, shall not be granted a grading permit unless the project complies with the provisions of this Grading Code, procedures, of this grading ordinance and the following requirements:

(a) Separate grading plan shall be submitted for review and approval by the city engineer. This plan shall conform to the requirements of this grading ordinance and any applicable conditions placed on the project as a result of any formal discretionary permit process. The applicant shall acknowledge that any additional grading of revisions to work necessitated by conflicts discovered during the improvement plan check or subsequent construction will be corrected at the applicant's expense;

(b) Revegetation and winterization plan shall be submitted for review and approval by city engineer. This plan shall include a performance contract with the city of Colfax which includes a specific schedule for performance of the subject grading, an engineer's estimate of cost for implementing the plan, and cash or other approved form of security to ensure timely performance of the plan;

(c) Plan check and inspection fee deposit shall be required in the amount of the full plan check fee applicable at the time of submittal and a deposit of one hundred (100) percent of the full inspection fee at time of grading permit approval;

(d) Drainage report shall be required as per the requirements of the grading ordinance.

(Ord. 483 (Exh. A) (part), 2005)

15.30.076 - Transfer of permit.

No permit issued under this chapter may be transferred or assigned in any manner whatsoever, without the express consent of the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

Article VIII. - Requirements for Permit Finaling

15.30.080 - Final inspection.

15.30.081 - Changed conditions.

15.30.082 - Final geotechnical report.

15.30.083 - Special inspection.

15.30.084 - Non-compliance notification by private geotechnical engineer or civil engineer competent to do so.

15.30.085 - Periodic progress reports by private geotechnical engineer or civil engineer competent to do so.

15.30.086 - Progress report by permittee.

15.30.087 - Submit "As-Built" plan.

15.30.088 - Other responsibilities of permittee.

15.30.080 - Final inspection.

No permittee shall be deemed to have complied with this chapter until a final inspection of the work has been made by the city engineer. The permittee shall provide adequate access to the site for inspection by the city engineer during the performance of all work and for a minimum period of one year after acceptance by the city engineer of all improvements.

(Ord. 483 (Exh. A) (part), 2005)

15.30.081 - Changed conditions.

Where soil or geologic conditions encountered in the grading operation deviate from that anticipated in the soil and geologic investigation reports or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for the approval of the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

15.30.082 - Final geotechnical report.

Upon completion of rough grading work, the city engineer may require a final geotechnical report that includes, but is not necessarily limited to the following:

(a) A complete record of all field and laboratory tests including location and elevation of all field tests;

(b) A professional opinion regarding slope stability, soil bearing capacity, and other pertinent information;

(c) Recommendations regarding foundation design, including soil bearing potential, and building restrictions or setbacks from the top or toe of slopes;

(d) A declaration by the geotechnical engineer, civil engineer competent to do so or engineering geologist in the format required by the city engineer that all work was done in substantial accordance with the recommendations contained in the soil and geologic investigation reports as approved and in accordance with the approved plans and specification.

(Ord. 483 (Exh. A) (part), 2005)

15.30.083 - Special inspection.

(a) As the condition of the permit, the city engineer may require the permittee to provide a private geotechnical engineer or civil engineer competent to so, to perform continuous inspection work, and upon completion of the work to provide a written statement acknowledging that he has inspected the work that in his professional judgment the work was performed in accordance with the approved plans and specifications. The permittee shall make his own contractual arrangements for such services and be responsible for payment of all costs. Continuous inspection by a geotechnical engineer or civil engineer competent to do so shall include, but not be limited to, the following situations:

(1) During the preparation of a site for the placement of fills which exceed five feet in depth or slopes which exceed ten (10) percent and during the placing of such fills; however, for vehicular pathways, fill placement shall be continuously inspected when fills exceed ten (10) feet in height;

(2) During the preparation of a site for the placement of any fill and during the placement of such fill which is intended to support any building or structure;

(3) During the installation of subsurface drainage facilities.

(b) Reports filed by the private geotechnical engineer or civil engineer competent to do so regarding special inspection shall state in writing that from his personal knowledge the work performed during the period covered by the report has been performed in substantial accordance with the approved plans and specifications.

(c) The use of a private geotechnical engineer or civil engineer competent to do so for inspections shall not preclude the city engineer from conducting inspections using his or other authorized inspectors as may be necessary.

(Ord. 483 (Exh. A) (part), 2005)

15.30.084 - Non-compliance notification by private geotechnical engineer or civil engineer competent to do so.

The permittee shall cause the work to be done in accordance with the approved plans. If during the course of construction the private geotechnical engineer or civil engineer competent to do so finds that the work is not being done substantially in accordance with the approved plans and specifications, he shall immediately notify the person in charge of the work and the city engineer of the non-conformity and the corrective measures to be taken. When changes in the plans are required, he shall prepare such proposed changes and submit them to the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

15.30.085 - Periodic progress reports by private geotechnical engineer or civil engineer competent to do so.

As a condition of the report, periodic progress reports shall be rendered by the private geotechnical engineer or civil engineer competent to do so as required by the city engineer including, but not limited to, laboratory tests, slope stability, placement of materials, retaining walls, drainage, utilities and any special permit or plan requirements.

(Ord. 483 (Exh. A) (part), 2005)

15.30.086 - Progress report by permittee.

Periodic progress reports shall be rendered by permittee on specified calendar dates and at commencement and completion of major key grading and erosion and sediment control operations. The dates of operations upon which such reports are required and their content shall be as required by the city engineer in the permit.

(Ord. 483 (Exh. A) (part), 2005)

15.30.087 - Submit "As-Built" plan.

Permittee shall submit to the city engineer an "As-Built" grading plan following completion of grading operations.

(Ord. 483 (Exh. A) (part), 2005)

15.30.088 - Other responsibilities of permittee.

The permittee shall also be responsible for the following:

(a) Protection of Utilities. The permittee shall be responsible for the prevention of damage to any public utilities or services;

(b) Protection of Adjacent Property. The person(s) doing and causing the grading is responsible for the prevention of damage to adjacent property. No person(s) shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley or other public or private property, or easement, without supporting and protecting such property from damage which might result;

(c) Advance Notice. The permittee shall notify the city engineer at least twenty-four (24) hours prior to the start of work;

(d) Erosion and Sediment Control. It shall be the responsibility of the permittee to prevent discharge of the sediment from the site in quantities greater than before the grading occurred, to any watercourse, drainage system, or adjacent property and to protect watercourses and adjacent properties from damage by erosion, flooding, or deposition which may result from the permitted grading.

(Ord. 483 (Exh. A) (part), 2005)

Article IX. - Improvement Security

15.30.090 - Security required.

15.30.091 - Terms of security.

15.30.092 - Use of security.

15.30.090 - Security required.

As a condition for the issuance of a permit, the city engineer may require the deposit of improvement security in sufficient amount deemed necessary by him to assure faithful performance of the work in the event of default on the part of permittee or, in the case of a subdivision, where the permittee does not proceed with preparation and obtaining the approval of a final map. The security amount shall include an

additional amount equal to twenty-five (25) percent of the estimated cost of completion of the improvements to cover city administrative and legal expenses in the event of default. Said security shall be in a form acceptable to the city of Colfax.

(Ord. 483 (Exh. A) (part), 2005)

15.30.091 - Terms of security.

(a) In the case of subdivisions, the improvement security shall remain in effect until final inspections have been made, all grading work and subdivision improvements have been accepted by the city council.

(b) For projects other than subdivisions, the improvements security shall remain in effect until final inspections have been made and all grading work has been accepted by the city engineer.

(c) In addition to the improvement security, the city engineer may also require the deposit of maintenance security in sufficient amount deemed necessary by him to guarantee and maintain the grading work to assure the proper functioning of drainage systems and adequate erosion and sedimentation control. Said maintenance security shall be in the form acceptable to the city of Colfax and shall remain in effect for a period of one year after the date of acceptance of the improvements as designated in subsections (a) and (b) above.

(d) Any deposit required by the city engineer pursuant to this ordinance shall be payable to the city of Colfax.

(Ord. 483 (Exh. A) (part), 2005)

15.30.092 - Use of security.

(a) Upon satisfaction of applicable provisions of this chapter, the improvement and maintenance security deposits will be released.

(b) Upon failure to complete the work, failure to comply with all of the terms of the permit, or failure of the completed site to function properly to provide proper drainage or erosion and sedimentation control, the city may do the required work, or cause it to be done and collect from the permittee or surety all costs incurred thereto, including legal, administrative and inspection costs. Any unused portion of a deposit shall be refunded to the permittee after deduction by the city of the cost of the work. Any costs incurred by the city greater than the security provided will be billed to the owner and become a lien on the property.

(Ord. 483 (Exh. A) (part), 2005)

Article X. - Enforcement

15.30.100 - Enforcement official.

15.30.101 - Right of entry.

15.30.102 - Suspension and revocation of permit.

15.30.103 - Stop work orders.

15.30.104 - Corrective work.

15.30.105 - Violation.

15.30.106 - Nonexclusive remedies.

15.30.107 - Civil nuisance abatement.

15.30.108 - Denial of other permits.

15.30.100 - Enforcement official.

The city manager, city engineer, city attorney or any authorized representative shall enforce the provisions of this chapter.

(Ord. 483 (Exh. A) (part), 2005)

15.30.101 - Right of entry.

Whenever necessary to enforce the provisions of the chapter the city engineer or city manager may enter the premises at all reasonable times in the manner provided by law to perform any duty imposed by this chapter. If such entry is refused, the city engineer or city manager shall have recourse to every remedy provided by law to secure entry.

(Ord. 483 (Exh. A) (part), 2005)

15.30.102 - Suspension and revocation of permit.

The city engineer, his designee or the city manager may suspend or revoke a permit for good cause, subject to appeal to the city council. However, no work shall be performed during the appeal except as authorized by the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

15.30.103 - Stop work orders.

When ever any work is being done contrary to the provisions of this chapter or any other applicable law, ordinance, rule or regulation, the city engineer, city manger or designees may order the work stopped by serving written notice on any persons engaged in, doing, or causing such work to be done. Any such person shall forthwith stop such work until authorized by the city engineer to proceed with the work. If there are no persons present on the premises, the notice may be posted in a conspicuous place. The notice shall state the nature of the violation. Any person violating a stop work order shall be guilty of an infraction.

(Ord. 483 (Exh. A) (part), 2005)

15.30.104 - Corrective work.

(a) Abatement of Unlawfully Created Conditions.

(b) Whenever the following conditions are created by violation of this chapter, they are hereby declared to be in the category of hazardous public nuisance:

(1) Where a violation has altered natural drainage patterns and has caused flooding to any downstream property; or

(2) When a violation results in a condition which creates a drainage alteration such that downstream property may be flooded when weather conditions change and the owner, lessee or licensee of the property on which the violation exists cannot be found; or

(3) Whenever a violation results in a hazard, requiring immediate correction for the preservation of the public health, safety or welfare.

(c) The city council, city manager or the city engineer may order city crews or authorize contractors to enter private property to immediately abate a hazardous public nuisance.

(d) Whenever the city expends any funds or takes any action, the city shall bill the landowner, lessee or licensee for the costs indicated herein. The costs shall become a lien on the property upon the bill being recorded in the office of the Placer County recorder. The following costs shall be billed:

(1) Engineering and Design;

(2) Inspections, supervision, preparation of and administering violations;

(3) Contractor service bills or public employee wages at cost;

(4) Administration overhead and supervision based on fifteen (15) percent of all costs incurred.

(5) Interest shall accrue and be billed at the annual rate of ten (10) percent of all unpaid amounts from the date of billing. Amount shall be prorated by month.

(e) Stop Work Notice.

(1) Whenever it comes to the attention of the city manager or city engineer that any person is performing work in violation of the provisions of this subchapter or without a permit as required by the subchapter, the city manager or city engineer may serve upon such person a written order citing such violations and directing that person performing the work to stop work immediately.

(2) Upon receipt of such stop work notice the person performing the work shall:

(i) Stop work immediately; and

(ii) Within twenty-four (24) hours provide the city engineer with a list of remedies which can be immediately undertaken to bring the work into compliance with this subchapter; and

(iii) Within twenty-four (24) hours after acceptance of such remedies by the city engineer undertake, at the violator's expense, such action as is necessary to bring the work into compliance with this subchapter.

(3) Upon failure of any person to comply with the stop work notice served pursuant to this section, the city may perform the corrective work either with city crew or by contract. All persons responsible for the violation shall be liable jointly and severally to the city for the cost of such corrective work.

(4) If engineering work is required to identify and define the proper course of action, as determined by the city such work shall be provided by the violator at no cost to the city.

(5) Fees will be doubled for processing a grading permit after a violation.

(Ord. 483 (Exh. A) (part), 2005)

15.30.105 - Violation.

(a) Any person, firm, or corporation convicted of an infraction under the provisions of this code shall be punishable upon a first conviction of a fine not more than one hundred dollars ($100.00), and for a second conviction within a period of one year by a fine of not more than two hundred dollars ($200.00), and for a third or any subsequent conviction within a one-year period by a fine of not more than five hundred dollars ($500.00). Any violation beyond the third conviction within a one-year period may be charged by the city attorney as a misdemeanor and the penalty for conviction of the

same shall be subject to a fine, or imprisonment or both not to exceed the limits set forth in California Penal Code Section 19.

(b) In addition to the penalties here and above provided any condition caused or permitted to exist in violation or any of the provisions of this code shall be deemed a public nuisance and may be by the city of Colfax summarily abated as such.

(c) Each person, firm or corporation shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall be punishable accordingly.

(d) The city manager, director of public works and the city engineer shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this code. Officers or employees so designated shall have the authority to arrest persons who violate any of said provisions.

(Ord. 483 (Exh. A) (part), 2005)

15.30.106 - Nonexclusive remedies.

The remedies provided herein are not exclusive, and are in addition to any other remedy or penalty provided by law for violation of this chapter.

(Ord. 483 (Exh. A) (part), 2005)

15.30.107 - Civil nuisance abatement.

In addition to any other remedy the city may abate a violation of this chapter by civil action to abate the nuisance pursuant to Government Code Section 54988 and such other laws that authorize abatement of public nuisances. In any such action, the city shall be entitled to recover its administrative expenses, including legal fees and litigation expenses.

(Ord. 483 (Exh. A) (part), 2005)

15.30.108 - Denial of other permits.

No building permit, septic, water, sewer, electrical permit, or any other permit shall be issued by the city to any person for any premises or portion thereof which is in violation of this chapter and which violation is not corrected or approved for correction by the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

Article XI. - Miscellaneous Provisions

15.30.110 - Severability.

15.30.111 - No liability for wrongful issuance.

15.30.110 - Severability.

If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; and the city council declares that this

chapter and each section, subsection, paragraph, subparagraph, sentence, clause, and phrase thereof would have been adopted irrespective of the fact that one or more of such section, subsection, paragraph, subparagraph, sentence, clause or phrase be declared invalid or unconstitutional.

(Ord. 483 (Exh. A) (part), 2005)

15.30.111 - No liability for wrongful issuance.

Neither issuance of a permit under the provisions of this chapter nor compliance with the provisions hereof or with any conditions imposed in a permit issued hereunder shall relieve any person from responsibility for damage to any person or property or impose any liability upon the city for damage to any person or property.

(Ord. 483 (Exh. A) (part), 2005)

Title 16 - SUBDIVISIONS

Chapters:

Chapter 16.04 - INTRODUCTORY PROVISIONS AND DEFINITIONS

Chapter 16.08 - TENTATIVE MAPS

Chapter 16.12 - VESTING TENTATIVE MAPS

Chapter 16.16 - PARCEL MAPS

Chapter 16.20 - LOT LINE ADJUSTMENT MAPS

Chapter 16.24 - FINAL MAPS

Chapter 16.28 - CONDOMINIUM AND COMMUNITY APARTMENT AND PLANNED DEVELOPMENT SUBDIVISIONS

Chapter 16.32 - DEDICATIONS AND RESERVATIONS

Chapter 16.36 - FEES AND REIMBURSEMENTS

Chapter 16.40 - SOILS REPORTS

Chapter 16.44 - SURVEYS AND MONUMENTS

Chapter 16.48 - IMPROVEMENTS

Chapter 16.52 - REVERSIONS TO ACREAGE

Chapter 16.56 - DESIGN AND IMPROVEMENT STANDARDS

Chapter 16.60 - WATER SUPPLY AND FIRE PROTECTION

Chapter 16.64 - SANITARY SEWERS

Chapter 16.68 - STORM DRAINAGE

Chapter 16.76 - LOT DESIGN

Chapter 16.80 - SOLAR ENERGY

Chapter 16.84 - MISCELLANEOUS REQUIREMENTS

Chapter 16.04 - INTRODUCTORY PROVISIONS AND DEFINITIONS

Sections:

Article I - Authority and Purpose

Article II - Definitions

Article III - General Responsibilities

Article I - Authority and Purpose

16.04.010 - Citation—Authority—Site development.

16.04.020 - Purpose.

16.04.030 - Conformance with general plan and zoning provisions.

16.04.010 - Citation—Authority—Site development.

This title shall be known and may be cited as the subdivision regulations of the city and is adopted pursuant to the Subdivision Map Act (Division 2 of Title 7 of the Government Code of the state) as a "local ordinance" as the term is used in the Act and is supplemental to the provisions thereof. All provisions of the Subdivision Map Act and future amendments thereto, not incorporated in this title shall nevertheless apply to all subdivision maps and proceedings under this title. Provisions of this title apply to all development, grading and subdivision projects.

(Prior code § 9-1.110)

16.04.020 - Purpose.

The purpose of this title and the intent of the city in its adoption, is as follows for all site developments and subdivisions:

A. To provide policies, standards, requirements and procedures to regulate and control the design and improvement of all subdivisions and site development work within the city;

B. To assist in implementing the objectives, policies and programs of the general plan by insuring that all proposed subdivisions and site developments, together with the provisions for their design and improvement, are consistent with the general plan and all applicable specific plans of the city;

C. To relate land use intensity and population density to existing developments, street capacity and traffic access, the slope of the natural terrain and the availability of public facilities and utilities and open space;

D. To provide for the safety and stability of public rights-of-way and of drainage ways;

E. To provide streets of adequate capacity and dimension for traffic that will utilize them; and to assure maximum safety for pedestrians and vehicular traffic;

F. To provide adequate systems, for water systems, sewage disposal, storm drains, energy systems and other utilities needed for the public welfare and convenience;

G. To prevent land which is actually or potentially dangerous by reason of flood hazard, inundation, proximity to excess noise, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, hazardous geological conditions or critical soil conditions from being subdivided or developed for any use or in any manner tending to create an increased detriment to the public health, safety or welfare;

And additionally for subdivisions:

H. To provide lots of sufficient size and appropriate design for the purpose for which they are to be used;

I. To insure adequate access to all proposed subdivisions;

J. To provide sidewalks and all other pedestrian easements, ways, biking paths and access for the safety, convenience and welfare of residents of new developments;

K. To provide adequate sites for the public facilities needed to serve the residents of the new developments;

L. To insure that, insofar as possible, land is subdivided in a manner that will promote the public health, safety and convenience.

(Prior code § 9-1.115)

16.04.030 - Conformance with general plan and zoning provisions.

A. No land shall be subdivided or developed for any purpose or use or in any manner which is not in conformity with the general plan or uses specifically authorized by the zoning provisions.

B. The type and intensity of land use as shown on the general plan shall determine the types of streets, roads, highways, trails, utilities and public services which shall be provided by the subdivider.

(Prior code § 9-1.120)

Article II - Definitions

16.04.040 - Scope.

16.04.050 - Advisory agency.

16.04.060 - Maps.

16.04.070 - Streets.

16.04.080 - Utility easements.

16.04.090 - Standard specifications.

16.04.100 - Subdivisions.

16.04.040 - Scope.

The definitions set forth in this article shall be supplementary to the definitions contained in the Subdivision Map Act of the state. For the purposes of this title and the Subdivision Map Act, unless otherwise apparent from the context, certain words and phrases used in this title are defined as set forth in this article.

(Prior code § 9-1.210)

16.04.050 - Advisory agency.

As used in this title, "advisory agency" means a designated official or an official body charged with the duty of making investigations and reports on the design and improvements of proposed divisions of real property and the imposing of requirements or conditions thereon or having the authority to approve or disapprove maps or site development plans.

(Prior code § 9-1.215)

16.04.060 - Maps.

A. Final Map. Subject to the provisions of this title and the Subdivision Map Act of the state, a "final map" is a map that delineates the division of land into five or more land, condominium or community apartment parcels with dedications or improvements required.

B. Parcel Map. Subject to the provisions of this title and the Subdivision Map Act of the state, a "parcel map" is a map that delineates the division of land into four or less parcels.

C. Tentative Map-Final Map. A "tentative map-final map" is a map made for the purpose of showing the design and improvement of a proposed subdivision by a final map.

D. Tentative Map-Parcel Map. A "tentative map-parcel map" is a map made for the purpose of showing the design and improvement of a proposed subdivision by a parcel map.

(Prior code § 9-1.220)

16.04.070 - Streets.

As used in this title:

"Arterial street" means a major thoroughfare street which accommodates major volumes providing a continuous route and connecting high-traffic generation points to freeways and other state and city highways.

"Collector street and industrial collector street" means a street which collects traffic from local streets and interconnects arterial streets and which provides direct access to adjacent properties.

"Cul-de-sac" means a circular termination of a street which provides for vehicular turnaround.

"Local private street" means a local street approved by the planning and zoning commission and/or the council not dedicated to or maintained by, the city.

"Local public street" means a street which serves primarily as a means of direct access to abutting properties. These are predominantly streets in residential neighborhoods designed to provide vehicle access to and from neighborhood residences and to provide for pedestrian movement.

"Public way" means any street, alley, pedestrian way, equestrian or hiking or bike path or other place for public use.

(Prior code § 9-1.225)

16.04.080 - Utility easements.

As used in this title, "public utility easement (PUE)" or "multi-purpose easement" (MPE) means an easement indicated on a map or described on a separate document which easement may or may not be offered for dedication and acceptance by the city and intended primarily for the installation of sewers,

water and storm drainage and uses ancillary to roadways including those private utilities whose services are used by the residents of the city.

(Prior code § 9-1.230)

16.04.090 - Standard specifications.

As used in this title, "Standard Specifications" means those specifications, plans and details as published in the Placer County Land Development Manual as amended from time to time or as adopted by the city.

(Prior code § 9-1.234)

16.04.100 - Subdivisions.

As used in this title:

"Agricultural subdivision" means a division of land zoned for agricultural uses.

"Commercial subdivision" means a division of land zoned for commercial uses.

"Industrial subdivision" means a division of land zoned for industrial uses.

"Residential subdivision" means a division of land zoned for residential uses.

(Prior code § 9-1.235)

Article III - General Responsibilities

16.04.110 - Advisory agency.

16.04.120 - City engineer.

16.04.130 - Planning director.

16.04.140 - Council.

16.04.110 - Advisory agency.

A. Tentative Maps-Final Maps. The planning commission shall be the advisory agency for the processing of subdivisions pursuant to the tentative map-final map procedure.

B. Tentative Maps-Parcel Maps and Waived Parcel Maps. The planning commission or the council, in case of referral, shall have final jurisdiction in the review and approval of tentative maps-parcel maps or waived parcel maps.

C. Lot Line Adjustment Maps. The city engineer or the council, in case of referral, shall have final jurisdiction in the review and approval of lot line adjustments.

D. Other site development permits same as subsection B of this section.

E. Developer Agreements. The city council shall have jurisdiction in the adoption of procedures, requirements and fees for consideration and execution of developer agreements. Such fees shall be set by resolution.

(Ord. 386, 1992; prior code § 9-1.310)

16.04.120 - City engineer.

The city engineer shall be responsible for reporting to the planning commission and the council as to whether the proposed design and improvements are consistent with the regulations contained in this title and shall be responsible further for the supervision and approval of all such improvements. He or she shall have the final jurisdiction in the approval of final maps for the purpose of determining substantial conformance with approved tentative parcel maps.

(Prior code § 9-1.315)

16.04.130 - Planning director.

The planning director shall be responsible for reporting to the planning commission and the council as to whether the proposed design and improvements are consistent with the general plan and any specific plans or development codes adopted by the city.

(Prior code § 9-1.320)

16.04.140 - Council.

The council shall have final jurisdiction in the review and approval of final maps and the establishment of standards of design and improvements as a result of the site development and map review process. The council shall also have jurisdiction as an appellate agency in cases in which appeals to the council are authorized by this title.

(Prior code § 9-1.325)

Chapter 16.08 - TENTATIVE MAPS

Sections:

16.08.010 - Environmental reports.

16.08.020 - Tentative maps required.

16.08.030 - Information to be submitted.

16.08.040 - Additional data.

16.08.050 - Preparation and form.

16.08.060 - Filing.

16.08.070 - Notices to school districts.

16.08.080 - Referrals.

16.08.090 - Action by the advisory agency.

16.08.100 - Action by the council.

16.08.010 - Environmental reports.

No project shall be approved until an environmental impact analysis is prepared, processed and considered in accordance with the provisions of the California Environmental Quality Act (CEQA) and the state and city environmental regulations and procedures. For the purposes of the Subdivision Map Act of the state, a tentative map shall be deemed to not have been filed until the date of completion of the environmental review process. A tentative map-parcel map may be filed and approved concurrently with the application for and approval of, the environmental impact analysis and requirements.

(Prior code § 9-1.410)

16.08.020 - Tentative maps required.

A tentative map shall be required for every subdivision and shall be filed with the planning director and be prepared in accordance with the provisions of this chapter and the Subdivision Map Act of the state. Tentative maps shall be divided into two categories:

A. Tentative maps-final maps; and

B. Tentative maps-parcel maps.

(Prior code § 9-1.415)

16.08.030 - Information to be submitted.

A. Tentative Maps-Final Maps. The following information shall appear on a tentative map for a final map:

1. The tract number or other description according to the county recorder;

2. The names, addresses and telephone numbers of the record owners, subdividers and the civil engineer or land surveyor who prepared the map;
3. The boundaries of the subdivision with sufficient information to locate the property: existing contour lines at intervals of not more than five feet; the limits of all grading and proposed grading of slopes shall be indicated; and contours shall extend beyond the tract boundaries to show the drainage conditions on surrounding properties;
4. The location, width and names of all existing streets or other public rights-of-way in or adjacent to the tract;
5. Existing buildings shall be accurately located, with distances between the structures to be retained and notations of the structures to be removed;
6. Railroad rights-of-way, easements or other important features, such as political subdivision lines, watercourses or other physical features;
7. The approximate location and general description of trees having a diameter of six inches or more;
8. The existing storm and sanitary sewers, culverts or other underground structures within the boundaries of the tract and immediately adjacent thereto and the pipe sizes, grades and locations shall be shown;
9. The true north point, dimensional and graphic, scale and date;
10. The layout, numbers and approximate dimensions of the proposed lots;
11. The locations, widths and approximate grades and elevations of all proposed streets;
12. The location and width of all easements proposed for utility purposes;
13. The size, slope and location of the proposed sanitary sewer, storm drain and water main facilities;
14. The proposed names for all the streets;
15. A statement of the existing and proposed zoning and the use of the property and a certificate on the map signed by the owners agreeing to the filing of such map and agreeing to comply with the provisions of this chapter and the Subdivision Map Act of the state as they apply to the processing and approval of such map; and
16. A preliminary grading plan.

B. Tentative Maps-Parcel Maps. The same information as set forth in subsection A of this section shall appear on a tentative map for a parcel map, unless portions of such information are waived in writing by the planning director.

(Prior code § 9-1.420)

16.08.040 - Additional data.

A preliminary soils investigation and report by a registered civil engineer specializing in soils engineering shall accompany all tentative maps. This requirement may be waived by the city engineer where the map is a tentative map for a parcel map. If the subdivision is within a special studied zone established by the state, a geological report prepared by a registered engineering geologist complying with the requirements of the Alquist/Priolo Act shall be submitted. The city engineer and the planning director may require other information in order to evaluate the map for conformance with city policies, including the adopted general plan. A legal description and preliminary title report of the property to be subdivided shall also be submitted.

(Prior code § 9-1.425)

16.08.050 - Preparation and form.

The scale of the map shall not be a larger ratio than one inch equals one hundred (100) feet. If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each sheet. No sheet shall exceed twenty-four (24) inches in width and thirty-six (36) inches in length.

(Prior code § 9-1.430)

16.08.060 - Filing.

The subdivider shall file the number of copies of the tentative map as specified by the planning director. The tentative map shall not be considered as being filed unless it complies with all the provisions of this chapter and the drawings, statements and other data required to accompany the tentative map have been submitted in a form acceptable to the planning director.

(Prior code § 9-1.435)

16.08.070 - Notices to school districts.

Within ten (10) days after the filing of a tentative map, the clerk of the planning commission shall send a notice of the filing of such map to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed. Such notice shall also contain all information as may be required by Section 66455.7 of the Government Code of the state.

(Prior code § 9-1.440)

16.08.080 - Referrals.

The clerk of the planning commission shall transmit copies of the tentative map and other applicable data to other public and private agencies which may be affected by the proposed subdivision for a report and recommendations to the planning commission.

(Prior code § 9-1.445)

16.08.090 - Action by the advisory agency.

A. Tentative Map-Final Map Process. Within the period prescribed by the Subdivision Map Act of the state, the advisory agency shall consider the tentative map, the accompanying drawings, statements and other data, the reports and recommendations of the city engineer and the planning director and the evidence and testimony introduced at its meeting and shall recommend to the council the approval, conditional approval or disapproval of the tentative map.

B. Tentative Map-Parcel Map, Waived Parcel Map and Boundary Line Adjustment Processes.

   1. Within the period of time prescribed by the Subdivision Map Act of the state, the advisory agency and/or approval authority shall consider the tentative map for a parcel map, waived parcel map or boundary line adjustment and the accompanying drawings, statements and other data, including the recommendations of the planning director and shall approve, conditionally approve or disapprove the map.

2. At least ten (10) days prior to the advisory agency meeting, a written notice of the time and place thereof and a general description of the location of the proposed subdivision shall be mailed to the subdivider and to all property owners within three hundred (300) feet of the proposed subdivision and shall be published in the Colfax Record at least (10) days before the hearing. The names and addresses of such owners as shown on the latest equalized county assessment roll shall be furnished by the subdivider. Such written notice shall be posted on utility poles or similar locations on the streets or roads abutting the proposed subdivision and on streets leading to the proposed subdivision which are within three hundred (300) feet of the subdivision. Any person interested in or affected by the proposed subdivision may be heard. An affidavit of posting shall be filed by the subdivider with the city ten (10) days prior to the hearing time.
3. Any interested person adversely affected by the decision of the advisory agency and/or approval authority may file an appeal with the council. Any such appeal shall be filed with the city clerk within fifteen (15) days after the date of the action appealed from. The hearing on the appeal shall be held within thirty (30) days after the filing of the appeal and the notice of such hearing date shall be renoticed in the same manner as the initial hearing. Lot line adjustments shall not require compliance with the notice requirements set forth in this section.

(Prior code § 9-1.450)

16.08.100 - Action by the council.

The council, as the approval authority and as an appellate review body, shall act upon tentative maps in the manner prescribed by the Subdivision Map Act of the state and by this chapter.

(Prior code § 9-1.455)

Chapter 16.12 - VESTING TENTATIVE MAPS

Sections:

16.12.010 - Citation and authority.

16.12.020 - Purpose and intent.

16.12.030 - Consistency.

16.12.040 - Definitions.

16.12.050 - Application.

16.12.060 - Filing and processing.

16.12.070 - Fees.

16.12.080 - Expiration.

16.12.090 - Vesting on approval of vesting tentative map.

16.12.100 - Development inconsistent with zoning—Conditional approval.

16.12.110 - Application inconsistent with current policies.

16.12.120 - Vesting tentative map amendments.

16.12.010 - Citation and authority.

This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the state (hereinafter referred to as the Vesting Tentative Map Statute).

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2901)

16.12.020 - Purpose and intent.

It is the purpose of this chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute and to supplement the provisions of the Subdivision Map Act. Except as otherwise set forth herein, all provisions of this title and Title 17 of this code shall apply to this chapter.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2902)

16.12.030 - Consistency.

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the general plan and any applicable specific plan or not permitted by Title 17 or other applicable provisions of this code.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2903)

16.12.040 - Definitions.

A "vesting tentative map" means a "tentative map" for any subdivisions, as defined in this chapter, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time that an application is filed with the city and is thereafter processed in accordance with the provisions hereof.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2904)

16.12.050 - Application.

A. This chapter shall apply to residential and nonresidential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the city, requires the filing of a tentative map or tentative parcel map, a vesting tentative map may instead be filed in accordance with the provisions hereof.

B. If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction or work preparatory to construction.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2905)

16.12.060 - Filing and processing.

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth elsewhere in this title for a tentative map, except as hereinafter provided:

A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

B. At the time a vesting tentative map is filed, a subdivider shall also supply the following information, if applicable:

1. Height, size and location of building(s) and parking;
2. Preliminary plans for engineered sewer, water, storm drain and street details, approved by the city engineer in compliance with city ordinances;
3. Information on the uses to which the buildings will be put;
4. Traffic generation and volumes, geological studies, stormwater generation and impact information, any other evidence of compliance with CEQA and methods proposed to mitigate any significant environmental effects below a level of significance;
5. Preliminary plans for engineered street improvements plans approved by the city engineer;
6. Detailed grading plans;
7. Typical architectural plans approved by the planning commission;
8. Any other studies normally deferred through final map recording or application for building permit;
9. Rezone application, if required;
10. Application for a general plan amendment, if required;
11. Location and sizes of trees to remain and trees to be removed;
12. Detailed landscaping plan, including irrigation system; and

13. Signage details.

C. At the time a vesting tentative map is filed for a single-family dwelling, the information to be supplied pursuant to this section shall exclude subsections (B)(1), (3), (11) and (13) of this section.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2906)

16.12.070 - Fees.

Upon filing a vesting tentative map, the subdivider shall pay the fees as set by resolution of the city council for the filing and processing of a vesting tentative map.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2907)

16.12.080 - Expiration.

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period and shall be subject to the same extensions, established by this title for the expiration of the approval or conditional approval of a tentative map, except that the rights conferred by a vesting tentative map shall not expire until one year after the recording date of the final map and as further provided in Government Code Section 66452.6 (g).

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2908)

16.12.090 - Vesting on approval of vesting tentative map.

A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time of the vesting tentative map is approved or conditionally approved.

B. Notwithstanding subsection A of this section, a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community or both, in a condition dangerous to their health or safety or both;

2. The condition or denial is required in order to comply with state or federal law.

C. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 16.12.080 of this chapter. If the final map is approved, these rights shall last for the following periods of time:

1. An initial time period of one year beyond the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded;

2. The initial time period set forth in subsection (C)(1) of this section shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days from the date the complete application is filed, as determined by the building official;

3. A subdivider may apply for a one year extension at any time before the initial time period set forth in subsection (C)(1) of this section expires. If the extension is denied, the subdivider may appeal the denial to the city council within fifteen (15) days;
4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (C)(1) through (C)(3) of this section, the rights referred to herein shall continue until the expiration of that permit or any extension of that permit.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2909)

16.12.100 - Development inconsistent with zoning—Conditional approval.

Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the general plan and/or the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The city shall deny such a vesting tentative map or approve it conditioned on the subdivider or his or her designee obtaining the necessary changes in the general plan and zoning ordinance to eliminate the inconsistency. If the changes in the general plan and zoning ordinance are obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 16.12.090 (A) of this chapter, confer the vested right to proceed with the development in substantial compliance with the change in the general plan and zoning ordinance and the map, as approved.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2910)

16.12.110 - Application inconsistent with current policies.

Notwithstanding any provisions of this chapter, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies and standards set forth in Sections 16.12.090(A) and 16.12.100 of this chapter and local agencies may grant approvals or issue permits to the extent that the departures are authorized under applicable law.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2911)

16.12.120 - Vesting tentative map amendments.

If the ordinances, policies or standards described in Section 16.12.090(A) and (B) of this chapter are changed subsequent to the approval or conditional approval of a vesting tentative map, the subdivider or assignee, at any time prior to the expiration of the vesting tentative map pursuant to Section 16.12.090 (C) of this chapter, may apply for an amendment to the vesting tentative map to secure a vested right to proceed with the changed ordinances, policies or standards. An application shall clearly specify the changed ordinances, policies or standards for which the amendment is sought.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2912)

Chapter 16.16 - PARCEL MAPS

Sections:

16.16.010 - Parcel maps required.

16.16.020 - Time extensions.

16.16.030 - Preparation and form.

16.16.040 - Certificates for acceptance.

16.16.050 - Additional data.

16.16.060 - Waivers.

16.16.010 - Parcel maps required.

The tentative map-parcel process shall apply to subdivisions as described in the Subdivision Map Act of the state, including subdivisions of up to sixty (60) acres and all other subdivisions for which a final map or parcel map is not otherwise required by the Subdivision Map Act of the state.

(Prior code § 9-1.510)

16.16.020 - Time extensions.

An approved tentative map-parcel map shall expire twenty-four (24) months after its approval. The advisory agency may grant extensions of time up to, but not to exceed a total of, one year beyond the twenty-four (24) months allowed for recording a parcel map.

(Prior code § 9-1.515)

16.16.030 - Preparation and form.

A. The general form and layout of the map, including the size and type of lettering, drafting, location and acknowledgments, shall be determined by the city engineer.

B. The exterior boundary of the land within the subdivision shall be designated by a one-sixteenth inch solid black line.

C. The scale of the map shall be one inch equals twenty (20) feet, one inch equals forty (40) feet or one inch equals fifty (50) feet unless otherwise permitted by the city engineer.

D. All dimensions shall be shown in feet and hundredths or thousandths of a foot.

E. If more than two sheets are necessary to show the entire subdivision, an index map shall be included on sheet No. 1.

F. The parcel map number, city and council, scale and north point, name of the engineer, date and sheet number shall be shown on each sheet if applicable.

G. A title designated as sheet No. 1 of the parcel map shall be provided, except, where the size of a subdivision permits, in lieu of a separate title sheet, the information required to be shown thereon may be shown on the same sheet if applicable.

H. Upon the recordation of the parcel map by the county recorder, the subdivider shall be responsible to provide the city engineer with a reproducible copy on either tracing cloth or three mil polyester base film. Other items as provided in the Subdivision Map Act or project conditions of approval.

(Prior code § 9-1.520)

16.16.040 - Certificates for acceptance.

Offers of dedication may be made either by separate document or by dedication on the parcel map. If made on the parcel map, the following certificate shall appear on the parcel map:

The city does accept on behalf of the public all parcels of land as offered for dedication for public use in conformity with the terms of the offer of dedication

_____
(City Manager) or (Mayor)

(Prior code § 9-1.525)

16.16.050 - Additional data.

The parcel map shall substantially conform to the tentative map as approved or conditionally approved, by the advisory agency and shall contain or be accompanied by, such additional information as may be required by the city engineer, including:

A. All required survey data and information;

B. All lots and parcels intended for sale or lease reserved for private purposes, with dimensions, boundaries and watercourses clearly shown and defined with each parcel identified by number;

C. The location and widths of streets, alleys, pedestrian ways and other easements and portions thereof, dedicated or offered for dedication to the city, including the recording references on easements which are existing of record;

D. All limitations on rights of access to and from the streets from lots or other parcels of land;

E. The guarantee of title or a letter from a title company certifying that the signatures of all persons whose consent is necessary to pass clear title to the land being subdivided and all acknowledgments thereto appear and are correctly shown on the final map, both as to consents for the making thereof and the affidavit of dedication;

F. If a field survey is made, the engineer or surveyor shall furnish to the city engineer boundary closure sheets;

G. Plans, specifications and applicable permits for the construction and installation of improvements which have been approved by the city engineer and on which security has been posted to guarantee the installation of such improvements;

H. Any city or district boundary line crossing or contiguous to the subdivision shall be clearly designated to determine its relative location to all parcels and lots; and

I. Adjacent subdivisions or ownerships of record.

(Prior code § 9-1.530)

16.16.060 - Waivers.

The requirement for filing a parcel map may be waived by the advisory agency or the legislative body if their findings show that the proposed land division complies with all of the requirements of this chapter as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of this chapter. In any case, where the requirement for a parcel map is waived pursuant to the provisions of this section, a tentative map may still be required.

(Prior code § 9-1.535)

Chapter 16.20 - LOT LINE ADJUSTMENT MAPS

Sections:

16.20.010 - Lot line adjustment maps required.

16.20.020 - Preparation and form.

16.20.030 - Time.

16.20.010 - Lot line adjustment maps required.

A lot line adjustment map shall be filed with all applications for lot line adjustments.

(Prior code § 9-1.610)

16.20.020 - Preparation and form.

Maps for lot line adjustments shall show the following information:

A. The general form and layout shall be as determined by the city engineer;

B. The names, addresses and telephone numbers of the record owners and the assessor's parcel numbers assigned to the parcel;

C. The boundaries of the lots, both existing and proposed, with sufficient information to locate the property;

D. The location and names of all existing streets or other public rights-of-way in or adjacent to the tract;

E. The existing buildings, the distances between the structures to be retained and notations of the structures to be removed;

F. The railroad rights-of-way, easements or other important features, such as political subdivision lines, watercourses or other physical features;

G. The approximate location of general description of trees in excess of six inches in diameter;

H. The true north point, dimensional and graphic, scale and date;

I. The layout, numbers and dimensions of the lots involved;

J. The location and width of all proposed easements for utility purposes; and

K. A certificate of the map signed by the owners agreeing to the map and agreeing to comply with the provisions of this chapter and the Subdivision Map Act of the state as they apply to the processing and approval of the lot line adjustment map.

(Prior code § 9-1.615)

16.20.030 - Time.

A lot line adjustment approval shall be valid for one year and, if the revised lots are not a matter of record within such time, the approval shall expire.

Chapter 16.20 - LOT LINE ADJUSTMENT MAPS

(Prior code § 9-1.620)

Chapter 16.24 - FINAL MAPS

Sections:

16.24.010 - Time extensions.

16.24.020 - Preparation and form.

16.24.030 - Information to appear on certificate sheets.

16.24.040 - Information to appear on final maps.

16.24.050 - Statements, documents and other data to accompany final maps.

16.24.010 - Time extensions.

An approved tentative map-final map shall expire twenty-four (24) months after its approval. The council may grant extensions according to the provisions of the Subdivision Map Act.

(Prior code § 9-1.710)

16.24.020 - Preparation and form.

A. The scale of the map shall be one inch equals fifty (50) feet, unless otherwise permitted by the city engineer.

B. All dimensions shall be shown in feet and hundredths of a foot and lots shall designate the square footage thereon. The boundary shall close to one one-hundredth of a foot.

C. If more than two sheets are necessary to show the entire subdivision an index map shall be included on sheet No. 2.

D. The basis of bearing and legend shall be shown on sheet No. 2 and the tract number, scale and north point, date, engineer and sheet number shall be shown on each sheet. Tract designations shall be allowable with tract numbers.

E. A certificate sheet designated as sheet No. 1 of the final map shall be provided, except that where the size of the subdivision permits, the information required to be shown thereon may be shown on the same sheet as the map of the subdivision.

F. Upon the recordation of the final map by the county recorder, the subdivider shall be responsible to provide the city engineer with a reproducible copy on either tracing cloth or three mil polyester base film.

(Prior code § 9-1.715)

16.24.030 - Information to appear on certificate sheets.

The following information shall appear on the certificate sheet:

A. The tract number, designation (if desired), city and county where located, date, engineer and sheet number;

B. Below the title shall be a subtitle consisting of a description of all property being subdivided by reference to such map or maps of the property shown thereon as shall have been last

previously filed or recorded with the county recorder's office or shall have been last previously filed with the county clerk pursuant to a final judgment in any action in partition or shall have been previously filed in the office of the county recorder under the authority of the Subdivision Map Act of the state or by reference to any vacated area with the number of the ordinance vacating the area;

C. References to tracts and subdivisions in the description shall be worded identically with the original records and the references to books and pages of record shall be complete; and

D. The certificate sheet shall contain those certificates required by the Subdivision Map Act of the state. The form of the certificates shall be approved by the city engineer.

(Prior code § 9-1.720)

16.24.040 - Information to appear on final maps.

The final map shall substantially conform to the tentative map as conditionally approved by the city. The following information shall appear on a final map:

A. The exterior boundary of the land within the subdivision shall be designated by a one-sixteenth inch solid black line;

B. All survey data and information for ties to the California Coordinate System and basic of bearing;

C. All lots or parcels intended for sale, lease or financing or reserved for private purposes and all parcels offered for dedication to the city for any purpose, with all dimensions, boundaries and courses clearly shown and defined in each case. Boundary, lot and street dimensions shall show the total of all partial dimensions for all courses and curves;

D. All lots shall be numbered consecutively throughout the subdivision. Only parcels offered for dedication, other than for streets or easements, shall be designated by letters. Each numbered lot shall be shown entirely on only one sheet. The final map shall show the location and width of all streets, alleys, pedestrian ways and hiking or biking paths and the location and width of the portion of the existing streets, rights-of-way, easements or other interests in the subdivision;

E. All necessary data, including width and side lines, of all public easements to which lots within the subdivision are subject. Each easement shall be clearly labeled and identified as to its nature and purpose and, if already of record, its reference shall be given. A statement shall be made on the appropriate sheet or sheets of the final map stating the nature of any easement which cannot be located exactly by record data. Such easements shall be denoted by five dashed lines and one solid line;

F. All limitations or rights of ingress or egress to and from streets and lots and other parcels of land;

G. The location, widths and names of streets and the location and widths of alleys, pedestrian ways, equestrian ways, hiking or biking trails, railroad rights-of-way or other rights-of-way adjacent to the subdivision;

H. Any city or district boundary line crossing or contiguous to the subdivision shall be clearly designated to determine its relative location to all parcels and lots;

I. The adjacent subdivisions or ownerships of record; and

J. Other items as provided in the Subdivision Map Act or project conditions of approval.

(Prior code § 9-1.725)

16.24.050 - Statements, documents and other data to accompany final maps.

The following statements, documents or other data and as many additional copies thereof as may be required by the city engineer, shall accompany the final map:

A. The names, addresses and telephone numbers of the subdivider and the persons preparing the final map;

B. A guarantee of title or letter from a title company certifying that the signatures of all persons whose consent is necessary to pass clear title to the land being subdivided and all acknowledgments thereto, appear and are correctly shown on the certificates and that such certificates are correctly shown on the final map both as to consents for the making thereof and the affidavit of dedication; and C. Closure sheets for lots, boundary lines, streets, easements and monument lines as required by the city engineer.

(Prior code § 9-1.730)

Chapter 16.28 - CONDOMINIUM AND COMMUNITY APARTMENT AND PLANNED DEVELOPMENT SUBDIVISIONS

Sections:

16.28.010 - Intent and purpose.

16.28.020 - Definitions.

16.28.030 - Tentative maps required.

16.28.040 - Additional requirements for conversions.

16.28.050 - Standards of development.

16.28.060 - Utilities.

16.28.070 - Organizational documents.

16.28.080 - Information to precede final map submission.

16.28.090 - Preparation and form of parcel maps and final maps.

16.28.010 - Intent and purpose.

The rules and standards set forth in this chapter shall apply to a subdivision initially created as condominium units or community apartments or planned development; the conversion of an existing multi-family unit to a condominium or community apartment; and the conversion of an existing industrial or commercial building to a condominium. In addition, all such projects shall meet all environmental and zoning laws of the city, including, but not limited to, a minimum land area of one acre for each such project.

(Prior code § 9-1.810)

16.28.020 - Definitions.

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Association" means the person who owns a condominium or right of exclusive occupancy in a community apartment unit.

"Common area" means the entire project, excepting all units therein.

"Community apartment" means an estate in real property consisting of individual interests in common in a parcel or real property and in the improvement therein, coupled with the right of exclusive occupancy for residential purposes of an apartment located thereon.

"Community apartment project" means a community apartment containing two or more apartments to which there is the right of exclusive occupancy for residential purposes.

"Condominium" means an estate in real property consisting of an interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store. A condominium may include in

addition a separate interest in other portions of real property. Such estate, with respect to the duration of its enjoyment, may be either:

1. An estate of inheritance or perpetual estate;
2. An estate for life; or
3. An estate for years, such as a leasehold or subleasehold.

"Conversion" means a change in the type of ownership of a parcel or parcels of land, together with the existing attached structures, to that defined as a condominium project or a community apartment project, regardless of the present or prior use of such land or structures and whether improvements have been made or are to be made to such structures.

"Condominium project" means a condominium containing two or more condominiums for residential, commercial or industrial purposes.

"Organizational documents" means the declaration of covenants, conditions and restrictions, articles of incorporation, bylaws and any contract for the maintenance, management or operation of all or any part of a project (commonly called the CC&R's).

"Project" means the entire parcel of real property divided or to be divided, into condominium or community apartments, including all structures thereon.

"Recreational open space" means the open space on the project that complies with all the applicable zoning provisions.

"Unit" means the elements of a condominium that are not owned in common with the owners of other condominiums in the project or an apartment in a community apartment project to which the owner has a right of exclusive occupancy.

(Prior code § 9-1.815)

16.28.030 - Tentative maps required.

The tentative map shall contain all the information required on a tentative map for any subdivision, plus the following:

A. The location indicated to the nearest one foot of the perimeter of the building or buildings in relationship to the parcel boundaries;

B. The estimated square footage of each unit;

C. The general layout of all common areas;

D. The general layout and location of all facilities and amenities provided within the common area for the use and enjoyment of the unit owners;

E. The general layout of all parking areas, spaces and driveways;

F. The public areas proposed for dedication, the scenic easements proposed and the land or money in lieu of land, for park purposes; and

G. The tree and landscaping removal or proposed planting.

(Prior code § 9-1.820)

16.28.040 - Additional requirements for conversions.

The subdivider for a conversion shall include with the tentative map the following additional information:

A. A report from the building official advising if the dwelling units would be eligible for the issuance of certificates of occupancy and if ineligible, what deficiencies have to be corrected. Prior to the council approval of the final map, all the dwelling units shall have been issued certificates of occupancy;

B. A report describing the condition of and estimating the remaining useful life of the following elements: central or community heating and air conditioning systems, roofs, paved surfaces, hot water heaters and, where they are reasonably accessible for inspection, other electrical, mechanical and plumbing equipment. The report shall be prepared by a contractor or engineer who is licensed in the element he or she is reviewing;

C. A report disclosing the amount of the deposit provided by the subdivider and the manner in which it was calculated to defray expenses to be incurred by the association replacing major mechanical and electrical equipment;

D. A structural pest control report prepared by a licensed pest control operator pursuant to Section 8516 of the Business and Professions Code of the state; and

E. The subdivider's proposed program to accommodate the existing tenants of units to be converted, with specific reference to relocation assistance availability of substitute accommodations and the notice of termination of tenancy and a statement of any sale preference to present tenants, together with evidence of each tenant's receipt of a notice complying with the Subdivision Map Act of the state.

(Prior code § 9-1.825)

16.28.050 - Standards of development.

Except as otherwise provided in this chapter, the standards of the zoning provisions, this code and the general plan, including the housing element thereof if a residential subdivision, shall apply. Parking shall be provided within the project boundaries at no less than two spaces per dwelling unit.

(Prior code § 9-1.830)

16.28.060 - Utilities.

Each unit shall be separately metered for utility services. Whenever practical, each unit shall be directly connected to a public utility and the owner or occupancy shall be billed directly for each utility service.

(Prior code § 9-1.835)

16.28.070 - Organizational documents.

There shall be required covenants, conditions and restrictions (CC&R's) and the formation of an association or corporation for the purpose of managing aid maintaining the project.

The CC&R's shall state that the city has the right to abate public nuisance conditions in the common area if the association or corporation fails to do so and to assess the costs to the association, corporation

or individual unit owners. In order to accomplish this, the CC&R's shall contain the following typical statements:

(a) In the event the Board fails to maintain the exterior portions of the common area so that the owners, lessees and their guests suffer or will suffer, substantial diminution in the enjoyment, use or property value of the project, thereby impairing the health, safety and welfare of the residents of the project, the City of Colfax, by and through its duly authorized officers and employees, shall have the right to enter upon the real property described in Exhibit "A" and to commence and complete such work as is necessary to maintain the exterior portions of the common area. The City shall enter and repair only if, after giving the Board written notice of the Board's failure to maintain the premises, the Board does not commence the correction of such conditions in no more than thirty (30) days from the delivery of the notice and proceed diligently to completion. The Board agrees to pay all expenses incurred by the City of Colfax within thirty (30) days of written demand. Upon failure by the Board to pay within said thirty (30) days, the City of Colfax shall have the right to impose a lien for the proportionate share of such costs against each condominium or community apartment in the project.

(b) It is understood that, by the provisions hereof, the City of Colfax is not required to take any affirmative action and any action undertaken by the City of Colfax shall be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare and to enforce it and the regulations and ordinances and other laws.

(c) It is understood that action or inaction by the City of Colfax, under the provisions hereof, shall not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any provisions of these restrictions or any of the rules, regulations and ordinances of the City or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by any other action.

(d) It is further understood that the remedies available to the City by the provisions of this section or by reason of any other provisions of law shall be cumulative and not exclusive and the maintenance of any particular remedy shall not be a bar to the maintenance of any other remedy.

(e) The City Council of the City of Colfax, at any time, may relinquish its rights and interest in the project as herein set forth by appropriate resolution, any such relinquishment by the City Council shall be effective on the date the resolution is adopted and a copy thereof is placed in the United States mail, postage prepaid, addressed to the Board. The Board shall execute and record a declaration reflecting such relinquishment within ten (10) days after the receipt of a copy of resolution.

(f) The above five paragraphs cannot be amended or terminated without the consent of the Colfax City Council.

(Prior code § 9-1.840)

16.28.080 - Information to precede final map submission.

The following information shall be submitted for review prior to the submittal of the final map:

A. A copy of the applicant's proposed application for a subdivision permit, in the event a permit is required, from the Department of Real Estate of the state;

B. The proposed sale price of each unit and the terms of any proposed bonus or discount to initial purchasers or present residents;

C. A statement of the proposed monthly maintenance charge for each unit; and

D. A report describing the manner in which the terms of the declaration of restrictions will guarantee responsible maintenance and repair of the common areas, notwithstanding the escalation of costs, emergency repairs and the replacement of major mechanical and electrical equipment.

(Prior code § 9-1.845)

16.28.090 - Preparation and form of parcel maps and final maps.

A parcel map shall be required for all condominium apartment projects of four or less units. Where five or more condominium or community apartments are being created, a final map will be required. In addition to the other requirements for the certificate sheet, the title shall contain in bold letters an indication that this is a condominium or community apartment or planned development.

(Prior code § 9-1.850)

Chapter 16.32 - DEDICATIONS AND RESERVATIONS

Sections:

16.32.010 - Dedications for streets and utilities.

16.32.020 - Park and recreational facilities.

16.32.030 - School site dedications.

16.32.040 - Waivers of direct access to streets.

16.32.050 - Reservations.

16.32.010 - Dedications for streets and utilities.

As a condition of a site development or map approval the developer or subdivider shall dedicate or make an irrevocable offer of dedication of the following:

A. All parcels of land within the site development or subdivision that are needed for streets, alleys including access rights and abutters' rights, drainage, public utility easements and other public easements;

B. All parcels of land within the site development or subdivision that are needed for public transportation purposes; and

C. Public utilities required by the city or other agencies.

(Prior code § 9-1.910)

16.32.020 - Park and recreational facilities.

As a condition to the approval of a final subdivision map, a portion of such land shall be dedicated for park or recreational purposes or a fee paid in lieu thereof or a combination of both, subject to the provisions of this section.

A. The land and fees received under this section shall be used for the purpose of providing park and recreational facilities to the residents of the subdivision for which received.

B. The amount of land to be dedicated or the amount of fees lieu thereof, shall be determined by the standards set forth in this chapter.

   1. The land area required for dedication may be up to five percent of the area of the subdivision as determined by the planning commission;

   2. The fee required shall be that as set by the most current resolution of the council.

C. The planning commission, in its findings, may consider the recommendation of the parks and recreation commission relative to the dedication of land and/or fees or both.

D. Only the payment of fees shall be required for subdivisions containing fifty (50) parcels or less. However, the dedication of land may be required in phased developments when the cumulative total of parcels in all phases may exceed fifty (50) parcels.

E. At the time of the approval of the tentative map, the planning commission shall specify the time within which the development of the park or recreational facilities will be begin.

F. Land or fees required under this section shall be conveyed to the city in trust for the agency designated by the planning commission prior to the approval of the final map. If the final map is not approved, the land or fees shall be returned to the developer.

G. Nothing in this section shall prohibit the public agency from selling or trading the land acquired under the provisions of this section provided the proceeds of such sale or exchange are used in conformance with the provisions of this section and such sale or exchange is reviewed by the planning commission.

H. The allocation between land to be dedicated and/or fees to be paid in lieu thereof and the location of any land to be dedicated shall be determined by the following standards:

1. The park and recreational facilities shall be in accordance with the principles and standards, if any contained in the recreational element of the general plan;

2. The land to be dedicated shall be suitable for the development of park and recreational facilities useful and accessible to the future inhabitants of the subdivision;

3. The dedication of land shall be preferred to the payment of fees; however, the payment of fees or a combination of land and fees shall be considered where suitable park and recreational sites do not exist within the subdivision or when complete or partial payment of fees would better suit the development of park and recreational facilities.

I. Where private park and recreational facilities are provided in a proposed subdivision and such space is privately-owned and maintained by the future residents of the subdivision, such areas may be credited against the amount of land to be dedicated or fees paid in lieu thereof or a combination thereof, up to fifty (50) percent of the amount required provided the private open space will provide a reasonable alternate to the park and recreational facilities otherwise obtainable under this section. Such private open space may not be credited unless the following conditions are met:

1. That yard, court areas, setbacks and other open space areas required to be maintained by the building and zoning regulations shall not be included unless actually developed for use as recreational facilities and areas;

2. The private recreational facilities and areas shall be restricted for park and recreational purposes by covenants, conditions and property within the tract which cannot be defeated or eliminated without the consent of the council. The private ownership and maintenance of recreational facilities and areas shall be provided for in the covenants, conditions and restrictions;

3. That the proposed private facilities and areas are reasonably adaptable for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology and access; and

4. That the proposed facilities are in substantial accordance with the recreational element of the general plan.

J. The provisions of this section shall not apply to the following:

1. Industrial subdivisions; and

2. Condominium projects 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.

K. If any section, sentence, clause or phrase of this chapter is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this chapter.

(Prior code § 9-1.915)

16.32.030 - School site dedications.

As a condition of the approval of a final map, a subdivider who develops or completes the development of one or more subdivisions within the local school district shall, within the limitations of the Subdivision Map Act of the state, dedicate to the school district such lands as the council shall deem necessary to assure residents of the subdivision adequate elementary school service.

(Prior code § 9-1.920)

16.32.040 - Waivers of direct access to streets.

The council or the advisory agency may impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to such street from any property shown on a map as abutting thereon and that if the dedication is accepted, such waiver shall become effective in accordance with its provisions.

(Prior code § 9-1.925)

16.32.050 - Reservations.

At the time of the approval of the tentative map, the council may require the reservation of areas for fire stations, libraries, park and recreational facilities or other public uses, subject to the provisions of the Subdivision Map Act of the state.

(Prior code § 9-1.930)

Chapter 16.36 - FEES AND REIMBURSEMENTS

Sections:

Article I - Fees Generally

Article II - Traffic Mitigation Fees and Procedures

Article III - Reimbursements

Article I - Fees Generally

16.36.010 - Processing fees.

16.36.020 - Bridge crossing and major thoroughfare fees.

16.36.030 - Drainage and sewer facilities fees.

16.36.040 - Air quality mitigation fees.

16.36.010 - Processing fees.

Every person submitting a development application, a tentative map, parcel map, lot line adjustment map, improvement plan, zoning request, variance request, time extension or any associated application shall pay for the city's costs of processing and review in accordance with the most current resolution of the council fixing such fees.

(Ord. 409 § 1, 1993: prior code § 9-1.1010)

16.36.020 - Bridge crossing and major thoroughfare fees.

Prior to the filing of any final map or parcel map, the subdivider shall pay or cause to be paid, any fees for defraying the actual or estimated costs of constructing bridges or major thoroughfares when such fees have been established in a manner provided by the Subdivision Map Act of the state.

(Prior code § 9-1.1015)

16.36.030 - Drainage and sewer facilities fees.

Prior to the filing of any final map or parcel map, the subdivider shall pay or cause to be paid, any fees for defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas or sanitary sewer facilities for local sanitary sewer areas established in the manner prescribed by the Subdivision Map Act of the state.

(Prior code § 9-1.1020)

16.36.040 - Air quality mitigation fees.

A. Development applications in which the initial study environmental assessment identifies potentially significant impact(s) on air quality shall require review by and incorporation of conditions of approval of PCAPCD as mitigation measures for air quality impacts.

B. In instances where applications require review by PCAPCD that the applicant shall pay all fees incurred by the city based on Placer County air pollution control district's fee agreement established rate of sixty-two dollars ($62.00). In the event, the proposed project requires air quality studies and analyses the applicant shall pay all fees incurred by the city for consulting firms, as well as, PCAPCD review costs of such studies at the rate of sixty-two dollars ($62.00)/hour and may be modified from time to time by resolution.

(Ord. 461 § 2, 2000)

Article II - Traffic Mitigation Fees and Procedures

16.36.050 - Authority.

16.36.060 - Purpose and intent.

16.36.070 - Definition.

16.36.080 - Streets and intersections identified.

16.36.090 - Fee calculation.

16.36.100 - Fee amounts.

16.36.110 - Review and revision.

16.36.120 - Traffic mitigation fee fund account.

16.36.130 - Expenditures.

16.36.140 - Fund account reports.

16.36.050 - Authority.

This traffic mitigation fee (TM fee) is established pursuant to California Government Code, Chapter 5, Section(s) 66000 and Government Code Sections 53077, 54997 and 54998 as amended. The city finds the establishment of a development fee for mitigation of traffic impacts a necessity for community safety, welfare and continued economic viability. Completion of a citywide traffic study and analysis identified impacted streets and intersections and establishes a fee based on these Government Code Sections.

(Ord. 457 (part), 1999: prior code § 9-1.1025 (part))

16.36.060 - Purpose and intent.

The purpose and intent of the traffic mitigation fee and study(s) provides the nexus of the identified impacts created by development projects and establishes a fee and procedure to provide a portion of the financing for improvements to provide adequate levels of service. The city establishes such fee based on the traffic mitigation fee study completed by David Evans and Associates dated July 14, 1999 (pursuant to the Government Code Sections) incorporated by reference and a part of this chapter. Level of service (LOS) C is the city standard pursuant to the circulation element of the Colfax General Plan 2020.

(Ord. 457 (part), 1999: prior code § 9-1.1025 (part))

16.36.070 - Definition.

As used in this article:

"Fee" means the amount collected for each peak hour traffic trip created by development projects. "Fee" includes the cost of the traffic mitigation fee study (and review and revisions,) and provide a portion of the funding for costs associated with construction improvements as a mitigation measure for traffic impacts pursuant to the Colfax General Plan 2020.

(Ord. 457 (part), 1999: prior code § 9-1.1025.1)

16.36.080 - Streets and intersections identified.

The critical intersections are Auburn Street at State Route 174; Auburn Street at I-80 Overpass; Auburn Street at I-80 Westbound Ramps; and Canyon Way at I-80 Overpass, with year 2020 p.m. peak hour intersection conditions at LOS F, utilizing the Caltrans Highway Capacity Manual (HCM) methodology. Improvements to these streets will increase the level of service to LOS B or better.

(Ord. 457 (part), 1999: prior code § 9-1.1025.2)

16.36.090 - Fee calculation.

The fee calculation is the total cost of improvements (one million forty-eight thousand dollars ($1,048,000.00)) divided by the total number of trips from projected development (two thousand nine hundred thirty (2,930)) to equal the cost per trip for mitigation improvements (three hundred fifty-eight dollars ($358.00)); as researched and developed by David Evans and Associates, Inc., Traffic Mitigation Fee Study, dated July 14, 1999.

(Ord. 457 (part), 1999: prior code § 9-1.1025.3)

16.36.100 - Fee amounts.

A fee is warranted in the amount of three hundred fifty-eight dollars ($358.00) for each p.m. peak hour trip(s), in accordance with the Institute of Transportation Engineers (ITE) Trip Generation Manual, current edition for development projects. In instances where the ITE Trip Generation Manual does not list a specified land use, a fee of three hundred fifty-eight dollars ($358.00) per p.m. peak hour trip is established. This calculation shall be based on estimated peak hour trips for the land use, for a "similar or like use" from the ITE Trip Generation Manual.

(Ord. 457 (part), 1999: prior code § 9-1.1025.4)

16.36.110 - Review and revision.

The TM fee is based on estimates of project improvements design costs, construction costs, lands acquisition costs and projected development build-out according to the Colfax General Plan 2020, the fee shall be reviewed every two-three years or more often if necessary, but reviewed no less frequently than every five years.

(Ord. 457 (part), 1999: prior code § 9-1.1025.5)

16.36.120 - Traffic mitigation fee fund account.

Excepting therefrom collection of costs for the traffic mitigation fee study review and revisions, the city shall deposit the fee(s) collected for improvement(s) in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds, except for temporary investments.

(Ord. 457 (part), 1999: prior code § 9-1.1025.6)

16.36.130 - Expenditures.

The city shall expend those fees solely for the purpose for which the fee is collected; any interest income earned by moneys in the account or fund shall also be deposited in that account or fund and shall be expended only for the purpose of capital facility improvements.

(Ord. 457 (part), 1999: prior code § 9-1.1025.7)

16.36.140 - Fund account reports.

The city shall within one hundred eighty (180) days after the last day of each fiscal year, make available to the public the following information for the fund account:

A. The amount of the fee;

B. The beginning and ending balance of the fund account;

C. The amount of the fees collected and the interest earned;

D. Identify the date determined that sufficient funds have been collected to complete financing on an incomplete public improvement or staged improvement(s);

E. Identify each public improvement or staged improvement on which fees were expended and the amount of expenditures on each improvement, including the total percentage of the cost of the public improvement funded with collected fees.

(Ord. 457 (part), 1999: prior code § 9-1.1025.8)

Article III - Reimbursements

16.36.150 - Reimbursements

16.36.150 - Reimbursements

The city may impose a requirement that the improvements installed by the developer for the benefit of the project shall contain supplemental sizes, capacity or number for the benefit of property not within the project and that such improvements be dedicated to the city. When the city imposes such a requirement, the city shall enter into an agreement with the developer to reimburse the developer for a pro rata share of the initial costs of constructing such improvements from other benefiting property owners upon the development of real property by such other benefiting owners. In no event shall the city assume or incur any liability of any kind whatsoever in the event of the nonpayment of the pro rata share of development costs from such other benefiting property owners. A reimbursement agreement shall expire after a maximum of ten (10) years.

(Prior code § 9-1.1110)

Chapter 16.40 - SOILS REPORTS

Sections:

16.40.010 - Soils reports.

16.40.010 - Soils reports.

A preliminary soils report shall be required for every subdivision. The soils report may be waived if the city engineer makes the finding set forth in the Subdivision Map Act of the state. Under the authority of the Subdivision Map Act the city engineer may require a soils investigation of each lot.

(Prior code § 9-1.1210)

Chapter 16.44 - SURVEYS AND MONUMENTS

Sections:

16.44.010 - Boundary monuments.

16.44.020 - Interior monuments.

16.44.030 - Monument types.

16.44.040 - Monument identification marks.

16.44.050 - Replacement of destroyed monuments.

16.44.060 - Survey data and information to be shown on final maps and parcel maps.

16.44.010 - Boundary monuments.

A. Monuments shall be set or referenced on the exterior boundaries of the subdivision at all corners, angle points, beginnings and ends of curves and at intermediate points not to exceed one thousand (1,000) feet apart. The location of inaccessible points shall be established by ties and shall be noted on the final map or parcel map.

B. If any or all of the boundary monuments are to be set after the filing, of the final map or parcel map with the county recorder, the engineer or surveyor making the survey shall furnish evidence acceptable to the city engineer to substantiate his or her reasons for deferring the setting of such monuments until after filing such map with the county recorder and shall post security as provided in the Subdivision Map Act.

(Prior code § 9-1.1315)

16.44.020 - Interior monuments.

A. Durable monuments shall be set at all block, lot or parcel corners and angle points at the beginnings and ends of curves within street rights-of-way as directed by the city engineer.

B. If the interior monuments are not set within the period of time specified on the engineer's or surveyor's certificate, the city engineer, by written notice, shall forthwith direct the engineer or surveyor of record to set such monuments within sixty (60) days after the notice and furnish such field notes as were agreed to be set and furnished on the certificate. If the engineer or surveyor fails to comply with such directive after sixty (60) days, the city engineer, without further notice, shall submit a written complaint and request for disciplinary action against such engineer or surveyor to the State Board of Registration for Professional Engineers. Security shall be posted for monuments not set prior to map filing.

(Prior code § 9-1.1320)

16.44.030 - Monument types.

All boundary monuments and monuments set within existing and proposed city rights-of-way shall be standard city monuments and shall be set to the depth and in the manner prescribed therefor.

(Prior code § 9-1.1325)

16.44.040 - Monument identification marks.

All monuments set as required by this chapter shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor who signs the engineer's or surveyor's certificate and under whose supervision the survey was made.

(Prior code § 9-1.1330)

16.44.050 - Replacement of destroyed monuments.

Any monument set as required by this chapter, which monument is disturbed or destroyed before the acceptance of all improvements by the city, shall be replaced by the subdivider's engineer or surveyor.

(Prior code § 9-1.1335)

16.44.060 - Survey data and information to be shown on final maps and parcel maps.

The following survey data and information shall be shown on each final map or parcel map, based upon a field survey:

A. Stakes, monuments or other evidence found on the ground, together with their precise positions to determine the boundaries of the subdivision;

B. Corners of all adjoining properties, subdivision names and numbers and pages of record or by section, township and range or other proper designation; and

C. Basis of bearings for this survey.

(Prior code § 9-1.1340)

Chapter 16.48 - IMPROVEMENTS

Sections:

16.48.010 - Improvement requirements.

16.48.020 - Agreements for improvements.

16.48.030 - Improvement security.

16.48.040 - Acceptance of the work.

16.48.010 - Improvement requirements.

As a condition of the approval of a map, the subdivider shall install all public improvements required by the city approving body.

(Prior code § 9-1.1410)

16.48.020 - Agreements for improvements.

An agreement shall be required when map recording occurs prior to completion of required improvements.

A. The agreement may provide for the improvements to be installed in units and it may provide for its termination in whole or in part upon a reversion to acreage of the subdivision or parts thereof.

B. The agreement may provide for the improvements to be installed at a time therein set forth.

(Prior code § 9-1.1415)

16.48.030 - Improvement security.

A. As a condition for the issuance of a permit or city approval of construction plans, the city may require the deposit of improvement security in sufficient amount deemed necessary by the city to assure faithful performance of the work in the event of default on the part of permittee or, in the case of a subdivision, where the permittee does not proceed with preparation and obtaining the approval of a final map. The security shall be in a form acceptable to the city and be in the amount or ten (10) percent of the cost of site improvements.

B. In the case of subdivisions, the improvement security shall remain in effect until final inspections have been made, all grading work and subdivision improvements have been accepted by the city. A ten (10) percent maintenance bond may be required for a twelve (12) month period for all public improvements.

C. For projects other than subdivisions, the improvements security shall remain in effect until final inspections have been made and all grading work has been accepted by the city.

D. Subdivision and site development improvements required by the city, but not completed prior to recording of the final map or parcel map or issuance of the certificate of occupancy, shall post security in the amount of one hundred ten (110) percent for performance and fifty (50) percent for labor and materials based upon the construction cost of improvements.

E. In addition to the improvement security, the city may also require the deposit of a ten (10) percent maintenance security in sufficient amount deemed necessary by him or her to guarantee and maintain the grading work to assure the proper functioning of drainage systems and adequate erosion and sedimentation control. The maintenance security shall be in a form acceptable to the city and shall remain in effect for a period of one year after the date of acceptance of the improvements as designated in subsections B and C of this section.

F. Any deposit required by the city pursuant to this chapter shall be payable to the city.

G. Upon satisfaction of applicable provisions of this chapter, the improvement and maintenance security deposits will be released. However, upon failure to complete the work, failure to comply with all of the terms of the permit or failure of the completed site to function properly to provide property drainage or erosion and sedimentation control, the city may do the required work or cause it to be done and collect from the permittee or surety all costs incurred thereto, including administrative and inspection costs. Any unused portion of a deposit shall be refunded to the permittee after deduction by the city of the cost of the work.

H. Security may be posted in a form approvable by the city attorney which may include bonding, letter of credit or cash deposit. The city may elect to allow partial release of security upon partial completion of the improvements.

(Prior code § 9-1.1420)

16.48.040 - Acceptance of the work.

A. Upon the satisfactory completion of all the improvements and other obligations under an agreement, the city shall accept and/or approve the work and discharge the faithful performance security, except for that portion of the security required for a one-year ten (10) percent guarantee and warranty of the work as authorized by the Subdivision Map Act of the state.

B. The labor and material security shall be released as authorized by the Subdivision Map Act of the state. If no outstanding liens exist at the termination of the six-month period, the security shall be released in full.

C. The city, at its option, from time to time, may accept and/or approve those portions of the improvements which have been satisfactorily completed and reduce the obligation of security accordingly.

(Prior code § 9-1.1425)

Chapter 16.52 - REVERSIONS TO ACREAGE

Sections:

16.52.010 - Initiation of proceedings by owners.

16.52.020 - Initiation of proceedings by council.

16.52.030 - Data for petitions.

16.52.040 - Fees.

16.52.050 - Proceedings before the council.

16.52.060 - Return of fees and deposits—Release of securities.

16.52.070 - Delivery of final maps.

16.52.080 - Reversions to acreage by parcel maps.

16.52.090 - Reversions to acreage by parcel maps—Initiation of proceedings.

16.52.100 - Reversions to acreage by parcel maps—Fees.

16.52.110 - Reversions to acreage by parcel maps—Proceedings.

16.52.120 - Parcel maps.

16.52.010 - Initiation of proceedings by owners.

Proceedings to revert subdivided property to acreage may be initiated by a petition of all of the owners of record and shall be in a form prescribed by the city engineer.

(Prior code § 9-1.1510)

16.52.020 - Initiation of proceedings by council.

The council, at the request of any person or on its own motion, may initiate proceedings to revert property to acreage. The council shall direct the city engineer to obtain the necessary information to initiate and conduct the proceedings.

(Prior code § 9-1.1515)

16.52.030 - Data for petitions.

Petitioners shall file the following:

A. Evidence of title to the real property; and

B. Evidence:

1. Of the consent of all the owners of an interest in the property; or

2. That none of the improvements required to be made have been made within two years after the date the final map was filed for record or within the time allowed by agreement for the completion of the improvements whichever is later; or

3. That no lots shown on the final map or parcel map have been sold within five years after the date such final map or parcel map was filed for record.

(Prior code § 9-1.1520)

16.52.040 - Fees.

Petitions to revert property to acreage shall be accompanied by a fee equal to the fee for filing a subdivision map. If the proceedings are initiated by the council, the person who requested the proceedings shall pay the costs incurred by the city. Initiation fees shall not be refundable.

(Prior code § 9-1.1525)

16.52.050 - Proceedings before the council.

A public hearing shall be held before the council on all final map proceedings for reversions to acreage. Notice of the public hearing shall be given as provided in the Subdivision Map Act of the state. The city engineer may give such other notice as he or she deems necessary or advisable. The council may approve a reversion to acreage only if it makes the findings required by the Subdivision Map Act of the state. The council may require as conditions of the reversion:

A. That the owners dedicate or offer to dedicate streets or easements; and

B. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish the purpose of the Subdivision Map Act of the state or this chapter.

(Prior code § 9-1.1530)

16.52.060 - Return of fees and deposits—Release of securities.

Except as provided in the Subdivision Map Act of the state, upon the filing of the final map for reversion to acreage with the county recorder, all fees and deposits shall be returned to the subdivider and all improvement securities shall be released by the council.

(Prior code § 9-1.1535)

16.52.070 - Delivery of final maps.

After the hearing before the council and approval for the reversion, the final map shall be delivered to the county recorder.

(Prior code § 9-1.1540)

16.52.080 - Reversions to acreage by parcel maps.

Property previously subdivided, consisting of four or less contiguous parcels under the same ownership, may be reverted to acreage pursuant to the following provisions of this chapter.

(Prior code § 9-1.1545)

16.52.090 - Reversions to acreage by parcel maps—Initiation of proceedings.

Proceedings shall be initiated by a petition of all the owners of the property. The petition shall be on a form prescribed by the city engineer and shall be accompanied by:

A. Evidence of ownership;

B. Evidence of non-use or lack of necessity of any streets or easements to be vacated or abandoned; and

C. A parcel map.

(Prior code § 9-1.1550)

16.52.100 - Reversions to acreage by parcel maps—Fees.

The petition shall be accompanied by a fee equal to the fee for filing a tentative map-parcel map, no part of which shall be refundable.

(Prior code § 9-1.1555)

16.52.110 - Reversions to acreage by parcel maps—Proceedings.

A public hearing shall be held before the council on the petition. Notice thereof shall be given as provided in the Subdivision Map Act of the state. Additional notice may be given as deemed necessary or advisable by the city engineer. The council shall approve the petition if it finds that dedications or offers of dedication to be vacated or abandoned by the reversion are unnecessary for present or future public purposes.

(Prior code § 9-1.1560)

16.52.120 - Parcel maps.

After the approval of the petition, a parcel map shall be delivered to the county recorder. The parcel map shall have attached thereto a certificate signed and acknowledge by all parties having any record title interest in the property that the parties consent to the preparation and recordation of the parcel map.

(Prior code § 9-1.1565)

Chapter 16.56 - DESIGN AND IMPROVEMENT STANDARDS

Sections:

16.56.010 - Design and improvement standards—Conformance with requirements—Variance.

16.56.020 - Street standards.

16.56.030 - Alignment of streets.

16.56.040 - Pavement surfaces.

16.56.050 - Structural design of pavement.

16.56.060 - Trenching and backfilling.

16.56.070 - Curbs and gutters.

16.56.080 - Sidewalks.

16.56.090 - Nonvehicular trails.

16.56.100 - Ramps for handicapped persons.

16.56.110 - Private street.

16.56.120 - Effect of street layout on adjoining property.

16.56.130 - Street names.

16.56.140 - Street name signs.

16.56.150 - Traffic signs.

16.56.160 - Mailboxes.

16.56.170 - Slope development standards.

Sec. 3 - Application filing requirements.

16.56.010 - Design and improvement standards—Conformance with requirements—Variance.

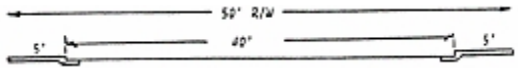
A. Lot design and improvement standards for site development and subdivisions shall conform generally to the requirements of the zoning provisions, the Standard Specifications and this chapter.

B. The council or other approval authority shall have the authority to approve a project with lot design and improvement standards at variance with the requirements referred to in this section when the facts and circumstances so warrant. By such approval the special design standards for such project shall prevail. No variance application is required.

(Prior code § 9-1.1610)

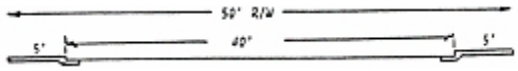
16.56.020 - Street standards.

A. All streets in the R-1-5,000, R-1-10,000, R-M-1, R-M-2, C-R, 1-L and C-H districts shall be constructed in accordance with the following minimum standards:



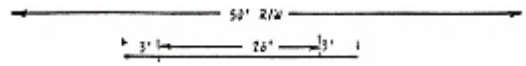
Two-inch asphaltic concrete on a six-inch aggregate, base, concrete improvements.

B. All streets in the R-1-20,000 district shall be constructed in accordance with the following minimum standards:



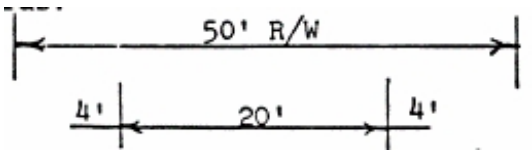
Two-inch asphaltic concrete on a six-inch aggregate base, concrete improvements.

C. All streets in the one-acre minimum lot size district shall be constructed in accordance with the following minimum standards:



Two-inch asphaltic concrete on a six-inch aggregate base; aggregate base to be thirty-two (32) feet wide.

D. All streets in the R-1 district larger than one acre lot size and all streets in areas designated A or O shall be constructed in accordance with the following minimum standards:



Two-inch asphaltic concrete on a six-inch aggregate base; aggregate base to be twenty-eight (28) feet wide.

E. Residential cul-de-sacs shall be constructed within a right-of-way having a minimum diameter of eighty (80) feet and seventy (70) foot diameter street from curb to curb with a sidewalk width of five feet adjacent to the curb or meandering nearby.

F. As an alternative to the requirements of this section, the city engineer may give consideration to proposals that have larger setbacks and thereby reduce the width of the pavement. The required setback shall be twenty (20) feet with the next considered increment of twenty (20) feet as a minimum before street width reduction. Where one acre and larger parcels are proposed, a five-foot wide unimproved non-auto path shall be provided.

G. The street standards set forth in this section shall constitute the minimum requirements of the city and may be revised from time to time by resolution of the council or specific project approvals.

(Prior code § 9-1.1615)

16.56.030 - Alignment of streets.

The alignment of all streets shall conform to those designated on any plan adopted by the council prior to the date of the filing of the tentative map with the planning director or planning and zoning commission. No new street entrance not a direct extension of an existing street may be made within one hundred fifty (150) feet of any existing street as measured between center lines.

(Prior code § 9-1.1620)

16.56.040 - Pavement surfaces.

All streets shall have an asphaltic-concrete plant-mixed surface. The minimum-thickness of the surface course shall be as determined by the method described in the following section of this chapter.

(Prior code § 9-1.1625)

16.56.050 - Structural design of pavement.

The structural design of the pavement shall be determined in accordance with the method of design described in the Planning Manual of the California Department of Transportation as currently amended. All local streets and their cul-de-sacs shall have a minimum asphalt-concrete surface thickness of two inches and a minimum aggregate base thickness of six inches. The designated city official shall set traffic index criteria and shall review and approve street structural calculations.

(Prior code § 9-1.1630)

16.56.060 - Trenching and backfilling.

Trenching, backfilling and pavement replacement shall conform to the Standard Specifications.

(Prior code § 9-1.1635)

16.56.070 - Curbs and gutters.

Standard portland cement concrete curbs and gutters shall be constructed as required. Vertical face curbs shall be constructed unless otherwise approved for the specific project.

(Prior code § 9-1.1640)

16.56.080 - Sidewalks.

Sidewalks shall be constructed of portland cement concrete with an aggregate base.

(Prior code § 9-1.1645)

16.56.090 - Nonvehicular trails.

Where designated by the city, nonvehicular trails shall be constructed and dedicated to the city, including easements as required.

(Prior code § 9-1.1646)

16.56.100 - Ramps for handicapped persons.

Ramps for handicapped persons shall be provided at each street intersection.

(Prior code § 9-1.1650)

16.56.110 - Private street.

Private streets, alleys or ways shall not be permitted unless approved by the advisory agency and/or the council and then only under conditions which guarantee the construction and continued maintenance thereof.

(Prior code § 9-1.1655)

16.56.120 - Effect of street layout on adjoining property.

The street layout shall be designed to provide for the future street design of property adjoining the subdivision.

(Prior code § 9-1.1660)

16.56.130 - Street names.

Proposed street names shall not duplicate, nor too closely approximate phonetically, the name of any street in the city or the adjacent area. When streets are continuations of existing streets, the existing names shall be used. Names may be selected from a master street list maintained by the planning director.

(Prior code § 9-1.1665)

16.56.140 - Street name signs.

The subdivider shall install regulatory signs and markings as required by the city engineer.

(Prior code § 9-1.1670)

16.56.150 - Traffic signs.

The subdivider shall install regulatory signs and markings as required by the city engineer.

(Prior code § 9-1.1675)

16.56.160 - Mailboxes.

Mailboxes shall be located at such locations as required by the postal authority and city engineer.

(Prior code § 9-1.1680)

16.56.170 - Slope development standards.

The requirements of this section shall apply to all projects which are required elsewhere by this code to be submitted for site plan and architectural review and all tentative, final and parcel maps, but in either case, only those not industrially or commercially zoned. The requirements of this section shall not apply to lone single-family or lone duplex dwelling units or to any project on industrial or commercially zoned parcels.

Development subject to the standards of this section shall meet the following criteria:

A. All newly created lots must have an approved building site on terrain slope of under thirty (30) percent. For purposes of this section, a building site shall be defined as an area sufficient to accommodate main and accessory structures.

B. Slopes over thirty (30) percent will remain in a natural condition except where the city approves the design and location of driveways and roadways, for which there is no practical alternative location or design.

C. Deviations to subsections A and B of this section may be approved by the city with no variance required provided that:

1. The applicant provides a detailed engineered grading plan and cross sections of proposed construction on slopes thirty (30) percent or over;

2. The applicant can mitigate potential impacts of construction on slopes of thirty (30) percent or over to the satisfaction of the city. Impacts include loss of trees, recontouring the land, viewshed of ridgelines, fire safety, erosion and soil stability, road slopes and other factors identified during project review; and

3. The applicant shall provide written analysis of both compliance with and deviation from the city hillside development guidelines.

D. Hillside development guidelines shall be adopted by resolution of the city council.

(Ord. 405 § 1, 1993: prior code § 9-1.1685)

Hillside Development Guidelines

Sec. 1 Statement of purpose.

The following hillside development guidelines are intended to ensure the appropriate development of hillside areas. The guidelines are for the use, development, or alteration of land in hillside areas. The guidelines are to be utilized to provide direction to encourage development which is sensitive to the unique characteristics common to hillside properties. The purpose for the guidelines is to protect existing hillsides and to encourage innovation, to the extent that the end result is one which respects the hillside and is consistent with the goals and policies of these guidelines. The guidelines shall be used by the planning commission and the city council in evaluating those development proposals. We expect developments will innovate beyond the minimum guidelines herein specified.

The purpose of these guidelines is:

A. To preserve and protect hillside areas in order to maintain the identity, image and environmental quality of the city of Colfax;

B. To maintain an environmental equilibrium consistent with the native vegetation, animal life, geology, slopes, and drainage patterns;

C. To facilitate hillside preservation through appropriate development guidelines of hillside areas. The guidelines are intended to provide direction and encourage development which is sensitive to the unique characteristics common to hillside properties including land form, vegetation and scenic quality among others. Innovation in design is encouraged as long as the end result is one which respects the hillside and is consistent with the purposes expressed in this section and in the goals and objectives of the general plan;

D. To ensure that development in the hillside areas shall be concentrated in those areas with the least environmental impact and shall be designed to fit the existing land form; consideration should be given to clustered housing.

E. To preserve significant features of the natural topography, including swales, canyons, knolls, ridgelines, and rock outcrops. Development may necessarily affect natural features by, for

example, roads crossing ridgelines. Therefore, a major design criterion shall be the minimization of such impacts;

F. To provide a safe means of ingress and egress for vehicular and pedestrian traffic to and within hillside areas, with minimum disturbance to the natural terrain;

G. To correlate intensity of development with the steepness of terrain in order to minimize grading, removal of vegetation, land instability and fire hazards;

H. To provide in hillsides, alternative approaches to conventional flat land development practices by achieving land use patterns and intensities that are consistent with the natural characteristics of hill areas such as slopes, land form, vegetation and scenic quality; and

I. To encourage the planning, design and development of home sites that provide maximum safety with respect to fire hazards, exposure to geological and geotechnic hazards, drainage, erosion and siltation, and materials of construction; provide the best use of natural terrain; and to prohibit development what will create or increase fire, flood, slide, or other safety hazards to public health, welfare, and safety.

J. The intention of these guidelines is not necessarily to reduce density, but to insure a viable product, clustering should be considered, any unreasonable density will be questioned.

Sec. 2

A. Definitions. The following definitions shall apply to this section:

"Contour" means a line drawn on a plan which connects all points of equal elevation.

"Contour grading" means a grading technique designed to result in earth forms which resemble natural terrain characteristics. Horizontal and vertical curve variations are often used for slope banks. Contour grading does not necessarily minimize the amount of cut and fill occurring.

"Cut" means the mechanical removal of earth material.

"Cut and fill" means the excavating of earth material in one place and depositing of it as fill in an adjacent place.

"Driveway" means a means of access over private property to a singe residential unit.

"Effective bulk" means the effective visual bulk of a structure when seen from a distance of from below.

"Elevation" means height or distance above sea level.

"Erosion" means the process by which the soil and rock components of the earth's crust are worn away and removed from one place to another by natural forces such as wind and water.

"Fill" means a deposit of earth material placed by artificial means.

"Finish grade" means the final elevation of the ground surface after development, which is in conformity with the approved plan.

"Grading" means to bring an existing surface to a designed form by excavating, filling, or smoothing operations.

"Hillside" means refers to a parcel of land which contains grades in excess of ten (10) percent.

"Natural slope" means a slope which is not man-made. A natural slope may retain natural vegetation during adjacent grading operations or it may be partially or completely removed and replanted.

"Pad" means a level area created by grading to accommodate development.

"Ridge" means a long, narrow, conspicuous elevation of land.

"Roadway" means a means of access over private property to more than one residential unit.

"Slope" means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance (run) to vertical distance (rise), or change in elevation. The percent of any given slope is determined by dividing the rise by the run, multiplied by one hundred (100).

"Slope, man-made" means a manufactured slope consisting wholly or partially of either cut or filled material.

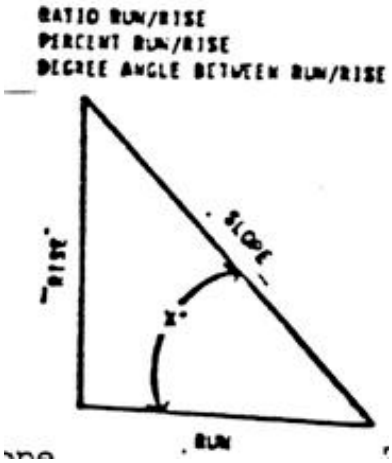
"Slope transition" means the area where a slope bank meets the natural terrain or a level graded area either vertically or horizontally.

B. Hillside Designation.

The following are guidelines for hillside slope categories to ensure that development will complement the character and topography of the land. The guidelines for one category may be applied to limited portions of the property in an adjacent category when a project is developed on property in more than one slope category. Clustering should be considered.

Slope Category	% Natural Slope	Site Guidelines
1	10 to 20	Special hillside architectural and design techniques that minimize grading are desired in this slope category. Structures shall conform to the natural topography and natural grade by using techniques such as split level foundations of greater than eighteen (18) inches, stem walls, stacking and clustering. Conventional grading may be considered by the city for limited portions of a project when its plan includes special design features, extensive open space or significant use of green belts.
2	20 to 30	Development within this category shall be restricted to those sites where it can be shown that safety, environmental and aesthetic impacts can be minimized. Use of large lots, variable setbacks and variable building structural techniques such as stepped foundations are expected. Structures shall be designed to minimize the visual impact of their bulk and height. The shape, materials, and colors of structures shall blend with the natural environment. The visual and physical impact of driveways and roadways shall be minimized by eliminating sidewalks, and reducing their widths to the minimum required for emergency access and following natural contours, using grade separations where necessary and otherwise minimizing grading.
3	30 & over	This is an excessive slope conditions and development is extremely limited.

C. Density Within Single-Family Residential Zones. The maximum number of residential dwelling units which may be permitted to be constructed on a given parcel of land shall be the calculated base zoning development limit less the number eliminated due to environmental constraints as determined pursuant to these guidelines.



Average % of Slope in Natural Condition	Zoning Density Allowed if No Clustering is Presented
0 - 10%	100%
10.1 - 15%	80%
15.1 - 20%	60%
20.1 - 25%	40%
25.1 - 30%	20%
over 30%	0%

The combined maximum "percentage of base zoning density allowed" shall not reduce total number of units to less than twenty-five (25) percent of maximum base zoning for an individual project.

1. Environmental Constraints. The maximum number of residential dwelling units shall be as determined by environmental assessment, unless such development constraints can be shown to have been eliminated or mitigated to the satisfaction of the planning commission or of the city council on appeal.
2. Exemption. Other provisions of this subsection to the contrary notwithstanding, lots of record as of the date of adoption of these guidelines shall be entitled to a minimum of one dwelling unit, provided that required zoning and land development criteria are met.

3. Administration. These guidelines shall be administered in conjunction with the provisions of Title 9, Chapter 20 of the Colfax Municipal Code. Where a conflict or inconsistency exists, the more restrictive regulation shall apply.

D. Hillside Development Guidelines. The following hillside development guidelines are intended to ensure the appropriate development of hillside areas. The guidelines are for the use, development, or alteration of land in hillside areas. The guidelines are to be utilized to provide direction to encourage development which is sensitive to the unique characteristics common to hillside properties.

The purpose for the guidelines is to protect existing hillsides and to encourage innovation, to the extent that the end result is one which respects the hillside and is consistent with the goals and policies of these guidelines. The guidelines shall be used by the planning commission and the city council in evaluating those development proposals in which it is proposed to go beyond the minimum density standards herein specified.

Sec. 3 - Application filing requirements.

For all site development applications requiring planning commission review, the following information shall be submitted for proposed development areas in which topography exceeds ten (10) percent:

A. A natural features map, which shall identify all existing slope banks, ridgelines, canyons, natural drainage courses, federally recognized blue line streams, rock outcroppings, and existing vegetation or accomplished by aerial photograph or site visit.

B. A conceptual grading plan, which shall include the following items in addition to those required by the Municipal Code or as part of the submittal requirements checklist:

1. A legend with appropriate symbols which should include, but not be limited to, the following items: significant retaining walls and curbs and burms, significant trees, spot elevations as identified by paragraph A, pad and finished floor elevations, and change in direction of drainage.

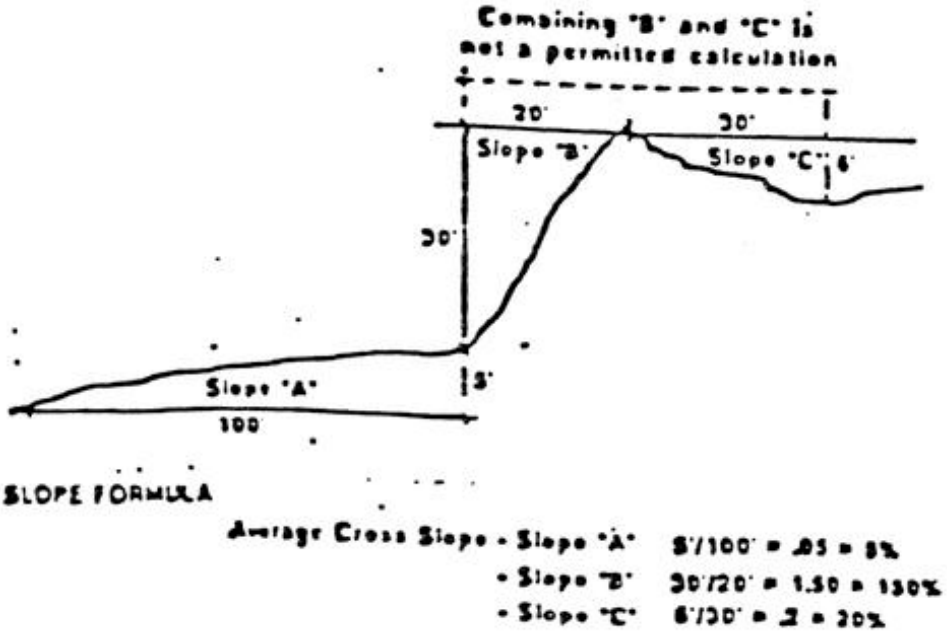
2. A map with proposed fill areas colored in brown and cut areas colored in red.

3. Contours shall be shown for existing and natural land conditions and proposed work. Existing contours shall be depicted with a dashed line with every fifth contour darker, and proposed contours shall be depicted as above except with a solid line. Contours shall be shown according to the following schedule:

Natural Slope	Maximum Interval Feet
0% to 20 %	2
Above 20%	5

C. A slope analysis map for the purpose of determining the amount and location of land as it exists in its natural state falling into each slope category as specified below. For the slope map, the applicant shall use a base topographical map of the subject site, prepared and signed by a registered civil engineer or licensed land surveyor, which shall have a scale of not less than one inch to one hundred (100) feet and a contour interval may be five feet when the slope is more than twenty (20)

percent. This base topographical map shall include all adjoining properties within one hundred fifty (150) feet of the site boundaries. Delineate slope bands in the range of to ten (10) percent, ten (10) up to twenty (20) percent, twenty (20) up to thirty (30) percent, thirty (30) percent or greater. Also included shall be a tabulation of the land/area in each slope category specified in acres.



The exact method for computing the percent slope and area of each slope category should be sufficiently described and presented so that a review can be readily made. Also, a heavy, solid line indicating the ten (10) percent grade differential shall be clearly marked on the plan, and an additional copy of the map shall be submitted with the slope percentage categories depicted in contrasting colors.

D. Provide a sufficient number of slope profiles to clearly illustrate the extent of the proposed grading. A minimum of three slope profiles shall be included with the slope analysis. The slope profiles shall include the greatest topographical relief or differences as possible; more may be requested based on the project.

   1. At least two of the slope profiles shall be roughly parallel to each other and roughly perpendicular to existing contour lines.

E. Both the slope analysis and slope profiles shall be stamped and signed by either a registered landscape architect, civil engineer, or land surveyor indicating the datum, source, and scale of topographic data used in the slope analysis and slope profiles, and attesting to the fact that the slope analysis and slope profiles have been accurately calculated and identified.

F. Tentative maps and final maps shall accurately depict the building envelope for each lot when required by the planning director or planning commission.

G. Exceptions to the filing requirements shall be determined by the city planner or planning commission.

Sec. 4 Public safety standards.

A. Fire Protection Standards.

   1. Review plans and obtain comments from fire marshall/fire chief.

B. Grading. The following standards define basic grading techniques which are consistent with the guidelines and avoid unnecessary cut and fill. Refer also to code sections for site development.

1. Standards.

   a. Grading shall be phased so that prompt revegetation or construction will control erosion. Where possible, only those areas which will be built on, resurfaced, or landscaped shall be disturbed. Top soil shall be stockpiled during rough grading and used on cut and fill slopes. Revegetation of cut and fill slopes shall occur within three months (weather permitting) to the satisfaction of the city.

   b. Grading operations shall be planned to avoid the rainy season, October 15 to April 15.

   c. Cut slopes for purposes of establishing building pads shall not exceed twenty (20) feet in height and fill slopes shall not exceed eight feet in depth at any point on the site.

   d. Retaining walls associated with lot pads are limited to:

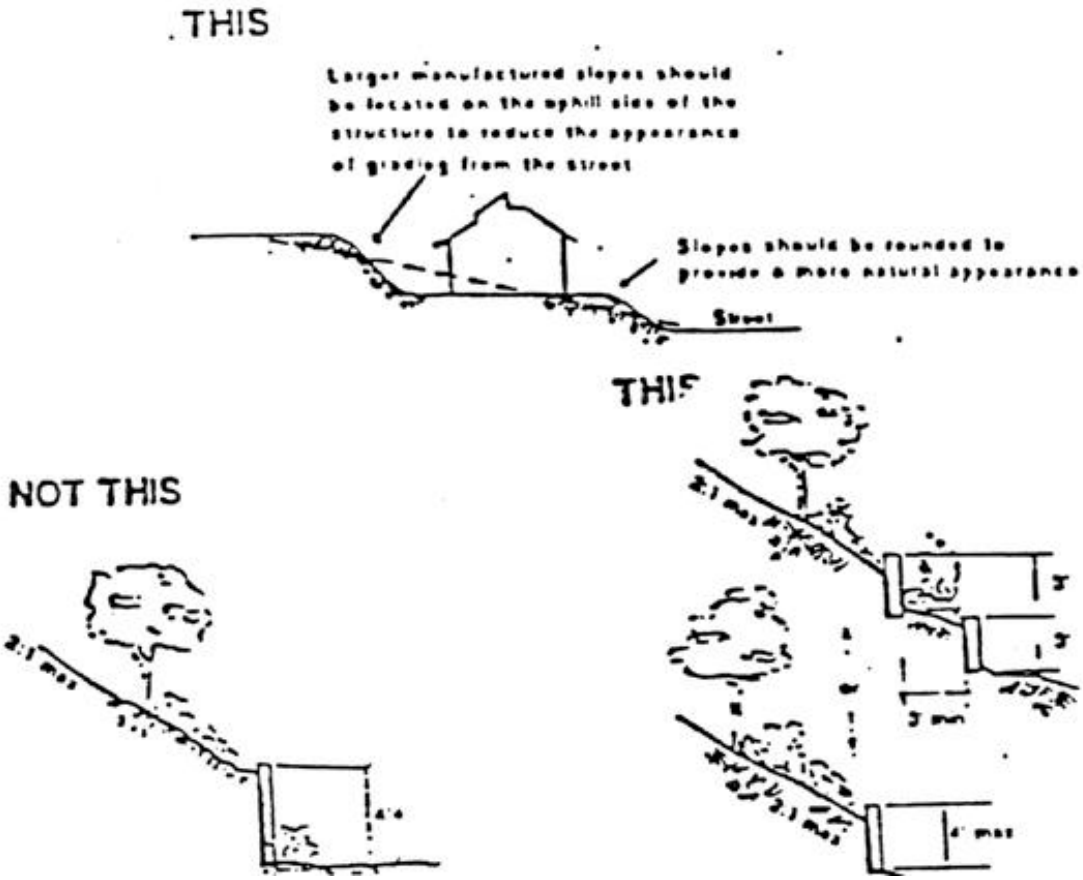
      i. Upslope (from the structure) walls not to exceed six feet in height. Terraced retaining structures may be utilized which are separated by a minimum of three feet and appropriate landscaping.

      ii. Downslope (from structures, walls not to exceed three and one-half feet in height. Where an additional retained portion is necessary due to unusual or extreme conditions, (such as lot configuration, steep slope or road design) then the use of terraced retaining structures shall be considered on an individual lot basis. Terraced walls shall not exceed three feet in height and shall be separated by a minimum of three feet and appropriate landscaping. Terracing shall not be used as a typical solution within a development.

      iii. Retaining walls which are an integral part of the structure shall not exceed eight feet in height. Their visual impact shall be mitigated through contour grading and landscape techniques.

   e. Contour grading techniques should be used to provide a variety of slope percentage and slope direction in a three dimensional undulating pattern similar to existing, adjacent terrain. Hard edges left by cut and fill operations should be given a rounded appearance that closely resembles the adjacent natural contours.

   f. Where possible, graded areas should be designed with manufactured slopes located on the uphill side of structures, thereby, hiding the slope behind the structure.



g. The following factors shall be taken into consideration in the design of a project:

   a. When space and proper drainage requirements can be met with approval by the city engineer, rounding of slope tops and bottoms shall be accomplished.

   b. When slopes cannot be rounded, vegetation shall be used to alleviate a sharp, angular appearance.

   c. A rounded and smooth transition shall be made when the planes of man-made and natural slopes intersect.

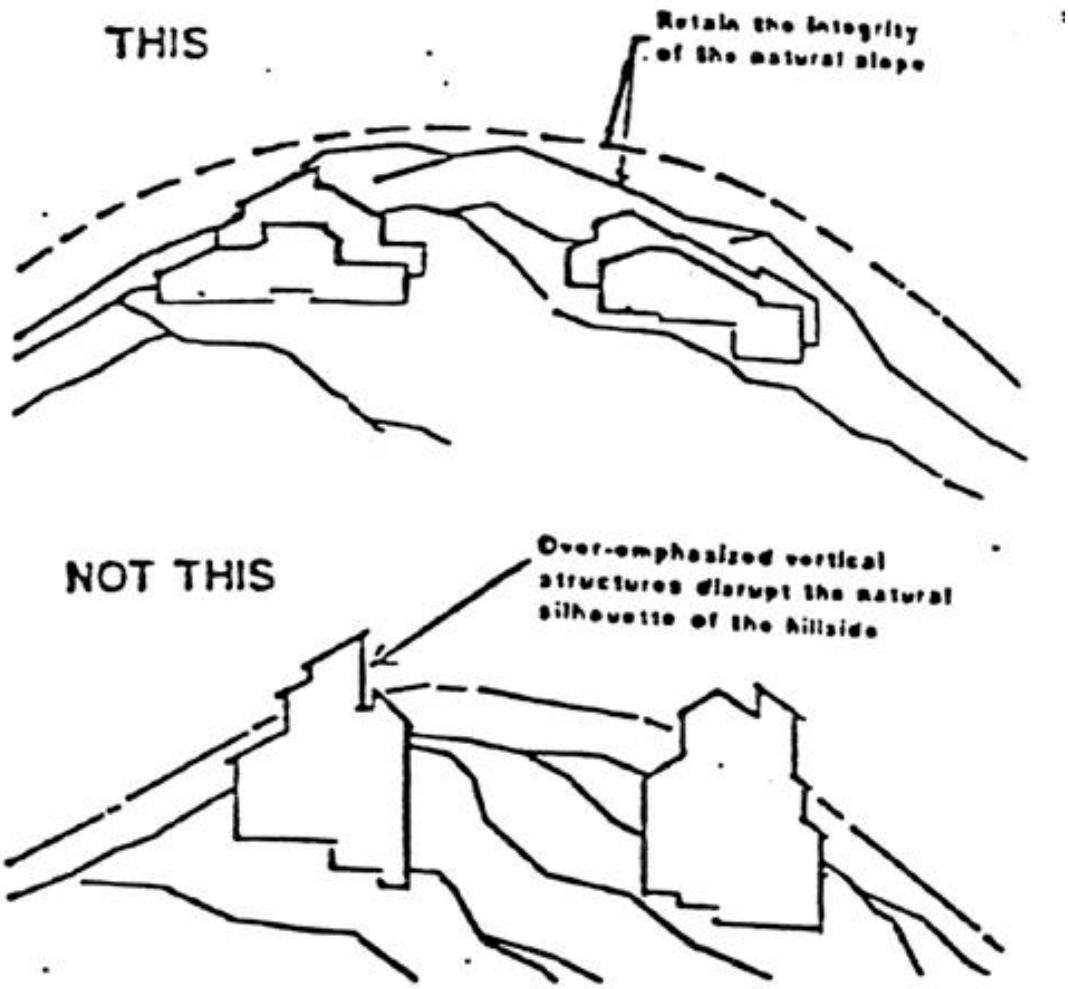
   d. When significant landforms are "sliced" for construction, the landforms shall be rounded as much as possible to blend into natural grade.

   e. Manufactured slope faces shall be varied to avoid excessive "flat-planed" surfaces.

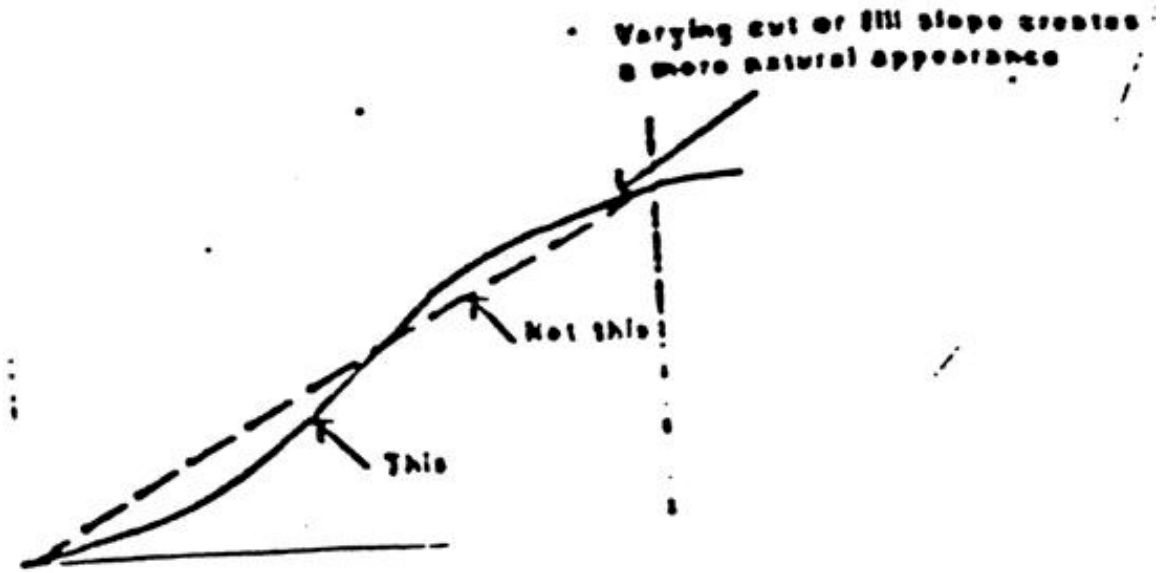
   h. No manufactured slope shall exceed 30 feet in height between terraces or benches.

Examples of Design

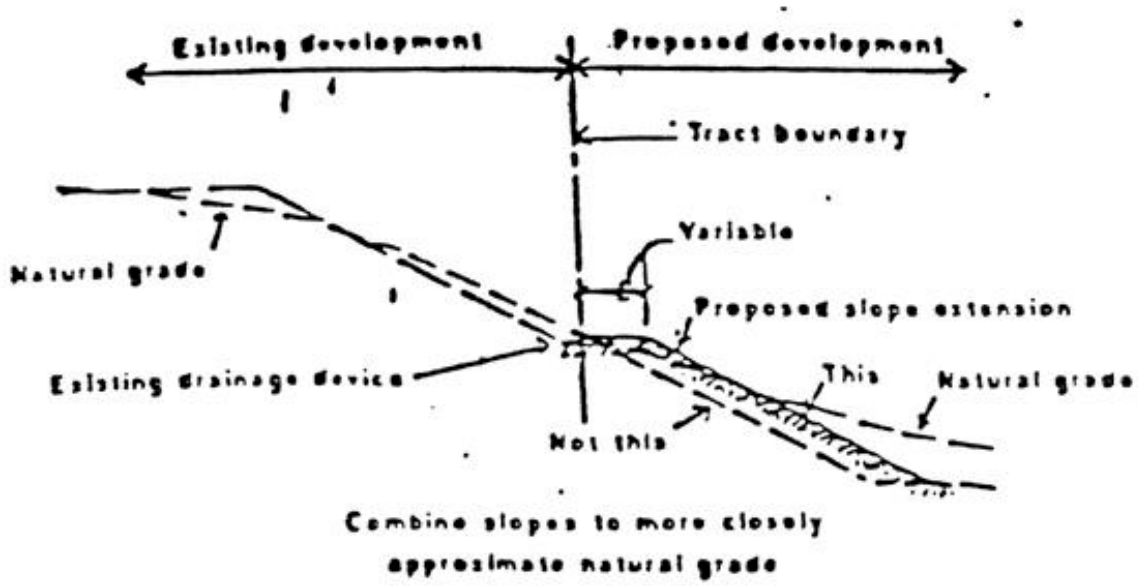
a. Maintain roof lines below crest of ridgelines.



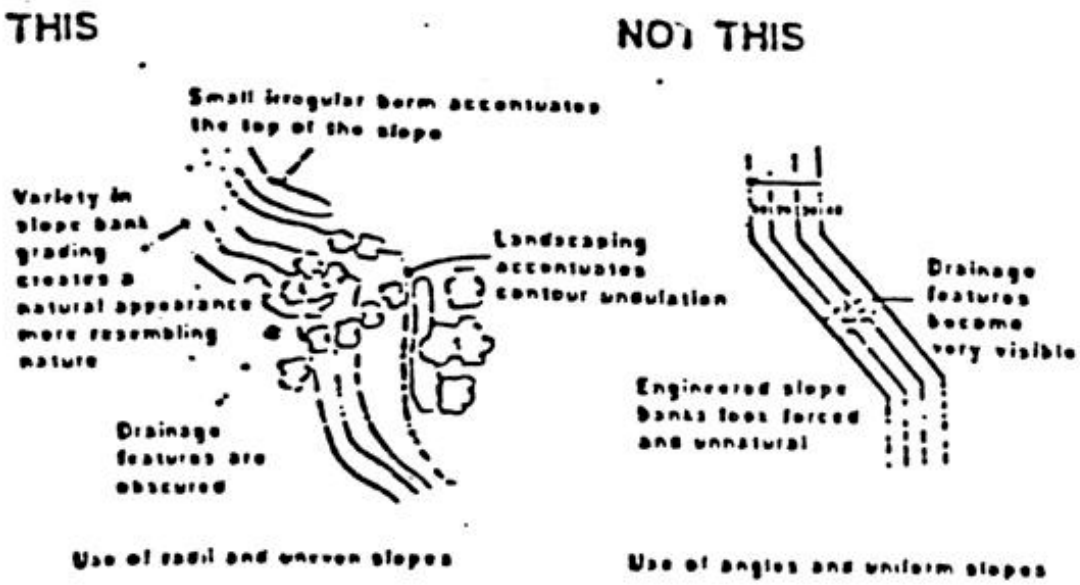
b. Where cut or fill conditions are created, slopes should be varied rather than left at a constant angle which may be unstable or create an unnatural, rigid, "man-made" appearance.



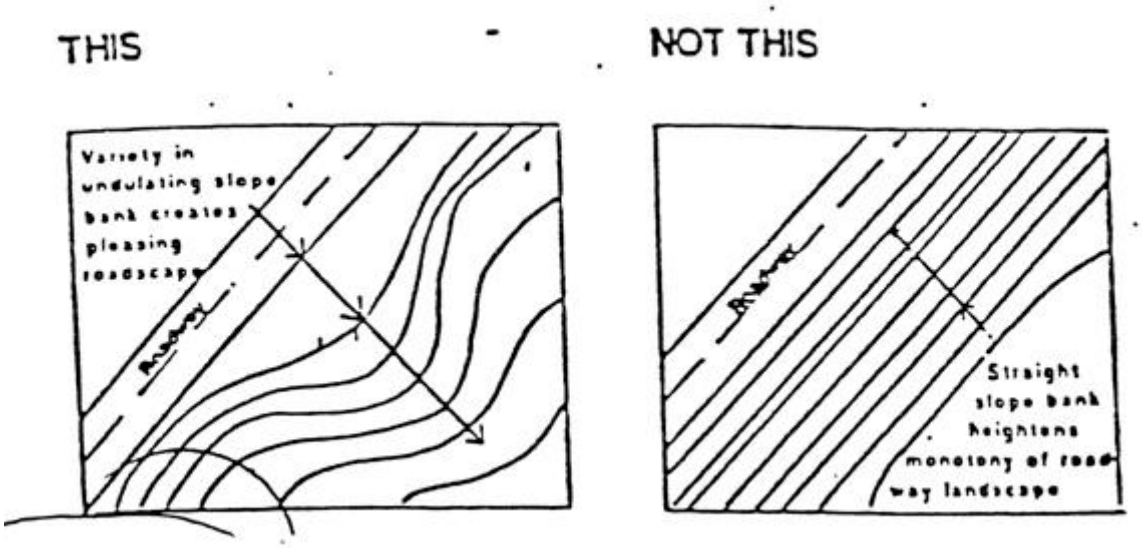
c. The angle of any graded slope should be gradually adjusted to the angle of the natural terrain.



d. Hard edges left by cut and fill operations should be given a rounded appearance that closely resembles the natural contours of the land.



d. Manufactured slopes adjacent to roadways should be modulated by sufficient berming, regrading, and landscaping to create visually interesting and pleasing streetscapes.



Sec. 5 Drainage.

A. Where a conflict exists between the provisions of this section and Chapter 70 of the Uniform Building Code, the drainage, soils and geology provisions of Chapter 70 shall prevail, unless in the opinion of the City Engineer, the provisions of this section meet sound engineering standards consistent with the standards of Chapter 70.

B. Standards.

1. Debris basins, rip rap, and energy dissipating devices shall be provided where necessary to reduce erosion when grading is undertaken. Except for necessary flood control facilities,

significant natural drainage courses shall be protected from grading activity. In instances where crossing is required, a natural crossing and bank protection shall be preferred over steel and concrete systems. Where brow ditches are required, they shall be naturalized with plant materials and native rocks.

2. Building and grading permits shall not be issued for construction on any site without an approved location for disposal of runoff waters, including but not limited to such facilities as a drainage channel, public street or alley, or private drainage easement.

3. All cuts shall be protected from erosion.

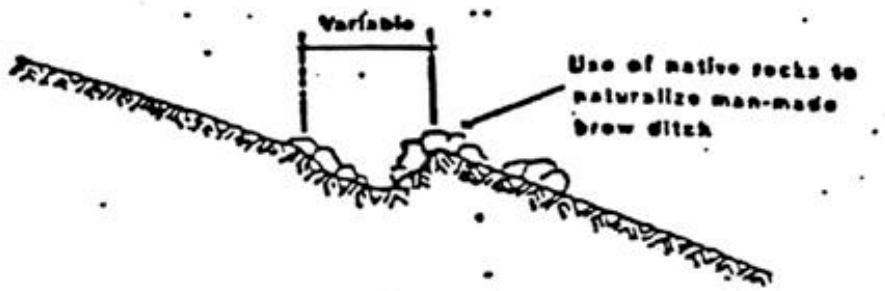
4. The use of cross lot drainage shall be subject to planning commission review and may be approved after demonstration that this method will not adversely affect the proposed lots or adjacent properties, and that it si absolutely required in order to minimize the amount of grading which would result with conventional drainage practices. Where cross lot drainage is utilized, the following shall apply:

    a. Project Interiors. Drainage facilities may cross lots if an easement is provided and either within an improved, open V-swale gutter, which has a naturalized appearance, or within a closed drainage pipe which shall be a minimum twelve (12) inches in diameter. This drainage shall be conveyed to either a public street or to a drainage easement. If drainage is conveyed to a private easement, it shall be maintained by a homeowners association, otherwise the drainage shall be conveyed to a public easement. The easement width shall be determined on an individual basis and shall be dependent on appropriate hydrologic studies and access requirements.

    b. Project Boundaries. Onsite drainage shall be conveyed in an improved open V-swale, gutter, which has a naturalized appearance or within an underground pipe in either a private drainage easement, which is to be maintained by a homeowner's association, or it shall be conveyed in a public easement. The easement width shall be dependent on appropriate hydrologic studies and access requirements.

DESIGN EXAMPLE: BROW DITCH @ TOP OF SLOPE.

. THIS



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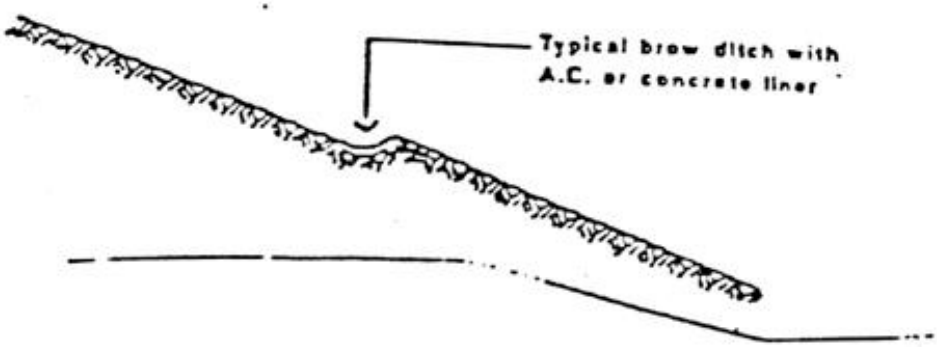
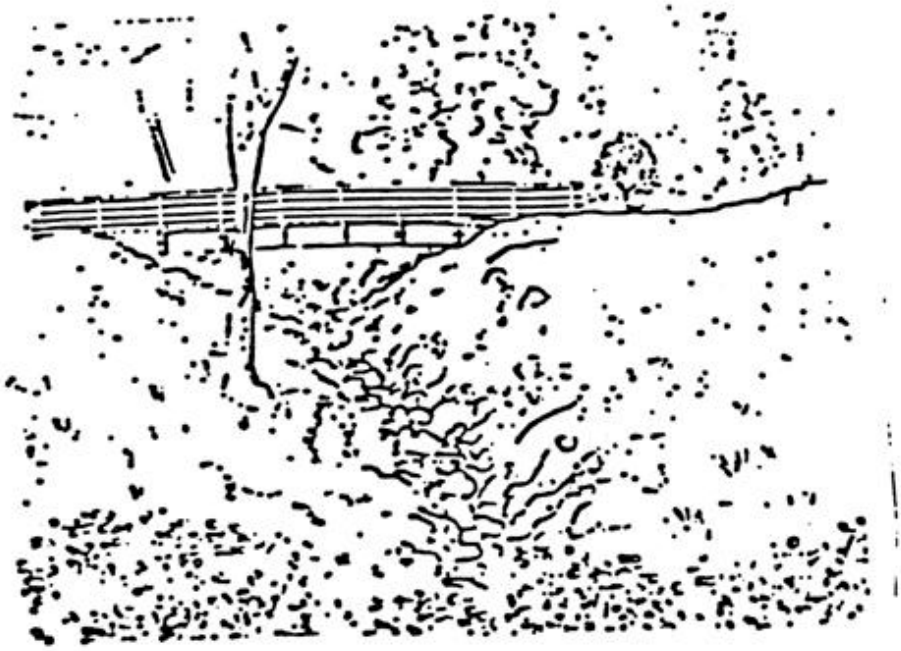


C. Where possible, drainage channels should be placed in inconspicuous locations, and more importantly, they should receive a naturalizing treatment including native rock, colored concrete and landscaping, so that the structure appears as an integral part of the environment.



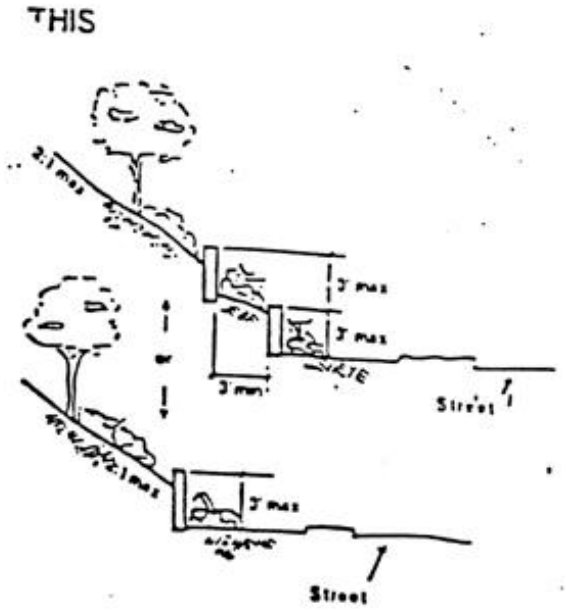
D. Natural drainage courses should be preserved and enhanced to the extent possible. Rather than filling them in, drainage features should be incorporated as an integral part of the project design.

Sec. 6 Access and parking.

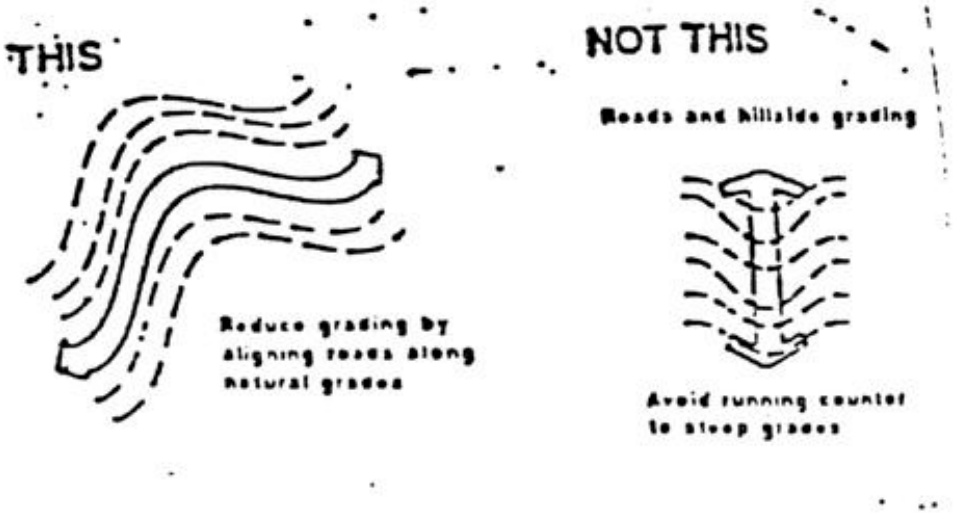
A. Standards.

1. Normal driveway slopes should not exceed fifteen (15) percent. Driveway grades up to a maximum of twenty (20) percent may be permitted under sever grading circumstance if approved by the city engineer, and shall be aligned with the natural contours of the land. Proper design considerations shall be employed, including such items as vertical curves and parking landings. In any case, parking landings shall be utilized on all drives over ten (10) percent grade.

2. Grooves for traction shall be incorporated into the construction of driveways with a slope of twenty (20) percent or combine a coarse paving matter into the construction.



3. Where retaining walls are necessary adjacent to roadways or within street setbacks, they shall be limited to three feet in height in order to avoid obstruction of motorists' and pedestrians' field of view, and to create an aesthetically pleasing streetscape. No more than three, three foot high terraced or stepped retaining wall shall be utilized which are separated by a minimum of three feet and appropriate landscaping. Slopes not greater than fifty (50) percent (or 2:1) will be permitted upon review and approval by the fire marshall.
4. Driveways shall enter public/private streets maintaining adequate line of sight.
5. Cul-de-sacs to a maximum of seven hundred fifty (750) feet in length may be permitted with a maximum of thirty (30) dwelling units, and to a maximum of one thousand (1,000) feet in length with a maximum of twenty (20) dwelling units and shall terminate with a turn around area not less than thirty-five (35) feet in radius to curb face. Interim dead-end roads which will be extended in the future shall not be defined as cul-de-sacs.
6. In major subdivisions with only one primary access, a secondary emergency access shall be provided.
7. All other street improvement standards shall conform to standard plans and specifications for public streets of the city of Colfax, or as approved for each individual project.
8. The planning commission or city council may approve modifications to the above right-of-way design standards provided such modifications are in substantial conformance with the objectives stated in this section, without the need for a variance application.
9. Roadways and driveways, where feasible, should conform to the natural landform. They should not greatly alter the physical and visual character of a hillside by creating large notches in ridgelines or by defining wide straight alignments or by building switch-backs on visually prominent hillside, split sections and parking bays should be utilized in the layout of hillside streets.



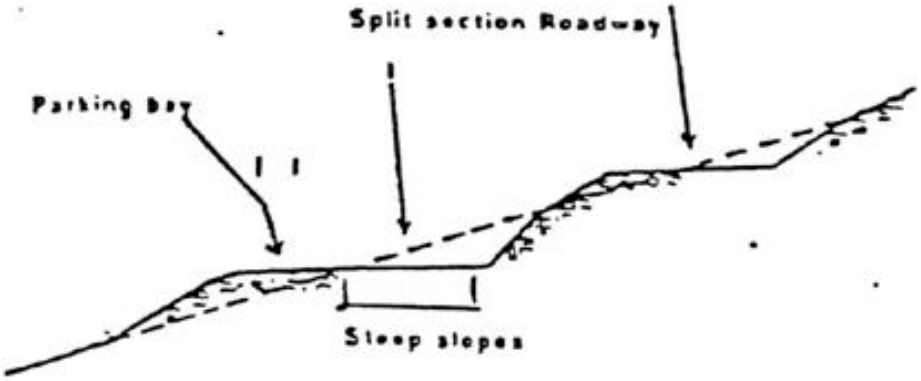
To get from A to B, route selection would be somewhere between perpendicular and parallel to the contours

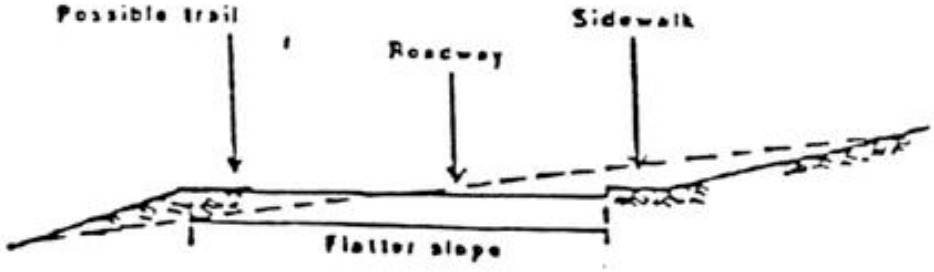
10. Where road construction is permitted in hillside areas, the extent of vegetation disturbance and visual disruption should be minimized by the combined use of retaining structures and regrading to approximate the natural slope. The following techniques should be used where feasible:

    a. Utilize landform planting in order to create a natural appearance and provide a sense of privacy.

    b. Reduce the visual and safety impacts by use of terraced retaining walls and landscaping.

    c. Split roadways increase the amount and appearance of landscaping and the median can be used to handle drainage.

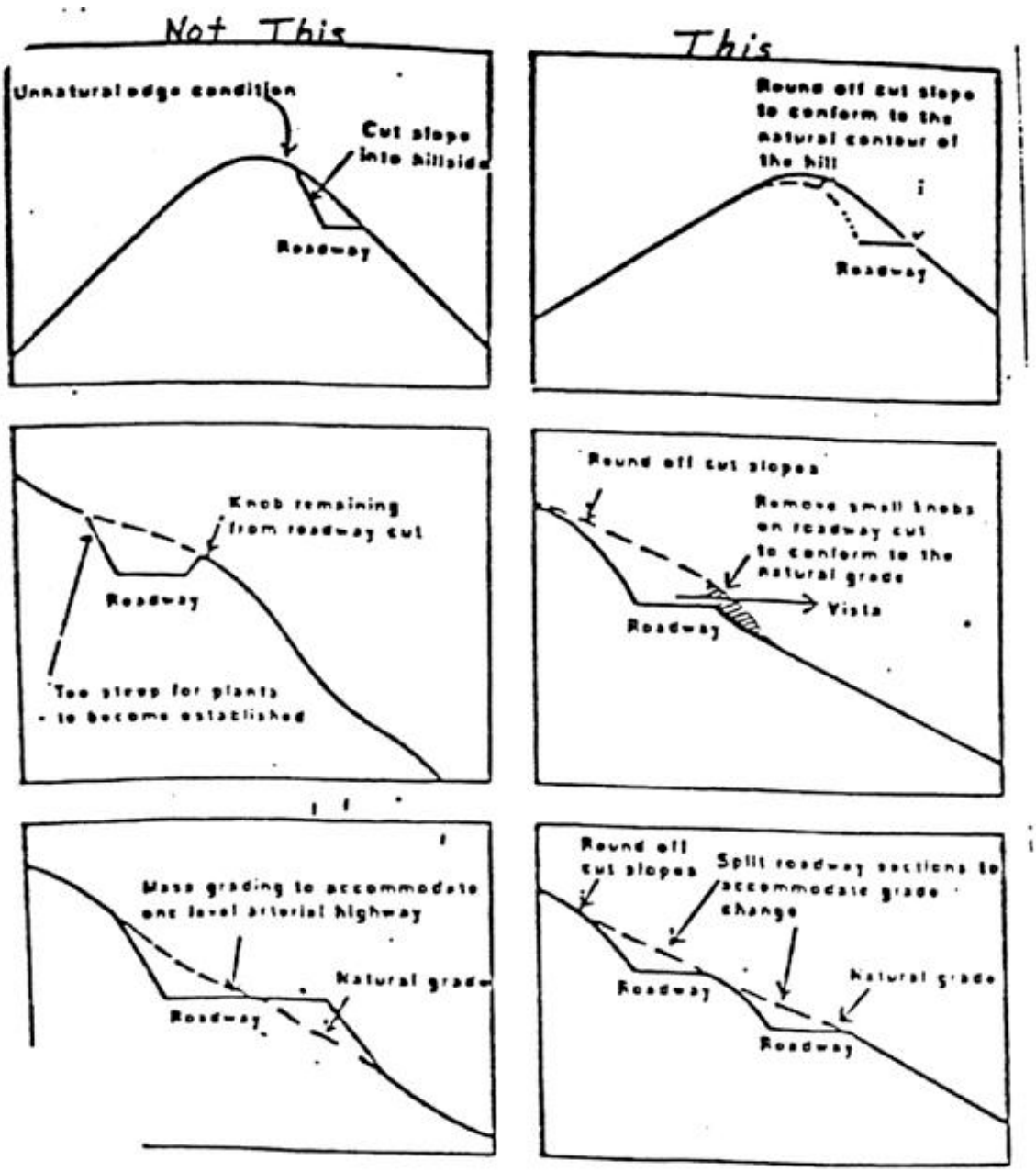




Sec. 7 Trails.

A. Trails are encouraged to be an integral part of a hillside area and can provide recreation areas for equestrian, hiking and biking uses. They can also function as a means to take up grade or to convey drainage.

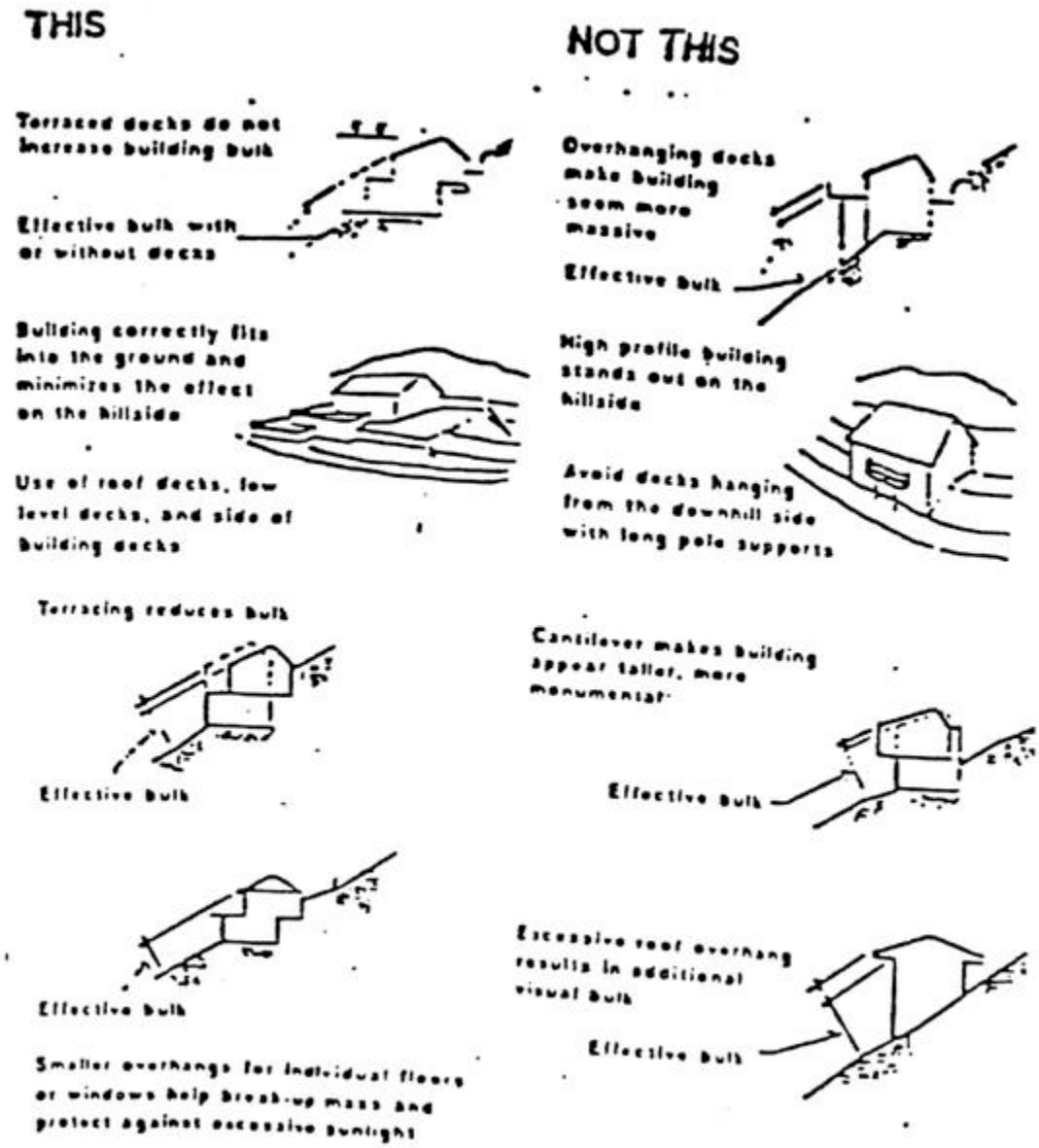
In hillside areas, it is not always necessary to provide full improvements for trails. A more natural experience may be achieved, and the amount of grading required can be reduced, by providing minimal improvements in appropriate areas, such an undevelopable, steep slopes.



Sec. 8 Standards.

A. Standards.

1. The dimensions of a building parallel to the contour lines shall be maximized in order to limit the amount of cutting and filling and to better fit the house to the natural terrain.



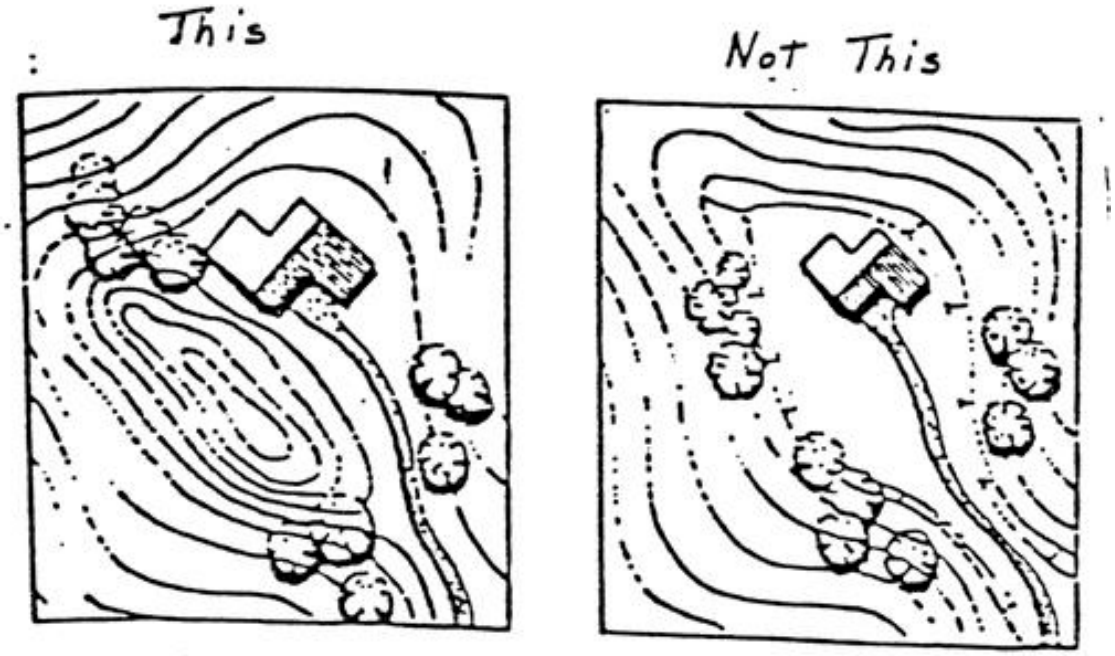
2. Design of building sites should be sensitive to the natural terrain. Structures should be located in such a way as to minimize necessary grading and to preserve natural features such as prominent knolls or ridgelines.

3. Views of significant visual features as seen from both within and outside a hillside development should be preserved. The following provisions shall be taken into consideration:

   a. Dwelling should be oriented to allow view opportunities, although such views may be limited. Residential privacy should not be unreasonably sacrificed.

   b. Any significant public vista or view corridor as seen from a secondary, collector or major arterial should be protected.

4. Projects should incorporate variable setbacks, multiple orientations and other sit planning techniques to preserve open spaces, protect natural features and offer views to residents.



Sec. 9 Architecture.

A. Standards.

1. The form, mass and profile of the individual buildings and architectural features should be designed to blend with the natural terrain and preserve the character and profile of the natural slope. Some techniques which may be considered include:

   a. Split pads, stepped footings and grade separations to permit structure to step up the natural slope.

   b. Detaching parts of a dwelling such as a garage.

   c. Avoid the use of gable ends on downhill elevations. The slope of the roof should be oriented in the same direction as the natural slope and should not exceed natural slope contour by twenty (20) percent.

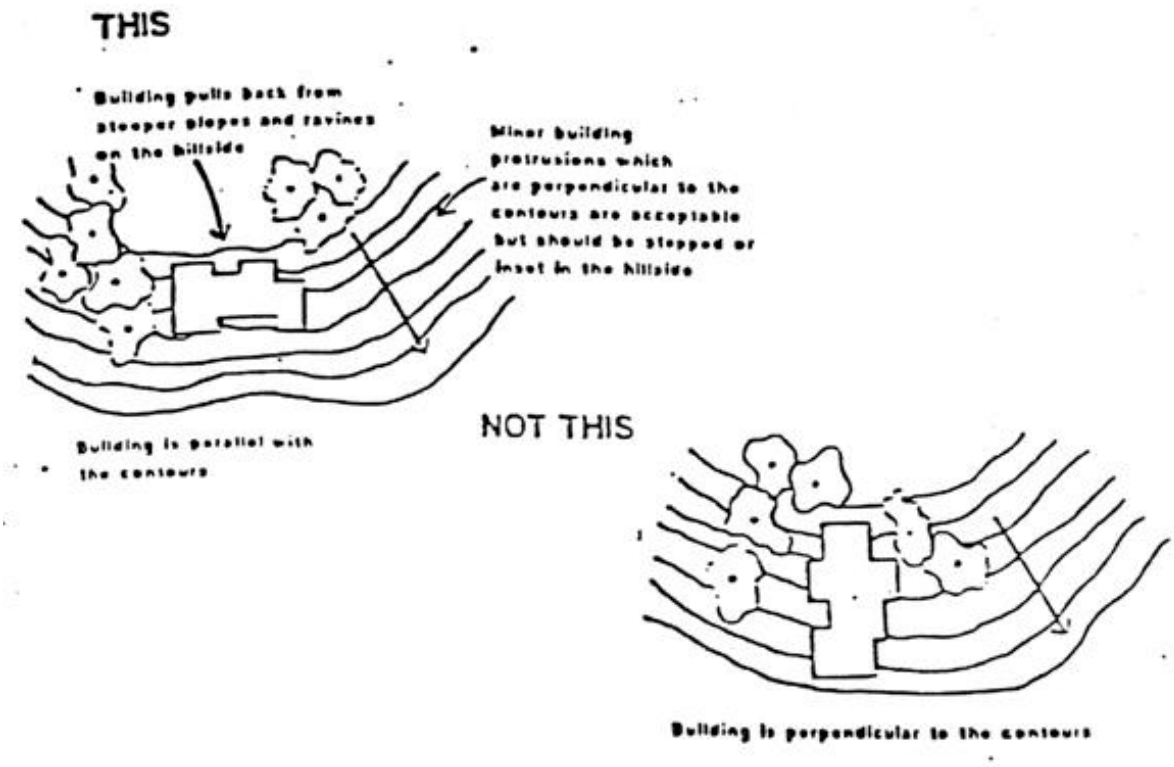
2. Avoid excessive cantilevers on downhill elevations.

3. Excavate underground or utilize below grade rooms to reduce effective bulk and to provide energy efficient and environmentally desirable spaces. However, the visible area of the building shall be minimized through a combined use of regrading and landscaping techniques.

4. Use roofs on lower levels for the deck open space of upper levels.

5. Building materials and color schemes should blend with the natural landscape of earth tones and natural chaparral vegetative growth.

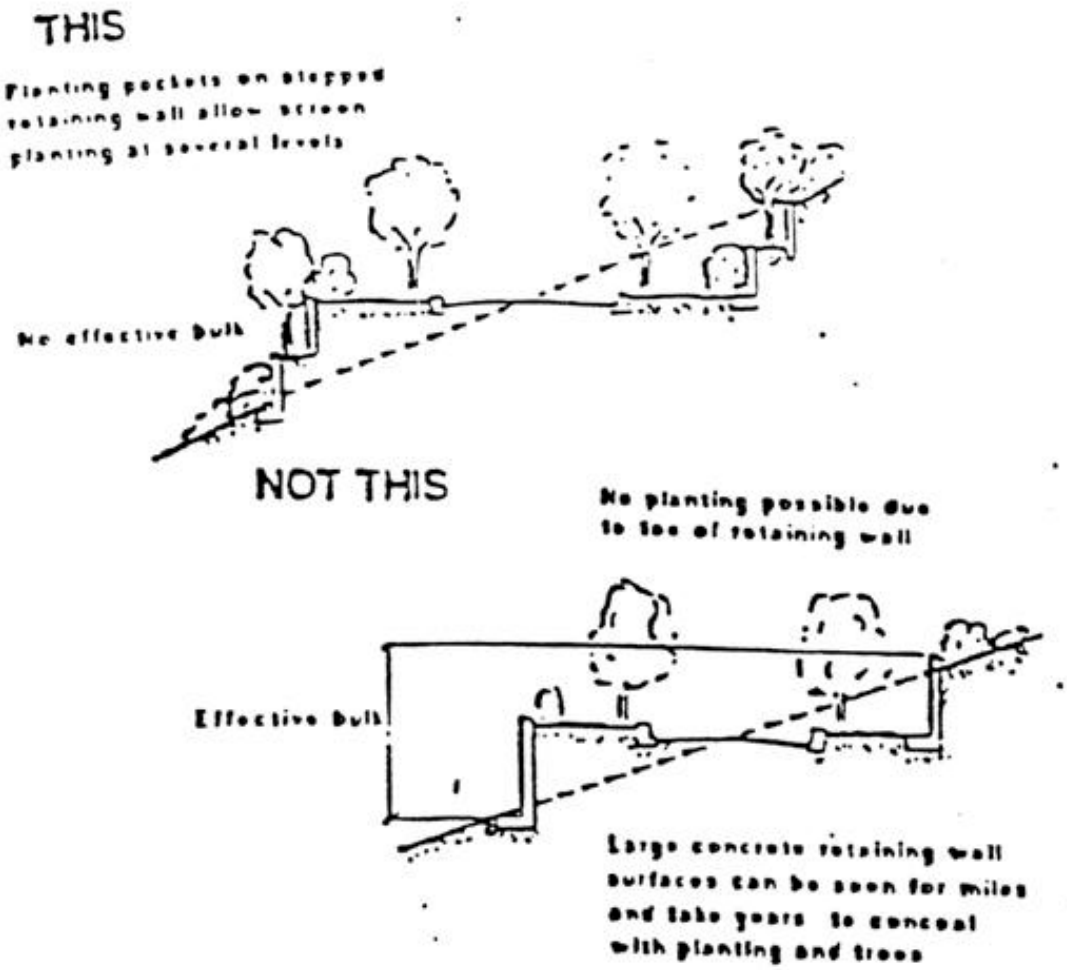
6. To the extent possible, the width of a building measured in the direction of the slope, shall be minimized in order to limit the amount of cutting and filling and to better "fit" the house to the natural terrain.



Sec. 10 Fences and Landscaping.

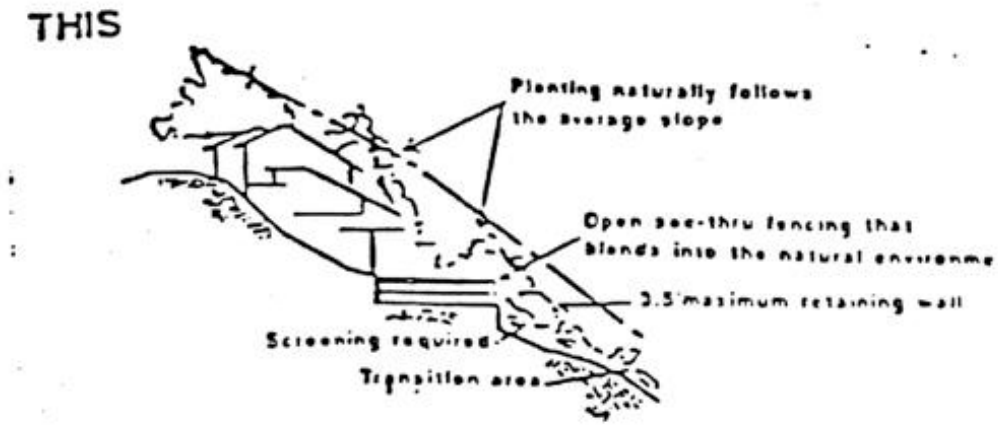
A. Standards.

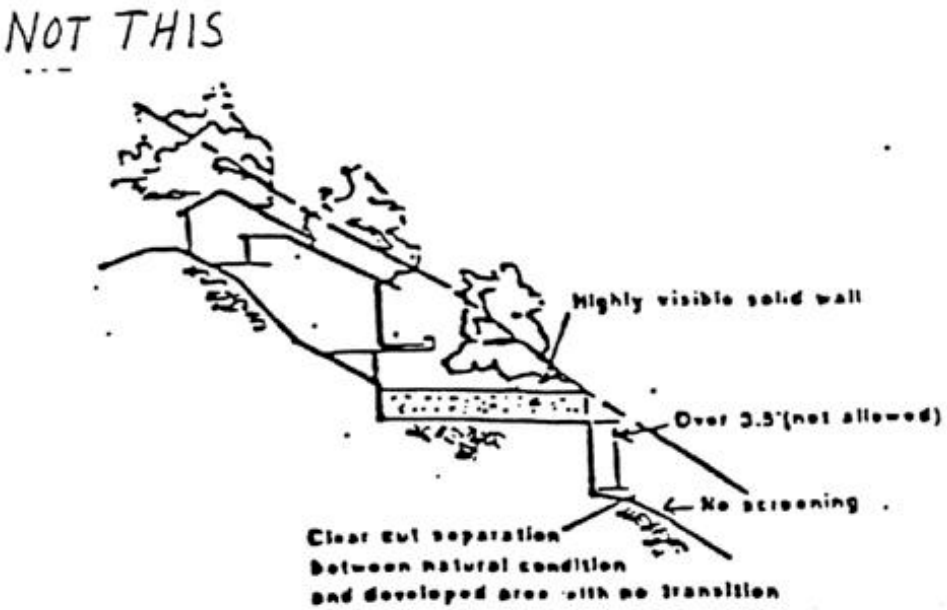
1. Within the front yard (street to structure), walls and fencing, not exceeding six feet in height, visible from roadways or public rights-of-way shall be visually open and non-opaque.
2. Privacy walls and fences, not exceeding six feet in height, are permitted adjacent to structures or in rear yards, in order to provide a private outdoor area. Walls and fences shall be of materials and colors compatible with the structure's facade.
3. Native or naturalized plants or other plant species that blend with the landscape shall be utilized in all areas with required planting.
4. Fire retardant plant materials shall be utilized. Plants selected as ground cover, shrubs or trees shall be from the list as approved by the city.
5. A permanent irrigation system, for purposes of establishing and maintaining required planing, shall be installed on all slopes. The emphasis shall be toward using plant materials that will eventually need minimal irrigation. Water and energy conservation techniques shall be utilized including but not limited to such items as drip irrigation.



6. Slopes with required planting shall be planted with informal clusters of trees and shrubs to soften and vary the slope plane. Where slopes are 2:1 and five feet or greater in height, jute netting shall be used to help stabilize planting and minimize soil erosion.

7. Native vegetation shall be retained and supplemented within canyons and along natural drainage courses as allowed by state and federal resource agencies (State Department of Fish & Game, U.5. Fish and Wildlife, U.S. Army Corp. of Engineers).

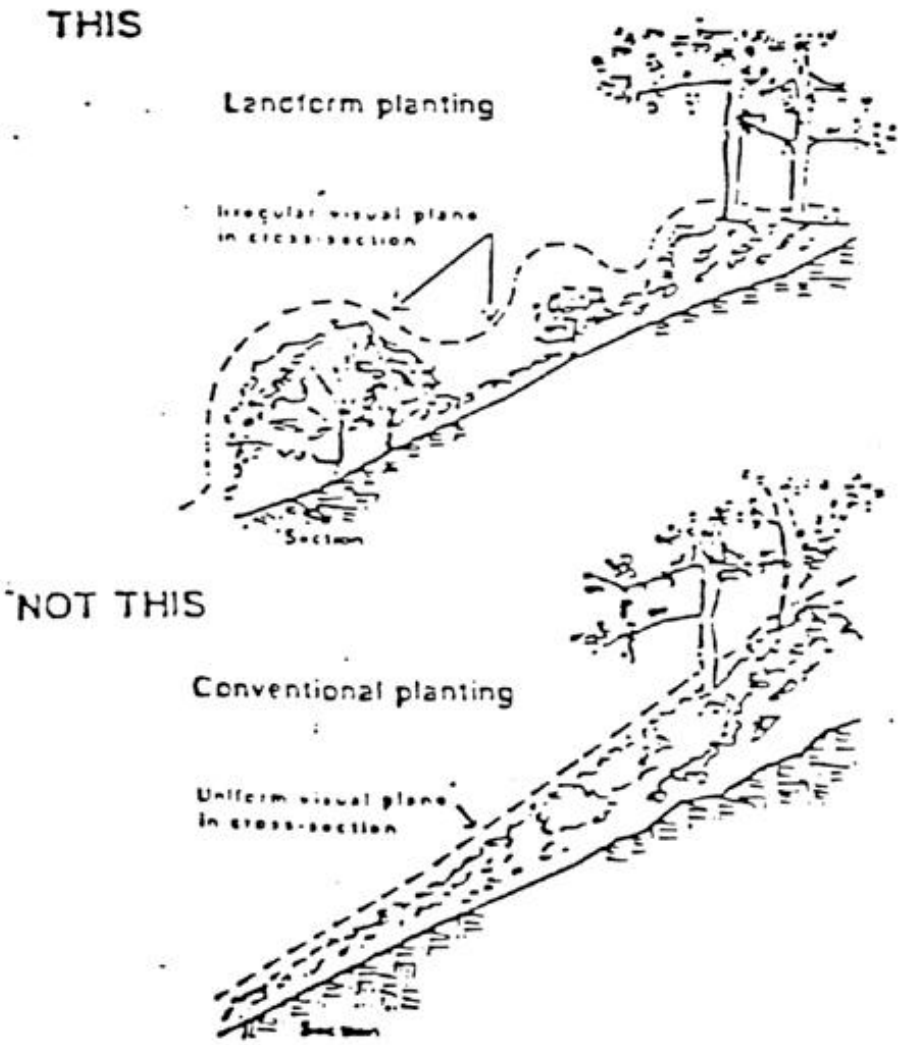




8. Natural landform planting should be used to soften manufactured slopes, reduce impact of development on steep slopes or ridgelines, and provide erosion control.

9. Maintain a "vegetative backdrop" by replanting with approved trees. The vegetation should screen structures to the extent possible at maturity and preserve the appearance of the natural hillside.

10. Natural landform planting should be used to soften manufactured slopes, reduce the impact of development on steep slopes or ridgelines, and provide erosion control.



Chapter 16.60 - WATER SUPPLY AND FIRE PROTECTION

Sections:

16.60.010 - Water supply system.

16.60.020 - Fire hydrants.

16.60.030 - Water services.

16.60.010 - Water supply system.

The water supply system shall be constructed in accordance with the Standard Specifications of Placer County water agency. Water mains shall not be less than six inches in diameter when installed as part of an approved "loop system" or a minimum of eight inches when installed as an approved "dead end line." Fire flow shall meet the requirements of the Colfax fire chief or city council.

(Prior code § 9-1.1710)

16.60.020 - Fire hydrants.

Fire hydrants shall be of such type and shall be installed at such locations as shown on the plans as approved by the fire chief and the city engineer.

(Prior code § 9-1.1715)

16.60.030 - Water services.

In any subdivision in which water mains and street improvements have been or are to be installed, the subdivider, before paving or otherwise completing the surface of the streets, shall install water service, excluding a water meter, to the back of the curb for each lot designated to receive water service from a water main in the street.

(Prior code § 9-1.1720)

Chapter 16.64 - SANITARY SEWERS

Sections:

16.64.010 - Provision of sanitary sewers.

16.64.020 - Standards for the design of septic tanks and leaching fields.

16.64.030 - Street sewer mains and house sewer connections.

16.64.010 - Provision of sanitary sewers.

The developer shall make adequate provision for the disposal of all sanitary wastes which will originate within the proposed project by connection to the sanitary sewer system of the city or any other public sewer system as approved by the city engineer. If the developer can establish to the satisfaction of the city engineer that it is in the public interest, sewage collection and disposal may be accomplished through the use of septic tanks or a community sewage treatment plant constructed by the developer and operated by the city. The city may require dedication of on-site sewers when extension of service to adjacent properties is anticipated. Sewers and easements shall be extended to property lines where required.

(Prior code § 9-1.1810)

16.64.020 - Standards for the design of septic tanks and leaching fields.

When septic tanks and leaching fields are approved, the installations shall meet all the requirements specified by the environmental health department of the county and the city engineer.

(Prior code § 9-1.1815)

16.64.030 - Street sewer mains and house sewer connections.

Street sewer mains and house sewer lines shall be constructed in accordance with the Standard Specifications and shall be designed to meet the following minimum standards:

A. Capacity. House sewer connecting lines shall be designed to carry the flow from contributing areas. Assuming that each single-family unit will contribute three hundred (300) gallons of sanitary waste each twenty-four (24) hours and providing for a peak load of three times the average flow, no sewer main shall be smaller than eight inches in diameter, unless otherwise approved by the city engineer. Capacity for infiltration inflow shall be included. Sewers shall be sized to accommodate upstream watershed area flows where required by the city engineer. An increase in pipe size over the eight-inch diameter minimum may qualify for cost reimbursement.

B. Grades. A minimum grade of forty hundredths percent shall be maintained for all eight-inch or six-inch sewers constructed in subdivisions, unless otherwise approved by the city engineer.

C. Manholes. Manholes shall be provided at all changes in grade and at all changes in direction, but in no case shall be spaced farther apart than four hundred (400) feet center to center, except in situations which justify or require variations from this requirement. Drop manholes shall be provided where the inlet is more than two feet above the invert of the manhole.

D. Materials for Sewer Mains and House Sewers. Sewer mains and house sewers in industrial subdivisions shall be constructed SDR-35 of poly-vinyl chloride sewer pipe or extra strength vitrified clay pipe, unless otherwise approved by the city engineer.

E. House Sewers. The subdivider, unless otherwise approved by the city engineer, shall install a wye branch in the sewer main for each lot in the project and a four-inch connection house sewer shall be constructed of poly-vinyl chloride or vitrified clay pipe unless otherwise approved by the city engineer. The location of all houses sewers shall be clearly marked by the letter "S" at least three inches in height, marked in the curb face. Cleanouts shall be constructed at the property lines of all sewer laterals.

F. Computations. The city engineer may require the submission of computations to indicate compliance with the standards set forth in this section.

G. Costs of Connections to Existing Sewer Mains. The cost of constructing to connect the project sewer mains to the existing city sewer mains shall be borne by the developer.

H. Sewers Along Curves. Sanitary sewers may be installed on horizontal or vertical curves which conform to the curves of the street with the approval of the city engineer. The manholes for such curves shall be installed at locations approved by the city engineer.

I. Pumping stations shall be constructed where required according to standards set by the city engineer.

(Prior code § 9-1.1820)

Chapter 16.68 - STORM DRAINAGE

Sections:

16.68.010 - Provision of storm drainage facilities.

16.68.020 - Existing watercourses.

16.68.030 - Existing open watercourses.

16.68.040 - Runoff within the project.

16.68.050 - Storm water inlets.

16.68.060 - Drop inlet grates.

16.68.070 - Storm drain design.

16.68.080 - Placer County Storm Management Manual adopted.

16.68.010 - Provision of storm drainage facilities.

The developer shall provide adequate facilities for carrying storm water originating above and within the project through the project to an adequate storm drainage facility approved by the city engineer. Such facilities shall be constructed in accordance with the Standard Specifications and meet the minimum standards set forth in this chapter.

(Prior code § 9-1.1910)

16.68.020 - Existing watercourses.

All watercourses shall be carried through the project over a dedicated right-of-way. Where such design flow can be accommodated in an enclosed conduit forty-eight (48) inches or less in diameter, the approving agency may require that the flow be carried in a conduit. All other drainage facilities in the downstream from the tract shall be enclosed in a conduit to an adequate storm drainage facility approved by the city engineer. Where runoff is increased, impacts to downstream locations shall be studied and identified impacts shall be mitigated.

(Prior code § 9-1.1915)

16.68.030 - Existing open watercourses.

Where natural watercourses are permitted, the city may require that a roadway access outside the watercourse be provided for the operation of heavy mechanical equipment for cleaning. The grading plan for the proposed roadway access shall be presented with the tentative map.

(Prior code § 9-1.1920)

16.68.040 - Runoff within the project.

Surface runoff within paved project areas shall be conveyed wherever possible in gutter pans or pipes. Valley gutters shall be allowed only with the specific approval of the city engineer. Concentrated runoff in site areas shall be conveyed in improved swales, ditches, channels or piping.

(Prior code § 9-1.1925)

16.68.050 - Storm water inlets.

Where surface runoff enters the underground conduits, such entrances shall be through a storm water inlet constructed in accordance with the Standard Specifications.

(Prior code § 9-1.1930)

16.68.060 - Drop inlet grates.

Drop inlet grates shall conform to standards for bicycle use in all paved areas.

(Prior code § 9-1.1935)

16.68.070 - Storm drain design.

The storm drain system shall be designed in accordance with the uniform storm drain design standards as developed and adopted by Placer County or the city.

(Prior code § 9-1.1940)

16.68.080 - Placer County Storm Management Manual adopted.

A. The Placer County Storm Management Manual is adopted by reference and is to be used by the city as the basis for all master drainage plans. The city agrees to submit to flood control district review and all local drainage plans.

B. By adoption of the above manual the city adopts the Placer County drainage standards and policies for implementation of public improvements contained therein, however, the city engineer, in his or her discretion, may accept calculation methods which differ from those contained in the above document that may be more suited for small watersheds.

(Prior code § 9-1.1941)

Chapter 16.76 - LOT DESIGN

Sections:

16.76.010 - Buildable lots.

16.76.020 - Lot sizes.

16.76.030 - Lot lines.

16.76.040 - Public facilities.

16.76.050 - Large lot subdivision.

16.76.060 - Block lengths.

16.76.070 - Slope limitations.

16.76.010 - Buildable lots.

All subdivisions should result in the creation of lots which are developable and capable of being built upon without variances. Subdivisions should not create lots which are impractical or impossible to improve because of steepness of terrain, locations of watercourses or other natural physical conditions. All lots or parcels created by the subdivision of land shall have access to a public street or an approved private street.

(Prior code § 9-1.2110)

16.76.020 - Lot sizes.

Lots shall have such minimum sizes and dimensions as are required by the zoning provisions. Greater lot sizes and dimensions may be required for lots abutting freeways, parkways or major streets, corner lots, lots on approved private streets, lots adjacent to, abutting or fronting upon nonresidential zoned districts and lots abutting creeks or drainage ditches.

(Prior code § 9-1.2115)

16.76.030 - Lot lines.

The side lines of all lots shall generally be at right angles to the street which the lot faces or radial or approximately radial, if the street is curved.

(Prior code § 9-1.2120)

16.76.040 - Public facilities.

Due consideration shall be given to the providing of suitable areas for schools, churches, parks, playgrounds and other facilities to be acquired for public use or reserved for the common use of all property owners within the proposed subdivision by covenant in the deeds.

(Prior code § 9-1.2125)

16.76.050 - Large lot subdivision.

Where a parcel is first subdivided into small farms or acre tracts, the blocks shall be of such size and shape and shall be so divided, as to provide for the opening of major and secondary streets and for the extension and opening of streets and alleys at such intervals as will permit a subsequent division of any parcel into lots of smaller size.

(Prior code § 9-1.2130)

16.76.060 - Block lengths.

Blocks shall not exceed one thousand two hundred (1,200) feet in length between street lines in standard residential and industrial subdivisions. Block lengths in hill area subdivisions may vary from such standard when approved by the city engineer who shall have consideration to the following factors in granting such approval:

A. The economic development of the land;

B. The ability to supply utility services; and

C. Traffic safety.

(Prior code § 9-1.2135)

16.76.070 - Slope limitations.

Lot design on new subdivision maps shall conform to Section 16.56.170 of this title.

(Ord. 405 § 2, 1993: prior code § 9-1.2140)

Chapter 16.80 - SOLAR ENERGY

Sections:

16.80.010 - Natural heating and cooling requirements.

16.80.020 - Natural heating requirements.

16.80.030 - Natural cooling requirements.

16.80.010 - Natural heating and cooling requirements.

All subdivisions requiring a tentative map shall provide for future passive or natural heating or cooling opportunities in the subdivisions to the extent the same may be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. The provisions of this chapter shall not reduce densities or the percentage of lot coverage otherwise permitted by any building or structure and shall not apply to condominium projects of existing structures when no new structures are constructed.

(Prior code § 9-1.2010)

16.80.020 - Natural heating requirements.

Passive or natural heating opportunities in subdivision design shall include, but not be limited to, consideration of the following:

A. The design of lot size and configuration to permit the orientation of a structure in an east-west alignment for southern exposure;

B. The local climate;

C. The contours;

D. The configuration of the parcel to be divided; and

E. Other design and improvement requirements.

(Prior code § 9-1.2015)

16.80.030 - Natural cooling requirements.

Passive or natural cooling opportunities in subdivision design shall include, but not be limited to, consideration of the following:

A. The design of lot size and configuration to permit the orientation of a structure to take advantage of shade or prevailing winds;

B. The local climate;

C. The contours; and

D. Other design and improvement requirements.

(Prior code § 9-1.2020)

Chapter 16.84 - MISCELLANEOUS REQUIREMENTS

Sections:

16.84.010 - Building permits.

16.84.020 - Certificates of occupancy.

16.84.030 - Violation—Penalty.

16.84.010 - Building permits.

No building permit shall be issued by the building official for any building or improvement other than the improvements required to be constructed as a condition of the approval of a tentative map or parcel map until such time as all fire access and fire protection facilities and improvements required by any tentative subdivision map or parcel map have actually been installed by the developer and approved by the fire chief.

(Prior code § 9-1.2310)

16.84.020 - Certificates of occupancy.

No certificate of occupancy for any residential, commercial or industrial use shall be issued by the building official until such time as all the improvements required by any tentative subdivision map or parcel map or permit for site development work have actually been installed by the developer, inspected by the city building official and if appropriate, approved by the council.

(Prior code § 9-1.2315)

16.84.030 - Violation—Penalty.

Any subdivision contrary to the provisions of this title or any violation of the provisions of this title or any offer to sell or contract to sell or any sale contrary to the provisions of this title shall be a misdemeanor and any person, form, corporation, partnership or copartnership upon conviction thereof, shall be punishable as set forth in Chapter 1.24 of this code; provided, however, the provisions of this section shall not be deemed to bar any legal, equitable or summary remedy to which the city or any other political subdivision or any person, firm, corporation, partnership or copartnership may otherwise be entitled and the city or any other political subdivision or person, firm, corporation, partnership or copartnership may file a suit in the superior court of the county to restrain or enjoin any attempted or proposed subdivision or sale in violation of the provisions of this title.

(Prior code § 9-1.2320)

Title 17 - ZONING [1]

Chapters:

ARTICLE I. - GENERAL PROVISIONS

ARTICLE II. - ADMINISTRATION AND PROCEDURES

ARTICLE III. - USE AND ZONE DISTRICT REGULATIONS

ARTICLE IV. - GENERAL DEVELOPMENT REGULATIONS

ARTICLE V. - SPECIAL AREA AND SPECIFIC USE REGULATIONS

FOOTNOTE(S):

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Editor's note— Ord. No. 519, adopted Aug. 8, 2012, repealed Tit. 17 in its entirety and enacted a new Tit. 17 to read as set out herein. Former Tit. 17, Chs. 17.04—17.112, pertained to similar subject matter. See the Ordinance List and Code Comparative Table and Disposition List for a complete derivation. (Back)

ARTICLE I. - GENERAL PROVISIONS

Chapter 17.04 - INTRODUCTORY PROVISIONS

Chapter 17.08 - INTERPRETATIONS

Chapter 17.12 - DEFINITIONS

Chapter 17.16 - ESTABLISHMENT AND DESIGNATION OF DISTRICTS

Chapter 17.20 - ZONING MAP

Chapter 17.04 - INTRODUCTORY PROVISIONS

Sections:

17.04.010 - Title.

17.04.020 - Adoption.

17.04.030 - Purpose.

17.04.010 - Title.

This title shall be known and may be cited as the zoning law of the city.

(Ord. No. 519, 8-8-2012)

17.04.020 - Adoption.

There is adopted a zoning plan for the city.

(Ord. No. 519, 8-8-2012)

17.04.030 - Purpose.

The purpose of this title is to promote and protect the public health, safety, peace, morals, comfort and general welfare of the city. The zoning plan consists of the establishment of various districts, including therein all the territory within the boundaries of the city, within some of which districts is lawful and within some of which it is unlawful, to erect, construct, alter or maintain certain buildings or to carry on certain trades or occupations or to make certain uses of land and/or within which certain open spaces shall be required about buildings. The zoning plan also consists of appropriate regulations to be enforced in such districts.

(Ord. No. 519, 8-8-2012)

Chapter 17.08 - INTERPRETATIONS

Sections:

17.08.010 - Purpose.

17.08.020 - Rules of interpretation.

17.08.030 - Authority for interpretations.

17.08.010 - Purpose.

This chapter specifies the authority and procedures to insure the consistent interpretation and application of the requirements of this title.

(Ord. No. 519, 8-8-2012)

17.08.020 - Rules of interpretation.

A. Minimum Requirements. The provisions of this title shall be deemed to be the minimum standards required for the protection of the public health, safety, and welfare.

B. Conflicting Requirements. Where the provisions of this ordinance impose a more stringent development requirement or a greater restriction upon the use of buildings or land than are imposed or required by other laws, rules, and regulations, or by easements, covenants, or agreements, the planning director, acting in the best interest of the city, shall make a determination which requirements or restrictions shall govern.

C. Conflicts Between Provisions. In the event of any conflict between the respective articles in this title, the provisions of such articles shall be read together and the planning director, acting in the best interest of the city, shall make a determination which regulations shall govern.

D. Single Lot in Multiple Zoning Districts. In the event two or more lots are merged through the approval of a lot line adjustment, parcel or tentative map in compliance with Title 16 of this code (subdivisions), such that a single lot is covered by two or more zoning districts, the uses of that parcel shall be consistent with the zoning district as shown for the portion of the lot on which the use is proposed to be placed.

E. Uncertainties in Zoning District Boundaries. Where the boundaries of any zoning district shown on the zoning map are uncertain, the planning director shall apply the rules set forth in Section 17.20.040 regarding boundary determinations.

(Ord. No. 519, 8-8-2012)

17.08.030 - Authority for interpretations.

The planning director shall have the authority to issue administrative interpretation of the provisions of this title to resolve ambiguities.

A. Record of Interpretations. Whenever the planning director determines that the applicability or meaning of any of the standards in this title is ambiguous, the planning director may issue an official interpretation. Official interpretations shall be in writing, and shall cite the provisions being interpreted, together with an explanation of their meaning or applicability in the particular or general circumstances that caused the need for interpretation. Any provision of this title that is determined by the planning director to be ambiguous shall be clarified by amendment as soon as is practical. The planning director shall maintain a complete record of all official interpretations available for public review, indexed by the section number of this title that is the subject of the interpretation.

B. Appeal. Interpretations by the planning director may be appealed to the city manager pursuant to Chapter 17.44

(Ord. No. 519, 8-8-2012)

Chapter 17.12 - DEFINITIONS

Sections:

17.12.010 - Purpose.

17.12.020 - General rules for construction of language.

17.12.030 - Definitions (A—Z).

17.12.010 - Purpose.

This chapter provides definitions of the terms and phrases used in this title that are technical or specialized, or that may not reflect common usage. This chapter also determines how language used throughout the title will be construed. Where any of the definitions in this chapter may conflict with definitions in other titles of the Colfax Municipal Code, these definitions prevail for the purposes of this title.

(Ord. No. 519, 8-8-2012)

17.12.020 - General rules for construction of language.

The meaning and construction of words and phrases as set forth shall apply throughout this title, except where the context of such words or phrases clearly indicates a different meaning or construction. Definitions contained in the California Building Code shall be applicable except when in conflict with definitions contained in this title, in which case the zoning definition shall apply. The following general rules of construction shall apply to the textual provisions of this title:

A. Headings. The section and subsection headings of this title do not govern, limit, modify, or in any manner affect the scope, meaning or intent of any provision of this title.

B. Illustrations. In case of any difference of meaning or implication between the text of any provision and any illustration, the text of the provision shall control.

C. Shall, May and Should. "Shall" is always mandatory and not discretionary. "May" is permissive or discretionary. "Should" is advisory and not mandatory.

D. Tense, Number, and Gender. Words used in the present tense include the past and future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary. The masculine and feminine genders are both inclusive of the masculine, feminine, and neuter.

E. Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

"And" indicates that all connected items or provisions shall apply.

"Or" indicates that the connected items or provisions may apply singly or in any combination.

"Either…Or" indicates that the connected items or provisions shall apply singly but not in combination.

(Ord. No. 519, 8-8-2012)

17.12.030 - Definitions (A—Z).

Definitions are as hereafter set forth in this chapter.

"Actual construction" means the actual placing of construction materials in their permanent position and fastening them in a permanent manner, actual work in excavating a basement or the demolition or removal of an existing structure begun preparatory to rebuilding.

"Accessory use or structure" means a use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

"Agent of owner" means any person certified in writing by the property owner as his or her agent.

"Alley" means a public or private way not more than thirty (30) feet wide which affords only secondary access to abutting property.

"Amendment" means any change, modification, deletion, or addition to the wording, text or substance of this title or any change, modification, deletion, or addition to the application of this title to property within the City of Colfax, including any alteration in the boundaries of a zone district, when adopted by ordinance passed by the city council in the manner prescribed by law.

"Antenna" means a device used in communications which transmits or receives radio signals. Common forms of antennae are panel arrays and whip antennas. Panel arrays are designed to concentrate a radio signal in a particular area and are typically flat and rectangular in design. Whip antennas transmit a signal 360 degrees and are cylindrical with an 18-foot height limit.

1. Co-location. Locating wireless communications equipment from more than one provider on a single site.
2. Dish Antenna. A dish-like antenna used to link communication sites together by wireless transmission of voices or data. Also called microwave antenna or microwave dish antenna.
3. Equipment Building, Shelter or Cabinet. A structure designed and used to house equipment used by telecommunication providers at a facility.
4. Monopole. A structure of a single spire used to support communications equipment.
5. Related Equipment. All equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.
6. Satellite Antennas. A satellite antenna is a dish like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.
7. Stealth Facility. Any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to link like light poles. Also called concealed antennas.
8. Telecommunication Facility. A land use facility supporting antennas and microwave dishes that sends and/or receives radio-frequency signals. Communication facilities include structures (aka monopole, towers) and accessory buildings.

9. Telecommunication Tower. A mast, pole, monopole or guyed or lattice, free-standing tower designed and primarily used to support antennas, to include dishes, arrays and similar devices.

"Automobile or trailer sales area" means an open area used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

"Automobile repair, major" means the general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision service, including body, frame or fender repair and overall painting.

"Automobile service station" means a place where gasoline or any other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles and where services are performed, including tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, automobile washing (not including mechanical washes) and the replacement of spark plugs, lights, fan belts and other small parts.

"Basement" means a story whose floor is more than twelve (12) inches below the average level of the adjoining ground but where no more than one-half of its floor-to-ceiling height is below the average contact level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement and as a half-story for the purposes of side yard determinations, when usable as a dwelling. (Also see "cellar," of this chapter.)

"Block" means a tract of land bounded by streets, railroad rights-of-way, watercourses, a city boundary or large areas devoted to such uses as schools, parks, institutions or major industries.

"Boarding or lodging house" means a dwelling or part thereof, where meals and/or lodging are provided for compensation for three or more persons not transients and other than for members of the resident family.

"Building" means any structure having a roof supported by columns or walls and used or intended to be used, for the shelter or enclosure of persons, animals or property. "Building" shall include structure. (Also see "structure," of this chapter.)

"Building, main" means a building in which is conducted the principal use of the building site on which the main building is situated. A dwelling in any residential district shall be deemed to be a main building on the building site on which the dwelling is located.

"Building, significant" means a building which has special historic significance and is listed on the National Register of Historic Places or California Register of Historic Places. Significant buildings are listed in subsection 17.200.030A of this title.

"Bus depot or station" means a place of business serving as a point of arrival or departure for passengers traveling by intercity or interstate bus, except those buses operated by a governmental entity.

"Camp car" means a vehicle with its own motive power, which camp car is designed for human habitation.

"Camper" means a portable dwelling unit designed to be transported on a motor vehicle.

"Cargo trailer" means a vehicle designed to be drawn by a motor vehicle for the purpose of transporting cargo, including a boat or livestock.

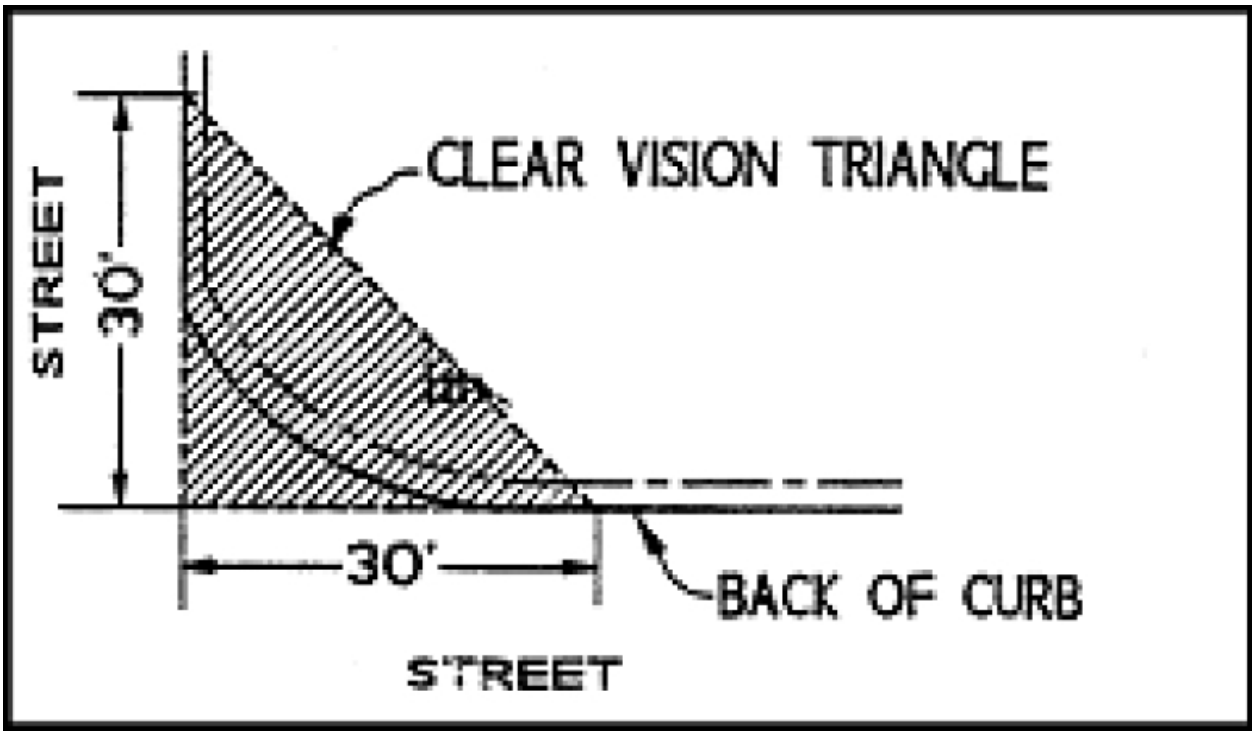
"Carport." See "garage, private," of this chapter.

"Cellar" means a story where more than one-half of its floor-to-ceiling height is below the average contact ground level of the adjoining ground. For the purposes of the height regulations, a cellar shall be counted as a story. (Also see "basement," of this chapter.)

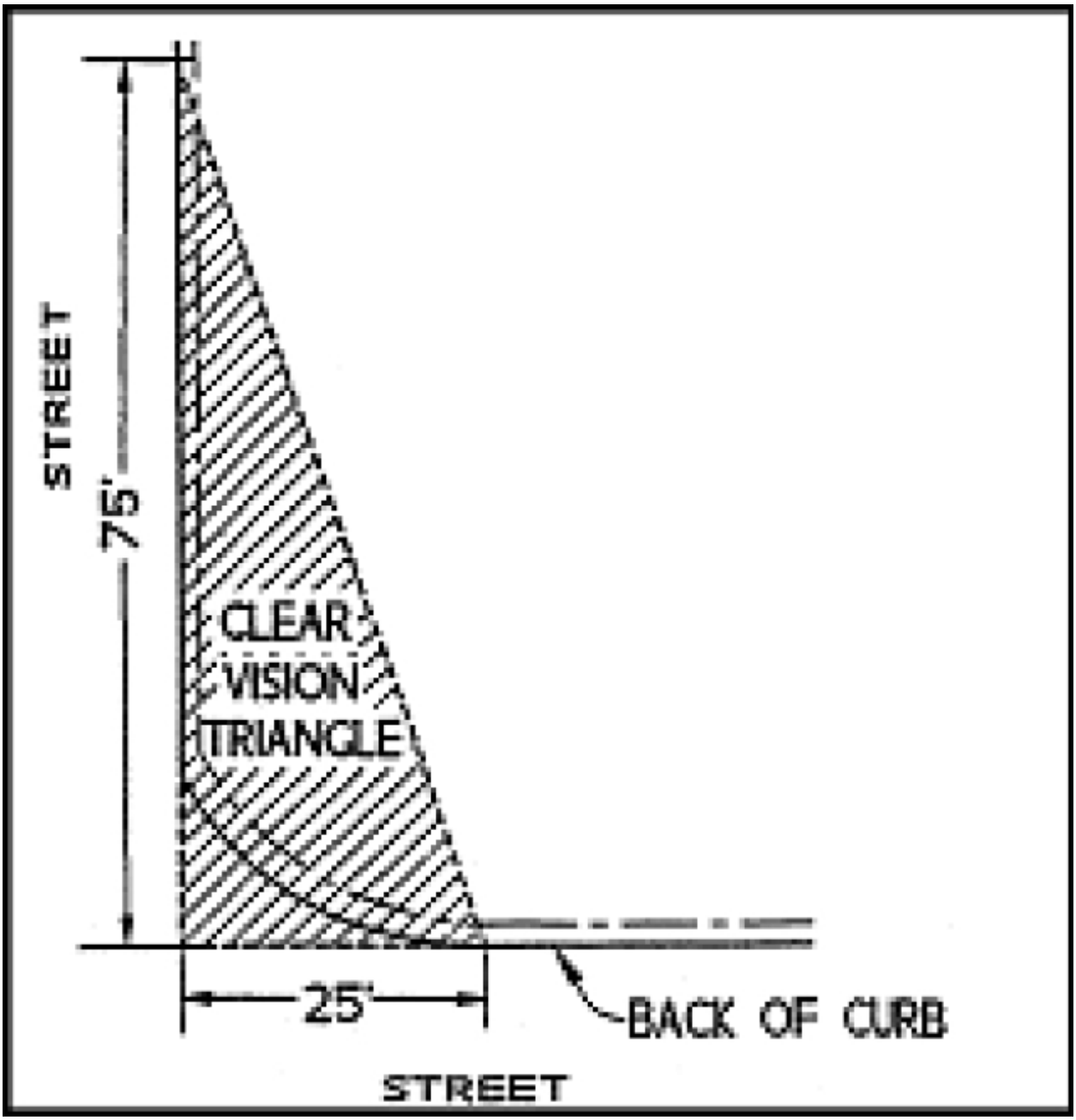
"Chief building official" means the chief building official of the city or any employee lawfully authorized to perform any duty or exercise any power as his or her representative.

"Clear vision triangle, commercial" means that portion of both private property and public right-of-way located at any corner defined by the triangular area created by the diagonal connection of two points

measured thirty (30) feet back from the intersection of the prolongation of points measured along the front and corner street side back of curb (see figure below). The dimensions of the clear vision triangle may be required to be increased if the director of public works determines that additional area is needed to ensure that a potential traffic hazard is not created.



"Clear vision triangle, residential" means that portion of both private property and public right-of-way located at any corner defined by the triangular area created by the diagonal connection of two points measured 25 feet along the front and 75 feet along the side of a property measured from the back of curb. The third side of the clear vision triangle shall be the hypotenuse of the triangle described connecting the other two sides (see figure below). The dimensions of the clear vision triangle may be required to be increased if the director of public works determines that additional area is needed to ensure that a potential traffic hazard is not created.



"Commission" means the Planning Commission of the City of Colfax.

"Community services director" means the community services director of the city or any employee lawfully authorized to perform any duty or exercise any power as his or her representative.

"Construction, beginning of" means any and all action to begin construction, including breaking ground or installation of the foundation of a building or other improvement, and the incorporation of labor and materials to accomplish these preliminary steps.

"Court" means an open space on the same lot with a building, which court is bounded on two or more sides by the exterior walls of buildings on the same lot.

"Coverage" means the percent of the total site area covered by structures other than those excepted by the provisions of this title.

"Crop and tree farming" means the raising for commercial purposes of any truck, field or orchard crop and the necessary buildings incidental to any such crop, wholesale nurseries and greenhouses.

"Days" means calendar days. If the deadline to perform an action required under this title falls upon a weekend, holiday, or a day that the city is not open for business, the deadline shall be extended to the end of the next available business day.

"Density" means the number of dwelling units per gross acre.

"Design guidelines" means the set of guidelines adopted by the City of Colfax, defining elements and dimensions to be followed in site, building design, landscaping and development.

"Development review committee" means any combination of the planning director, community services director, chief building official and city engineer.

"Development standard" means those parts of a zone district and any other regulation of this title which regulates aspects of physical development, including, but not limited to, density, lot area, lot width, lot coverage, building height, and setbacks.

"Distance between residential structures" means the shortest horizontal distance, excluding the roofline, between the vertical walls of two residential structures.

"District" means a portion of the city within which certain uniform regulations and requirements or various combinations thereof, apply under the provisions of this title. "District" shall include "zone" and "zoning district."

"Driveway" means a private road, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel on which such driveway is located.

"Dwelling" means any building or portion thereof, except a tent or trailer, designed or used as the residence or sleeping place of one or more persons. Mobilehomes which are not placed on a permanent foundation will be treated as a trailer for the purposes of this definition. In order to be deemed a residence under the provisions of this title, such buildings shall be used only for residence purposes and for such other purposes as are included under home occupations, as set forth in Chapter 17.152 of this title.

"Dwelling group" means a group of two or more detached dwellings located on a parcel of land where the dwellings and the land are in one ownership and having any yard or court in common.

"Dwelling, multiple" means a building or portion thereof, designed or intended to be used for residence purposes by three or more families or housekeeping units living independently of one another.

"Dwelling, single-family" means a building designed or intended to be used for residence purposes by one family.

"Dwelling, two-family or duplex" means a building designed or intended to be used for residence purposes by two families or housekeeping units living independently of one another.

"Dwelling unit" means one room or a suite of two or more rooms designed or intended to be used by one family for living and sleeping.

"Expansion, building or structure" means an alteration of or an addition to a building/structure that results in an increase in its size, either in extent or bulk, or an increase in its area or volume.

"Expansion, use" means an alteration of a use that results in an increase in its size, either in extent, intensity or in the nature of the activities conducted.

"Family" means an individual or two or more persons related by blood, marriage or adoption or a group of not more than three persons (excluding servants) who need not be related living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

"Fence" means an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

"Filling station." See "automobile service station," of this chapter.

"Floor area" means the gross floor area used or intended to be used, by tenants or for services to customers, patrons, clients or patients, including areas used principally for nonpublic purposes, such as the storage, incidental repair, processing or packaging of merchandise. "Floor area" shall pertain to offices, merchandising or service types of uses.

"Foot lambert" means one foot lambert equaling brightness equivalent to one lumen per square foot reflected from a surface. One lumen per square foot shall be equal to a square foot illuminated evenly by one footcandle at any point.

"Garage, private" means a detached accessory building or a portion of a main building, used or intended to be used, for the storage of vehicles of persons occupying the main building on the lot.

When a garage is used for the storage of a commercial vehicle of more than one and one-half tons capacity or for more than one commercial vehicle of any capacity, such garage shall be deemed to be a public garage.

"Garage, public" means a structure or portion thereof, other than a private garage, used for the storage, sale, care, repair or refinishing of motor vehicles or trailers.

"Gateway/entrances" means the access, ingress, or entrance to a subdivision of land, apartments, condominiums, city, community, region, district, area of open space (example: park, golf course, etc.), or land use established by landscaping, signage, statuary, walls, fences, gates, or lighting that distinguishes the entrance to the land use from other street and properties.)

"General plan" means the City of Colfax General Plan, and all revisions and amendments to the plan.

"Grade plane" means a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building between the structure and a point six feet from the building.

"Group home" means those uses or facilities identified in this title which provide for the care of disabled or supervised individual(s).

"Height, building and other structures" means the vertical distance from grade plane to the average height of the highest roof surface.

"Height, fence or wall" means the height of a fence or wall shall be determined from the highest finished grade on either side of the fence or wall.

"Home occupation" means a commercial activity conducted entirely within the dwelling, clearly incidental and secondary to the use of the dwelling for residential purposes and in accordance with the provisions of Chapter 17.152 of this title.

"Hospital" means an institution for the diagnosis, treatment and care of human illnesses, including facilities for the performance of major surgery.

"Hotel," "motor hotel" and "motel" mean a building or group of buildings, comprising individual sleeping or living units without kitchens, except as otherwise provided in this title, for the accommodation of transient guests.

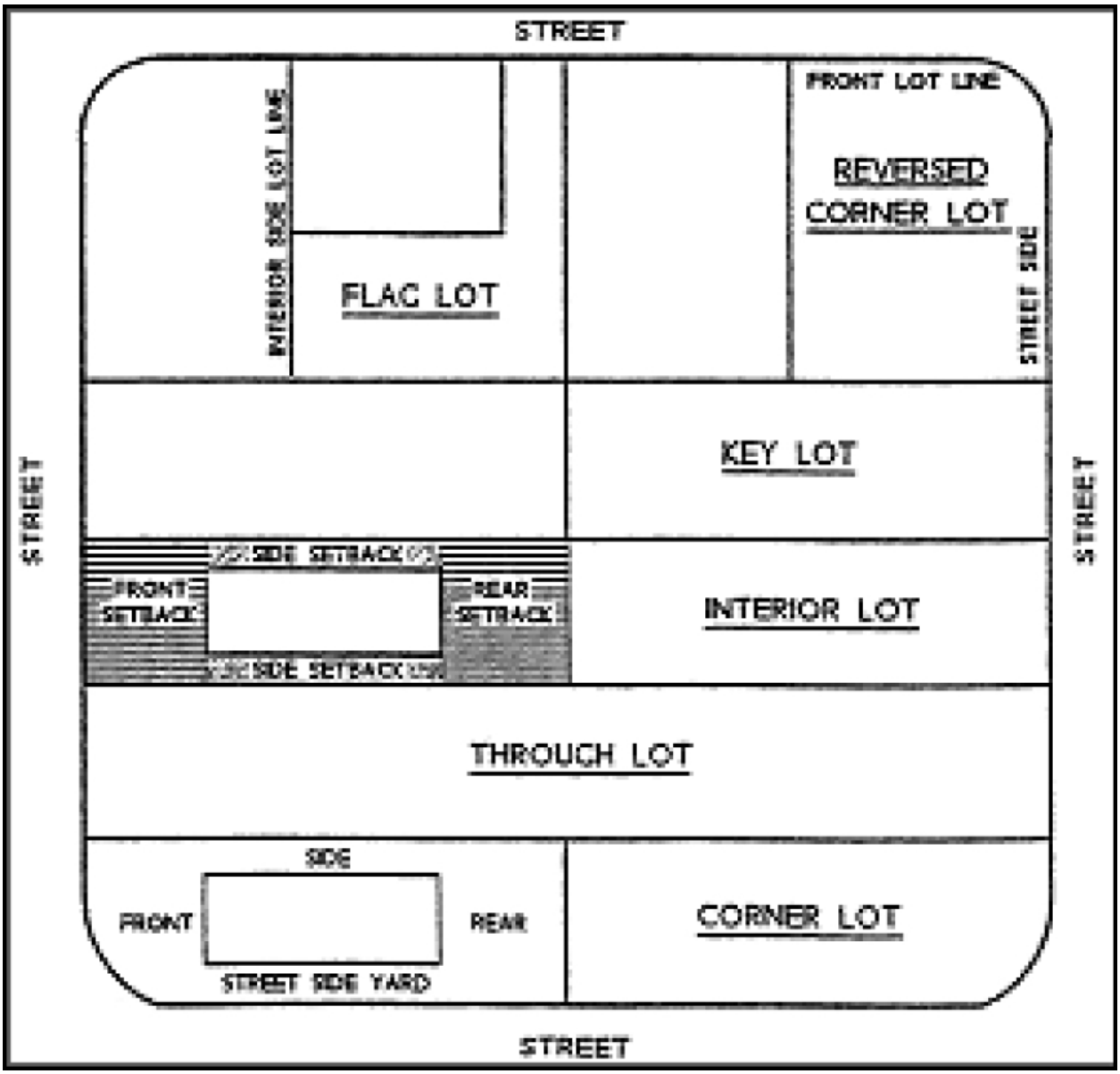
"Landscaped area" means an area devoted to lawn, groundcover, trees, or shrubs or hardscape, and as specified in this title, the design guidelines, any applicable specific plan or by other city requirement.

"Loading space" means an area, other than a street, alley, or driving aisle, on the same lot with a building or a group of buildings which is permanently reserved and maintained for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

"Lot" means a piece or parcel of land occupied or intended to be occupied, by a main building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this title, having frontage on a public or approved private street.

"Lot, area" means the area contained within the boundary lines of a lot.

"Lot, corner" means a lot located at the intersection of two or more streets, with one property boundary bordering on each street frontage. (see figure below)



"Lot depth" means the mean horizontal distance between the front and the rear lot lines or between the front lot line and the intersection of the two side lines if there is no rear lot line.

"Lot, developed" means a lot with buildings or structures.

"Lot, flag" means a lot having access to a public or private street by a narrow strip of land. (see figure under "lot, corner").

"Lot, frontage" means that portion of the lot contiguous to the street.

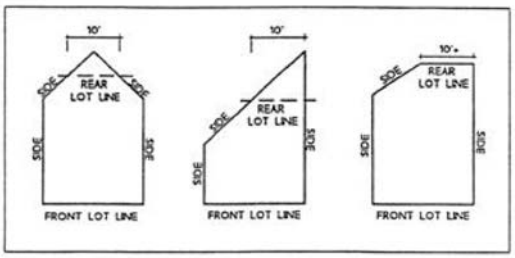
"Lot, interior" means a lot other than a corner lot, abutting only one street (see figure under "lot, corner").

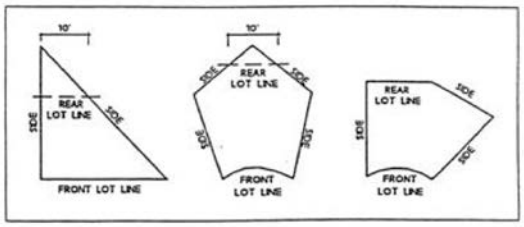
"Lot, key" means a lot with a side line that abuts the rear line of any one or more adjoining lots. (see figure under "lot, corner").

"Lot line" means the property line bounding the lot.

"Lot line, front" means the lot line separating a lot from a street right-of-way, unless the lot line goes to the center of the street, in which case the front lot line shall be measured from the setback for the street right-of-way. The front lot line of a corner lot may face either street frontage, at the option of the owner, provided that the required rear yard setback is obtainable opposite from the front lot line.

"Lot line, rear" means that lot line, not intersecting a front lot line, which is most distant from and most closely parallel to the front lot line. In the case of an irregularly-shaped lot or a lot bounded by only three lot lines, a line within the lot having a length of ten (10) feet parallel to and most distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks, and other provisions of this title. (see figures below)





"Lot line, side" means any lot line, other than a front or rear lot line, which intersects a front lot line. A side lot line separating a lot from a street shall be a side street lot line.

"Lot line, street or alley" means a lot line separating the lot from a street or alley.

"Lot, reversed corner" means a corner lot, the rear of which abuts the side of another lot (see figure under "lot, corner").

"Lot, through" means a lot having frontage on two generally parallel streets (see figure under "lot, corner").

"Lot, width" means the horizontal distance between the side lot lines, measured at the front setback line.

"Manufactured home" means a factory-built or manufactured home permitted by State of California and federal laws.

"Mobilehome" means a vehicle, other than a motor vehicle, designed for human habitation. "Mobilehome" shall include a camp trailer or a trailer coach.

"Dependent mobilehome" means a mobilehome which is not equipped with a toilet for sewage disposal.

"Independent mobilehome" means a mobilehome which is equipped with a toilet for sewage disposal.

"Mobilehome park" means any area or tract of land where one or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes used for human habitation. The rental paid for any such mobilehome shall be deemed to include rental for the lot it occupies.

"Natural grade" means the elevation of the original or undisturbed natural surface of the ground.

"Nonconforming structure" means a structure which does not conform to the regulations for height, coverage or yards of the district in which such structure is located, but which was in conformity with applicable regulations, if any, at the time of its erection.

"Nonconforming use" means the use of a structure or land which use does not conform to the use regulations for the district in which such use is located but, which was in conformity with applicable regulations, if any, at the time of its establishment.

"Nursing home" means any premises, other than a hospital, with sleeping rooms where persons are lodged and furnished with meals and nursing care. Any facility providing care for persons suffering from contagious diseases, mental diseases, alcoholism or drug addiction shall be deemed a hospital and not a nursing home.

"Open-air vending facilities" means a stand or non-motorized non-stationary cart or pushcart, for the sale of prepared food, fresh-cut flowers or plants, or other items determined by the planning director to be consistent with this type of use.

"Outdoor sales area" means an outdoor area located on the same lot as the principal business used for merchandise display or storage as allowed under this title.

"Parcel" means an area of land.

"Parcel, non-conforming" means a parcel of land having less area, frontage, or dimensions than required in the zoning district in which it is located.

"Parking lot" means an area of land, a yard or other open space on a lot legally used for or designed for parking motor vehicles.

"Parking space" means a permanently surfaced area of a size as set forth in Chapter 17.108 of this title, either within a structure or in the open for the parking of a motor vehicle, excluding paved areas necessary for access pursuant to the provisions of this title.

"Parking space, private" means an open area for the same uses as a private garage.

"Parking space, public" means an open area used for the parking of automobiles and available to the public, whether for a fee, free or as an accommodation for clients or customers.

"Permitted" means any use or activity allowed by the provisions of this title, and subject to the applicable regulations contained within this title.

"Planning commission." See "commission," of this chapter.

"Planning director" means the planning director of the city or any employee lawfully authorized to perform any duty or exercise any power as his or her representative.

"Persons with a possessory interest in property" means a person or persons holding a possessory interest in the property, for example a periodic tenancy, estate at will, or sufferance, or a person having a contractual right which will ripen into such a possessory interest in the property.

"Property owner" means a person or persons with fee title to the property.

"Quasi-public use" means a use essentially for public purposes, although such use is under private ownership or control.

"Residential density" means the average number of families living on one acre of land in a given area. The net residential density shall be determined by dividing the total number of families in a defined area by the total acreage of all parcels of land used for residential and accessory purposes within the area.

"Sale, fund-raising" means the temporary sale of new or used merchandise, food or food products conducted by a charitable, eleemosynary, or non-profit organization or by groups associated with churches, schools and clubs.

"Seating capacity" means the actual seating capacity of an area as indicated in the most recent edition of the California Building Code.

"Secondary use" means a purpose for which land or a building is or may be intended, occupied, maintained, arranged, or designed, which is less visible, prominent, or important than the primary use(s) on the same lot or parcel.

Setback" means the required distance that a building, parking lot or other designated item must be located from a lot line.

"Setback, front" means an area formed by a line parallel to a front lot line. The front setback is measured at right angles to the front lot line.

"Setback, rear" means an area formed by a line parallel to the rear lot line. Rear setbacks are measured at right angles to the rear lot lines.

"Setback, side" means an area formed by a line parallel to the side lot line, that extends between front and rear setback areas. Side setbacks are measured at right angles to the side lot lines.

"Shopping center" means two or more contiguous or separate retail commercial stores that share access and/or parking, which function by design, or ultimately function, as a single entity.

"Stable, private" means an accessory stable, corral or paddock used or designed to shelter horses belonging to the occupants of a dwelling on the same lot where horses are not kept for hire or sale.

"Story" means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

"Story, above grade plane" means any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement meets any one of the following:

1. Is more than six feet above grade plane.
2. Is more than six feet above the finished ground level for more than fifty (50) percent of the total building perimeter.
3. Is more than twelve (12) feet above the finished ground level at any point.

"Story, height" means the vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

"Street" means a public right-of-way which provides a principal means of access to the abutting property. "Street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare and any other similar term.

"Street, private" means a right-of-way or easement in private ownership, not dedicated or maintained as a public street, which private street affords the principal means of access to two or more sites.

"Structural alteration" means any change in the structural members of a building.

"Structure" means anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

"Substantial compliance" means compliance with the substantial or essential requirements of this title that, in the judgment of the city, satisfies its purpose or objective even though all of the formal requirements are not strictly adhered to.

"Substantial construction" means substantial completion of the work or works of improvement associated with a given permit.

"Theater" means a building or structure used for the purpose of conducting live dramatic, comedic or musical performances, the showing of motion pictures or similar recorded media, or other live performing arts.

"Trailer." See "camp car," "camper," "cargo trailer," and "mobilehome," of this chapter.

"Trailer camp," "trailer park" and "mobilehome park" mean any lot or part thereof or any parcel of land which is used or offered as a location for one or more camp trailers or mobilehomes occupied as a residence, except as provided in Section 17.80.020 of this title.

"Unified control" means a parcel of land under one ownership or a group of parcels, the owners of which have agreed in writing to subject the development of their properties to a single control.

"Usable open space" means one or more open areas adjacent to residential uses, the purpose of which is to provide an outdoor area designed for outdoor living and recreation, and which is located at, below, or above grade.

"Use" means the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

"Use, conditionally permitted" means a use type subject to a conditional use permit, which use may be essential or desirable to the public convenience or welfare in one or more zones but which may also impair the integrity and character of the zone or adjoining zone or be detrimental to the public health, safety or welfare unless additional restrictions on location and extent of use are imposed and enforced. Such use shall be permitted when all specific additional restrictions are completed and permanently satisfied in conformance with an approved conditional use permit. Should such restrictions be of a continuing nature, the use will remain conditional so long as the restrictions are complied with, even in the case of a change in zoning, but shall become an illegal use whenever and so long as the restrictions are not complied with.

"Use, primary" means the primary use or uses for which land or a building is or may be intended, occupied, maintained, arranged or designed and includes principally, conditionally and administratively permitted uses.

"Use, principally permitted" means the primary use of land or of a main building which use is compatible with the purpose of the zone and which is permitted in the zone. If a use is listed in a specific zone as a principally permitted use, it means that the owner, lessee or other person who has legal right to use the land, has right to conduct such principally permitted use subject to the regulations and procedural requirements of this title.

"Use type" means a category or class of land uses which share common functional, product or compatibility characteristics and which have been classified under a discreet use type in these regulations.

"Used" means and includes arranged, designed, constructed, altered, converted, rented, leased or intended to be used.

"Wineries and cideries" means facilities producing and bottling wine or cider for sale. These facilities may or may not include tasting rooms and the retail sales of wine, cider and other incidental goods.

"Yard, front" means an open space extending the full width of the lot measured between the building closest to the front lot line which open space is between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

"Yard, front, depth" means the shortest distance, measured horizontally, between any part of a building, other than parts excepted by the provisions of this title and the front lot line. Such depth shall be measured from the front lot line; provided, however, if an official plan line has been established for such street by action of the council, the required front yard depth shall be measured from the plan line of such street as adopted or such building shall comply with the official setback lines adopted by the city.

"Yard, rear" means an open space between a building and the rear lot line, unoccupied and unobstructed from the ground upward and extending across the full width of the lot, except as otherwise provided in this title.

"Yard, rear, depth" means the shortest distance, measured horizontally, between any part of a principal building, other than parts excepted by the provisions of this title and the rear lot line.

"Yard, side" means an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

"Yard, side, width" means the shortest distance, measured horizontally, between any part of a building, other than parts excepted by the provisions of this title and the nearest side lot line. Such width shall be measured from the nearest side lot line and, in the event the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, if the proposed location of the plan line of such street as adopted by the city differs from that of the existing street, the required side yard width shall be measured from the right-of-way street as adopted or such building shall comply with the official setback lines adopted by the city.

"Zoning clearance certification" means an official document authorizing a building, structure or use consistent with the provisions of this title and for the purpose of carrying out and enforcing the provisions of this title.

"Zoning map" means the zoning map of the city, dated July 25, 1967, together with all amendments thereto subsequently adopted.

(Ord. No. 519, 8-8-2012)

Chapter 17.16 - ESTABLISHMENT AND DESIGNATION OF DISTRICTS

Sections:

17.16.010 - Established.

17.16.020 - Regulations—Exceptions.

17.16.010 - Established.

The city is divided into the following designated districts as shown on the zoning map:

Agricultural district	A
Open space district	O
Single-family residence district	R-1
Multi-family residence district	RM
Retail commercial district	CR
Highway commercial district	CH
Industrial district	I
Residential Mobilehome Subdivision District	R-MHS
Special Public Service District	SPSD

**The Historic District is not an actual district, but an overlay zone. See Chapter 17.84.020

(Ord. No. 519, 8-8-2012)

17.16.020 - Regulations—Exceptions.

Except as otherwise provided in this title, the regulations set forth in this title for each district shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land and particularly as follows:

A. On and after August 24, 1967, no building, structure or land shall be used or occupied and no building or structure or part thereof, shall be erected, constructed, reconstructed, moved or structurally altered, unless it is in substantial compliance with all of the regulations set forth in this title for the district in which such building, structure or land is located.

B. No part of a yard, other open space or off-street parking or loading space required around or in connection with any building for the purpose of complying with this title shall be included as a part of a yard, open space or off-street parking or loading space similarly required for any other building, except as otherwise allowed in subsection 17.108.040D. (purchase or lease or parking spaces).

C. No yard or lot existing on or before July 25, 1967, shall be reduced in dimension or area below the minimum requirements set forth in this title, unless it is in substantial compliance with all of the regulations set forth in this title for the district in which such yard or lot is located. Yards or lots created on or after July 25, 1967 shall meet at least the minimum requirements established by this title.

(Ord. No. 519, 8-8-2012)

Chapter 17.20 - ZONING MAP

Sections:

17.20.010 - Provisions into zones.

17.20.020 - Boundaries—Maps—Ordinances.

17.20.030 - Custody and maintenance of official maps.

17.20.040 - Boundary determination.

17.20.010 - Provisions into zones.

To carry out the purposes and provisions of this code, the city is divided into zones as specified in this chapter.

(Ord. No. 519, 8-8-2012)

17.20.020 - Boundaries—Maps—Ordinances.

A. The boundaries of zones described in this chapter are as shown upon the official zoning map as originally adopted, as amended by all previous ordinances and as may be amended by future ordinance of the city as from time to time enacted.

B. The official zoning map, all notations thereon, references and other information contained thereon are incorporated herein as though set forth in this chapter in full and are declared to be part of this title.

(Ord. No. 519, 8-8-2012)

17.20.030 - Custody and maintenance of official maps.

A. The official zoning map, properly attested, shall be and remain on file in the office of the city clerk.

B. The official zoning map on file in the office of the city clerk shall be conclusively presumed as correctly reflecting the boundaries of the zones described in this title and shall be the final authority thereon.

C. The official zoning map shall be maintained, amended and updated by such city staff as designated by the city manager.

(Ord. No. 519, 8-8-2012)

17.20.040 - Boundary determination.

Where uncertainty exists as to the boundaries of the districts as shown on the official zoning map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.

B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following the city limits shall be construed as following such city limits.

D. Boundaries indicated as following railroad tracks shall be construed to be midway between such railroad tracks.

E. Where a public street or alley is officially vacated by the city, the property within the vacated portion of the street or alley shall be the zoning on the adjoining property. Where the vacated street or alley was the boundary of two or more districts, the new district boundary shall be determined by the planning director at the time of abandonment.

F. Boundaries indicated as parallel to or extensions of the features described in subsections A. through E. of this section shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

G. Where physical or cultural features existing on the ground are at variance with those shown on the zoning map or in other circumstances not described in subsections A. through F. of this section, the planning director shall interpret the district boundaries.

H. Where a district boundary line divides a lot which was in single ownership on July 25, 1967, the planning director may permit the extension of the regulations for either portion of the lot, not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot, as a special exception.

(Ord. No. 519, 8-8-2012)

ARTICLE II. - ADMINISTRATION AND PROCEDURES

Chapter 17.24 - ADMINISTRATION

Chapter 17.28 - ZONING CLEARANCE CERTIFICATION

Chapter 17.32 - PERMIT AND VARIANCE REQUIREMENTS

Chapter 17.36 - APPLICATION PROCESSING PROCEDURES

Chapter 17.40 - PUBLIC REVIEW PROVISIONS AND APPROVAL STANDARDS

Chapter 17.44 - APPEALS

Chapter 17.48 - DEVELOPMENT AGREEMENTS

Chapter 17.52 - ZONING CODE AMENDMENTS

Chapter 17.56 - REVOCATION PROCEDURE

Chapter 17.60 - ENFORCEMENT

Chapter 17.24 - ADMINISTRATION

Sections:

17.24.010 - General.

17.24.020 - Planning director and planning department.

17.24.030 - Planning commission.

17.24.040 - City manager.

17.24.010 - General.

This title shall be administered by the planning director under the direction of the council, working with the planning commission and development review committee, as the duties of each are described by this chapter.

(Ord. No. 519, 8-8-2012)

17.24.020 - Planning director and planning department.

The planning director shall have the responsibility and authority to administer this title. The responsibilities of the planning director may also be carried out by planning department or other city department employees under the supervision of the planning director. The planning director shall have the authority to make interpretations and take actions on permits, variances and certificates as set forth in this title.

(Ord. No. 519, 8-8-2012)

17.24.030 - Planning commission.

The planning commission shall have the authority to perform the duties and functions delegated by the city council as set forth in this title. The planning commission shall have authority to act on permits and variances as set forth in this title, and to act on such other permits and variances as the council may delegate from time to time. The planning commission shall also make recommendations to the council on amendments to this title and adoption of development agreements.

(Ord. No. 519, 8-8-2012)

17.24.040 - City manager.

The city manager shall have the authority to act on permits, variances and certificates as set forth in this title.

(Ord. No. 519, 8-8-2012)

Chapter 17.28 - ZONING CLEARANCE CERTIFICATION

Sections:

17.28.010 - Purpose.

17.28.020 - Zoning clearance required.

17.28.030 - Application filing and processing.

17.28.010 - Purpose.

A zoning clearance certificate verifies substantial compliance with all current requirements of this title and, if applicable, the terms and conditions of any previously approved permit or variance.

(Ord. No. 519, 8-8-2012)

17.28.020 - Zoning clearance required.

A zoning clearance certification shall be required prior to the issuance of a building permit for new construction, exterior remodeling, new, modified or alterations to landscaping, addition of outdoor mechanical equipment, gateway/entrances (see definitions), relocating or moving buildings, or for any major change in use. In addition, any person may request, and the planning department shall issue, a zoning clearance certification stating the zoning standards for any parcel located within the city.

(Ord. No. 519, 8-8-2012)

17.28.030 - Application filing and processing.

A. Application, General. A request for a zoning clearance certification not associated with a building permit application may be made by any individual and shall be made on a form provided by the planning department. The application shall be accompanied by such information as may be required by the planning department to determine substantial compliance with this title.

B. Application Associated With a Building Permit. Plans submitted to the building department shall include plans, specifications, drawings and information that demonstrates substantial compliance with this title. The zoning clearance certification associated with the issuance of a building permit shall be indicated by the initials of planning staff set forth on the building permit/application.

C. Processing Applications. Within fourteen (14) calendar days of receipt of a request for a zoning clearance certification, the planning department shall review the request for substantial compliance with this title and, if applicable, the terms and conditions of any previously approved permit or variance.

D. Notice. Written notice of the planning director's zoning clearance certification not associated with a building permit shall be mailed to the applicant.

E. Appeal. An appeal of a zoning clearance certification shall be processed as an appeal of the planning director's decision and shall be made in accordance with Chapter 17.44

F. Expiration of Zoning Clearance Certificate. A zoning clearance certificate shall expire upon the earlier event of the following:

1. One hundred eighty (180) days after issuance, unless otherwise indicated on the zoning clearance certificate; or

2. When the proposed use or development no longer conforms with all applicable provisions of this title; or

3. If a zoning clearance certification is issued in conjunction with a building permit, the zoning clearance certification shall expire when the building permit expires.

(Ord. No. 519, 8-8-2012)

Chapter 17.32 - PERMIT AND VARIANCE REQUIREMENTS

Sections:

17.32.010 - Permit requirements.

17.32.020 - Variance to development and parking standards.

17.32.030 - Concurrent processing.

17.32.010 - Permit requirements.

In addition to any other approval required by this code or by applicable law, the following discretionary approvals may be required:

A. Administrative Permit (AP). An administrative permit shall be obtained pursuant to this title prior to initiation of certain activities or construction of improvements which are permitted pursuant to this title and only upon substantial compliance with specific standards as specified in this title. The approval authority for administrative permits shall be the planning director, and following public notice, he or she may waive the requirement for a public hearing. If a public hearing is requested, the planning director shall schedule and notice the permit for public hearing by the planning commission except as otherwise specified by this title.

B. Conditional Use Permit (CUP). A conditional use permit shall be obtained prior to initiation of a use pursuant to Article III, and upon compliance with specific standards, as applicable, of Articles IV and V of this title. The approval authority for conditional use permits shall be the planning commission.

C. Design Review Permit (DRP). A design review permit shall be obtained prior to the issuance of a building permit for any new construction; exterior remodeling; site design and circulation modifications (except as specified below), including parking; modification of a previously approved use permit for site review, or site review; new, modified or alterations to landscaping; addition of mechanical equipment; gateway/entrances (see definitions); modification or alteration of driveway locations; relocating or moving buildings; demolition of a significant building as defined in Chapter 17.200 of this title; and as otherwise required by this title. With the exception of projects involving a significant building, a design review permit is not required for a single-family residence or a two-family residence. The approval authority for a design review permit shall be as provided in subsection C.2., below.

1. Improvements Exempt From Design Review Permit for Multi-family, Commercial and Industrial projects. The following improvements are exempt from the requirements to obtain a design review permit provided the planning director determines, in writing, that the project is substantially consistent with applicable, adopted design guidelines, existing development and adjacent land uses and the project consists of one or more of the following activities:

   a. Repair and maintenance including repainting and replacement;

   b. Replacement of landscaping or landscape fencing provided that the planted area is not diminished thereby;

   c. New landscaping or landscape fencing within designated landscape easements for which landscape guidelines have been approved, if the landscaping is consistent with such guidelines;

   d. Modifications to parking areas including compliance with Americans with Disabilities Act and re-striping where there is no net decrease in the number of parking spaces;

   e. Minor building facade improvements such as the rearrangement, modification to or addition of doors, windows and awnings;

   f. Addition of security facilities including security gates and gate houses at a project entrance;

   g. Other minor alterations, enlargements or remodels to existing buildings, structures and/or improvements (including new construction on partially developed properties) that (1) do not create the need for new parking nor affect existing or required parking; and (2) are in substantial compliance with applicable, adopted design guidelines; and (3) are substantially compatible with the existing structure and complimentary to the adjacent land uses.

2. Approval Authority.

   a. Planning Director (Administrative Design Review Permit).

      (1) The planning director may approve, conditionally approve or deny a design review permit for projects that are not otherwise exempt, except those identified as required by this title to be reviewed by the planning commission (Section 2.b. below). If in the opinion of the planning director, a project is not in substantial compliance with applicable, adopted design guidelines, prior conditions of approval, or if the planning director determines that, because of location, size or design that the public hearing should not be waived, the planning director shall refer the project for public hearing by the planning commission. The planning director shall determine whether the project is to be heard by the planning commission. The planning director may approve design review permit extensions and modifications, including changes in project phasing.

b. Planning Commission. The planning commission may approve, conditionally approve or deny any design review permit processed in conjunction with any permit where the planning commission has been identified as the approval authority including:

(1) A design review permit where it is determined by the planning director that because of location, size, design or community interest, a design review permit requires planning commission action;

(2) A design review permit in association with an application to modify the zoning ordinance, zoning map or general plan;

(3) A design review permit submitted concurrently with a tentative subdivision map, conditional use permit, or planned development;

(4) Any project involving demolition of a significant building.

3. Deviations After Approval of Design Review Permit. The planning director may approve any changes in those instances where construction/installation deviations are necessitated due to topography, utilities, or soil conditions (geotechnical) after approval of the design review permit. This type of change(s) shall not require the applicant to process additional design review applications. The planning director may also approve deviation of color and plants species after approval of the design review permit. This type of change(s) shall not require the applicant to process additional design review applications.

D. Sign Permit (SP). No sign may be erected, displayed, reconstructed or altered until a sign permit is granted as set forth in Chapter 17.112 and a building permit (when applicable) has been issued. The approval authority for a sign permit is the planning director (known as an administrative sign permit). The planning director may also delegate administrative sign permit review and approval to other city employees. The planning director also has the discretion to elevate a sign permit application to the planning commission. The planning commission is the approval authority for sign permit projects that have been elevated by the planning director, and for sign permit projects processed in conjunction with any permit where the planning commission has been identified as the approval authority, such as a conditional use permit, rezone or general plan amendment.

The planning director may approve deviation of letter type fonts after approval of a sign permit. This type of change shall not require the applicant to process an additional sign permit application.

E. Extension (EXT). An extension shall be obtained pursuant to the requirements of Section 17.36.210. The approval authority for extensions shall be the planning director, unless the planning director determines that a public hearing is required. The planning commission shall be the approval authority for any extensions requiring a public hearing.

F. Modification (MOD). A modification shall be obtained pursuant to the requirements of Section 17.36.180. The approval authority for modifications shall be the planning director, unless the planning director determines that a public hearing is required. The planning commission shall be the approval authority for any modifications requiring a public hearing.

G. Planned Development (PD). The planning commission shall be the approval authority for planned developments.

H. General Plan Amendment (GPA). The planning commission shall be the approval authority for projects that involving a general plan amendment.

I. Rezone (REZ). The planning commission shall be the approval authority for projects involving a rezone.

J. Development Agreements (DA). The planning commission shall first make a recommendation to the city council on a development agreement. The city council is the approval authority for a development agreement.

(Ord. No. 519, 8-8-2012)

17.32.020 - Variance to development and parking standards.

A. Variance (VAR). A variance shall be obtained to allow deviation from the provisions of this title governing the application of development standards such as parking requirements, lot size, width, setbacks, area and height requirements thereof exceeding thirty-five (35) percent of the development standard. No variances from permitted uses for any zone district as set forth in this title shall be granted. A variance to reduce parking requirements shall not be processed administratively. The approval authority for variances shall be the planning commission, except as otherwise identified by this chapter.

B. Variances, Administrative. Any deviations from this title governing the application of development standards such as lot size, width, setbacks, area and height requirements thereof up to thirty-five (35) percent of the development standard or those relating to accessory structures shall be processed administratively by the planning director.

(Ord. No. 519, 8-8-2012)

17.32.030 - Concurrent processing.

Whenever a proposed development or use requires the issuance of more than one permit or variance, the applicable processing requirements of this chapter shall apply simultaneously. If any of the concurrent permits or variances are subject to both the administrative review process and the public hearing process, such permit shall instead be reviewed by the approval authority for the permit or variance requiring a public hearing.

(Ord. No. 519, 8-8-2012)

Chapter 17.36 - APPLICATION PROCESSING PROCEDURES

Sections:

17.36.010 - Purpose.

17.36.020 - Application submittal.

17.36.030 - Eligible applicants.

17.36.040 - Submittal requirements.

17.36.050 - Application acceptance and initial review.

17.36.060 - Project referral.

17.36.070 - Project evaluation meeting.

17.36.080 - Acceptance as complete.

17.36.090 - Application review.

17.36.100 - Approval authority action.

17.36.110 - Notice of action.

17.36.120 - Effective date.

17.36.130 - Effect of permit.

17.36.140 - Expiration.

17.36.150 - Land use permit effectuation.

17.36.160 - Diligent pursuit required after effectuation.

17.36.170 - Phased construction.

17.36.180 - Modifications.

17.36.190 - Reconsideration.

17.36.200 - Reapplication.

17.36.210 - Extension.

17.36.220 - Permit to run with land.

17.36.010 - Purpose.

The purpose of this chapter is to address the processing of an application for a permit or variance from the time it is submitted to the planning department, including acceptance as complete, through issuance of the permit or approval of the variance. This chapter also addresses the process for modifying and extending permit approvals.

(Ord. No. 519, 8-8-2012)

17.36.020 - Application submittal.

An application for a permit, variance, a permit modification or extension, or other approval required by this title shall be submitted to the planning department on an application form provided by the planning department, and shall include the consent of the lawful owner of record, fees as established by the city council, plans, maps, and any information required by the department at the time the application is submitted. Any application involving property which is determined to carry arrearages to the City of Colfax may, at the discretion of the city manager, be refused. Approvals granted for an application which was submitted containing false or inaccurate information which the applicant knew or should have known, was false or inaccurate, shall be declared null and void and subject to immediate revocation.

(Ord. No. 519, 8-8-2012)

17.36.030 - Eligible applicants.

A permit application may be filed by:

A. The lawful owner of record of the parcel, or their duly authorized agents.

B. A person with lawful power of attorney or other acceptable authority from the lawful owner of record. Evidence of authorization shall be submitted upon request of the planning department.

(Ord. No. 519, 8-8-2012)

17.36.040 - Submittal requirements.

Every application for a permit shall include the following information:

A. A description including maps, plans, and other relevant data, of the proposed development, project site and vicinity sufficient to determine whether the project complies with the requirements of these regulations, including sufficient information concerning the existing use of

land and water areas in the vicinity of the site of the proposed project insofar as the applicant can reasonably ascertain for the vicinity surrounding the project site.

B. A description of the applicant's interest in the property upon which work is to be performed.

C. A dated signature by the property owner, or owners, authorizing the processing of the application, and, if so desired by the property owner, authorizing a representative to bind the property owner to matters concerning the application.

D. Such other or additional information that the planning director may deem necessary in his or her discretion to determine whether the development as applied for, is consistent with the city's general plan and these regulations.

(Ord. No. 519, 8-8-2012)

17.36.050 - Application acceptance and initial review.

The planning department shall review all applications for compliance with the submittal requirements. In order to be accepted for processing, an application shall include the required application, filing fees, and plans as defined in Section 17.36.040. Applications submitted without the required information and fees are not required to be accepted for processing.

(Ord. No. 519, 8-8-2012)

17.36.060 - Project referral.

Upon receipt of an application, the planning department shall refer copies of the application to any city department, local, state or federal agency or other individual or group that the department believes may have relevant authority or expertise on the proposed project.

(Ord. No. 519, 8-8-2012)

17.36.070 - Project evaluation meeting.

Upon completion of the project referral, and prior to accepting an application as complete, the planning director shall determine whether a project evaluation meeting (PEM) is needed. If it is determined a PEM is needed, a PEM will be scheduled with the applicant, the development review committee and any agencies having jurisdiction over or providing services to the project site as deemed necessary by the planning director. The purpose of the meeting is to discuss:

A. The status of application acceptance;

B. The provision of services to the subject site;

C. Compliance with the provisions of the general plan, any applicable specific plan and this title; and

D. Compliance with other city standards.

(Ord. No. 519, 8-8-2012)

17.36.080 - Acceptance as complete.

After submittal of the application, and within the time period required by state law, a determination shall be made as to whether or not the application is complete. Upon completion of the referral period or the PEM, when a PEM is held, a letter shall be sent to the applicant finding that all the submittal

requirements have been satisfied and that the application has been accepted as complete, or itemizing any information which is necessary to complete the application. The letter shall also address areas in which the submitted plans are not in compliance with city standards and requirements and may address areas where the city believes the application does not conform to state or federal standards. The applicant may appeal the determination pursuant to Chapter 17.44 that additional information is necessary to the approval authority for the permit requested. If additional information is required and the application is not made complete within six months of application submittal, then the application shall be deemed withdrawn and no action will be taken on the application.

Permits which require approval of an amendment to this title or the general plan shall be processed concurrent with the legislative action, but the application for such permits shall not be deemed to be complete unless and until the legislative action becomes effective.

Upon acceptance of the application as complete, the planning department shall determine whether the proposed project qualifies for a CEQA exemption or conduct an initial study pursuant to CEQA to evaluate the environmental impacts associated with the proposed project. The planning department shall then prepare and, if required, circulate for public review, the appropriate environmental document.

(Ord. No. 519, 8-8-2012)

17.36.090 - Application review.

Public notice of any meetings or hearings shall be given in accordance with Chapter 17.40. A written report and recommendations for action shall be prepared by the planning department and shall be mailed or delivered to the approval authority, the property owner and the applicant not less than three days prior to the public hearing or action on the application.

(Ord. No. 519, 8-8-2012)

17.36.100 - Approval authority action.

The approval authority shall approve, conditionally approve, or deny the proposed permit or variance in accordance with the requirements of this title. In acting on a permit or variance, the approval authority shall make the applicable findings set forth in Section 17.40.070. An action of the approval authority may be appealed in accordance with the appeal procedures set forth in Chapter 17.44.

(Ord. No. 519, 8-8-2012)

17.36.110 - Notice of action.

Within five working days of the action by the approval authority, a notice of action shall be mailed to the applicant at the address appearing on the application or to such other address designated in writing by the applicant. The notice shall contain the following information:

A. The action taken by the approval authority.

B. Any conditions of approval.

C. The permit expiration date and extension or renewal requirements.

D. Notice of the time for appeal.

E. Notice of the legal requirement to pursue administrative remedies.

(Ord. No. 519, 8-8-2012)

17.36.120 - Effective date.

An action which approves or denies a permit or variance, or which modifies or revokes a permit or variance or denies an application for modification or revocation of a permit or variance, which is subject to appeal shall be effective upon the expiration of the ten-day appeal period. No action shall be final until all appeal periods have expired, or until the final action on appeal has been rendered pursuant to this title.

(Ord. No. 519, 8-8-2012)

17.36.130 - Effect of permit.

The approval of a permit or variance authorizes the applicant to proceed with the proposed project upon the effective date of the permit, subject to all conditions or restrictions imposed by the approval authority; provided, however, that all other permits, licenses, certificates and other grants of approval to which the proposed development project is subject are secured. No person shall obtain any right or privilege to use the property for any purpose or in any manner described in an application for a permit or variance, or a modification thereof, unless and until the decision granting the permit or variance or modification becomes effective.

(Ord. No. 519, 8-8-2012)

17.36.140 - Expiration.

A permit shall expire and become null and void if not effectuated within the time specified in the permit, as otherwise specified in this title, or within twenty-four (24) months after the effective date, whichever period is longer. The original approval date of a permit shall be defined as the date on which the approval authority took action.

(Ord. No. 519, 8-8-2012)

17.36.150 - Land use permit effectuation.

A. The effectuation of a land use permit (e.g., conditional use permit, variance, design review permit and administrative permit) may occur under any of the following applicable circumstances:

   1. With regard to a land use permit authorizing the construction or modification of a building(s) or structure(s), a land use permit shall be effectuated when a building permit is issued by the city building division.

   2. With regard to a land use permit not associated with the construction or modification of property, building(s), or structure(s), the land use shall be effectuated when the use is initiated in substantial compliance with all applicable conditions, ordinances or resolutions in effect at the time the application was deemed complete.

B. A land use permit modification subsequently approved under a separate action from the original permit, where the original approval has not been effectuated as aforementioned, is subject to the original expiration date associated with the original land use permit. However, in the event the original approval has been effectuated prior to action on the land use permit modification, then such land use permit modification shall be subject to the expiration date as stated within its conditions of approval and shall additionally be subject to above subsections 17.36.150A.1—3.

(Ord. No. 519, 8-8-2012)

17.36.160 - Diligent pursuit required after effectuation.

Following the initial approval of either the land use or construction permits described in Section 17.36.150, the planning director, or building official to whom the planning director delegates appropriate authority, shall ensure that adequate security is tendered by the permit applicant to ensure that the project is diligently pursued. If, in the judgment of the planning director, the project is not being diligently pursued to completion, the planning director may require the applicant to submit a schedule for completion of construction. If, in the opinion of the planning director, the schedule for completion of construction does not demonstrate substantial compliance with the conditions of approval, the planning director may initiate revocation or modification proceedings as specified in Chapter 17.56.

(Ord. No. 519, 8-8-2012)

17.36.170 - Phased construction.

For projects that involve construction in phases, the time periods for the phases may be stated in the conditions of the permit so as to avoid a lapse of progressive development following the completion of the preceding phase.

(Ord. No. 519, 8-8-2012)

17.36.180 - Modifications.

Any person holding a permit granted under this title may request a modification to that permit. For the purpose of this section, the modification of a permit may include modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit. Requests for modification shall be processed as follows:

A. Substantial conformity. If the proposed modifications are in substantial compliance with the approved permit, the planning director may determine that no formal action is required and shall approve the modifications which shall be incorporated into the permit.

B. The approval authority for modifications shall be the planning director. Following a public notice, the director may waive the requirement for a public hearing. If a public hearing is requested, the planning director shall schedule and notice the permit for public hearing by the planning commission as specified by this title. A public hearing may be required for any modification at the discretion of the planning director, if the planning director deems it appropriate because of the location, size or design, or because the requested changes substantially modify the nature or scope of the permit.

(Ord. No. 519, 8-8-2012)

17.36.190 - Reconsideration.

If there are any new or different facts, circumstances, or law which could not have been presented at the hearing on the application and which may affect the action taken, the approval authority may reconsider such action, if a request for reconsideration, along with the fee established by the city council, is filed with the planning department within ten (10) days (see definitions) following the date of the action. The requested reconsideration shall be subject to a public hearing and notice of such hearing shall be given as specified in Chapter 17.40. The failure of the applicant to present information which was available at or prior to the original action is not grounds for reconsideration.

(Ord. No. 519, 8-8-2012)

17.36.200 - Reapplication.

No application shall be accepted or acted upon, if within the preceding twelve (12) months, an application has been made and denied by an approval authority which involves substantially the same parcel and which requests approval of substantially the same permits, unless the planning director permits such reapplication because either of the following applies:

A. New evidence has become available which was unavailable or unknown to the applicant at the time of the previous action and which could not have been discovered in the exercise of reasonable diligence by the applicant; or

B. There has been a substantial and permanent change of relevant circumstances since the previous decision, which materially affects the parcel involved in the application.

(Ord. No. 519, 8-8-2012)

17.36.210 - Extension.

The period within which effectuation of a permit must occur may be extended by the planning director's approval of an administrative permit. An application for such an extension shall be filed pursuant to Chapter 17.36.

The planning director may grant a single one-year extension for a permit which has been approved but has not been effectuated. The approval of an extension extends the expiration date for one year from the original permit expiration date. No additional extensions shall be granted for a permit which has been active for a period of three years, unless otherwise provided for in the conditions of approval or by this title. The permit, as extended, may be conditioned to comply with any development standards which may have been enacted since the permit was initially approved. The extension shall be granted if the findings specified in subsection 17.40.070D. are made. Any extension may require a public hearing at the discretion of the planning director.

(Ord. No. 519, 8-8-2012)

17.36.220 - Permit to run with land.

Unless otherwise conditioned, a permit or variance granted pursuant to the provisions of this chapter shall be transferable upon a change of ownership of the site, business, service, use or structure, provided that the use and conditions of the original permit or variance are fully complied with and not modified or enlarged.

(Ord. No. 519, 8-8-2012)

Chapter 17.40 - PUBLIC REVIEW PROVISIONS AND APPROVAL STANDARDS

Sections:

17.40.010 - Purpose.

17.40.020 - Required public hearings, authorized approval authority and public notice.

17.40.030 - Contents of public notice when a public hearing may be waived.

17.40.040 - Contents of public notice when a formal public hearing is required.

17.40.050 - Contents of public notice when an informal public hearing is required.

17.40.060 - Requests for notification.

17.40.070 - Required findings for approval or conditional approval of permits and variances.

17.40.010 - Purpose.

The purpose of this chapter is to specify the public notice and hearing process for an application for a permit or variance, and the findings upon which an approval, conditional approval or denial is based.

(Ord. No. 519, 8-8-2012)

17.40.020 - Required public hearings, authorized approval authority and public notice.

Type A. The public hearing may be waived. Notice of an intent to approve a development entitlement shall be mailed or delivered at least ten (10) days prior to an action to the applicant, the property owner, the owners, as shown on the most recent equalized assessment roll, of property within the limits set forth in Government Code Sections 65090 and 65091, and all persons who have requested notice, pursuant to Section 17.40.050 of this title.

Type B. Public hearing is required. Notice of the hearing shall be mailed or delivered at least 10 days prior to the public hearing to the applicant, the property owner, the owners, as shown on the most recent equalized assessment roll, of property within the limits set forth in Government Code Sections 65090 and 65091 or greater, and each local agency expected to provide water, sewer, streets, roads, schools or other essential facilities or services to the site. Notice shall also be provided to all persons who have requested notice, pursuant to Section 17.40.050 of this title. The radius list for notice of a permit application for an adult establishment shall be expanded as required by Section 17.128.070 of this title. The radius list for notice of a permit application for a nightclub use shall be expanded as required by Section 17.164.040 of this title.

Ten (10) days prior to the public hearing, notice shall also be provided by at least one of the following methods:

A. Publication in a newspaper of general circulation within the city; or

B. Posting in at least three public places within the city and posting the proposed project site.

Type C. The public hearing may be waived. Notice of intent to approve a development entitlement shall be posted on the proposed project site by the property owner at least ten (10) days prior to an action.

Type D. No public hearing required and no public notice is required. This type of process will only be used where the approvals requested are not combined with approvals which do require a public hearing or notice.

REQUIRED HEARINGS, AUTHORIZED APPROVAL AUTHORITY AND PUBLIC NOTICE		
	APPROVAL AUTHORITY	
	PLANNING DIRECTOR	PLANNING COMMISSION
TYPE OF PERMIT OR VARIANCE		

Administrative Permit	D	
Conditional Use Permit		B
Development Agreement		B*
Design Review Permit		B
Design Review Permit, Administrative	A/C/D	
Design Review Permit for Residential Subdivision		B
Extension	D	
Modification	A	
Planned Development Permit		B
Variance		B
Variance, Administrative	D	
Sign Permit		B
Sign Permit, Administrative	D	
General Plan Amendment		B
Rezone		B

*See Sections 17.48.040 and 17.48.050 - the planning commission makes a recommendation to the city council.

(Ord. No. 519, 8-8-2012)

17.40.030 - Contents of public notice when a public hearing may be waived.

Whenever the provisions of Section 17.40.020 permit the waiving of a public hearing, the notice of intent to take action shall contain the following information:

A. The name of the applicant;

B. The file number assigned to the application;

C. A general description of the nature of the request;

D. A general description, in text or diagram, of the location of property, if any, that is subject to the hearing;

E. The identity of the approval authority as the planning director and the scheduled date for action;

F. The following statement: "The purpose of this notice is to inform you that an application for the described project has been submitted to the Colfax planning department. The planning director may approve the application without holding a public hearing, unless a public hearing is requested in writing by you or any individual wanting to comment on the project prior to the scheduled approval date;"

G. Notice that if a decision is challenged in court, the challenge may be limited to raising only those issues which were raised at a public hearing, if a public hearing is requested, or in written correspondence delivered to the planning director at, or prior to, the public hearing; and

H. A description of the procedure for requesting the scheduling of a public hearing or for filing an appeal.

(Ord. No. 519, 8-8-2012)

17.40.040 - Contents of public notice when a formal public hearing is required.

The public notice when a public hearing is required shall contain the following information:

A. The name of the applicant;

B. The file number assigned to the application;

C. A general description of the nature of the request;

D. A general description, in text or diagram, of the location of property, if any, that is subject to the hearing;

E. The date, time, and place of the public hearing;

F. The identity of the approval authority and a brief description of the process and procedure for submitting public comment; and

G. Notice that if a decision is challenged in court, the challenge may be limited to raising only those issues which were raised at the public hearing described in this notice, or in written correspondence delivered to the planning director at, or prior to, the public hearing.

(Ord. No. 519, 8-8-2012)

17.40.050 - Contents of public notice when an informal public hearing is required.

The public notice when an informal public hearing is required shall contain the following information:

A. The name of the applicant;

B. The file number assigned to the application;

C. A general description of the nature of the request;

D. The proposed topics and/or aspects of the project to be presented at the public hearing; and a description of the method of presentation;

E. A general description, in text or diagram, of the location of property, if any, that is subject to the hearing;

F. The date, time, and place of the public hearing;

G. The identity of the approval authority and a brief description of the process and procedure for submitting public comment; and

H. Notice that if a decision is challenged in court, the challenge may be limited to raising only those issues which were raised at the public hearing described in this notice, or in written correspondence delivered to the planning director at, or prior to, the public hearing.

(Ord. No. 519, 8-8-2012)

17.40.060 - Requests for notification.

Any person who requests to be on a mailing list for notice of hearing for a development project or projects shall submit such request in writing to the planning department and such request shall be valid for one year after receipt of such request. The city may impose a reasonable fee by resolution of the council for the purpose of recovering the cost of such notification.

(Ord. No. 519, 8-8-2012)

17.40.070 - Required findings for approval or conditional approval of permits and variances.

The approval authority may approve or conditionally approve an application for a permit or variance, as defined in Sections 17.32.010 and 17.32.020, only if all of the following applicable findings, in addition to such other findings throughout this title that are applicable to the application:

A. Findings for an Administrative Permit or a Conditional Use Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of an administrative permit or a conditional use permit:

1. The proposed use or development is substantially consistent with the City of Colfax general plan and any applicable specific plan;

2. The proposed use or development generally conforms with all applicable standards and requirements of this title; and

3. The location, size, design and operating characteristics of the use or development is generally compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements;

4. The proposed use will not interfere with the nature and condition of the adjacent uses and structures.

B. Findings for a Design Review Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a design review permit:

1. For Zones other than the Historic District.

a. The project as approved allows beneficial use to be made of the site for development, preserves and accentuates the natural features of the property, such as open space, topography, trees, wetlands and water courses, and provides adequate drainage for the project.

b. The project site design as approved provides access, vehicle parking, vehicle, pedestrian and bicycle circulation, loading areas, landscaping and irrigation and lighting which results in a safe, efficient, and harmonious development and which is consistent with the applicable goals, policies and objectives set forth in the general plan and the design guidelines established for that zone district.

c. The building design, including the materials, colors, height, bulk, size and relief, and the arrangement of the structures on the site, as approved is harmonious with other development and buildings in the vicinity and which is consistent with the applicable goals, policies and objectives set forth in the general plan and the design guidelines established for that zone district.

d. The design of the public services, as approved, including, but not limited to trash enclosures and service equipment are located so as not to detract from the appearance of the site, and are screened appropriately and effectively using construction materials, colors and landscaping that are harmonious with the site and the building designs.

2. For the Historic Zone District.

a. The project will maintain the small town character that makes Colfax a desirable place to live.

b. The project will maintain and enhance the city's character and visual appearance in order to create a quality future community.

c. The project will maintain and enhance the historic resources, qualities, and character of the City of Colfax.

C. Findings for an Administrative Design Review Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of an administrative design review permit.

1. The proposed improvement is substantially compatible with the existing structure and complimentary to the adjacent land uses.

2. The proposed improvement substantially complies with all applicable standards and requirements of this title, with the applicable goals, policies and objectives set forth in the general plan, building code and the applicable community design guidelines.

D. Findings for a Sign Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a sign permit:

1. The proposed sign is substantially consistent with the standards of the city's sign guidelines and the goals, objectives and policies of the city general plan and any applicable design guidelines.

2. The proposed sign conforms to applicable development standards and will not be detrimental to the public health, safety or welfare.

3. The physical location or placement of the sign is compatible with the surrounding neighborhood and does not pose a safety risk.

4. The required finding for incidental and supplemental signs is as follows: The proposed general design, arrangement, texture, colors and lighting placement are substantially

consistent with the purposes and regulations of the city's sign guidelines and any applicable design guidelines.

E. Findings for a Sign Permit for a Mural. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a sign permit for a mural:

1. The proposed mural is substantially consistent with the goals, objectives and policies of the city general plan and any applicable design guidelines or approvals;
2. The proposed mural will not be detrimental to the public health, safety or welfare;
3. The proposed mural, including the physical location or placement, size and design is substantially consistent with the character of the district and the neighborhood within which it is located;
4. The proposed mural, including the physical location or placement, size and design, is substantially consistent with the character of the building or wall upon which it is placed and will complement the architecture or aesthetics of the building or wall.

F. Findings for an Extension. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of an extension:

1. The proposed development is in compliance with all standards in effect as of the date of application for the extension, or there is no public benefit to the imposition of current standards comparable to the cost of imposing them; or
2. No change has occurred in the circumstances or in the factual basis on which the approval was made since the date of original approval, which results in the inability to make findings of approval for the extension consistent with those originally made.

G. Findings for a Variance. The approval authority shall, based on substantial evidence in the record before it, make all of the following findings as a condition precedent to approval of a variance [applies to variances only, see subsection 17.40.070A. for findings applicable to approval of a conditional use permit]:

1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the provisions of this zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical land use; and
2. The granting of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located; and
3. The granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and
4. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

H. Findings for a Planned Development Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a planned development permit:

1. The use and design of the proposed development conforms with the requirements of the relevant planned development zone district and the requirements of this title.
2. The location, size, design and operating characteristics of the use or development is to be compatible with and will not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, and will not be detrimental or injurious to public or private property or improvements.

3. Financial Ability of the Proponents. That the proponents of the planned development have demonstrated to the satisfaction of the planning commission that:
   a. They are financially able to carry out the proposed project;
   b. They intend to start construction within one year after the approval of the project and any necessary zoning district change; or
   c. They intend to complete such construction within a reasonable time as determined by the planning commission.

I. Findings for a Design Review Permit for Residential Subdivision. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a design review permit for residential subdivisions:
   1. The residential design, including the height, bulk, size and arrangement of buildings is harmonious with other buildings in the vicinity.
   2. The residential design is consistent with applicable design guidelines.

J. Findings for a Modification. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a modification:
   1. The proposed modification is substantially consistent with the intent of the original approval.
   2. The proposed modification substantially complies with all applicable standards and requirements of this title, with the applicable goals, policies and objectives set forth in the general plan and the applicable community design guidelines.

(Ord. No. 519, 8-8-2012)

Chapter 17.44 - APPEALS

Sections:

17.44.010 - Purpose.

17.44.020 - Appeal of decision or findings.

17.44.030 - Filing an appeal of the planning director's or city manager's action or decision.

17.44.040 - Filing an appeal of the planning commission's action or decision.

17.44.050 - Effect of filing an appeal.

17.44.060 - Hearings and notices.

17.44.070 - Action on appeal.

17.44.080 - Referrals.

17.44.090 - Action by council is final.

17.44.010 - Purpose.

This chapter identifies the procedures for filing and processing an appeal.

(Ord. No. 519, 8-8-2012)

17.44.020 - Appeal of decision or findings.

Any person aggrieved by an interpretation or action of the planning director, city manager or planning commission, made pursuant to this article, may appeal such action to the appropriate appeal authority, as shown in Table 17.44, by filing a written appeal with the appropriate fee within ten (10) days from the date of action by the approval authority. All appeals shall be filed with the city clerk's office, except appeals of the planning director's action, which shall be filed at the planning department.

TABLE 17.44

APPEAL FROM ACTION OR DECISION OF:	APPEAL AUTHORITY		
	CITY MANAGER	PLANNING COMMISSION	CITY COUNCIL
Planning Director	X		
City Manager		X	
Planning Commission			X

(Ord. No. 519, 8-8-2012)

17.44.030 - Filing an appeal of the planning director's or city manager's action or decision.

The planning department shall provide a standard form for the filing of an appeal of the action of the planning director or city manager. The appeal shall be filed within ten (10) days from the date of action and with the planning department with such fees as may be established by the city council. The appeal shall specify the action being appealed and shall state the specific grounds for the appeal. If only certain conditions of an approval are being appealed, the specific conditions shall be identified and the specific grounds for appeal of the conditions shall be specified.

(Ord. No. 519, 8-8-2012)

17.44.040 - Filing an appeal of the planning commission's action or decision.

The city clerk shall provide a standard form for the filing of an appeal of the action of the planning commission. The appeal shall be filed with the city clerk with such fees as may be established by the city council. The appeal shall specify the action being appealed and shall state the specific grounds for the appeal. If only certain conditions of an approval are being appealed, the specific conditions shall be identified and the specific grounds for appeal of the conditions shall be specified.

(Ord. No. 519, 8-8-2012)

17.44.050 - Effect of filing an appeal.

A timely appeal of an action shall stay the effective date of the action, for that portion of the permit or variance being appealed, until the appeal has been acted upon or withdrawn. If only certain conditions are appealed, the effective date of approval shall remain the date of action by the approval authority.

(Ord. No. 519, 8-8-2012)

17.44.060 - Hearings and notices.

There is no hearing required for the appeal of a planning director's decision. Where the decision to be rendered is to be made by either the city manager or planning commission, such decision is appealable. The planning director or the city clerk, as provided above, shall give notice of the appeal authority's public hearing to consider the appeal of the city manager or planning commission decision at least ten (10)) days prior to the hearing date. The form, content, and method of providing notice shall be consistent with notice Type B, Section 17.40.020 of this title. Such hearing shall be held within sixty (60) calendar days from the last day of the appeal period. The appellant shall not be granted a continuance of the appeal beyond the sixty-day period. The costs of an appeal shall be borne by the appellant.

(Ord. No. 519, 8-8-2012)

17.44.070 - Action on appeal.

Each appeal shall be considered to be a de novo hearing on the matter being appealed. The appeal authority may grant the appeal, grant the appeal in part, or deny the appeal. In taking its action on an appeal, the appeal authority shall state the basis for the action being taken on the appeal, and may refer the matter back to the original approval authority for further action. The appeal authority may modify or delete any conditions which have been appealed, or add such conditions as may be necessary to address the issues being appealed, or may modify or delete any other conditions of approval which are necessarily related to those which have been appealed. Any condition which was not appealed, and which has not been modified or deleted upon appeal, shall remain unaffected.

(Ord. No. 519, 8-8-2012)

17.44.080 - Referrals.

The council may refer a matter back to the approval authority if the council finds that there is information that was not made available to the approval authority which may have affected the decision. The approval authority shall hold a public hearing on the matter within sixty (60) days following the city council's date of referral.

(Ord. No. 519, 8-8-2012)

17.44.090 - Action by council is final.

The decision of the city council on an appeal is final, except as allowed under the provisions for reconsideration (Section 17.36.190).

(Ord. No. 519, 8-8-2012)

Chapter 17.48 - DEVELOPMENT AGREEMENTS

Sections:

17.48.010 - Purpose.

17.48.020 - Form of agreement.

17.48.030 - Review by planning commission.

17.48.040 - Council hearing.

17.48.050 - Amendment or cancellation.

17.48.060 - Recordation of agreement, amendment or cancellation.

17.48.070 - Periodic review.

17.48.010 - Purpose.

This chapter is adopted in compliance with the provisions of California Government Code Sections 65864 to 65869.5 (the "Development Agreement law" and the city intends that the provisions of this chapter shall be read and interpreted so as to comply with the development agreement law as it may be hereafter amended.

(Ord. No. 519, 8-8-2012)

17.48.020 - Form of agreement.

Each application shall be accompanied by the form of standard development agreement established by the city and approved by the council with any additional alternatives, modifications or changes proposed by the applicant.

(Ord. No. 519, 8-8-2012)

17.48.030 - Review by planning commission.

After a public hearing by the planning commission, which may be held in conjunction with other required hearings for the project including amendments to the general plan, rezonings, subdivision maps, or conditional use permits, the planning commission shall make its recommendation in writing to the council. The recommendation shall include consideration of the following:

A. Consistency with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan and/or special districts;

B. Consistency with the provisions of this code;

C. Conformity with public health, safety and general welfare;

D. The affect on the orderly development of property or the preservation of property values;

E. Whether the provisions of the agreement shall provide sufficient benefit to the city and its residents to justify entering into the agreement; and

F. Conformity with the provisions of Government Code Section 65867.5 and, if applicable, Government Code Section 66473.7.

(Ord. No. 519, 8-8-2012)

17.48.040 - Council hearing.

Following notice as provided by Section 17.48.020, above, the council shall hold a public hearing. It may accept, modify or disapprove the recommendation of the planning commission. In the event that the city council sitting at the time of the public hearing also sits as the planning commission, the development agreement shall be heard directly by the city council. The council shall not approve the development agreement unless it finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan and/or special districts and after consideration of the factors set forth in Section 17.48.030, above.

(Ord. No. 519, 8-8-2012)

17.48.050 - Amendment or cancellation.

Either party may propose an amendment to, or cancellation in whole or in part, of an executed development agreement following the provisions of Government Code Sections 65865.1 and 65868, within thirty (30) days after its adoption.

(Ord. No. 519, 8-8-2012)

17.48.060 - Recordation of agreement, amendment or cancellation.

A. Within ten (10) days after the city enters into the development agreement, the city clerk shall have the agreement recorded with the county recorder.

B. If the parties to the agreement or their successors in interest proposed to terminate or modify the agreement as provided in Government Code Section 65865.1 for failure of the applicant or its successor in interest to comply in good faith with the terms or conditions of the agreement, the city clerk shall likewise notice such action recorded with the county recorder as provided in the statute.

(Ord. No. 519, 8-8-2012)

17.48.070 - Periodic review.

Per Government Code Section 65865.1, the city shall review the development agreement at least once every twelve (12) months from the date the agreement is entered into.

A. The city shall begin the review proceeding by giving notice that the city intends to undertake a periodic review of the development agreement to the property owner. The city shall give the notice at least thirty (30) days before the date when the matter shall be considered by the council. The notice shall specify that the property owner provide a report to the city detailing what has been done on the project in the last year which demonstrates good faith compliance with the terms of the agreement. The report shall be provided at least two weeks before the hearing date. City staff shall review the owner's compliance report.

B. The council shall receive the city's report at a regularly scheduled city council meeting. A public hearing may be held but is not required. At the meeting, the applicant or its successor in interest must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the applicant or its successor in interest. If a public hearing is held, notice of the hearing shall be given as provided by Section 17.48.030

C. The council shall determine, on the basis of substantial evidence in the record before it, whether the applicant or its successor in interest has met its burden of demonstrating that it complied in good faith with the terms and conditions of the agreement.

D. If the council finds and determines that the applicant or its successor in interest has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded. If the council finds and determines that the applicant or its successor in interest has not complied in good faith with the terms and conditions of the agreement during the period under review, the council shall begin noticed proceedings to terminate or modify the agreement.

(Ord. No. 519, 8-8-2012)

Chapter 17.52 - ZONING CODE AMENDMENTS

Sections:

17.52.010 - Purpose.

17.52.020 - Initiation of amendment.

17.52.030 - Application form, fees and processing.

17.52.040 - Planning director report.

17.52.050 - Recommendation on amendment.

17.52.060 - City council action.

17.52.010 - Purpose.

Any amendment to this title, which changes the zoning on any parcel or which modifies any provision of this title, shall be adopted in the manner set forth in this chapter.

(Ord. No. 519, 8-8-2012)

17.52.020 - Initiation of amendment.

An amendment of this chapter may be initiated in any of the following manners:

A. Upon motion of the city council.

B. Upon motion of the planning commission.

C. Upon application by a property owner or owners of a parcel to be affected by an amendment of the zoning map which rezones the parcel, or amending the text of this title which applies to the parcel.

D. Upon recommendation by the planning director to clarify text, address changes mandated by state law, maintain general plan and specific plan consistency, to address minor boundary adjustments, or for any other reason beneficial to the city.

(Ord. No. 519, 8-8-2012)

17.52.030 - Application form, fees and processing.

A. Application. An application for an amendment to this title pursuant to subsection 17.52.020C., shall be submitted to the planning department on a signed application form provided by the planning department. The application shall be accompanied by a description of the amendment, a fee as

established by resolution of the city council and any other information required by the planning department in order to determine compliance with this title, the general plan and any applicable specific plan.

B. Concurrent Processing. An application for an amendment may be processed concurrently with other applications, at the discretion of the planning director. Permits or variances approved in conjunction with a zoning ordinance amendment application shall not become effective until the zoning ordinance amendment is effective.

C. Review. Upon acceptance of the application, the planning department shall review the request and shall prepare a written report.

D. Public Hearing. The planning director shall give notice of the planning commission's intention to consider an amendment in accordance with Government Code Section 65854 as amended from time to time. The planning director may also provide such additional notice as the planning director deems appropriate or necessary based upon the nature of the proposed amendment.

(Ord. No. 519, 8-8-2012)

17.52.040 - Planning director report.

The planning director shall prepare a written report which shall be mailed or delivered to the planning commission and the applicant not less than three days prior to the hearing.

(Ord. No. 519, 8-8-2012)

17.52.050 - Recommendation on amendment.

A. Following a public hearing, the planning commission shall consider the proposed amendment and make a recommendation to the city council. The planning commission shall include the reasons supporting their recommendation and shall, at a minimum, discuss whether the proposed amendment is consistent with:

1. The public interest, health, safety, or welfare of the city; and
2. The general plan.

B. The decision of the planning commission shall constitute a recommendation to the city council.

(Ord. No. 519, 8-8-2012)

17.52.060 - City council action.

Prior to taking action on a recommendation by the planning commission for an amendment, the city council shall consider the recommendation and basis for the recommendation of the planning commission.

(Ord. No. 519, 8-8-2012)

Chapter 17.56 - REVOCATION PROCEDURE

Sections:

17.56.010 - Purpose.

17.56.020 - Automatic revocation of a permit.

17.56.030 - Revocation or modification of a permit for cause.

17.56.040 - Revocation hearing.

17.56.010 - Purpose.

This chapter provides the process for the revocation or modification of any permit, or variance granted under this chapter.

(Ord. No. 519, 8-8-2012)

17.56.020 - Automatic revocation of a permit.

Notwithstanding any other provisions of this title to the contrary, a permit or variance shall cease to be valid, and all rights or privileges granted thereby shall lapse, whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of the conditions of approval to be void or unenforceable, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions.

(Ord. No. 519, 8-8-2012)

17.56.030 - Revocation or modification of a permit for cause.

A permit or variance may be revoked or modified for cause as provided by the provisions of this section. For purposes of this chapter, the modification of a permit or variance may include the modification of the terms of the permit or variance itself or the waiver, alteration or imposition of new conditions.

A. Grounds for Revocation or Modification. A permit may be revoked or modified upon a finding of any of the following grounds:

   1. The permit was obtained or extended by substantially false, misleading or incomplete information;

   2. One or more of the conditions upon which the permit was approved have been violated, or have not been complied with.

B. Initiation of Action. The revocation of a permit or the modification of the conditions of approval of a permit shall be initiated by order of the planning commission. The order shall specify the basis upon which the action to revoke the permit or to modify the conditions is to be evaluated during the hearing to revoke or modify.

(Ord. No. 519, 8-8-2012)

17.56.040 - Revocation hearing.

A. The city council shall hold a formal public hearing on the revocation of a permit or the modification of the conditions of a permit on the grounds stated by the planning commission. The hearing shall be held in a timely manner after the issuance of an order of the planning commission. The hearing shall be noticed in the manner provided for a Type B notice as set forth in Section 17.40.020. The council may grant a continuance of the hearing date upon a showing of reasonable cause or to allow the permittee additional time to adequately prepare for the hearing.

B. At the hearing, which shall be conducted pursuant to Colfax Municipal Code Section 1.28, the planning department shall present evidence showing the cause for revocation of the permit or modification of the conditions of the permit. The permittee shall be entitled to present additional or rebuttal evidence as he or she may desire regarding the issues in question. The city council shall consider all of the evidence, and may revoke the permit or modify a condition of a permit if it finds by a preponderance of the evidence that:

1. The permit was obtained or extended based upon substantially false, misleading, or incomplete information submitted with the application for the permit; or

2. One (or more) of the conditions upon which the permit was approved has been violated, or has not been fully complied with in a timely manner.

C. In its discretion, the city council may modify or delete the conditions of approval or add new conditions of approval in lieu of revoking a permit in order to address the issues raised by the revocation hearing. The decision of the city council shall be final.

(Ord. No. 519, 8-8-2012)

Chapter 17.60 - ENFORCEMENT

Sections:

17.60.010 - Purpose.

17.60.020 - Enforcement.

17.60.030 - Penalty for violation.

17.60.040 - Nuisances declared—Abatement.

17.60.050 - Remedies cumulative.

17.60.010 - Purpose.

The purpose of these provisions is to provide uniform enforcement procedures for the requirements of this title.

(Ord. No. 519, 8-8-2012)

17.60.020 - Enforcement.

It shall be the duty of the chief building official to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to or of any building or structure. All departments, officials and public employees vested with the duty or authority to issue permits or licenses shall not issue a permit or license 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 planning director may delegate enforcement responsibilities to other city employees.

(Ord. No. 519, 8-8-2012)

17.60.030 - Penalty for violation.

Any property owner, person, firm, or corporation, whether as principal, agent, employee or otherwise, violating any provision of this title shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable in accordance with the penalties set forth in Chapter 1.24 of the Colfax Municipal Code. Any property owner, person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by such person, firm or corporation, and shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by such person, firm or corporation, and shall be punishable as provided herein. Penalties under the administrative enforcement provisions of Chapter 1.24 of the Colfax Municipal code may be imposed in lieu of, but not in addition to, penalties imposed by the court for any single violation.

(Ord. No. 519, 8-8-2012)

17.60.040 - Nuisances declared—Abatement.

Any building, structure, or landscaping that is set-up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title, or any use of any land, building, or premises established, conducted, operated, or maintained contrary to the provisions of this title, or failure to comply with any of the conditions of a permit or variance granted under this title is declared to be a public nuisance. The city attorney may initiate an action or proceedings for the abatement and removal and enjoinment of said public nuisance in the manner prescribed by law, and may take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as shall abate and remove such building or structure, and restrain and enjoin any property owner, person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building contrary to the provisions of this title.

(Ord. No. 519, 8-8-2012)

17.60.050 - Remedies cumulative.

The remedies provided for herein shall be cumulative and not exclusive.

(Ord. No. 519, 8-8-2012)

ARTICLE III. - USE AND ZONE DISTRICT REGULATIONS

Chapter 17.64 - USE TYPE CLASSIFICATIONS

Chapter 17.68 - OPEN SPACE, SPECIAL PUBLIC SERVICE DISTRICT AND AGRICULTURAL ZONES

Chapter 17.72 - RESIDENTIAL ZONES

Chapter 17.76 - COMMERCIAL ZONES

Chapter 17.80 - INDUSTRIAL ZONES

Chapter 17.84 - OVERLAY AND SPECIAL PURPOSE ZONES

Chapter 17.88 - PLANNED DEVELOPMENTS

Chapter 17.64 - USE TYPE CLASSIFICATIONS

Sections:

17.64.010 - Purpose.

17.64.020 - Primary and accessory uses.

17.64.030 - Listing of use classifications.

17.64.040 - Classification of combined uses.

17.64.050 - Classification of uses not specifically listed.

17.64.060 - Agriculture and open space use types.

17.64.070 - Civic use types.

17.64.080 - Residential use types.

17.64.090 - Commercial use types.

17.64.100 - Industrial use types.

17.64.110 - Transportation and communication use types.

17.64.010 - Purpose.

The purpose of this chapter is to classify land uses according to use types on the basis of common functional, product, or compatibility characteristics.

(Ord. No. 519, 8-8-2012)

17.64.020 - Primary and accessory uses.

A. Primary Uses. Primary uses shall be defined as either principal, conditional, or administrative uses. A principally permitted use is allowed in a zoning district and subject to the restrictions applicable to that district. A conditionally permitted use is a use permitted in a particular zone district upon showing that such use will comply with all the conditions and standards as specified in the zoning

ordinance and authorized in the conditional use permit. An administratively permitted use may be permitted in a zone district upon administrative approval by the planning director. Primary uses are established and regulated by this Article III.

B. Accessory Uses. Accessory uses are uses accessory and incidental to the primary use of a parcel and are regulated by Chapter 17.96 (accessory uses and structures).

(Ord. No. 519, 8-8-2012)

17.64.030 - Listing of use classifications.

All primary uses are classified into the following use types. The following primary use types are more fully described in Section 17.64.060 through Section 17.64.110, inclusive.

A. Agricultural and Open Space Use Types

Agricultural

Animal Keeping

Logging and Lumber Milling

Resource Protection and Restoration

Resource Related Recreation

B. Civic Use Types

Community Assembly

Community Services

Essential Services

Hospital Services

General Hospital Services

Psychiatric Hospital Services

Intensive Public Facilities

Libraries and Museums, Private

Power Generating Facilities

Public Parking Services

Schools

College and University

Elementary and Secondary

Private Elementary and Secondary

Social Services

Food Distribution

Food Service

Emergency Shelter

C. Residential Use Types

Caretaker/Employee Housing

Community Care Facility, Small

Dwelling

Multifamily

Single-family

Two-family

Efficiency Units

Family Day Care Homes, Small

Family Day Care Homes, Large

Live/Work

Mobilehome Park

Rooming and Boarding Houses

Second Dwelling Unit

Single Room Occupant

Supportive Housing

Transitional Housing

D. Commercial Use Types

Adult-oriented Business

Animal Sales and Service

Grooming and Pet Stores

Kennels

Veterinary Clinic

Veterinary Hospital

Automotive and Equipment

Automotive Body and Equipment Repair

- Automotive Rentals
- Automotive Repairs
- Automotive Sales
- Carwash and Detailing
- Commercial Parking
- Gasoline Sales
- Heavy Equipment Rental and Sales

Banks and Financial Services

Bars and Drinking Places

Broadcasting and Recording Studios

Building Material Stores

Business Support Services

Commercial Recreation

- Amusement Center
- Indoor Entertainment
- Indoor Sports and Recreation
- Outdoor Entertainment
- Outdoor Sports and Recreation
- Residential Recreation Facilities
- Large Amusement Complexes

Community Care Facility

Day Care Centers

Eating and Drinking Establishments

- Fast Food with Drive-Through
- Convenience
- Full Service

Food and Beverage Retail Sales

Funeral and Interment Services

Lodging Services

Long Term Care Facility

Maintenance and Repair

Medical Services, General

Neighborhood Commercial

Nightclubs

Nursery, Retail

Offices, Professional

Personal Services

Retail Sales and Services

Single Room Occupant

Specialized Education and Training

- Vocational Schools
- Specialty Schools

Storage Facility, Self-Service

Storage Facility, Recreational and Large-Vehicle

E. Industrial Use Types

Day Care Center, Secondary (employees only)

Equipment and Materials Storage Yards

General Industrial

Hazardous Materials Handling

Impound Yards

Laundries, Commercial

Light Manufacturing

Mineral Extraction and Processing

Printing and Publishing

Recycling, Scrap and Dismantling

- Enclosed
- Unenclosed

Research Services

Specialized Industrial

Wholesale and Distribution

Light

Heavy

F. Transportation and Communication Use Types

Antennas and Communications Facilities

Developed Lot

Undeveloped Lot

Heliport

Intermodal Facilities

(Ord. No. 519, 8-8-2012)

17.64.040 - Classification of combined uses.

The following rules shall apply where a use of a parcel resembles two or more different primary use types, and none of the uses are accessory uses regulated pursuant to Chapter 17.96 (accessory uses and structures).

A. Separate Classifications of Multiple Establishments. If two or more individual establishments or businesses conduct separate primary uses on a single parcel, each use shall be considered a separate and distinct primary use of that parcel.

B. Separate Classification of Different Major Categories of Uses Conducted by Individual Establishment. If an individual establishment, or business conducts more than one primary use, which use appears to fit under more than one different use type as described in this chapter, each primary use shall be considered a separate and distinct primary use; provided, however, when the primary uses have the characteristics of one of the following listed use types, all such primary uses shall be classified as one of the use types on the list:

- General industrial;
- Hazardous materials handling; or
- Intensive public facilities.
- If the primary uses resemble more than one of the use types on the above list, the uses shall be classified in the most appropriate use type, except that any industrial uses shall be classified within the hazardous materials handling use type if they so qualify under subsection 17.64.100D. (hazardous materials handling use type).

(Ord. No. 519, 8-8-2012)

17.64.050 - Classification of uses not specifically listed.

If a proposed primary use is not specifically listed or identified as a use type in this Article III, the use shall not be allowed, except as follows:

A. The planning director may determine that a proposed use not listed is permitted if:

1. The common functional, product or compatibility characteristics and activities associated with the proposed use are consistent with one of the use types identified in Chapter 17.64 listed as a permitted use type within the zoning district;
2. The proposed use is compatible with the purpose of the zoning district that applies to the parcel; and
3. The proposed use will be consistent with the goals, objectives and policies of the general plan.

B. If the planning director determines that an unlisted proposed use is encompassed within a listed use type, the proposed use shall be subject to the same use regulations as the listed use type.

C. The planning director may forward questions about permitted uses directly to the planning commission for an interpretation at a public hearing. The public hearing shall be scheduled in accordance with Section 17.40.020. The planning commission shall make a determination based on the criteria of subsection 17.64.050A. as to which use type the proposed use fits into. The decision of the planning commission may be appealed pursuant to Chapter 17.44

D. The planning director shall maintain a written record of all such determinations.

(Ord. No. 519, 8-8-2012)

17.64.060 - Agriculture and open space use types.

Agriculture and open space use types include on-site structures, development, and management activities which are necessary to conduct agricultural operations and which are compatible with the protection and enhancement of open space resources. Specific agriculture and open space use types referred to in this title are:

A. Agricultural, includes uses commonly associated with a farm or ranch, such as crop farming, tree farming and truck gardening, including the bottling, processing and packing of agricultural crops, retail sales of agricultural products and stands on premises for such purpose; and uses associated with livestock farming, including the production of crops for the grazing and feeding of livestock, but not including meat packing plants or slaughterhouses.

B. Animal keeping, includes the keeping, feeding or raising of common farm animals or animal specialties. Animal keeping is subject to the limitations set forth in Chapter 6.20 of the Colfax Municipal Code (limitations on number of animals).

C. Logging and lumber milling, includes the work or business of felling, sawing, cutting or trimming trees. This use may include preparing, transporting and/or receiving marketable or unmarketable logs or wood to/from a lumber mill or conducting the operation of a lumber mill.

D. Resource protection and restoration, includes activities and management of an area to preserve, recreate and enhance natural resource values such as fish and wildlife habitat, rare and endangered plants, erosion control, and floodwater conveyance.

E. Resource related recreation, includes facilities related to passive recreation of open space areas including bike and pedestrian trails, picnic areas, parking areas, and interpretive centers.

(Ord. No. 519, 8-8-2012)

17.64.070 - Civic use types.

Civic use types include governmental and quasi-governmental agencies providing utility, educational, cultural, major medical, protective, governmental, and other uses which are strongly vested with public or social importance. Specific civic use types referred to in this title are:

A. Community assembly, includes the activities typically performed by, or at, the following institutions or installations:

- Churches, temples, synagogues, and other places or worship;
- Public and private non-profit clubs, lodges, and meeting halls; and
- Public community recreation facilities, including community centers, amphitheaters and museums.

B. Community services, includes uses provided by public agencies which are necessary to support the community's health, safety and welfare. Typical community services include:

- Cemeteries;
- Community water storage, wells and associated treatment facilities;
- Corporation yards, including storage, repair and processing of materials and equipment, and vehicles operated by governmental entities;
- Detention/retention basins;
- Electrical substations (up to sixty (60)kV);
- Intermodal facilities;
- Libraries;
- Park-and-ride lots;
- Police and fire stations (including antennas, antenna towers and communication facilities);
- Post offices, excluding major processing centers;
- Public parks and golf courses; and
- Satellite government facilities.

C. Essential services, includes services which are necessary to support development and involve only minor structures such as bus stops, gas distribution pipelines, electrical distribution lines (up to and including sixty (60)kV), utility poles, transformers (twelve (12)kV or less), water and sanitary sewer, drainage facilities, communication facilities for community services provided by a public agency, and neighborhood parks.

D. Reserved.

E. Hospital services.

1. General hospital services, includes medical, or surgical services for sick or injured persons primarily on an in-patient basis, and includes accessory facilities for out-patient and emergency medical services, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
2. Psychiatric hospital services, includes psychiatric services for persons primarily on an in-patient basis, and includes accessory facilities for out-patient and diagnostic services, training, research, administration, and services to patients, employees, or visitors.

F. Intensive public facilities, includes public services and utilities which because of location, are objectionable due to production of offensive odor, dust, noise, bright lights, vibration or the

storage of hazardous materials or products. Typical uses are electric receiving stations (sixty (60)kV to two hundred thirty (230)kV), sanitary landfills, public airports and heliports, or correctional institutions.

G. Libraries and museums, private, includes permanent, public and quasi-public facilities generally of a non-commercial nature such as libraries, museums, art exhibitions, planetariums, aquariums, botanical gardens, and arboretums. Also includes historic sites, exhibits, and zoos located in a public park.

H. Power generating facilities. These facilities consist of temporary support facilities used to supply electrical power on an interim basis when power outages occur, or facilities that are used on a permanent basis to generate a power supply for a single use or multiple users if connected to a power grid. Power generating facilities generally include technologies that produce electricity from fossil fuels, natural gas, solar, wind, hydro or biomass fuels in order to provide back-up power, augment utility power supplies or if grid-connected, to sell power. Power generating facilities may include, but are not limited to, the following specifically defined facilities:

1. General Power Production Facility. A facility whose sole purpose is for the resale and production of power which may consist of a natural gas fired facility, co-generating facility, solar, wind, waste, photovoltaic, geothermal operated, or other alternative fuel source, that produces electricity primarily for the transmission of electricity associated with the overall power grid. This type of facility may be a peak load facility that only operates during the period in which the power demand for the overall power grid is at its peak usage.

2. Supplemental/Individual Use Power Facility. A facility that is utilized to provide electrical power as either a supplement to power supplied by the existing grid or as a permanent power source for an individual user and does not provide off-site sale to the power grid. For commercial and industrial developments these types of facilities may consist of a natural gas fired facility, co-generating facility, solar, wind, waste, photovoltaic, geothermal operated, or other alternative fuel source, that produces electricity. Residential uses will be restricted to facilities, which do not materially change the character of the zone district or impact adjacent residential uses (i.e., solar and photovoltaic).

3. Emergency Power Facility. A facility that acts as a stand-by generator used to supply electric power during the event of a power outage by the local electric utility. These types of facilities maybe permanent in nature or temporary portable gas/diesel generators.

4. Passive Power Facility. These facilities are considered to produce power when using clean fuel such as sunlight or other similar natural resource to generate power. Typical facilities would be solar or photo voltaic power generators. Residential zones will be restricted to these types of passive power facilities for power generation on a permanent basis. No industrial conversion solar facilities will be allowed on residentially-zoned property

I. Public parking services, includes parking services involving buildings or lots which are publicly owned or operated.

J. Schools.

1. College and university, includes community colleges, public or private colleges, universities and professional schools granting associate degrees, certificates, undergraduate and graduate degrees and requiring for admission at least a high school diploma or equivalent general academic training.

2. Public elementary and secondary, includes public elementary, middle, junior high and high schools serving grades K through twelve (12).

3. Private elementary and secondary, includes private and religious schools. It does not include schools included within the commercial districts, schools specialized education and training use type.

K. Social services, generally include those services which help people become more self-sufficient, prevent dependency, strengthen family relationships, and restore individuals, families, groups or communities to successful social functioning. Such social services may include, but are not limited to, the following specifically defined services:

1. Food Distribution Facility. A facility or use which distributes food on a not-for-profit basis.

2. Food Service Facility. A facility or use where food is served on-site on a not-for-profit basis.

3. Emergency Shelter. A facility or use which provides temporary housing for individuals on a not-for-profit basis. The housing may include, but is not limited to, emergency housing on a short-term basis or temporary transitional basis until permanent housing is available. This definition does not include such temporary residential shelters as may be provided for relief following a natural disaster or during a state of emergency.

(Ord. No. 519, 8-8-2012)

17.64.080 - Residential use types.

Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis and includes uses which are typically associated with and provide support to residential areas, but exclude institutional living arrangements providing twenty-four-hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons. Specific residential use types referred to in this title are:

A. Caretaker/employee housing, includes permanent or temporary housing that is secondary or accessory to the primary use of the property. Such housing is used for caretakers employed on the site of a non-residential use where a caretaker is needed for security or to provide twenty-four-hour care or monitoring of facilities, equipment, or other conditions on the site.

B. Community care facility, small. A dwelling where non-medical care is provided to six or fewer persons on a twenty-four-hour basis. Small community care facilities shall be licensed by the state department of social services.

C. Community care facility, large. A dwelling where non-medical care is provided to no less than seven and no more than twelve (12) persons on a twenty-four-hour basis and which is operated and occupied by the owners. Large community care facilities shall be licensed by the state department of social services, shall permit no more than two persons per bedroom and shall be designed so as to be compatible with the residential character of the neighborhood.

D. Dwelling, includes a room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitutes an independent housekeeping unit, occupied by or intended for one household on a long-term basis. Types of dwellings include single-family dwellings, duplexes, multifamily dwellings, mobilehomes, condominiums, and townhouses, all of which are separately defined.

1. Multifamily, includes a building designed and intended for occupancy by three or more families living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord. Includes apartments, condominiums, townhomes, rowhouses, triplexes and fourplexes.

2. Single-family, includes a detached building designed exclusively for occupancy by one family.

3. Two-family, includes a duplex, or other buildings designed for occupancy by two families living independently of each other, where both dwellings are located on a single lot.

E. Efficiency units, includes a room or group of internally connected rooms that have independent sleeping, cooking, eating and sanitation facilities, which constitutes an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

F. Family day care homes, small, includes a private single-family dwelling where care, protection and supervision of eight or fewer minor children is provided for periods of less than twenty-four (24) hours or as otherwise provided by state law.

G. Family day care homes, large, includes a private single-family dwelling where care, protection and supervision of nine and up to, and including, fourteen (14) children is provided for periods of less than twenty-four (24) hours or as otherwise provided by state law (see also Chapter 17.160).

H. Live/work, includes units that are occupied by business operators who live in the same structure that contains commercial activity. The units function primarily as a workspace with incidental residential accommodations.

I. Mobilehome park, includes any site that is planned and improved to accommodate two or more mobilehomes used for residential purposes, or on which two or more mobilehome lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobilehomes used for residential purposes.

J. Rooming and boarding houses, include the renting of individual bedrooms within a dwelling by a property owner or other manager in residence to three or more people, whether or not meals are provided; or a single-family dwelling occupied by six or more unrelated people, living together as a single housekeeping unit; by prearrangement for definite periods, with compensation.

K. Second dwelling unit. A dwelling unit, attached or detached, with permanent provisions for independent living, sleeping, eating, cooking and sanitation within the unit and includes a separate entrance from the primary unit (see also Chapter 17.196).

L. Single-room occupant. Lodging establishments providing a room(s) which does not include a kitchen or bathroom. These establishments include a communal bathroom and may have a communal kitchen and/or living area. This is not a temporary or transitional housing type and is typically found on the second story above a retail use.

M. Supportive housing. "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population as defined in Health and Safety Code Section 53260(d), and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community. (California Health and Safety Code Section 50675.14(b).)

1. Target Population. Adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Development Disabilities Services Act and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals existing from institutional settings, veterans or homeless people. (California Health and Safety Code Section 53260(d).)

N. Transitional housing. "Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (California Health and Safety Code Section 50675.2(h).)

(Ord. No. 519, 8-8-2012)

17.64.090 - Commercial use types.

Commercial use types include the distribution, sale and rental of goods, and the provision of services other than those classified as civic or industrial use types. Specific commercial use types referred to in this title are:

A. Adult-oriented businesses, include those uses specifically referred to in Chapter 17.128 of this code and include any adult arcade, adult book/novelty store, adult cabaret, adult hotel/motel, adult motion picture theater, adult theater or modeling studio defined therein. Any reference in this code to "adult business establishment" shall mean adult-oriented business, as provided herein.

B. Animal sales and services, include establishments primarily engaged in animal-related sales and services. These establishments are exempt from Municipal Code Chapter 6.20 (limitations on number of animals). The following are animal sales and services use types:

1. Grooming and pet stores, include grooming or selling of dogs, cats, and similar small animals with limited indoor boarding. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores.

2. Kennels, include indoor and outdoor kennel services for dogs, cats, and similar small animals. Typical uses include boarding kennels, pet motels, and dog training centers. However, dog training which is limited to hourly sessions (no overnight stays) is not included in this definition. Kennels are also subject to the regulations set forth in Colfax Municipal Code Chapter 6.12 (kennels).

3. Veterinary clinic, includes a fully enclosed veterinary facility containing only enough cage arrangements as necessary to provide services for small animals requiring acute medical or surgical care, as well as boarding and grooming.

4. Veterinary hospital, includes a veterinary facility conducted in an enclosed building and in the open which provides long-term medical care, boarding and grooming.

C. Automotive and equipment, includes establishments primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types:

1. Automotive rentals, include rental from the premises of automobiles, light trucks, and recreational vehicles. Typical uses include car rental agencies.

2. Automotive repairs, include repair of automobiles and the sale, installation, and servicing of automobile equipment and parts completely within an enclosed building, but excluding body repair and painting. Typical uses include muffler shops, automobile repair garages, automobile glass shops, and minor services, including oil change, tune-up/lube shops, tire installation, and stereo and car accessory installation.

3. Automotive sales, include the sale, retail or wholesale, of automobiles, light trucks, boats, recreational vehicles, motorcycles, motor homes, and trailers together with associated enclosed repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies.

4. Carwash and detailing, includes washing and polishing of automobiles. Typical uses include automobile detailing services and carwashes.

5. Commercial parking, includes parking of operable motor vehicles and bicycles on a temporary basis within a privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots and garages.

6. Heavy equipment rental and sales, include rental and sales of heavy equipment such as aircraft, trucks, tractor-trailer, semi-trucks and heavy construction equipment.

7. Automotive body and equipment repair, includes automotive body repair and painting of equipment such as aircraft, boats, recreational vehicles, and trucks; and the installation and servicing of tractor-trailer, semi-trucks and heavy construction equipment.

8. Gasoline sales, include establishments primarily engaged in the retail sale, from the premises, of petroleum products with the incidental sale of tires, batteries, and replacement items, lubricating services, minor repair services and may include drive through carwashes, convenience eating places and neighborhood commercial. Typical uses include automobile service stations, filling stations and neighborhood commercial uses with gas sales.

D. Banks and financial services, include financial institutions including: banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding, (but not predominantly operating) companies; and other investment companies; vehicle finance leasing agencies. Automated teller machines (ATMs) located away from banks are included under the definition of "personal services."

E. Bars and drinking places, include establishments within a building where alcoholic beverages are sold for on-site consumption, that are not part of a restaurant. Includes bars, taverns, pubs, brew pubs, wine bars and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Amplified live or recorded music and/or dancing is permitted subject to Chapter 8.28 (noise standards).

F. Broadcasting and recording studios, include commercial and public communications uses including telegraph, telephone, radio and television broadcasting and receiving stations and studios, and television production and sound recording studios, with facilities entirely within buildings. Private transmission and receiving apparatus, such as towers, reflectors and antennas are included under the definition of "antennas, communications facilities."

G. Building material stores, include retail establishments selling lumber (which may include the cutting of precut lumber) and other large building materials, and also including paint, wallpaper, glass, fixtures, nursery stock, lawn and garden supplies (which may also be sold in hardware stores, included under the definition of "retail sales and services"). Includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales.

H. Business support services, include establishments within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes:

- Blueprinting;
- Business equipment repair services (except vehicle repair, see "automotive repair");
- Commercial art and design (production);
- Computer-related services (rental, repair, maintenance);
- Equipment rental businesses within buildings;
- Film processing laboratories;
- Mail advertising services (reproduction and shipping);
- Outdoor advertising services;
- Photocopying; and
- Photo finishing.

I. Commercial recreation, includes establishments primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:

1. Amusement center, includes public places of amusement or public places of business in which four or more coin-operated amusement devices are installed and includes any place open to the public, whether or not the primary use of the premises is devoted to the operation of such devices.

2. Indoor entertainment, includes predominantly spectator uses conducted within an enclosed building, excluding uses classified under adult-oriented business (see Chapter 17.128). Typical uses include motion picture theaters and live theatre.

3. Indoor sports and recreation, includes predominantly participant sports and health activities conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, indoor racquetball courts, indoor soccer arenas, athletic clubs, and health clubs.

4. Outdoor entertainment, includes predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include outdoor amphitheaters, concert halls and sports arenas, BMX tracks, racing facilities, drive-in theaters, and zoos.

5. Outdoor sports and recreation, includes predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include amusement parks, driving ranges, miniature golf courses, golf courses, swimming pools, and tennis courts.

6. Residential recreation facilities, include predominantly participant sports which are normally associated with a country club, or private residential community. Typical uses include country clubs, racquet clubs, golf courses, swimming pools, tennis courts, and other secondary uses including restaurants, and retail sales.

7. Large amusement complexes, include a theme park or similar complex open to the public which exceeds one hundred thousand (100,000) square feet and which: (1) includes outdoor amusement attractions such as mechanized or carnival-type rides or water slides; and (2) meets any two of the following three criteria: (A) The complex has a maximum daily capacity of more than five hundred (500) users per day; (B) The complex is required to provide off-street parking for more than two hundred (200) vehicles, including bicycles; or (C) The complex operates during any part of the year during the hours after six p.m. This does not apply to publicly-owned or operated parks or facilities.

J. Community care facility, includes any facility serving as a residence where non-medical care is provided on a twenty-four-hour basis with central or private kitchen, dining, recreational and other facilities. Typical uses include assisted living facilities and facilities licensed by the state department of social services. Does not include long term care facilities.

K. Day care centers, include commercial or non-profit facilities that provide care, protection and supervision of thirteen (13) or more minor children or adults in need of assistance for periods of less than twenty-four (24) hours per day, typically while parents or family are working, and/or before or after daily attendance at an elementary school, as defined by Chapter 3.6 of the Health and Safety Code, commencing with Section 1597.30 (includes preschools).

L. Eating and drinking establishments, include establishments primarily engaged in the sale of prepared food and beverages for on-premises consumption, but excludes those uses classified under the "bars and drinking places" and "nightclubs." amplified live or recorded music and/or dancing is permitted subject to Chapter 8.28 (noise standards).

1. Fast food with drive-through, includes establishments primarily engaged in the preparation and retail sale of food and beverages at a walk-up counter and at a drive-through window, and may include seating.

2. Convenience, includes establishments primarily engaged in the preparation and retail sale of food and beverages at a walk-up counter and which does not include a drive-through or provide for ordering at the tables, if any. Typical uses include pizza parlors, ice cream parlors, and sandwich shops.

3. Full service, includes establishments primarily engaged in the preparation and retail sale of food and beverages where food is ordered and served at a table, and which may include sales of alcoholic beverages as an accessory or secondary service. Fixed seating or tables and chairs are provided for the seating of each patron or customer at all times. Typical uses include full-service restaurants.

M. Food and beverage retail sales, include establishments primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include groceries, liquor stores, and delicatessens.

N. Funeral and interment services, include establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human remains other than in cemeteries.

O. Lodging services, include establishments primarily engaged in the provision of commercial lodging on a less than monthly basis to the general public. Lodging services include incidental food, drink, and other sales and services intended for the convenience of guests. Typical uses include hotels and motels, and bed and breakfasts.

P. Long term care facility, includes an institution or a portion of an institution that is licensed or approved to provide health care under medical supervision for twenty-four (24) or more consecutive hours. Typical uses include extended care facilities, intermediate care facilities, skilled nursing facilities, hospices and other facilities licensed by the state department of health services.

Q. Maintenance and repair, includes all uses that provide maintenance and repair services for furniture, appliances and equipment normally used within a building. Typical uses include sewing machine and appliance repair.

R. Medical services, general, includes establishments primarily engaged in the provision of personal health services on an outpatient basis ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services, but excludes uses classified under any civic use type. Typical uses include medical offices, dental laboratories, medical laboratories, health maintenance organizations, substance abuse treatment clinics, immediate care facilities and offices for physical therapists, chiropractors, and acupuncturists.

S. Neighborhood commercial, includes establishments primarily engaged in the provision of frequently or recurrently needed small personal items or services for residents within a reasonable walking distance. These uses are compatible with residential development due to low traffic and noise generation and include various retail sales and personal services of an appropriate size and scale to meet the above criteria. Typical uses include neighborhood grocery stores, drug stores, beauty salons, and offices, but do not include drive-through restaurants, bars and drinking places, or liquor stores.

T. Nightclubs, include establishments or places of entertainment within a building, open primarily at night, usually, but not necessarily, serving alcohol, and providing floor space for amplified live or recorded music, or having spaces for dancing or holding public dances. Meals or refreshments may be served and an admission fee may be, but not necessarily, charged. Excludes uses classified as "eating or drinking establishments," "commercial recreation," and Chapter 17.182 - adult-oriented businesses. Additional requirements are contained in Chapter 17.164

U. Nursery, retail, includes establishments primarily engaged in the sale of nursery goods, landscaping materials, chips, rocks, sand, soil and merchandise. This use type is typically conducted primarily outdoors. The sale of nursery goods, landscaping materials, chips, rocks, sand, soil and merchandise indoors is permitted under retail sales and services.

V. Offices, professional, includes professional or government offices including:

- Accounting, auditing and bookkeeping services;
- Advertising agencies;
- Architectural, engineering, interior design, and surveying services;
- Attorneys;
- Call and telemarketing centers;
- Computer software designers;
- Court reporting services;
- Data processing and computer services;
- Detective agencies and similar services;
- Secretarial and word processing services;
- Government offices including agency and administrative office facilities;
- Insurance agencies;
- Management, public relations and consulting services;
- Real estate agencies; and
- Writers, photographers and artists offices outside the home.

W. Personal services, include establishments primarily engaged in the provision of personal improvement or appearance, and similar non-business related or non-professional services, but excludes services classified under other use types. Typical uses include barber shops, beauty salons, tailors, shoe repair shops, massage therapist, tattoo studios, and dry cleaning pick-up stations.

X. Retail sales and services, include establishments primarily engaged in the sale of goods and merchandise, but excludes those classified under animal sales and services, automotive and equipment, business support services, building materials stores, neighborhood commercial services, food and beverage retail sales, and gasoline sales. Typical uses include:

- Auto parts;
- Bakeries, retail;
- Bicycle sales;
- Department stores;
- Drug and discount stores;

- Furniture stores;
- Hardware;
- Orthopedic supplies;
- Photography studios;
- Self service laundries/dry cleaning stores; and
- Sporting goods and equipment.

Y. Specialized education and training, includes private establishments providing training or educational programs. Typical uses include:

1. Vocational schools, include businesses, secretarial schools and vocational schools offering specialized trade and commercial courses and establishments furnishing educational courses by mail or online. Facilities, institutions and conference centers are included that offer specialized programs in personal growth and development (including fitness, environmental awareness, arts, communications, and management, as examples).
2. Specialty schools, include specialized non-degree granting schools such as: music schools; dramatic schools; language schools; driver education schools; martial arts studios; ballet and other dance studios.

Z. Storage facility, self-service, includes a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces. This use type does not include the outdoor storage of boats, cars, recreational vehicles, or equipment, and does not include the rental of trucks or other equipment (also see Chapter 17.176).

AA. Storage facility, recreational and large vehicle, includes a facility or staging area, whether indoor or outdoor, for the temporary or permanent storage of boats, cars and other recreational or large vehicles or equipment.

(Ord. No. 519, 8-8-2012)

17.64.100 - Industrial use types.

Industrial use types include the on-site production and storage of goods, equipment and materials, including certain associated accessory uses. Specific industrial use types referred to in this title are:

A. Day care centers, secondary. Secondary day care centers are incidental and accessory to the primary industrial use of the property and are only for on-site employees. Does not include day care centers as defined for commercial use. Includes commercial or non-profit facilities that provide care, protection and supervision of thirteen (13) or more minor children or adults in need of assistance for periods of less than twenty-four (24) hours per day, while parents or family are working on site, and/or before or after daily attendance at an elementary school, as defined by Chapter 3.6 of the Health and Safety Code, commencing with Section 1597.30 (includes preschools)..

B. Equipment and materials storage yards, includes all uses related to outdoor storage of large construction equipment or machinery, company vehicles, or large quantities of other materials. It does not include any of the commercial use types identified under "automotive and equipment." Typical uses include contractor's storage yards, and corporation yards.

C. General industrial, includes any manufacturing, processing, assembling, or fabrication of materials and products from raw materials, and also includes any industrial use involving an

incinerator, blast furnace or other similar industrial process, including any industrial production conducted either wholly or partially outdoors. Typical uses include drum manufacturing and remanufacturing, batch plants, truss manufacturing, breweries, canneries and co-generation plants.

D. Hazardous materials handling, includes all industrial uses engaged in the handling of substances subject to the maintenance of a "Risk Management Prevention Program" under California Health and Safety Code, Section 25534. Typical uses include semi-conductor manufacturing.

E. Impound yards, includes the storage of operable and inoperable vehicles for limited periods of time, within a secured enclosure. Does not include the dismantling of wrecked or inoperable vehicles which is "recycling, scrap and dismantling."

F. Laundries, commercial, includes establishments primarily engaged in high volume laundry and garment services, including family and commercial laundries, garment pressing and dry cleaning, linen supply, diaper service, industrial laundries, carpet and upholstery cleaners. Does not include coin-operated laundries.

G. Light manufacturing, includes the manufacture, assembly or packaging of products from previously prepared materials, such as cloth, plastic, paper, leather, precious or semi-precious metals or stones, but does not include such operations as saw and planing mills, or any manufacturing uses involving primary production of wood, metal or chemical products from raw materials. Typical uses include electronic equipment assembly, and computer component assembly.

H. Mineral extraction and processing includes mining, developing mines or exploring for metallic minerals (ores), coal and nonmetallic minerals (except fuels), or surface mines extracting crushed and broken stone, dimension stone or sand and gravel. See Chapter 17.163 for specific use requirements applicable to mineral extraction and processing.

I. Printing and publishing. Establishments primarily engaged in printing by letterpress, lithography, engraving, screen, offset or other common process, including electrostatic (xerographic) copying and other "quick printing" services; and establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving, and electrotyping. This also includes establishments that publish newspapers, books and periodicals, whether or not they do their own printing; and establishments manufacturing business forms and binding devices.

J. Recycling, scrap and dismantling, includes uses engaged in the assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials, including the dismantling or wrecking of automobiles or other motor vehicles, or the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking. The presence on any lot or parcel of land of five or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard. Does not include landfills or other terminal waste disposal sites.

1. Enclosed, includes recycling, scrap and dismantling within enclosed building.

2. Unenclosed, includes recycling, scrap and dismantling not within a building.

K. Research services, includes establishments primarily engaged in providing research, testing, or other scientific analysis. Typical uses include soils and materials testing laboratories, electronics research firms and pharmaceutical research laboratories.

L. Specialized industrial, includes establishments engaged in activities that generate noise, vibration, odor, dust, or smoke similar to other industrial uses but that do not clearly fit within another industrial use classification. This use type involves uses which are appropriately located

with other industrial development and are not classified under either a commercial or civic use type. The director shall determine that a use is classified within this use type as prescribed in Section 17.64.050

M. Wholesaling and distribution, includes establishments engaged in wholesaling, storage, warehousing and bulk sale distribution, including, but not limited to open-air handling of materials and equipment other than live animals. Does not include the outdoor storage of material which is classified under "equipment and materials storage yards." The following are wholesaling and distribution use types:

1. Light, includes wholesaling, storage, and warehousing within enclosed structures. Typical uses include wholesale distributors, storage warehouses and moving and storage firms.

2. Heavy, includes wholesaling, storage, distribution and handling of materials and equipment. Also includes uses engaged in the outdoor or indoor, long term or short term storage of large vehicles, and minor repair and maintenance of vehicles stored on the premises. Typical uses include truck terminal yards.

(Ord. No. 519, 8-8-2012)

17.64.110 - Transportation and communication use types.

Transportation and communication use types include the transfer of information and people by various means. Specific transportation and communication use types referred to in this title are:

A. Antennas and telecommunications facilities, includes commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, cellular telephone, microwave communications and data network communications; including commercial earth stations for satellite-based communications. Includes antennas (dish and satellite), telecommunication towers, monopole, and equipment buildings (also see Chapter 17.132).

1. Developed lot, located on a building or on the same lot developed with a permitted use.

2. Undeveloped lot, located on a vacant lot or lot not developed with a permitted use.

* Does not include:

a. Home television and radio receiving antennas and HAM radio antennas, which are included under "residential accessory structures."

b. Telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections, which are included under essential facilities use type.

c. Satellite dishes, which are included under accessory structures regulations and subject to the standards of Chapter 17.132

d. Communications facilities for community services provided by a public agency.

B. Heliport, includes land improved and intended to be used for the landing and taking off of helicopters or vertical take-off and landing (VTOL) aircraft for municipal or government purposes only. Includes facilities for non-emergency landings and take offs, and permanent life safety facilities. It does not include landing of helicopters or VTOL for emergency purposes, pursuant to the Public Utilities Code, Section 21001, et seq.

C. Intermodal facilities, includes private, quasi-public or public establishments engaged in the provision of transportation of persons. Typical uses include bus stations and train depots.

(Ord. No. 519, 8-8-2012)

Chapter 17.68 - OPEN SPACE, SPECIAL PUBLIC SERVICE DISTRICT AND AGRICULTURAL ZONES

Sections:

17.68.010 - Purpose.

17.68.020 - Permitted use types.

17.68.030 - Open Space development standards.

17.68.040 - Agricultural district development standards.

17.68.010 - Purpose.

A. The purpose of the agricultural district (A) is to promote and preserve in appropriate areas of the city conditions favorable to agricultural use. To this end the agricultural district is intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

B. The purpose of the open space district (OS) is to promote and preserve open space for outdoor recreation in areas particularly suited for park and recreation. To this end, the OS district is intended to be limited to activities normally related to outdoor recreation.

C. The purpose of the special public service district (SPSD) is to provide for the orderly development of public facilities within any district as approved and/or as conditioned by the commission.

(Ord. No. 519, 8-8-2012)

17.68.020 - Permitted use types.

Primary uses are permitted in the open space, civic and agricultural zones subject to the requirements of this title as designated below:

A. Principally permitted use, designated as "P";

B. Conditionally permitted use, designated as "CUP"; and

C. Administratively permitted use, designated as "AP."

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

Accessory uses and structures are permitted in the open space, civic and agricultural zones subject to the requirements set forth in Chapter 17.96.

SEE CHAPTER 17.32 "PERMIT AND VARIANCE REQUIREMENTS" FOR INFORMATION ON USE PERMITS AND OTHER TYPES OF PERMITS THAT MAY BE REQUIRED, REGARDLESS OF HOW A USE IS CLASSIFIED IN THIS CHART

OPEN SPACE, CIVIC AND AGRICULTURAL ZONE DISTRICTS PERMITTED USES

AGRICULTURAL AND OPEN SPACE USE TYPES	OS	SPSD	A
Agricultural	P	-	P
Animal Keeping[8]	-	-	P
Logging and Lumber Milling			CUP
Resource Protection and Restoration	P	P	P
Resource Related Recreation	P	P	P

CIVIC USE TYPES	OS	SPSD	A
Community Assembly[5]	CUP	P	P
Community Services	P	P	-
Essential Services	P	P	P
Hospital Services			
General	-	CUP	-
Psychiatric	-	CUP	-
Intensive Public Facilities	-	P	-
Libraries and Museums, Private	CUP	CUP	
Power Generating Facilities[1]			
Emergency		P	
Supplemental/Individual Use	-	CUP	-

General Power Production	-	CUP	-
Passive Power	-	P	-
Public Parking Services	-	P	-
Schools			
College and University	-	CUP	P
Elementary and Secondary	-	CUP	P
Private Elementary and Secondary	-	CUP	-

RESIDENTIAL USE TYPES	OS	SPSD	A
Caretaker/Employee Housing	-	AP	P
Dwelling, Single-Family[3]	-	CUP	P

COMMERCIAL USE TYPES	OS	SPSD	A
Animal Sales and Service[7]			
Kennels[6]	-	-	AP
Veterinary Clinic	-	-	CUP
Veterinary Hospital	-	-	CUP
Commercial Recreation			
Indoor Sports and Recreation	-	CUP	CUP

Outdoor Entertainment	-	CUP	CUP
Outdoor Sports and Recreation	-	CUP	CUP
Large Amusement Complex	-	CUP	CUP
Day Care Center	-	P	CUP
Lodging services[4]	-	-	CUP
Storage Facility, Recreational and Large Vehicle	-	AP	-

INDUSTRIAL USE TYPES	OS	SPSD	A
Mineral Extraction and Processing	-	-	CUP

TRANSPORTATION AND COMMUNICATION USE TYPES	OS	SPSD	A
Telecommunication Facilities[2]	CUP	P/AP/CUP	AP

Notes:

(1) Additional requirements are contained in Chapter 17.180

(2) Additional requirements are contained in Chapter 17.132

(3) Supportive and transitional housing are considered residential use types.

(4) Bed and breakfasts, with three or fewer rooms.

(5) Food service or distribution facilities are allowed in conjunction with this use with approval of an admin permit.

(6) Kennels are also subject to the regulations set forth in Colfax Municipal Code Chapter 6.12 (kennels).

(7) These establishments are exempt from Municipal Code Chapter 6.20 (limitations on number of animals).

(8) Subject to the limitations set forth in Chapter 6.20 of the Colfax Municipal Code (limitations on number of animals).

(Ord. No. 519, 8-8-2012)

17.68.030 - Open Space development standards.

A. Permitted uses and structures shall comply with the city's adopted community design guidelines and any other applicable requirements of this title.

B. Additional development standards shall be determined as part of an administrative permit or conditional use permit.

(Ord. No. 519, 8-8-2012)

17.68.040 - Agricultural district development standards.

A. Height of Buildings. Except as otherwise provided by the terms of a conditional use permit, no structure or building in the agricultural district (A) shall exceed a height equal to the distance between such structure and the nearest property line of the parcel on which it is situated.

B. Area, Lot Width and Yards. The following area, lot width and yards shall be required in the agricultural district (A):

District	Minimum Lot Area (in acres)	Minimum Lot Width (in feet)	Yards in Feet Front	Yards in Feet Side	Yards in Feet Rear
A-10	10	200	50	20	50
A-5	5	200	50	20	50
A-2	2	150	40	20	40
A-1	1	100	30	10	40

C. Buildings and Enclosures for Animals. Any farm building or enclosure in the agricultural district (A) where large farm animals are maintained (i.e., barns) shall be located not less than fifty (50) feet

from any residence and two hundred (200) feet from any adjacent property line. (Prior code § 9-2.1607)

D. Butchering of Animals. No large livestock shall be butchered on the premises except for personal and noncommercial use.

E. A grading permit shall be required prior to commencing any grading or related work on agricultural property with slopes greater than fifteen (15) percent or any property which requires conversion from forested property to the proposed agricultural use, including preparatory site clearing and soil disturbance, except: (1) in the case of emergencies; (2) to implement erosion prevention or environmental remediation; or (3) exploratory excavations of subsurface conditions, or grading subject to previously issued valid encroachment, building or demolition permits. In all cases, restoration of the soil conditions after the exempted grading to its original state must be completed within sixty (60) days after the grading occurred.

F. All uses in the agricultural district (A) must comply with any applicable requirements set forth in Article IV - general development regulations and Article V - special area and specific use regulations.

(Ord. No. 519, 8-8-2012)

Chapter 17.72 - RESIDENTIAL ZONES

Sections:

17.72.010 - Purpose.

17.72.020 - Residential zone districts permitted uses.

17.72.030 - Residential zone general development standards.

17.72.040 - Supplemental development standards in the residential mobilehome subdivision (R-MHS) district.

17.72.010 - Purpose.

This chapter provides regulations applicable to primary uses in the residential zoning districts established by Section 17.16.010 (zoning districts established). The residential zoning districts are as follows:

A. Single-Family Residence District. The purpose of the single-family residence district (R-1) is to provide for areas in appropriate locations where quiet, low density residential neighborhoods may be established, maintained and protected. The regulations of this district are designed to promote and encourage a suitable environment for families, many of whom will have children. To this end the regulations permit the establishment of single-family dwellings and also permit, with proper controls, those public and quasi-public activities, such as schools, libraries, churches, parks and playgrounds, which serve the needs of families. The regulations are intended to prohibit the establishment or operation of any activity which would be inimical to such a residential environment.

B. Multi-Family Residence District. The purpose of the multi-family residence district (R-M) is to provide for areas in appropriate locations where apartment house neighborhoods of varying degrees of density may be established, maintained and protected. The regulations of this district are designed to promote and encourage an intensively developed residential environment. To this end the regulations permit, in accordance with the respective density district, multiple

dwellings ranging from garden apartments to multi-story apartment houses and necessary public services and activities subject to proper controls.

C. Residential Mobilehome Subdivision District. The purpose of the residential mobilehome subdivision district (R-MHS) is to permit and regulate the development of mobilehome parks within the city, as well as the design and placement of mobilehomes within such mobilehome parks. The provisions of this article shall apply to new mobilehome parks and to the expansion of existing mobilehome parks and shall be in addition to the applicable rules and regulations of the state for mobilehome parks.

(Ord. No. 519, 8-8-2012)

17.72.020 - Residential zone districts permitted uses.

Primary uses are permitted in residential zones subject to the requirements of this title as designated below:

A. Principally permitted use, designated as "P";

B. Conditionally permitted use, designated as "CUP"; and

C. Administratively permitted use, designated as "AP."

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

Accessory uses and structures are permitted in residential zones subject to the requirements set forth in Chapter 17.96.

SEE CHAPTER 17.32 "PERMIT AND VARIANCE REQUIREMENTS" FOR INFORMATION ON USE PERMITS AND OTHER TYPES OF PERMITS THAT MAY BE REQUIRED, REGARDLESS OF HOW A USE IS CLASSIFIED IN THIS CHART

AGRICULTURE AND OPEN SPACE USE TYPE	R-1	R-M	R-MHS
Animal Keeping	AP[8]	-	-
Resource Protection and Restoration	P	P	P
Resource Related Recreation	P	P	P

CIVIC USE TYPES	R-1	R-M	R-MHS
Community Assembly[7]	AP	AP	AP
Community Services	P	P	P
Essential Services	P	P	P

Libraries and museums	-	AP	-
Power Generating Facilities[1]			
Emergency	P	P	P
Passive Power	P	P	P
Public Parking Services	-	CUP	-
Schools, Elementary and Secondary	AP	AP	-
Schools, Private Elementary and Secondary	AP	AP	-

RESIDENTIAL USE TYPES	R-1	R-M	R-MHS
Community Care Facilities, Small	P	P	P
Dwelling[6]			
Multi-Family	-	P	-
Single-Family	P	P	P
Two-Family	-[9]	P	-
Family Day Care Homes, Small	P	P	P
Family Day Care Homes, Large[3]	AP	AP	AP
Mobilehome Park	-	-	CUP
Rooming and Boarding House	-	P	-
Second Dwelling Unit[2]	AP	P	-

COMMERCIAL USE TYPES	R-1	R-M	R-MHS
Commercial Recreation, Residential Recreation Facilities	CUP	CUP	CUP
Community Care Facility	-	P	-
Lodging services(4)	AP	AP	-
Long-Term Care Facility	-	CUP	-
Neighborhood Commercial	-	CUP	-

TRANSPORTATION AND COMMUNICATION USE TYPES	R-1	R-M	R-MHS
Telecommunication Facilities(5)	AP	AP	AP

Notes:

(1) Additional requirements are contained in Chapter 17.180

(2) See Chapter 17.196 for second dwelling unit regulations.

(3) See Chapter 17.160 for large family day care home regulations.

(4) Bed and Breakfast establishments only, with five or fewer rooms.

(5) Additional requirements are contained in Chapter 17.136

(6) Supportive and transitional housing are considered residential use types.

(7) Food service or distribution facilities are allowed in conjunction with this use with approval of an admin permit.

(8) Subject to the limitations set forth in Colfax Municipal Code Chapter 6.20 (Limitations on Number of Animals).

(9) Two-family dwellings may be allowed in the R-1-20 and R-1-40 zones upon approval of an administrative permit.

(Ord. No. 519, 8-8-2012)

17.72.030 - Residential zone general development standards.

A. Residential Development Standards. Permitted uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this title:

RESIDENTIAL ZONE GENERAL DEVELOPMENT STANDARDS

	Requirement by Zoning District				
	R-1		R-M[1]		R-MHS[2]
Minimum Site Area	-		-		10 acres
Minimum Parcel Area	R-1-5	5,000 sq. ft.	R-M-1 R-M-2	6,000 sq. ft.[3]	3,000 sq. ft.
	R-1-10	10,000 sq. ft.			
	R-1-15	15,000 sq. ft.			
	R-1-20	20,000 sq. ft.			
	R-1-40	40,000 sq. ft.			
Minimum Width	R-1-5	50 ft.	-		30 ft.
	R-1-10	80 ft.			
	R-1-15	80 ft.			
	R-1-20	100 ft.			
	R-1-40	125 ft.			
Residential Density	R-1-5	1 dwelling per lot[9]	-		8 lots per acre
	R-1-10	1 dwelling per lot[9]			

	R-1-15	1 dwelling per lot[9]		
	R-1-20	1 dwelling per lot[9]		
	R-1-40	1 dwelling per lot[9]		
Setbacks: (See Chapter 17.96.030 for setbacks for accessory structures)				
Minimum Front[4]	R-1-5	20 ft.	-	10 ft. extending the entire width of the mobilehome space[5]
	R-1-10	20 ft.		
	R-1-15	20 ft.		
	R-1-20	30 ft.		
	R-1-40	30 ft.		
Minimum Sides[4]	R-1-5	6 ft.	-	3 ft. on one side and 10 feet on the other along the entire length of the lot
	R-1-10	8 ft.		
	R-1-15	8 ft.		
	R-1-20	10 ft.		
	R-1-40	15 ft.		
Minimum Rear	R-1-5	20 ft.	-	5 ft. along the entire width of the lot
	R-1-10	30 ft.		
	R-1-15	30 ft.		
	R-1-20	40 ft.		
	R-1-40	40 ft.		

Maximum Site Coverage[6]	-	RM-1	40%	75%
		RM-2	None	
Minimum Usable Open Space per Dwelling Unit[7]	-	RM-1	400 sq. ft.	-
		RM-2	200 sq. ft.	
Maximum Building Height[8]	2½ stories or 30 ft.	2½ stories or 30 ft.		30 ft.
Additions greater than 700 sq. ft. in area	May only be permitted upon approval of an administrative permit	-	-	

Notes:

(1) These requirements shall be observed in the multi-family residence district (R-M), except where increased for conditional uses. All single-family dwellings in the R-M district shall conform to the height, area, lot width and yard requirements specified for the R-1-5 district.

(2) The general development standards for the R-MHS district may be modified through approval of a design review permit.

(3) In the R-M-1 and R-M-2 districts, the required lot area per dwelling unit shall be increased by twenty (20) percent for each dwelling unit having more than two bedrooms. The required lot area per dwelling unit may be decreased by twenty (20) percent for each dwelling unit having no separate bedroom. (Prior code § 9-2.1905)

(4) Front setback (and side setback where adjacent to street) measured from back of walk. Fence side yard setback is five feet from back of walk where facing a street. In the absence of sidewalk, setbacks measured from the edge of right-of-way. In the case of corner lots, the shorter of the two frontages shall be deemed to be the front of the lot for the purposes of computing yard requirements. In the case of a lot having equal frontages or an irregularly shaped lot, the planning director shall determine the front of the lot in such a manner as to best promote the orderly development of the immediate area.

(5) Measured from the nearest element of the mobilehome to the closest edge of the street.

(6) Maximum coverage is a function of lot size, required setbacks and usable open space.

(7) The rear and side yards may be utilized to meet the minimum usable open space provided the minimum dimension, measured perpendicular to the applicable rear or side yard is 10 feet. A minimum usable open space of 500 square feet may be applied where a front porch is provided with minimum dimensions of six feet x 10 feet exclusive of entry way.

(8) Measured from any foundation location horizontal to a point parallel to the highest point of the building.

(9) Second dwelling units may be allowed subject to the requirements contained in Chapter 17.196

B. Clear Vision Triangle, Residential. The following standards shall apply to the installation of structures on corner parcels:

1. On a corner parcel, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction between a height of two and one-half feet and ten (10) feet above the center line grades of the intersecting streets shall be erected, placed, planted, or allowed to grow within a residential clear vision triangle (see Chapter 17.12.030, definitions).

2. The foregoing provision shall not apply to public utility poles; trees trimmed (to the trunk) to a line at least eight feet above the elevation of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave, at all seasons, a clear and unobstructed crossview; supporting members of appurtenances to permanent structures existing on the date that the ordinance codified in this section becomes effective; and official warning signs or signals.

3. The clear vision triangle standards are subject to mandatory code enforcement for health and safety reasons and discretionary code enforcement for aesthetic reasons.

C. Exceptions to Height Limits. Notwithstanding the requirements of subsection 17.72.030A., the following structures are permitted to exceed the maximum height limits, as follows:

1. Architectural Features, Mechanical Equipment. Chimneys, vents, and other architectural or mechanical appurtenances on buildings may be a maximum of fifteen (15) percent higher than the height limit of the applicable zone.

D. Exceptions to Setbacks. Notwithstanding the requirements of subsection 17.72.030A., the following structures are permitted to encroach into the required development setbacks, as follows:

1. Architectural features, such as, but not limited to, cornices, eaves, canopies and similar features, but not any flat wall or addition creating living space, may encroach up to two and ½ feet into any required setback.

2. Bay windows, small balconies and chimneys may project into the required yard setback a distance not to exceed two and ½ feet, provided, however, such features shall not occupy in the aggregate more than one-fourth of the length of the wall of the building on which they are located. Large structures such as decks, second story decks, widow's walks, etc., are addressed in Chapter 17.96 (accessory uses and structures).

3. Mechanical units such as air conditioning, heat pumps and power generating units may encroach up to three feet into a required side or rear yard setback.

4. Uncovered stairs, landings and porches may encroach up to six feet into any yard setback; provided, however, such projections shall not extend above the entrance floor of the building, except for a railing, which shall not exceed the maximum height established by the California Building Code, as amended from time to time.

5. Fire escapes may project into the required yard setback a distance not exceeding four and ½ feet.

6. Side Yards—Projections. The projections set forth in subsections D.1—4. of this section shall be permitted in side yards; provided, however, they shall not extend nearer than three feet to a side lot line.

7. Front Yards with Existing Buildings. In any residential district where twenty-five (25) percent or more of the lots in any block, exclusive of the frontage along the side of a corner lot, has been improved with buildings on or before August 24, 1967, the front yard required on each lot in such block shall be of a depth not less than the average depth of the front yards on the lots on which such existing buildings are located; provided, however, where a lot is between adjoining developed lots, the required front yard shall be not less than the average of the front yards existing on such adjoining lots or where a corner lot adjoins a developed lot fronting on the same street, the required front yard shall be equal to that existing on the adjoining developed lot, except that the front yard on a corner lot shall in no case be less than ten (10) feet. Detached garages or accessory buildings shall not be considered in determining such existing front yards. In any case, the required front yard shall not be greater than that required by the regulations for the district in which such lot is located.

E. Manufactured Homes. Manufactured homes are permitted in residential zones provided they are certified as complying the California Building Code requirements for high fire severity zones and meet the following architectural standards:

1. The manufactured home shall be covered with exterior material customarily used on conventional dwellings within the subdivision. The exterior covering material shall extend to the ground as close to grade as allowed by the manufacturer's recommendation;

2. The manufactured home shall have a minimum of sixteen (16) inch roof overhangs and roofing material on the manufactured home shall be compatible with other dwellings existing in the area and shall consist of materials customarily used on conventional dwellings. The roof shall have a minimum two and one-half in twelve (12) pitch.

F. All uses in the residential districts (R) must comply with any applicable requirements set forth in Article IV - general development regulations and Article V - special area and specific use regulations.

(Ord. No. 519, 8-8-2012)

17.72.040 - Supplemental development standards in the residential mobilehome subdivision (R-MHS) district.

The following development standards shall apply in the residential mobilehome subdivision district (R-MHS):

A. General. The planned mobilehome subdivision development shall be designed and developed in a manner compatible with and complementary to existing and potential residential developments in the immediate vicinity of the project site.

1. Site Area. Each planned mobilehome subdivision development shall be not less than ten (10) acres in area.

2. Fences and Walls. Each planned mobilehome subdivision development shall be entirely enclosed at its exterior boundaries by appropriate decorative screening or landscaping material; provided, however, such screening, when located within a front yard, shall be constructed at or behind the required setback.

3. Perimeters. Site planning on the perimeters shall give consideration to the protection of the property from adverse surrounding influences, as well as to the protection of the surrounding areas from potentially adverse influences within the development.

A setback of at least fifty (50) feet from the center line shall be maintained by any mobilehome, building or structure, except a wall or fence, from any street along an exterior boundary of the development; provided, however, when such street has a right-of-way width greater than sixty (60) feet, a setback of twenty (20) feet from the nearest edge of the right-of-way of such street shall be maintained. Otherwise a setback of not less than fifteen (15) feet from an exterior boundary shall be maintained.

4. Common Open Space. At least one substantial common open space having a minimum of two hundred fifty (250) square feet per lot and a minimum dimension of one hundred (100) square feet and a slope of not more than two and one-half percent shall be provided. Completely enclosed indoor recreation facilities shall be provided and shall consist of not less than ten (10) square feet for each lot. Outdoor recreational facilities shall provide for both active and passive recreation. Such recreation area shall be landscaped, improved and maintained.

5. Storage Areas. Common storage areas shall be provided within an enclosed fenced area for the residents of the planned mobilehome development for the storage of recreational vehicles, trailers, travel trailers and other licensed or unlicensed vehicles. Such area shall be not less than fifty (50) square feet for each lot.

6. Parking. Parking spaces in planned mobilehome subdivision developments shall be as follows:

    a. Two spaces on each lot with dimensions of no less than nine feet by twenty (20) feet for each space. Such spaces may be in tandem;

    b. In addition to the spaces required by subsection A.6.a. of this section, one guest space for each five lots located within four hundred (400) feet of the farthest lot shall be provided; and

    c. In addition to those spaces required by subsections A.6.a. and b. of this section, one vehicle parking space for each ten (10) lots, and one class I bicycle parking space for every fifteen (15) lots, shall be provided at the recreation center.

7. Sewers and Water. Each lot in a planned mobilehome subdivision development shall be provided with water and sewer connections in accordance with the regulations set forth in Title 25 of the California Administrative Code. Water shall be provided by a water company having a valid permit from the department of health of the state or the department of public health of the county. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate regional water quality control board. Individual sewage disposal systems shall be approved by the department of public health of the county.

8. Undergrounding. All sewer and water facilities and electric, gas, telephone and television signal distribution systems shall be placed underground.

9. Antennas. Television reception shall be by means of cable television or a master antenna system. No other exterior television antennas shall be permitted.

10. Landscaping. All areas in a planned mobilehome subdivision development not used for parking, circulation, buildings and service areas shall be completely and permanently landscaped. The planned mobilehome development shall relate harmoniously to the topography of the site and, where feasible, make suitable provisions for the preservation of watercourses, wooded areas, rough terrain and similar natural features and areas and shall otherwise be so designed as to use such natural features and amenities to their best advantage.

11. Fire Protection. Fire protection systems shall be as required by the commission.

12. Lighting. Artificial light should be provided and maintained for walks, driveways, parking areas and other facilities, as set forth in Title 25 of the California Administrative Code, to assure safe and convenient nighttime use.

13. Signs. Signs shall conform to the provisions of Chapter 17.112 of this title.

14. Architectural Control. All mobilehomes will be subject to architectural approval via design review. Natural colors and textures in materials shall be encouraged. Only nonglare siding and roofing will be allowed. Complete skirting shall be required and shall match or blend with the exterior siding of the mobilehome.

B. Streets. All streets within the planned mobilehome development shall be improved to county road standards for the particular classification of street and all such streets shall be offered for dedication to the public. Dead-end or cul-de-sac streets shall be limited to two hundred (200) feet in length.

C. Modification of Requirements. Modifications of the development criteria set forth in this section may be granted by the planning director when it determines that such modifications will not be detrimental to the subject development, adjacent properties or the public interests; provided, however, no modification shall be granted from the density requirements nor from the total open space area requirements set forth in this section.

D. Occupancy Guidelines. The following occupancy guidelines shall apply in mobilehome parks:

1. Lot Maintenance. All spaces shall remain under the direct control of the management. Residents shall maintain their spaces in a clean, well-kept and attractive fashion, including the front, sides and back. If a space is neglected, the management shall reserve the right to take over its care and bill the resident for such services. All trash, debris, boxes, barrels, tools, ladders and the like shall be out of sight. Only patio, lawn and barbecue furniture and equipment may be on the outside of the mobilehome. When a space is vacated, all structures, awnings and footings shall be removed and the lot left in its original condition. Residents may not make any structural change to the lot or alter or paint any park property, including curbs, driveways, trees and utility islands.

2. Lot Usage. No repairing or minor servicing of cars shall be permitted in driveways, carports or streets. Any car dripping gasoline or oil shall be fixed to avoid damage to the paving. Driveways shall be kept clean of oil stains. Storage under mobilehomes shall not be permitted.

3. Landscaping. The full front, side and rear yards shall be landscaped within ninety (90) days following occupancy. Landscaping should consist of plantings and groundcover. Rock, bark, gravel or artificial groundcover may be used with approval. It shall be the residents' responsibility to provide an entry walk from the street to the mobilehome raised deck. Residents shall maintain landscaping at all times. Residents shall obtain internal management approval prior to installing irrigation systems or digging below twelve (12) inches so as not to damage underground utilities.

Chapter 17.76 - COMMERCIAL ZONES

Sections:

17.76.010 - Purpose.

17.76.020 - Permitted use types.

17.76.030 - Commercial zone general development standards.

17.76.010 - Purpose.

This chapter provides regulations applicable to primary uses in the commercial zoning districts established by Section 17.16.10 (zoning districts established). The commercial zoning districts are as follows:

A. Retail Commercial District. The purpose of the retail commercial district (C-R) is to provide for areas where shopping centers may be established to serve surrounding residential neighborhoods and the outlying districts. The regulations of this district are designed to promote a combination of retail and service facilities to meet the needs of residents of the surrounding area.

B. Highway Commercial District. The purpose of the highway commercial district (C-H) is to provide for areas in appropriate locations adjacent to thoroughfares where activities dependent upon or catering to thoroughfare traffic may be established, maintained and protected. The regulations of this district are designed to encourage centers for retail, commercial, entertainment, automotive and tourist housing facilities and other appropriate highway-related activities. Zoning regulations for this district are provided in more detail in the I-80 corridor revitalization district.

(Ord. No. 519, 8-8-2012)

17.76.020 - Permitted use types.

Primary uses are permitted in commercial zones subject to the requirements of this title as designated below:

A. Principally permitted use, designated as "P";

B. Conditionally permitted use, designated as "CUP"; and

C. Administratively permitted use, designated as "AP."

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

Accessory uses and structures are permitted in commercial zones subject to the requirements set forth in Chapter 17.96.

SEE CHAPTER 17.32 "PERMIT AND VARIANCE REQUIREMENTS" FOR INFORMATION ON USE PERMITS AND OTHER TYPES OF PERMITS THAT MAY BE REQUIRED, REGARDLESS OF HOW A USE IS CLASSIFIED IN THIS CHART

COMMERCIAL ZONE DISTRICTS PERMITTED USES		
AGRICULTURAL AND OPEN SPACE USE TYPES	C-R	C-H
Resource Protection and Restoration	CUP	CUP
CIVIC USE TYPES	C-R	C-H
Community Assembly[10]	AP/CUP	-

Community Services	AP	AP
Hospital Services		
General Hospital Services	AP/CUP	AP/CUP
Psychiatric Hospital Services	CUP	CUP
Libraries and Museums, Private	P	P
Public Parking Services	P	P
Schools		
College and University	CUP	AP
Elementary and Secondary	CUP	AP
Private Elementary and Secondary	CUP	AP
Social Services		
Food Distribution[2]	AP/CUP	AP/CUP
Food Service[3]	AP/CUP	AP/CUP
Emergency Shelter[4]	AP/CUP	AP/CUP
Power Generating Facilities[8]		
Emergency	AP	AP
Supplemental/Individual Use	AP	AP
Passive Power	P	P
RESIDENTIAL USE TYPES	C-R	C-H

Caretaker/Employee Housing	CUP	CUP
Dwelling[9]		
Multifamily	CUP	-
Single-family	CUP	CUP
Two-family	CUP	CUP
Family Day Care Home, Small	P	-
Family Day Care Home, Large[14]	CUP	-
Single Room Occupant	-	-
COMMERCIAL USE TYPE	C-R	C-H
Adult-oriented Businesses[1]	CUP	CUP
Animal Sales and Service[12]		
Grooming and Pet Stores	P	P
Kennels[11]	AP	AP
Veterinary Clinic	P	P
Veterinary Hospital	AP	AP
Automotive and Equipment		
Automotive Body and Equipment Repair	AP/CUP	P
Automotive Rentals	P	P
Automotive Repairs	CUP	P

Automotive Sales	P	P
Carwash and Detailing	AP	P
Commercial Parking	P	P
Heavy Equipment Rental and Sales	P	P
Gasoline Sale	AP	P
Banks and Financial Services	P	P
Bars and Drinking Places	AP	AP
Broadcasting and Recording Studios	P	P
Building Material Stores	P	P
Business Support Services	P	P
Commercial Recreation		
Amusement Center	P	P
Indoor Entertainment	P	P
Indoor Sports and Recreation	P	P
Outdoor Entertainment	AP	P
Outdoor Sports and Recreation	P	P
Large Amusement Complexes	AP	P
Community Care Facility	AP	-
Day Care Center	AP	-

Eating and Drinking Establishments		
Fast Food with Drive-Through	AP	P
Convenience	P	P
Full Services	P	P
Food and Beverage Retail Sales	P	P
Long-Term Care Facility	CUP	-
Maintenance and Repair	P	P
Medical Services, General	P	P
Neighborhood Commercial	P	-
Nightclubs[(5)]	AP	AP
Nursery, Retail	P	P
Offices, Professional	P	P
Personal Services	P	P
Retail Sales and Services	P	P
Specialized Education and Training		
Vocational Schools	P	P
Specialty Schools	P	P
Storage Facility, Self-service[(13)]	AP	P
INDUSTRIAL USE TYPES	C-R	C-H

Day care centers, secondary	CUP	CUP
Laundries, Commercial	P	P
Printing and Publishing	P	P
Research Services	P	P
Wholesaling and Distribution, Light	AP	P
TRANSPORTATION AND COMMUNICATION USE TYPES	C-R	C-H
Telecommunication Facilities[(6)]	P/AP/CUP	P/AP/CUP
Heliport	CUP	CUP
Intermodal Facilities[(7)]	CUP	CUP

Notes:

(1) Additional requirements are contained in Chapter 17.128

(2) Additional requirements are contained in Chapter 17.148

(3) Additional requirements are contained in Chapter 17.144

(4) Additional requirements are contained in Chapter 17.140

(5) Additional requirements are contained in Chapter 17.164

(6) Additional requirements are contained in Chapter 17.132

(7) Additional requirements are contained in Chapter 17.136

(8) Additional requirements are contained in Chapter 17.180

(9) Supportive and transitional housing are considered residential use types.

(10) Food service or distribution facilities are allowed in conjunction with this use with approval of an admin permit pursuant to Chapters 17.144 and 17.148

(11) Kennels are also subject to the regulations set forth in Colfax Municipal Code Chapter 6.12 (kennels).

(12) These establishments are exempt from Municipal Code Chapter 6.20 (limitations on number of animals).

(13) Additional requirements are contained in Chapter 17.176

(14) Additional requirements are contained in Chapter 17.160

(Ord. No. 519, 8-8-2012)

17.76.030 - Commercial zone general development standards.

A. General. Permitted uses and structures shall comply with the city's adopted community design guidelines, applicable specific plans, approved design review permit and any other applicable requirements of this title.

B. Maximum Height. Notwithstanding these requirements referred to in subsection A. of this section, maximum height limits in the commercial zoning districts are as follows unless otherwise modified by an approved design review permit or specific plan:

Zoning District	Height Limit
Retail Commercial (C-R)	30’
Highway Commercial (C-H)	35’

C. Clear Vision Triangle, Nonresidential. The following standards shall apply to the installation of structures on corner parcels:

1. On a corner parcel, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over thirty-six (36) inches in height above the top of the existing or planned curb elevation shall be erected, placed, planted, or allowed to grow within a commercial clear vision triangle (see Chapter 17.12, definitions). The foregoing provision shall not apply to public utility poles; trees trimmed (to the trunk) to a line at least eight feet above the elevation of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave, at all seasons, a clear and unobstructed crossview; supporting members of appurtenances to permanent structures existing on the date that the ordinance codified in this chapter becomes effective; and official warning signs or signals.

2. The clear vision triangle standards are subject to mandatory code enforcement for health and safety reasons and discretionary code enforcement for aesthetic reasons.

D. Area, Lot Width and Yards.

1. The following minimum requirements shall be observed in the retail commercial district (C-R), except where increased for conditional uses:

Lot Area (Sq. Feet)	Front	Side	Rear
5,000	None, except where the abutting side lot line is in a residential district, then not less than required for such residential district	None, except where a side lot line is abutting a residential district, then not less than the side yard required for such residential district	10 feet, except where abutting a residential district

2. The following minimum requirements shall be observed in the highway commercial district (C-H), except where increased for conditional uses:

Lot Area (Square Feet)	Lot Coverage (Maximum Percent)	Yards in Feet Front	Yards in Feet Side	Yards in Feet Rear
5,000	50	25	None, except where abutting a residential district, then not less than 20 feet	10 feet, except where abutting a residential district, then not less than 25 feet

E. Exceptions to Height Limits. Notwithstanding the requirements of subsection 17.76.030B., the following structures are permitted to exceed the maximum height limits, as follows:

1. Architectural Features, Mechanical Equipment. Chimneys, vents, and other architectural or mechanical appurtenances on buildings may be a maximum of fifteen (15) percent higher than the height limit of the applicable zone.

F. All uses in the commercial districts must comply with any applicable requirements set forth in Article IV - general development regulations and Article V - special area and specific use regulations.

(Ord. No. 519, 8-8-2012)

Chapter 17.80 - INDUSTRIAL ZONES

Sections:

17.80.010 - Purpose.

17.80.020 - Permitted use types.

17.80.030 - Industrial zone general development standards.

17.80.010 - Purpose.

This chapter provides regulations applicable to primary uses in the industrial zoning districts established by Section 17.16.10 (zoning districts established). The industrial zoning districts are as follows:

A. Light Industrial District. The purpose of the light industrial district (I-L) is intended to designate areas appropriate for light industrial uses such as manufacturing, processing, assembly, high technology, research and development and storage uses. The use types permitted within the I-L district do not include outdoor manufacturing but may include limited outdoor storage and the emission of limited amount of visible gasses, particulates, steam, heat, odor, vibration, glare, dust, and noise. These uses may be compatible operating in relatively close proximity to commercial and residential uses.

B. Heavy Industrial District. The purpose of the heavy industrial district (I-H) is to provide for areas in appropriate locations where wholesale and heavy commercial activities and industrial processes not producing objectionable effects observable beyond the boundaries of the site may be established, maintained and protected. The regulations of this district are designed to promote an environment in which industries and related activities requiring a reasonably high level of environmental quality and which themselves do not contribute to the deterioration of such environmental quality, may be conducted.

(Ord. No. 519, 8-8-2012)

17.80.020 - Permitted use types.

Primary uses are permitted in industrial zones subject to the requirements of this title as designated below:

A. Principally permitted use, designated as "P";

B. Conditionally permitted use, designated as "CUP"; and

C. Administratively permitted use, designated as "AP."

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

Accessory Uses and Structures are permitted in industrial zones subject to the requirements set forth in Chapter 17.96.

SEE CHAPTER 17.32 "PERMIT AND VARIANCE REQUIREMENTS" FOR INFORMATION ON USE PERMITS AND OTHER TYPES OF PERMITS THAT MAY BE REQUIRED, REGARDLESS OF HOW A USE IS CLASSIFIED IN THIS CHART

INDUSTRIAL ZONE DISTRICTS PERMITTED USES		
AGRICULTURAL AND OPEN SPACE USE TYPES	I-L	I-H
Agricultural	-	P

Resource Protection and Restoration	P	P
CIVIC USE TYPES	I-L	I-H
Community Assembly[8]	CUP	CUP
Community Services	AP	P
Essential Services	AP	P
Intensive Public Facilities	-	CUP
Power Generating Facilities[7]		
Emergency	AP	AP
Supplemental/Individual Use	AP	CUP
General Power Production	AP	CUP
Passive Power	P	P
Public Parking Services	P	P
Schools		
College and University	AP	CUP
Social Services		
Food Distribution(2)	AP/CUP	AP/CUP
Food Service(3)	AP/CUP	AP/CUP
Emergency Shelter(4)	AP/CUP	AP/CUP
RESIDENTIAL USE TYPES	I-L	I-H

Caretaker/Employee Housing	AP	AP
COMMERCIAL USE TYPES	I-L	I-H
Adult-Oriented Businesses	CUP	CUP
Animal Sales and Service[10]		
Kennels[9]	P	P
Veterinary Clinic	-	P
Veterinary Hospital	P	P
Automotive and Equipment		
Automotive Body and Equipment Repair	P	
Automotive Rental	P	-
Automotive Repairs	P	CUP
Automotive Sales	P	-
Carwash and Detailing	P	CUP
Commercial Parking	P	P
Heavy Equipment Rental and Sales	P	P
Gasoline Sales	P	P
Impound Yards	AP	P
Broadcasting and Recording Studios	P	P
Building Material Stores	P	P

Business Support Services	P	CUP
Commercial Recreation		
Indoor Entertainment	AP	CUP
Indoor Sports and Recreation	P	P
Outdoor Entertainment	AP	CUP
Outdoor Sports and Recreation	P	P
Large Amusement Complexes	AP	P
Eating and Drinking Establishments, Convenience	P	P
Maintenance and Repair	P	CUP
Nightclubs[(1)]	AP	CUP
Nursery, Retail	P	P
Offices, Professional	P	P
Personal Services	AP	CUP
Retail Sales and Services	P	-
Specialized Education and Training		
Vocational Schools	P	CUP
Specialty Schools	AP	CUP
Storage Facility, Self-service[(11)]	P	P
INDUSTRIAL USE TYPES	I-L	I-H

Day Care Center, Secondary (Employees Only)	AP	-
Equipment and Materials Storage Yards	AP	P
General Industrial	AP	P
Hazardous Materials Handling	AP	P
Laundries, Commercial	P	P
Light Manufacturing	P	P
Mineral Extraction and Processing[(12)]	CUP	CUP
Printing and Publishing	P	P
Recycling, Scrap and Dismantling		
Enclosed	P	P
Unenclosed	AP	P
Research Services	P	P
Specialized Industrial	AP	CUP
Wholesale and Distribution		
Light	P	P
Heavy	AP	P
TRANSPORTATION AND COMMUNICATION USE TYPES	I-L	I-H
Antennas and Communications Facilities[(5)]		
Developed Lot	AP	P

Undeveloped Lot	AP	CUP
Heliport	AP	CUP
Intermodal Facilities[6]	AP	P
Telecommunication Facilities[5]	AP	P/AP/CUP

Notes:

(1) Additional requirements are contained in Chapter 17.164

(2) Additional requirements are contained in Chapter 17.148

(3) Additional requirements are contained in Chapter 17.144

(4) Additional requirements are contained in Chapter 17.140

(5) Additional requirements are contained in Chapter 17.132

(6) Additional requirements are contained in Chapter 17.136

(7) Additional requirements are contained in Chapter 17.180

(8) Food service or distribution facilities are allowed in conjunction with this use with approval of an admin permit.

(9) Kennels are also subject to the regulations set forth in Colfax Municipal Code Chapter 6.12 (kennels).

(10) These establishments are exempt from Municipal Code Chapter 6.20 (limitations on number of animals).

(11) Additional requirements are contained in Chapter 17.176

(12) Additional requirements are contained in Chapter 17.163

(Ord. No. 519, 8-8-2012)

17.80.030 - Industrial zone general development standards.

A. General. Permitted uses and structures shall comply with the city's adopted community design guidelines, applicable specific plans, and any other applicable requirements of this title.

B. Maximum Height. There shall be no height requirements in the industrial districts, except that within one hundred (100) feet of the boundary of any adjoining district, no building shall exceed the height limit established for a main building in such adjoining district.

C. Exceptions to Height Limits. Notwithstanding the requirements of subsection 17.80.030B., the following structures are permitted to exceed the maximum height limits, as follows:

1. Architectural Features, Mechanical Equipment. Chimneys, vents, and other architectural or mechanical appurtenances on buildings may be a maximum of fifteen (15) percent higher than the height limit of the applicable zone.

D. Area, Lot Coverage and Yards. There shall be no area, lot coverage and yard requirements in the industrial districts, except that for any parcel in an industrial district having a lot line in common with a lot in an adjoining district or lying directly across a street or alley (other than a freeway) from such adjoining district, the front, side and rear yards as prescribed for such adjoining district shall be maintained.

E. Fences and Walls. Any area outside of a building in the industrial districts used for an activity other than off-street parking and loading shall be completely enclosed or screened appropriate to that use so that the use does not interfere with or infringe upon adjacent properties or traffic.

F. All uses in the industrial districts must comply with any applicable requirements set forth in Article IV - general development regulations and Article V - special area and specific use regulations.

(Ord. No. 519, 8-8-2012)

Chapter 17.84 - OVERLAY AND SPECIAL PURPOSE ZONES

Sections:

17.84.010 - Purpose.

17.84.020 - Historic zone.

17.84.030 - "SD" Special development overlay zone.

17.84.010 - Purpose.

The overlay and special purpose zone districts established by this title provide guidance for development and new land uses in addition to the standards and regulations of the applicable zoning districts, where important site, neighborhood, or area characteristics require particular attention in project planning.

(Ord. No. 519, 8-8-2012)

17.84.020 - Historic zone.

A. Findings. The city council finds establishment of the historic zone necessary to achieve the cited mitigation of the community design element and implementation of the Colfax General Plan 2020 with the following findings:

1. The historic zone will maintain the small town character that makes Colfax a desirable place to live;

2. The historic zone will maintain and enhance the city's character and visual appearance in order to create a quality fixture community; and

3. The historic zone will maintain and enhance the historic resources, qualities and character of the city.

B. Purpose and intent. The purpose and intent of the historic zone is to establish an area that will maintain and enhance the city's character and visual appearance in order to create a quality future community; and to continue to maintain and enhance the historic resources, qualities and character of the city.

C. The Historic district overlay zone is as shown on the current zoning map on file with the city clerk.

D. All uses in the historic zone must comply with any applicable requirements set forth in Article IV - general development regulations and Article V - special area and specific use regulations.

(Ord. No. 519, 8-8-2012)

17.84.030 - "SD" Special development overlay zone.

A. Findings and Purpose. The city council finds that certain areas of the city or that may be annexed to the city have significant access, infrastructure and environmental constraints. Development of these areas, even for site development or parcel map approval, requires additional discretionary control in order to assure coordinated and planned development of necessary public services and protection of the environment. Therefore, the purpose of this zone is to impose discretionary design review (site plan approval) prior to issuance of any building permits and increased requirements for grading permits and other development permits. The SD zone map can be found at Appendix 1.

B. Site Plan Approval for Grading and Building Permits. Notwithstanding any other provision of the municipal code, within the SD zone within the city site plan approval shall be required prior to issuance of 1) a grading permit or 2) a building permit for any building greater than two hundred (200) square feet. Properties outside of the city within the SD zone would be subject to the requirements only at such time that those properties sought annexation into the city for the purposes of development.

C. Additional Site Plan Approval Standards in SD Zone. In addition to the site plan approval requirements associated with a design review permit, the following standards and conditions may be applied to approval of a site plan within the SD zone:

1. Adequate Access. No site plan approval shall be issued unless the applicant can provide access to the subject property that meets current city street standards and assurance that such access will be adequately maintained. Upon a finding that this is not practically feasible, the approval authority may modify the standards, but in no event shall the access be less than that required to meet California Department of Forestry Fire Safe Regulations.

2. Offers of Dedication. As a condition of approval of the site plan, the city may require grant by the owner of offers of dedication and/or easements for access, utilities and other public facilities in order to assure the development of an adequate system of public infrastructure within that SD zone.

3. Sewer. Connection to the city sewer system shall be required where feasible. If not, the owner shall be required to execute and record a covenant in title. The covenant shall bind the owner and all successive owners to connect to the city sewer at such time as the city develops a program to provide sewer within three hundred (300) feet of the owner's residence.

4. Environmental Review and Protection. Most permits to be issued within the SD zone are subject to environmental review under the California Environmental Quality Act. City staff shall develop informational requirements for the site plan application to provide the city with information necessary to develop mitigations of environmental impacts of the proposed development. The city shall then place appropriate conditions on the site plan to minimize the environmental

impacts of the proposed development. Such conditions, may include, without limitation the following:

a. Demarcation of a building envelope and/or the areas within the parcel in which development may occur and areas that may not be disturbed;

b. Requirements to preserve mature trees;

c. A drainage plan;

d. Height and lot coverage limitations;

e. Timing requirements to discourage development before essential services are available; and

f. Such other conditions as set forth in the city's hillside development guidelines, any area plan or required to adequately mitigate the impacts of the project.

D. Subdivision Within the SD Zone. The city finds that within the SD zone within the city, construction of improvements in conjunction with subdivision approval is necessary to protect the public health and safety and the environment. Therefore, notwithstanding the provisions of Section 66411.1 of the Government Code, the city may impose improvement requirements as a condition of approval of tentative parcel maps. The city may also require conditions on subdivision approval similar to those required for site plan approval and may require oversizing of improvements in order to provide adequate infrastructure for the zone, subject to the requirement of reimbursement as provided in Sections 66485 et seq.

E. Area Infrastructure and Development Planning. The city may develop and adopt plans for the necessary infrastructure and environmental design standards within a particular SD zone area. Once adopted, the area plan shall set minimum requirements within that SD area.

F. Reimbursement Requirements. Where one property owner within the SD zone has paid for studies, infrastructure plans, development of an area plan or built improvements required for site plan approval that benefit other properties within the zone, the city shall, to the extent feasible, require reimbursement from the other properties as they develop. A reimbursement agreement shall be executed by the city and the owner, which may be recorded. The agreement shall be consistent with the requirements of Section 16.36.150 of this Code. The form for such reimbursement agreements shall be developed by city staff, reviewed by the planning commission and adopted by resolution of the council.

G. Fees. The city may impose additional fees or deposits for permits issued in the SD zone to reflect the increased level of review. Such fees/deposits shall be adopted as part of the city fee schedule by resolution of the city council.

(Ord. No. 519, 8-8-2012)

Chapter 17.88 - PLANNED DEVELOPMENTS

Sections:

17.88.010 - Purpose.

17.88.020 - Area.

17.88.030 - Applications—Accompanying documents, plans and drawings.

17.88.040 - Uses permitted—Agricultural and residential districts.

17.88.050 - Same—Commercial districts.

17.88.060 - Same—Industrial district.

17.88.070 - Approval—Authority and findings.

17.88.080 - Same—Principle considerations.

17.88.010 - Purpose.

The purpose of the planned development is to allow diversification in the relationships of uses, building design, placement and open spaces in planned building groups, thus ensuring substantial compliance with the intent of the district regulations and other provisions of this title relating to the public health, safety and general welfare and at the same time securing the advantages of large scale site planning for residential, commercial and industrial developments or combinations thereof.

(Ord. No. 519, 8-8-2012)

17.88.020 - Area.

No planned development shall have an area of less than one acre.

(Ord. No. 519, 8-8-2012)

17.88.030 - Applications—Accompanying documents, plans and drawings.

Applications for planned developments which will require a change in zoning districts shall be accompanied by an application for an amendment to the provisions of this title. Applications for planned developments shall also be accompanied by a planned development plan, showing the uses, dimensions and locations of the proposed structures and of the areas to be reserved for vehicular and pedestrian circulation, parking, public uses, such as schools and playgrounds, landscaping and other open spaces and architectural drawings and sketches demonstrating the general design and character of the proposed uses and the physical relationship of the uses. Such other pertinent information, including the density of the dwelling units, coverage and open space characteristics, shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable pursuant to the provisions of this title.

(Ord. No. 519, 8-8-2012)

17.88.040 - Uses permitted—Agricultural and residential districts.

Subject to the review and approval of the planning commission, planned developments in the agricultural (A), single-family residence (R-1) and multi-family residence (R-M) districts may include any use listed as a permitted, accessory or conditional use in any of such districts as set forth in Chapters 17.68 and 17.72 of this title. Incidental to such residential uses, limited commercial development may be permitted in the amount of not more than one thousand two hundred (1,200) square feet of commercial floor area for each fifty (50) dwelling units within the planned unit development.

(Ord. No. 519, 8-8-2012)

17.88.050 - Same—Commercial districts.

Subject to the review and approval of the planning commission, planned developments in the retail commercial (C-R) and highway commercial (C-H) districts may include any use permitted by the

provisions of Section 17.88.040 of this chapter, plus any use listed as a permitted, accessory or conditional use in any of such districts as set forth in Chapter 17.76 of this title.

(Ord. No. 519, 8-8-2012)

17.88.060 - Same—Industrial district.

Subject to the review and approval of the planning commission, planned developments in the industrial district (I) may include any use listed as a permitted, accessory or conditional use in such district as set forth in Chapter 17.80 of this title.

(Ord. No. 519, 8-8-2012)

17.88.070 - Approval—Authority and findings.

The approval authority for planned developments is the planning commission. In approving a planned development permit, the planning commission must make the findings set forth in subsection 17.40.070H.

(Ord. No. 519, 8-8-2012)

17.88.080 - Same—Principle considerations.

Upon reviewing applications for proposed planned developments, the planning commission shall consider the following principles:

A. That it is the intent of this chapter that site and building plans prepared for a planned development shall be prepared by a designer or team of designers having professional competence related to the use proposed in the application. The planning commission may require the applicant to engage such a qualified designer or design team; and

B. That it is not the intent of this chapter that control of the design of a planned development by the planning commission be so rigidly exercised that individual initiative shall be stifled and substantial additional expense incurred; rather, it is the intent of this chapter that the control exercised be the minimum necessary to achieve the purposes of this title.

(Ord. No. 519, 8-8-2012)

ARTICLE IV. - GENERAL DEVELOPMENT REGULATIONS

Chapter 17.92 - GENERAL DEVELOPMENT STANDARDS

Chapter 17.96 - ACCESSORY USES AND STRUCTURES

Chapter 17.100 - NONCONFORMING USES, BUILDINGS AND STRUCTURES

Chapter 17.104 - DENSITY BONUSES AND OTHER INCENTIVES

Chapter 17.108 - OFF-STREET PARKING AND LOADING

Chapter 17.110 - TREE PRESERVATION GUIDELINES

Chapter 17.112 - SIGNS

Chapter 17.116 - DESIGN GUIDELINES

Chapter 17.120 - PERFORMANCE STANDARDS

Chapter 17.122 - CALIFORNIA STATE-MANDATED WATER EFFICIENT LANDSCAPE REGULATIONS

Chapter 17.92 - GENERAL DEVELOPMENT STANDARDS

Sections:

17.92.010 - Purpose.

17.92.010 - Purpose.

The provisions of this article apply to all zones and all use classifications unless otherwise stated.

(Ord. No. 519, 8-8-2012)

Chapter 17.96 - ACCESSORY USES AND STRUCTURES

Sections:

17.96.010 - Purpose.

17.96.020 - Accessory uses.

17.96.030 - Accessory structures.

17.96.010 - Purpose.

The purpose of these provisions is to specify the uses that are permitted as accessory to the primary uses in the zone districts, and to establish the regulations that apply to accessory structures.

(Ord. No. 519, 8-8-2012)

17.96.020 - Accessory uses.

A. Accessory Uses Encompassed by Primary Use. In addition to the primary uses expressly included in a use classification, each use classification shall be deemed to include such accessory uses which are specifically identified by these regulations; and such other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to, such primary uses. It shall be the responsibility of the planning director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the primary use, based on the planning director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the primary uses and the relationship between the proposed accessory use and the primary use. Determinations by the planning director shall be subject to appeal pursuant to Chapter 17.44, and a record of all such determinations shall be maintained by the planning director.

B. Accessory Uses Subject to Regulations. Accessory uses shall be regulated in the same manner as the primary uses within each use classification, except as otherwise expressly provided by these regulations.

C. Permitted Accessory Uses for Residential Use Types.

1. Home occupations, as permitted in Chapter 17.152

2. Garage/yard sales, with the following limitations:

   a. Three sales per calendar year at the same address;

   b. Not to exceed three calendar days per event; and

   c. Operating during daylight hours only.

3. Off-street parking areas and parking structures for use by persons living, or visiting the premises.

4. Repair and maintenance of automobiles or other vehicles if work is being done on a vehicle registered to a resident of the premises, or not more than one automobile or other vehicle at a time if work is being done on a vehicle registered to someone other than a resident of the premises. Notwithstanding the above, repair or maintenance of any tractor trucks or semi-trucks is not permitted in any residential zone district.

5. Rental and sales offices for the leasing and sales of units located in the same apartment or condominium complex.

6. The following accessory uses and buildings shall be permitted in mobilehome parks:

   a. Accessory uses and accessory buildings customarily appurtenant to a permitted use, such as the following accessory structures and uses on individual lots: cabanas, ramadas, patio slabs, carports or garages and storage and washroom buildings;

   b. Accessory uses customarily incidental and subordinate to the residential occupancy of the mobilehomes which are expressly provided for residents of the mobilehome park only, such as:

      i. A manager's office and maintenance equipment storage area;

      ii. Laundry facilities; and

      iii. Carwashing facilities.

7. Any other accessory use determined by the planning director to be of the same general character as the permitted uses set forth in this section.

D. Permitted Accessory Uses for Schools, Community Assembly and Community Services Use Types.

1. Recycling collection center for collection of newspapers only, by nonprofit organizations, when operated in conformance with Chapter 17.184 (recycling collection centers).

2. Fundraising sale and events.

3. Food service and distribution facilities (community assembly uses only) subject to the permit requirements set forth in Chapters 17.144 and 17.148

4. Any other accessory use determined by the planning director to be of the same general character as the permitted uses set forth in this section.

E. Permitted Accessory Uses for Commercial and Industrial Use Types.

1. Automatic teller machines, vending machines and video dispensing machines, where such machines or facilities are designed, located or attached so that they are protected from the elements and completely visible from adjacent public streets. Such location/design must be approved by the planning director.

2. Cafeteria, delicatessen and food vending with an area of less than one thousand (1,000) square feet.

3. Fleet storage of company owned vehicles within a parking lot.

4. Open air vending facilities, as permitted by Chapter 17.168

5. Outdoor storage, provided that:

a. All outdoor storage in commercial zones shall be screened from public view through a combination of building design, landscaping and berming, and or location. Any outdoor storage that is not completely screened, as determined by the planning director, is subject to an administrative permit;

b. There shall be no visible storage of motor vehicles, trailers, airplanes, boats, or their composite parts except where authorized by an automobile, trailer, airplane, or boat sales business in commercial zones.

6. Recreational Facilities (Indoors or Outdoors) for Use of Employees. Such facilities include, but are not limited to, basketball courts, ballfields, putting greens and volleyball courts.

7. Recycling collection center, as permitted by Chapter 17.184

8. Used goods collection center, as permitted by Chapter 17.208

9. Plazas.

10. Caretaker residence when associated with a personal storage facility.

11. Any other accessory use determined by the planning director to be of the same general character as the permitted uses set forth in this section.

F. Permitted Accessory Uses for Agricultural Use Types.

1. Home occupations, as permitted in Chapter 17.152

2. Growing and harvesting of timber, Christmas trees, or other plants;

3. Fruit and nut dehydrating plants;

4. Nurseries, greenhouses, mushroom rooms, floriculture;

5. Apiaries and honey extraction plants;

6. Wineries and cideries as defined in Chapter 17.12 and the following incidental uses subject to providing adequate off-street parking as determined by the planning director and meeting all necessary clearances from the health and building departments:
   a. Wine, cider and other agricultural product tasting;
   b. Winery, cidery and other agricultural product tours;
   c. Wholesale and retail sales of wine, grape, cider and other agricultural products;
   d. Compensated or non-compensated events with up to fifty (50) persons in attendance with no limitation on the number of events per year;
   e. Picnic area(s) for winery, cidery and other agricultural product-related activities;
   f. Art galleries with sales and framing;
   g. A food preparation facility for catering on-premises indoor or outdoor functions;
   h. Agricultural-related museums;
   i. Gift display not to exceed a total of five hundred (500) square feet in interior footprint area for the retail sale of winery, cidery and other agricultural product-related promotional items, gift items, and/or prepackaged foods,
   j. Social gatherings or weddings occurring on weekends for up to the maximum occupancy load as established by the California Building Code up to and including two hundred fifty (250) persons up to and including twelve (12) events per year with no more than four such events per month,
   k. Indoor or outdoor amplified music until ten (10) p.m.
7. Any other accessory use determined by the planning director to be of the same general character as the permitted uses set forth in this section.

(Ord. No. 519, 8-8-2012)

17.96.030 - Accessory structures.

A. Accessory Structures Included with Permitted Uses. In addition to the primary structures associated with permitted uses, each use classification shall be deemed to include such accessory structures which are specifically identified by these regulations, and such other accessory structures which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to, such primary structures. It shall be the responsibility of the planning director, or his or her designee, to determine if a proposed accessory structure is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the primary structure, based on the planning director's evaluation of whether the proposed accessory structure is necessary or customarily associated with the use for which the development was constructed. Determinations by the planning director shall be subject to appeal pursuant to of Chapter 17.44, and a record of all such determinations shall be maintained by the planning director. All accessory structures shall be located in compliance with all other applicable requirements of the zone district in which they are located and any other permits required (e.g., design review permit). Any variance to the accessory structure requirements shall be processed administratively by the planning director.

B. Accessory Structures Subject to Regulations. Accessory structures shall be regulated in the same manner as the primary structures within each zoning district, except as otherwise expressly provided by these regulations. Accessory structures may be established concurrently or following the construction of a primary structure.

C. Permitted Accessory Structures to Dwelling Use Type (Single-Family and Two-Family).

1. Decks. Uncovered decks under thirty (30) inches in height are permitted anywhere on a parcel, without respect to required setbacks. Any deck which is 30 inches or taller in height, as measured from the edge of the deck and, maintaining a horizontal plane, to six (6) feet from the edge of deck, shall maintain a minimum side yard setback of one and one-half times the required side yard setback for the primary structure, a rear yard setback of one-half the required rear yard setback for the primary structure, a ten-foot front yard setback, and shall be located consistent with the residential clear vision triangle requirements of subsection 17.72.030B. Second story decks or widow's walks are permitted, as long as the required yard setbacks are maintained, and may run the entire length of the wall on which they are located.

2. Covered Patios Attached to Existing Residences. Patio covers attached to the residence have no site coverage restrictions.

3. Unenclosed Structures, Including, But Not Limited to, Shade Structures, Carports, Boat and RV Covers and Gazebos. Such structures are not subject to any site coverage requirements but are subject to the following requirements:

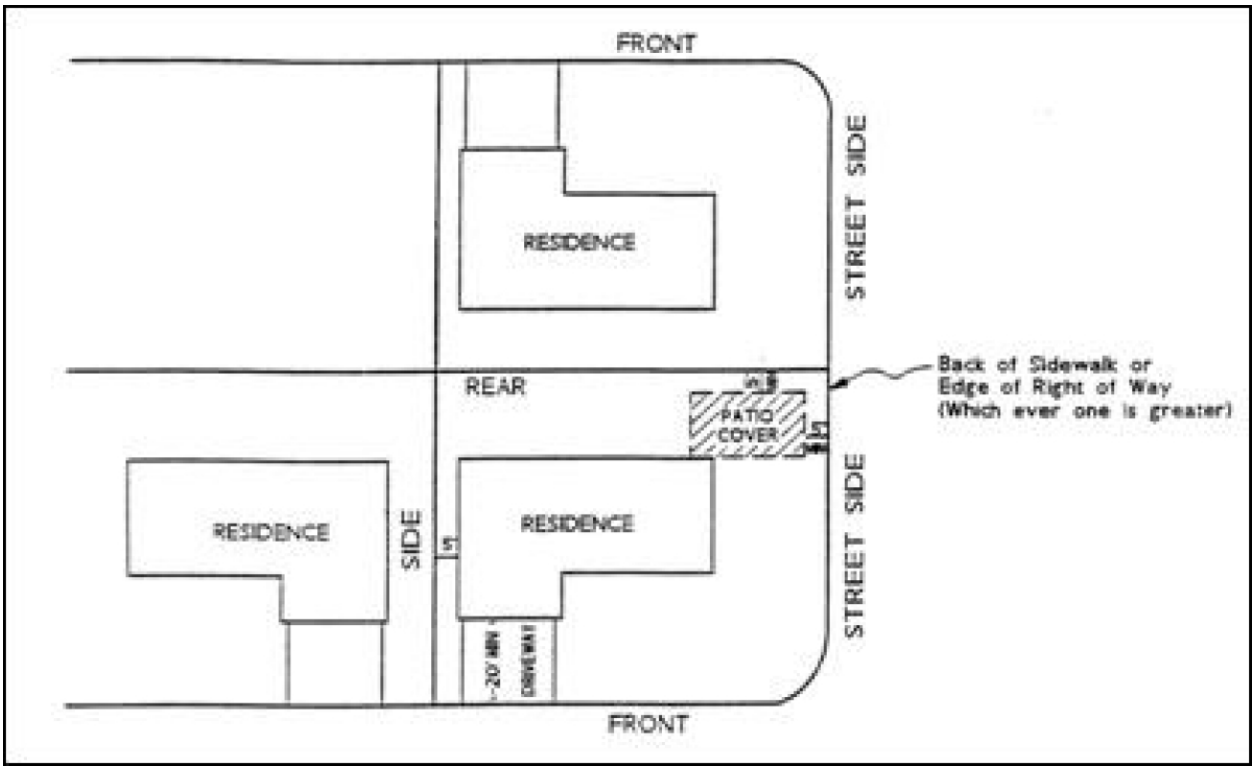
    a. Any structure not attached to the residence shall not enclose any area equal to or greater than twenty (20) percent of the available yard space on the side of the residence where the structure is located;

    b. The structure shall not be constructed of materials which would create a year-round livable area;

    c. The structure shall not exceed fifteen (15) feet in height and one story. For each foot in height above ten (10) feet the required setback, except the front yard setback, shall be increased by one foot.

    d. The structure shall maintain a fifteen-foot front yard setback and a five-foot rear and side yard setback;

    e. On the street side of a corner lot, the structure shall maintain a five-foot setback as measured from the back of the sidewalk or, in the absence of a sidewalk, the right-of-way;



f. On the street side of a corner lot located adjacent to a key lot, the structure shall maintain a ten-foot setback as measured from the back of the sidewalk or, in the absence of a sidewalk, the right-of-way.

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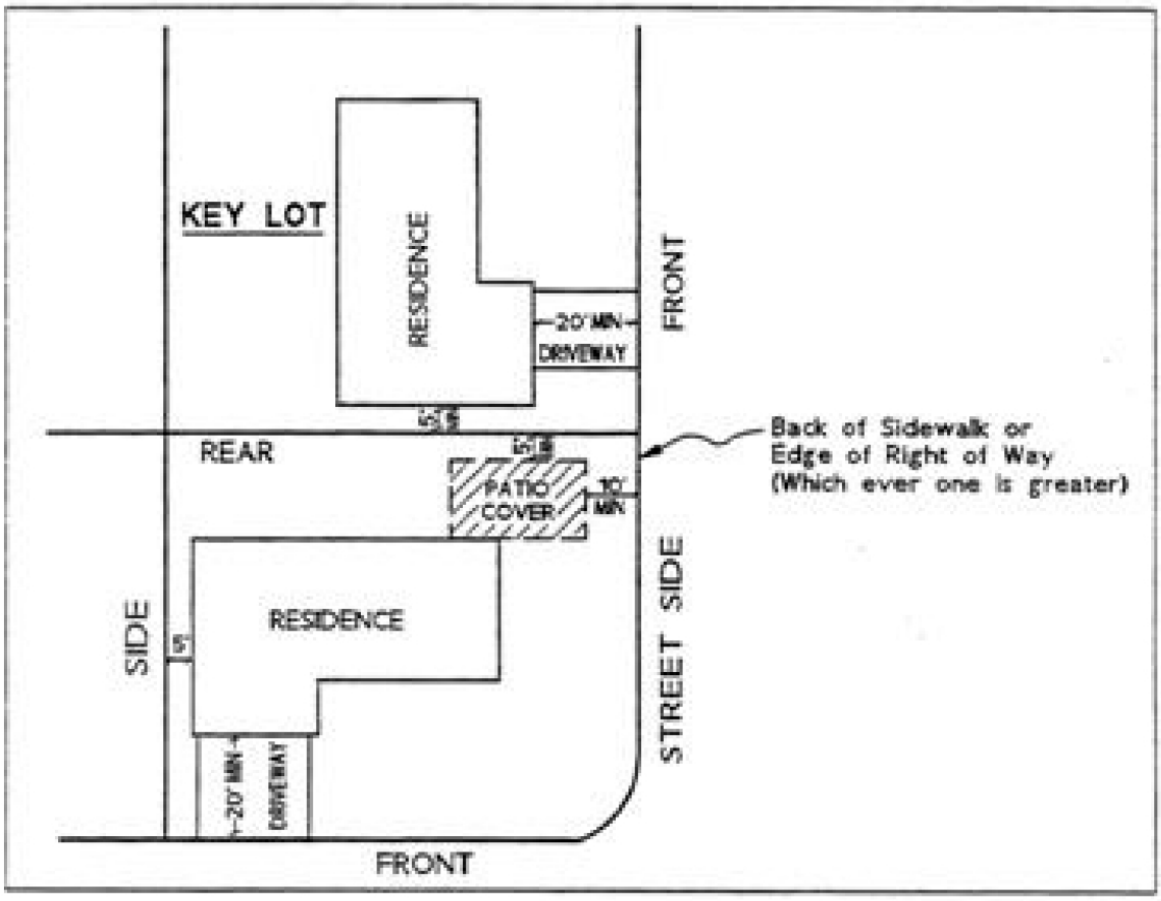
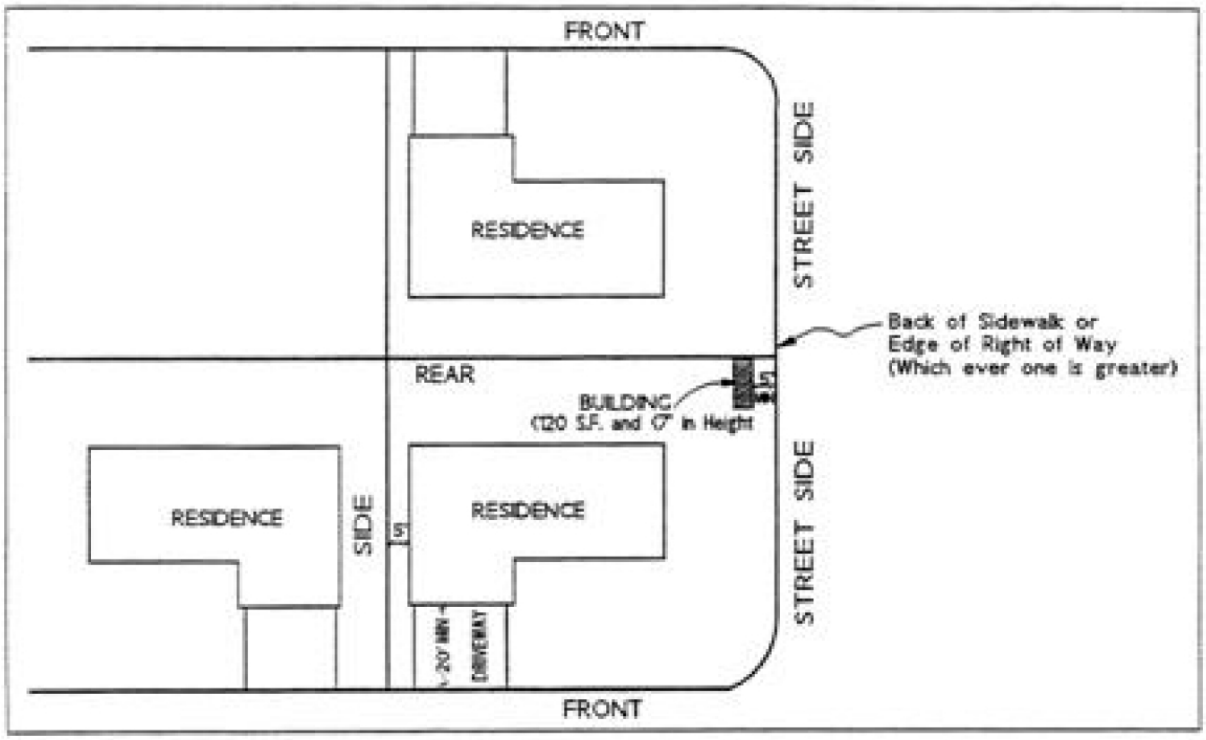


4. Enclosed structures less than one hundred twenty (120) square feet, and:

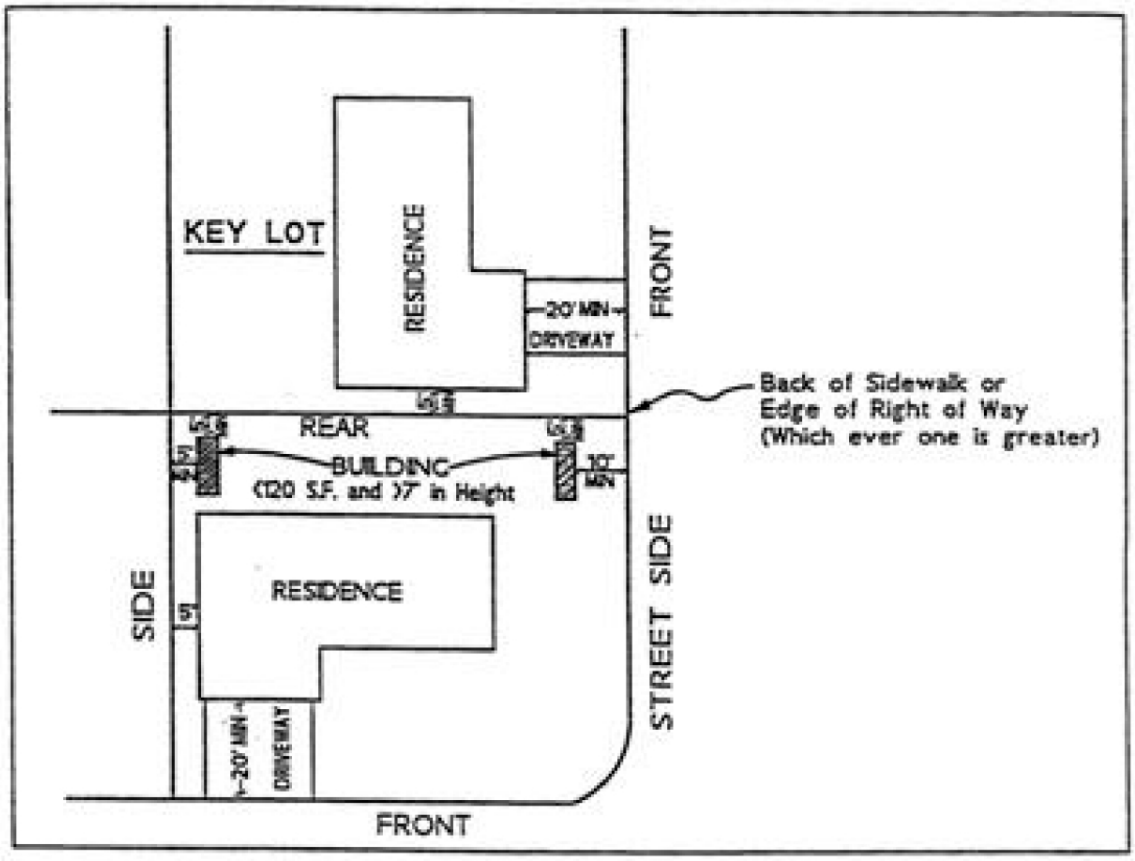
   a. Less than Seven Feet in Height.

      i. General. Detached buildings or structures less than or equal to one hundred twenty (120) square feet in floor area and less than seven feet in height may be located anywhere within a parcel, but shall maintain the required front yard setback. Such buildings are limited to one per legal parcel.

      ii. Corner Lot. On the street side of a corner lot the building or structure shall be setback to maintain a five-foot setback from the back of the sidewalk, or in the absence of a sidewalk, five feet from the back of the right-of -way.



iii. Corner Lot Adjacent to a Key Lot. On the street side of a corner lot adjacent to a key lot, the building or structure shall be setback to maintain a ten-foot setback from the back of sidewalk, or in the absence of a sidewalk, ten (10) feet from the back of the right-of-way.



b. Greater than Seven Feet in Height.

i. The maximum height is fifteen (15) feet and one story;

ii. Five feet from the rear and side property lines;

iii. Twelve (12) and one-half feet from the back of sidewalk or edge of right-of-way on corner lots; and

iv. For each foot in height above ten (10) feet, the required setback, except for the front yard setback, shall be increased by one foot.

5. Enclosed Structure(s) Greater than One Hundred Twenty (120) Square Feet. Enclosed structures located on the same lot that individually or cumulatively are equal to or greater than one hundred twenty (120) square feet in floor area are subject to the following requirements:

a. General.

i. If the building or structure is located within a required rear yard, the total size of the building or buildings, cumulatively, shall be less than fifty (50) percent of the required rear yard setback.

ii. The required front yard setback of the applicable residential zone district shall be maintained.

iii. A maximum of seven hundred (700) square feet of detached building(s) or structure(s) is permitted on the same lot. Additional square footage of detached accessory

building(s) or structure(s), in excess of seven hundred (700) square feet, may be permitted upon approval of an administrative permit.

iv. A minimum six-foot separation shall be maintained from any other building or structure located on the same lot.

v. An extension of the main building or accessory building roof (e.g., a breezeway) may connect the accessory building to the primary building, but it shall not be considered part of (attached to) the main (primary) building. The breezeway and accessory building must maintain required side yard setbacks, as specified in subsection C.5.b. In addition, any accessory structure located less than six feet from a primary building shall be considered attached to (and part of) the primary building for purposes of this article.

vi. Additions to primary structures that exceed seven hundred (700) square feet in area may be permitted upon approval of an administrative permit, which may include a public hearing as provided in Sections 17.32.010 and 17.40.020

b. For buildings greater than seven feet in height, the following shall apply:

i. The maximum height is fifteen (15) feet and one story;

ii. Five feet from the rear and side property lines;

iii. Twelve (12) and one-half feet from the back of sidewalk or edge of right-of-way on corner lots; and

iv. For each foot in height above ten (10) feet, the required setback, except for the front yard setback, shall be increased by one foot.

c. For buildings less than or equal to seven feet in height, the following setbacks shall be maintained:

i. Five feet from the back of sidewalk or right-of-way, whichever is greater, on the street side for corner lots;

ii. Ten (10) feet from the back of sidewalk or right-of-way whichever is greater when adjacent to a key lot; and

iii. No setback is required adjacent to the rear or interior side property lines.

6. Fences and Walls. A maximum six-foot high fence (including lattice and similar attachments) or wall, may be located on a parcel consistent with the following requirements:

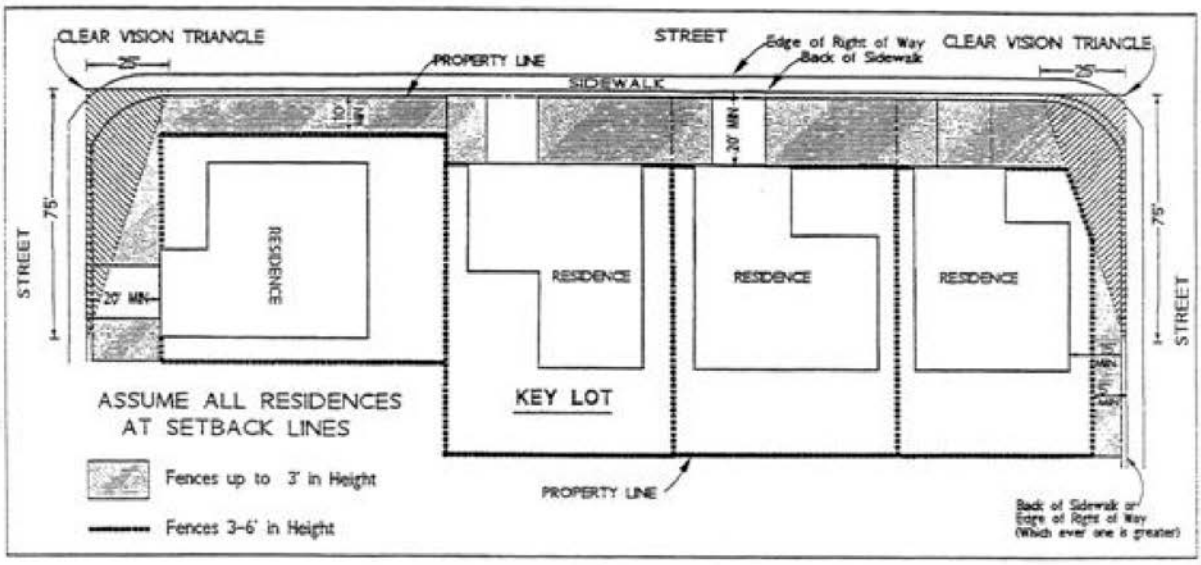
a. For residential lots zoned R-1-20 or larger, appropriate deer-proof fencing is permitted of right.

b. For all other residential zones, the maximum height shall be reduced to three feet if located:

i. Within a residential clear vision triangle (see Chapter 17.12, definitions);

ii. Within a required front setback; or

iii. Within five feet of the back of the sidewalk or in the absence of a sidewalk the back of the right-of-way of a street-side for a corner lot or within ten (10) feet of the back of the sidewalk or right-of-way of a street side for a corner lot adjacent to a key lot.



c. When there is a difference in the ground level between two adjoining parcels, the height of any fence or wall constructed along a common property line shall be determined by using the finished grade of the highest contiguous parcel.

d. The height of a fence or wall may be increased to provide for noise attenuation or buffering of adjacent land uses, subject to approval of an administrative permit.

e. The provisions of this section shall not apply to any fence or wall required by any law or regulation of the city or state.

7. Flag Poles. The pole may be a maximum o f thirty-five (35) feet in height and shall maintain a minimum five foot setback from any property line.

8. Security Facilities, including security gates and gate houses at a project entrance subject to city fire department regulations.

9. Antennas, including HAM radio, radio and television receiving antennas subject to requirements of Chapter 17.132

10. Children's Play Equipment, including playsets, playhouses and tree houses.

11. Recreation Facilities, including recreation activity courts and facilities, swimming pools, spas and hot tubs.

12. Satellite Dishes. Satellite dishes as allowed in Chapter 17.132

13. Entry Arbors. Entry arbors may be located within the required front yard setback provided they do not cover more than twenty-five (25) square feet in area and do not exceed a height of ten (10) feet.

14. Exceptions to Accessory Structure Requirements. An exception to the requirements of this section may be approved subject to the approval of an administrative permit.

15. Any other accessory structure determined by the planning director to be of the same general character as the permitted structures set forth in this section.

D. Permitted Accessory Structures to Dwelling Use Type (Multi-family).

1. Bicycle Lockers and Off-Street Parking Areas.
2. Decks and Balconies. Uncovered decks under thirty (30) inches in height are permitted anywhere on a parcel, without respect to required setbacks. Any deck or balcony of thirty (30) inches or taller, as measured from the edge of the deck and, maintaining a horizontal plane, to six feet from the edge of deck, shall maintain the following:
    a. A minimum side yard setback of two times the required interior side yard setback for the primary structure;
    b. A rear yard setback of one-half the required rear yard setback for the primary structure;
    c. A ten-foot front yard setback; and
    d. Shall be located consistent with the residential clear vision triangle requirements of subsection 17.72.030B.
3. Unenclosed Structures, Including Detached Shade Structures, Covered Patios, Arbors, and Gazebos. Such structures are not subject to any site coverage requirements but are subject to the following requirements:
    a. The structure shall not enclose any area equal to or greater than twenty (20) percent on any side;
    b. The structure shall not be constructed of materials which would create a year round livable area;
    c. The structure shall not exceed fifteen (15) feet in height and one story. For each foot in height above ten (10) feet the required setback, except the front yard setback, shall be increased by one foot.
    d. The structure shall maintain a fifteen-foot front yard setback and a five-foot rear and side yard setback;
    e. On the street side of a corner lot, the structure shall maintain a five-foot setback as measured from the back of the sidewalk or, in the absence of a sidewalk, the right-of-way;
    f. On the street side of a corner lot located adjacent to a key lot, the structure shall maintain a ten-foot setback as measured from the back of the sidewalk or, in the absence of a sidewalk, the right-of-way; and
    g. The size or location of the structure does not violate any requirements of an approved site review.
4. Fences and Walls. A maximum six-foot high fence (including lattice and similar attachments) or wall may be located anywhere on a parcel consistent with the following requirements:
    a. The maximum height shall be reduced to three feet if located:
        i. Within a residential clear vision triangle (see Chapter 17.12 definitions);
        ii. Within a required front setback; or
        iii. Within five feet of the back of the sidewalk or right-of-way of a street-side for a corner lot or within ten (10) feet of the back of the sidewalk or right-of-way of a street-side for a corner lot adjacent to a key lot.
    b. When there is a difference in the ground level between two adjoining parcels, the height of any fence or wall constructed along a common property line shall be determined by using the finished grade of the highest contiguous parcel.
    c. The height of a fence or wall may be increased a maximum of two feet to provide for noise attenuation or buffering of adjacent land uses, subject to approval of an administrative

permit. Fences and walls in excess of eight feet may be permitted subject to the approval of a conditional use permit.

d. The provisions of this section shall not apply to any fence or wall required by any law or regulation of the city or state.

5. Flag Poles. The pole may be maximum of thirty-five (35) feet in height and shall maintain a minimum of five-foot setback from any property line.

6. Security Facilities. Including security gates and gate houses at a project entrance.

7. Antennas. Including HAM radio, radio and television receiving antennas subject to the requirements of Chapter 17.132

8. Recreation Facilities. Including recreation activity courts and facilities, children's play equipment, swimming pools, spas and hot tubs.

9. Satellite Dishes. Satellite dishes as allowed in Chapter 17.132

10. Signs, as permitted by Title 17.112 of this code.

11. Transit facilities.

12. Trash enclosures and recycling facilities.

13. Exceptions to Accessory Structure Requirements. Unless otherwise noted that a conditional use permit is required, an exception to the requirements of this section may be approved subject to the approval of an administrative permit.

14. Any other accessory structures determined by the planning director to be of the same general character as the permitted structures set forth in this section.

E. Permitted Accessory Structures to Commercial and Industrial Use Types.

1. Bicycle lockers, and off street parking areas and structures.

2. Unenclosed structures, including arbors and gazebos.

3. Detached enclosed storage.

4. Detached unenclosed storage buildings and pole buildings associated with the outdoor display of building materials, nursery stock, or other materials which are typically displayed outdoors or under a canopy.

5. Fences and walls, except that no fence or wall in excess of three feet may be located within a commercial clear vision triangle (see Chapter 17.12, Definitions);

6. Flag Poles. The pole may be maximum of thirty-five (35) feet in height and shall maintain a minimum of five-foot setback from any property line.

7. Security Facilities. Including security gates and gate houses at a project entrance.

8. Antennas. Including HAM radio, radio and television receiving antennas subject to the requirements of Chapter 17.132

9. Recreation facilities, including recreation activity courts and facilities for use by employees.

10. Satellite Dishes. Satellite dishes as allowed in Chapter 17.132

11. Signs, as permitted by Chapter 17.112 of this code.

12. Transit facilities.

13. Trash enclosures and recycling facilities.

14. Any other accessory structure determined by the planning director to be of the same general character as the permitted structures set forth in this section.

F. Permitted Accessory Structures in the Agricultural Zone District.

1. One single-family primary residence;
2. Living quarters for persons employed on the premises;
2. Detached private garages and private stables;
3. Nurseries and greenhouses;
4. Stands for the retail sale of agricultural products.
5. Building for the processing and packaging of agricultural products.
6. Deer-proof fencing.
7. Any structure, building, fencing other than deer-proof fencing or equipment determined by the planning director, based on size, topography and location, to be an appropriate structure that is incidental and necessary to the primary agricultural use or permitted accessory use.
8. Any other accessory structure determined by the planning director to be of the same general character as the permitted structures set forth in this section.

G. Prohibited Accessory Uses and Structures Within All Zone Districts and Use Types:

1. Outdoor Storage. Storage of loose rubbish, garbage, junk or their receptacles shall not be visible from any public right-of-way. Outdoor storage of other materials and equipment may be permitted consistent with the use types and permit requirements of Article II of this title.
2. Vehicles for Sale. No vehicles shall be stored or displayed for sale on any undeveloped parcel or on any property zoned for commercial or industrial uses except where authorized for automobile sales pursuant to this title.
3. Fences. The use of barbed wire, electrified fence, razor wire or similar security devices in conjunction with any fence, wall, or hedge, or by itself is prohibited, except in the following circumstances:
   a. For security purposes in non-residential zones, where the barbed wire, electrified wire, or razor wire is located a minimum of six feet above the ground.
   b. Where property is zoned agricultural and which complies with the following:
      (i) Where the fencing is accompanied by adequate warning signage; and
      (ii) Where the fencing is set back from adjacent residential land uses ten feet.
   c. Where property is zoned R-1-20 or larger and the fencing is deer-proof fencing.
   d. Where required by any permit condition, law or regulation of the city or state.

(Ord. No. 519, 8-8-2012)

Chapter 17.100 - NONCONFORMING USES, BUILDINGS AND STRUCTURES

Sections:

17.100.010 - Purpose.

17.100.020 - Conforming uses made nonconforming by chapter provisions.

17.100.030 - Existing nonconforming uses and buildings—Continuance.

17.100.040 - Nonconforming uses—Changes and extensions.

17.100.050 - Nonconforming uses—Cessation.

17.100.060 - Nonconforming buildings—Enlargement, extensions and structural alterations.

17.100.070 - Same—Repairs and maintenance.

17.100.080 - Same—Destruction.

17.100.090 - Nonconforming off-street parking.

17.100.100 - Nonconforming parcels.

17.100.010 - Purpose.

The purpose of these provisions of this chapter is to regulate nonconforming uses, structures and parcels, and to establish conditions under which nonconforming uses, structures and parcels, may be expanded, structurally altered or developed.

(Ord. No. 519, 8-8-2012)

17.100.020 - Conforming uses made nonconforming by chapter provisions.

Any lawful use existing on August 24, 1967, for which a use permit is required by the provisions of this title, shall be considered a nonconforming use until a use permit is secured in accordance with the provisions of Chapter 17.32 of this title.

(Ord. No. 519, 8-8-2012)

17.100.030 - Existing nonconforming uses and buildings—Continuance.

Any use, building or structure lawfully existing on July 25, 1967, may be continued, subject to the provisions of this chapter, even though such use, building or structure does not conform with the provisions of this title for the district in which such use, building or structure is located.

(Ord. No. 519, 8-8-2012)

17.100.040 - Nonconforming uses—Changes and extensions.

A. Changes. Where the nonconforming use of a building is non-residential, the non-conforming use may be changed to a use of the same or more restricted nature provided a use permit is first secured. If the nonconforming use is residential, the change in use will not require a use permit.

B. Extensions. The nonconforming non-residential use of a portion of a building may be extended throughout the building provided a use permit is first secured.

(Ord. No. 519, 8-8-2012)

17.100.050 - Nonconforming uses—Cessation.

A. If the actual operation of a nonconforming use of a building ceases for a continuous period of one year, then, without further action by the planning commission, such building and the land on which

such building is located shall be subject to all the provisions of this title for the district in which such land and building are located.

B. In the case of the nonconforming use of land where no building is involved, if such actual use ceases for a period of thirty (30) days, then, without further action by the planning commission, such land shall be subject to all the provisions of this title for the district in which such land is located.

(Ord. No. 519, 8-8-2012)

17.100.060 - Nonconforming buildings—Enlargement, extensions and structural alterations.

A nonconforming building may be enlarged, extended or structurally altered within the limits of the property under one ownership on July 25, 1967, under one or more of the following conditions:

A. If such enlargement, extension or alteration and the use thereof, conforms in all respects the provisions of this title for the district in which such building is located;

B. If the building is nonconforming by reason of its violation of the yard, height, coverage or use requirements for the district in which such building is located and any existing nonconforming yards about such buildings are not further reduced by such enlargement, extension or structural alteration and any other yards are not reduced below the requirements of this title and a use permit is first secured; or

C. If the building is nonconforming by reason of the manner in which it is being used or intended to be used and the enlargement, extension or structural alteration conforms to the yard, height and coverage requirements of this title for the district in which such building is located and a use permit is first secured.

(Ord. No. 519, 8-8-2012)

17.100.070 - Same—Repairs and maintenance.

A. Work may be done on any nonconforming structure or portion of a structure containing a nonconforming use in any period of twelve (12) consecutive months on ordinary repairs or on the repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10) percent, or a larger percent if approved by the planning director or chief building official, of the current replacement cost of such structure or portion thereof; provided, however, the cubic content existing when such structure became nonconforming shall not be increased.

B. The provisions of this chapter shall not be deemed to prevent strengthening or restoring to a safe condition any building or portion thereof, declared to be unsafe by any official charged with protecting the public safety upon the order of such official.

(Ord. No. 519, 8-8-2012)

17.100.080 - Same—Destruction.

If at any time any lawful nonconforming building is damaged or destroyed by natural fire, explosion, act of God or act of the public enemy to the extent of more than fifty (50) percent of the appraised value thereof according to the records of the county assessor for the fiscal year in which such destruction occurs, the land and building shall be subject to all the provisions of this title for the district in which such land and buildings are located; provided, however, such building may be rebuilt and the use continued, as provided in this chapter for nonconforming uses, if an administrative permit is first secured from the planning director.

(Ord. No. 519, 8-8-2012)

17.100.090 - Nonconforming off-street parking.

Reconstruction or structural alteration of a building with nonconforming parking or loading facilities, is permitted provided there is no expansion of use requiring additional parking as required by Section 17.108.040. The existing nonconforming parking and loading for the building may remain unchanged.

(Ord. No. 519, 8-8-2012)

17.100.100 - Nonconforming parcels.

A parcel that does not comply with the minimum requirement of this title for the zone district in which it is located, may be used as a building site if it complies with either of the criteria specified below. It shall be the responsibility of the applicant to produce sufficient evidence to establish one of the following:

A. Approved Subdivision. The parcel was created as part of a subdivision approved pursuant to a duly adopted ordinance of the City of Colfax and in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.).

B. Approved Certificate or Conditional Certificate of Compliance. The parcel has been issued a certificate or conditional certificate of compliance.

(Ord. No. 519, 8-8-2012)

Chapter 17.104 - DENSITY BONUSES AND OTHER INCENTIVES

Sections:

17.104.010 - Residential bonus—Purpose.

17.104.020 - Residential bonus.

17.104.030 - Rents.

17.104.040 - Preliminary approval and processing.

17.104.050 - Burden of proof.

17.104.060 - Density bonus—Defined.

17.104.070 - Housing development—Defined.

17.104.080 - Concession or incentive—Defined.

17.104.090 - Limits.

17.104.100 - Condominium conversions.

17.104.010 - Residential bonus—Purpose.

The city shall provide developers of housing projects incentives for the production of low income housing units within a proposed development pursuant to the requirements of this chapter.

(Ord. No. 519, 8-8-2012)

17.104.020 - Residential bonus.

When a developer of a housing project consisting of five or more units agrees to construct at least:

A. Twenty (20) percent of the total units of housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code;

B. Ten (10) percent of the total units of housing development for very low income households, as defined in Section 50105 of the Health and Safety Code; or

C. Fifty (50) percent of the total dwelling units of a housing development for "qualifying residents," as defined in Section 51.2 et seq. of the Civil Code, then the city shall either:

1. Grant a density bonus and at least one of the concessions or incentives identified in Section 17.104.080 of this chapter, unless the city makes a written finding that the additional concession or incentive is not required in order to provide for affordable housing, as defined in Section 50052.5 of the Health and Safety Code or for rents for the targeted units to be set as specified in Section 17.104.030 of this chapter; or

2. Provide other incentives or concessions as defined herein of equivalent financial value based upon the land cost per dwelling unit.

(Ord. No. 519, 8-8-2012)

17.104.030 - Rents.

A developer shall agree to and the city shall ensure, through a development agreement with the developer, the continued affordability of all lower income density bonus units for thirty (30) years or longer if required by the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program. Those units targeted for lower income households, as defined in Section 50079.5 of the Health and Safety Code, as incomes at or below eighty (80) percent of the area median incomes, shall be affordable at a rent that does not exceed thirty (30) percent of sixty (60) percent of area median income. Those units targeted for very low income households, as defined in Section 50105 of the Health and Safety Code, as incomes at or below fifty (50) percent of the area median income, shall be affordable at a rent that does not exceed thirty (30) percent of fifty (50) percent of area median income. If the city does not grant at least one additional concession or incentive pursuant to Section 17.104.020 of this chapter, then the developer shall agree to ensure continued affordability for ten (10) years of all lower income housing units receiving a density bonus.

(Ord. No. 519, 8-8-2012)

17.104.040 - Preliminary approval and processing.

A developer may submit to the city a preliminary proposal for the development of housing pursuant to this chapter prior to the submittal of any formal requests for general plan amendments, zoning amendments, development permits or subdivision map approvals. The city shall, within ninety (90) days of receipt of a written proposal, notify the housing developer in writing of the procedures under which it will comply with this chapter. The city shall adopt by resolution specific procedures and regulations for uniform processing of housing development projects for which a density bonus and/or other incentives are requested. The city shall also establish procedures for waiving or modifying development and zoning standards which would otherwise inhibit the utilization of the density bonus on specific sites. These procedures shall include, but not be limited to, such items as minimum lot size, side yard setbacks and placement of public works improvements.

(Ord. No. 519, 8-8-2012)

17.104.050 - Burden of proof.

The housing developer shall show to the satisfaction of the city that any request for a waiver or modification of city zoning or development standards which would otherwise inhibit the utilization of the density bonus on specific sites is necessary to make the housing units economically feasible.

(Ord. No. 519, 8-8-2012)

17.104.060 - Density bonus—Defined.

For the purposes of this chapter, "density bonus" means a density increase of at least twenty-five (25) percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the developer of the city. The density bonus shall not be included when determining the number of housing units necessary to meet the requirements of Section 17.104.040 of this chapter. The developer shall be entitled to only one density bonus for each development even if more than one qualifying criteria is met. To facilitate waiving or modifying development and zoning standards, including, but not limited to, such items as minimum lot size, side yard setbacks and placement of public works improvements, which would otherwise inhibit utilization of the density bonus, the city may require a planned development permit and/or conditional use permit for property for which a density bonus is sought and for property to which a density bonus will be applied, if different from the property under consideration. The requirements of a planned development permit and/or a conditional use permit shall be in accordance with procedures and regulations adopted in accordance with Section 17.104.040 of this chapter.

(Ord. No. 519, 8-8-2012)

17.104.070 - Housing development—Defined.

"Housing development," as used in this chapter, means one or more groups of projects for residential units constructed in the planned development of the city. For purposes of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located, provided a conditional use permit is approved by the city.

(Ord. No. 519, 8-8-2012)

17.104.080 - Concession or incentive—Defined.

For the purposes of this chapter, "concession or incentive" means any of the following:

A. A reduction in site development standards or modification of zoning code requirements or architectural design requirements which exceed the minimum building standards approved by the state building standards commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required.

B. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of housing development and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area/where the proposed housing project will be located.

C. Other regulatory incentives or concessions proposed by the developer or the city which results in identifiable cost reductions.

This section does not limit or require the provision of direct financial incentives for the housing development including the provision of publicly-owned land, by the city or the waiver of fees or dedication requirements.

(Ord. No. 519, 8-8-2012)

17.104.090 - Limits.

If a developer agrees to construct both twenty (20) percent of the total units for lower income households and ten (10) percent of the total units for the very low income households, the developer is entitled to only one density bonus and at least one additional concession or incentive identified under this section, unless appropriate findings are made, pursuant to Section 17.104.020 of this chapter, although the city may in at its discretion, grant more than one density bonus or any portion thereof.

(Ord. No. 519, 8-8-2012)

17.104.100 - Condominium conversions.

A. When an applicant for approval to convert apartments to a condominium project agrees to provide at least thirty-three (33) percent of the total units of the proposed condominium project to persons and families of low or moderate income, as defined in Section 50093 of the health and safety code or fifteen (15) percent of the total units of the proposed condominium project to lower income households, as defined in Section 50079.5 of the health and safety code and agrees to pay for the reasonably necessary administrative costs incurred by the city, the city shall either:

   1. Grant a density bonus; or

   2. Provide other incentives of identifiable financial value.

B. The city may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

   1. For purposes of this section, "density bonus" means an increase in units of twenty-five (25) percent over the number of apartments, to be provided within the existing structure or structures of proposed conversion.

   2. For purpose of this section, "other incentives of equivalent financial value" shall not be construed to require the city to provide cash transfer payments or other monetary compensation, but may include the reduction or waiver or requirements which the city might otherwise apply as conditions of conversion approval.

   3. An applicant for approval to convert apartments to a condominium project may submit to the city a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city shall, within ninety (90) days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city shall establish procedures for carrying out this section which shall include legislative body approval of the means of compliance with this section.

   4. Nothing in this section shall be construed to require the city to approve a proposal to convert apartments to condominiums.

   5. An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 65915 of the Government Code.

(Ord. No. 519, 8-8-2012)

Chapter 17.108 - OFF-STREET PARKING AND LOADING

Sections:

17.108.010 - Purpose.

17.108.020 - Off-street parking required.

17.108.030 - General off-street parking requirements.

17.108.040 - Parking space requirements by use type.

17.108.045 - Design and improvement of parking.

17.108.050 - Residential districts—Additional requirements.

17.108.060 - Off-street parking spaces—Location.

17.108.070 - Off-street loading spaces—Location.

17.108.080 - Off-street loading spaces—Size.

17.108.090 - Off-street loading spaces—Number required.

17.108.100 - Handicapped accessible parking provisions.

17.108.110 - Bicycle parking provisions.

17.108.120 - If more than one regulation applies.

17.108.010 - Purpose.

The purpose of this chapter is to reduce street congestion and traffic hazards in the city by incorporating adequate and attractively designed facilities for off-street parking and loading as an integral part of every use of land in the city.

(Ord. No. 519, 8-8-2012)

17.108.020 - Off-street parking required.

Off-street parking spaces for automobiles shall be provided pursuant to the provisions of this chapter at the time any building or structure is erected or is enlarged or is increased in capacity or any use is established.

(Ord. No. 519, 8-8-2012)

17.108.030 - General off-street parking requirements.

All approved land uses shall be designed and developed to provide the number of off-street parking spaces required by Section 17.108.040 (parking space requirements by use type), and designed as required by Section 17.108.045 (design and improvement of parking).

A. Handicapped Accessible Parking. Parking lots shall include the number of handicapped accessible parking spaces as required by Title 24 of the California Code of Regulations. See Section 17.108.110 below. Handicapped accessible spaces count toward the total number of parking spaces required by Section 17.108.040

B. Company Vehicles. In addition to the number of off-street parking spaces required by Section 17.108.040 (parking space requirements by use type), nonresidential uses shall provide one parking space for each company vehicle that is parked on the site during normal business hours. These spaces may be located within a building.

C. Bicycle Spaces. All applications for retail, commercial, industrial and multi-family uses within the city shall include bicycle spaces. See Section 17.108.110 below for the number of bicycle spaces required and applicable design standards.

D. Accessibility and Usability. All required off-street parking spaces shall be designed, located, constructed and maintained so as to be fully and independently usable and accessible at all times. The usability of required parking spaces shall be maintained as follows:

1. Required off-street parking spaces shall not be used for any purpose that at any time would prevent vehicles from parking in required parking spaces, except as permitted by Chapter 17.204 (temporary uses).

2. Driveways shall not be used for any purpose that would prevent vehicle access to parking spaces, or inhibit circulation or emergency service response.

3. All required parking spaces must be available for use by tenants, customers and visitors to the site at all times. Parking spaces shall not be reserved for an individual tenant or customer, or be reserved for a limited period of time.

4. When park and ride spaces are provided, such spaces may be counted towards the required parking for the project site provided the peak use of the project does not coincide with the park and ride reserved hours. Typically park and ride spaces are reserved for park and ride uses Monday through Friday from six-thirty a.m. to six-thirty p.m.

(Ord. No. 519, 8-8-2012)

17.108.040 - Parking space requirements by use type.

The number of off-street parking spaces required for the land uses identified by Article III (regulations for the principal and special purpose zones) shall be as provided by this section, except where parking requirements are established by Article V (special area and specific use requirements) for a particular use.

A. Number of Spaces Required. The number of off-street parking spaces required for new uses shall be based upon the use type, listed below.

1. Terms Used in Tables. The following terms are used throughout the tables and are defined below:

"Square feet" means the total gross building/tenant space area;

"Use area" means the total of gross building/tenant space area plus the gross area of any outdoor/storage/activity.

2. Civic use types shall provide off-street parking spaces as follows:

CIVIC USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Community Assembly	
Places of Worship	1 per 4 fixed seats or 1:50 sq. ft. for non-fixed seats in the assembly area, plus 1 per classroom; Pews should be calculated based on fixed seat capacity (generally

	9-10 per pew = 2 ½ spaces per pew)
Club, Lodges, Meeting Halls	1 per 3 fixed seats or 1:100 sq. ft. for non-fixed seats in the assembly area
Public Community Facilities	As determined as part of the permit process
Community Services	As determined as part of the permit process
Essential Services	None
Hospital Services	
General Hospital Services	1 per doctor, plus 1 per 3 employees for the largest shift, plus 1 per 3 beds
Psychiatric Hospital Services	1 per doctor, plus 1 per 3 employees for the largest shift, plus 1 per 3 beds
Intensive Public Facilities	As determined as part of the permit process
Libraries and Museums, Private	1 per 400 sq. ft.
Public Parking Services	As determined as part of the permit process
Schools	
College and Universities	As determined as part of the permit process
Elementary, Middle and Junior High	2 per classroom, plus 60 lineal feet of loading area for every 100 students

High Schools	1 per classroom, plus 1 per every 4 students, plus 60 lineal feet of loading area for every 200 students
Social Services	
Food Distribution	1 per employee, plus 1 per every 500 sq. ft. of floor area
Temporary Resident Shelter	1 per employee, plus 1 per every 4 temporary residents
Food Service Facility	1 per employee, plus 1 per every 4 seats within facility

3. Residential use types shall provide off-street parking spaces as follows:

RESIDENTIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Caretaker/Employee Housing	2 per dwelling
Community Care Facility, Small	2 per dwelling
Community Care Facility, Large	2 per dwelling plus 0.5 per sleeping room (a maximum of 2 spaces may be located within the front setback)
Dwelling	
Multifamily	
Studio	1.5 per unit, plus guest parking (see below)
1 Bedroom	1.5 per unit, plus guest parking (see below)
2+ Bedrooms	2 per unit, plus guest parking (see below)

Senior Citizen Apartments	1 per unit, plus guest parking (see below)
Guest Parking	Projects with 10 or more dwelling units shall provide 1 additional space for each 10 dwelling units or portion thereof
Single-Family and Two-Family	2 per dwelling
Family Day Care Home, Small	2 per dwelling plus 1 space for loading
Family Day Care Home, Large	2 per dwelling plus 1 space per employee not residing in the home, plus loading areas as required by Section 17.160.020B.
Mobilehome Park	2 per dwelling unit plus 1 guest space for each 10 dwelling units or portion thereof
Rooming and Boarding Houses	2 per dwelling plus 0.5 per sleeping room (a maximum of 2 spaces may be located within the front setback)
Second Units	Same as Single-Family and Two-Family

4. Commercial use types shall provide off-street parking spaces as follows, but no fewer than four spaces for each separate commercial use or tenant:

COMMERCIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Adult Business Establishments	1 per 300 sq. ft.
Animal Sales and Service	
Grooming and Pet Stores	1 per 300 sq. ft.
Kennels	1 per employee, plus an adequate are for loading and unloading
Veterinary Clinic	1 per 150 sq. ft.

Veterinary Hospital	1 per 150 sq. ft.
Automotive and Equipment	
Automotive Rentals	1 per 300 sq. ft. of office plus 1 per 1,000 sq. ft. of fleet or vehicle storage area
Automotive Repairs	1 per 400 sq. ft. plus 1 per bay plus 1 for every company vehicle
Automotive Sales	1 per 1,000 sq. ft. of indoor and outdoor display area
Carwash and Detailing	
Full Service	10 spaces or 3 times internal washing capacity, whichever is greater; additional parking required for drying or vacuum areas and 100 lineal feet for stacking
Self-Service	4 spaces; additional parking required for drying or vacuum areas and 20 lineal feet in front of each bay for stacking
Automatic Carwash Service	1 space per drying and vacuum areas plus 100 linear feet in front of carwash for stacking
Commercial Parking	As determined as part of the permit process
Equipment Rental and Sales	1 per 300 sq. ft. of office plus 1 per 1,000 sq. ft. of outdoor display area
Gasoline Sales	
With Neighborhood Commercial Sales	1 per 300 sq. ft. of commercial sales area with a 5 space minimum
Without Neighborhood Commercial Sales	5 spaces
With Repair	1 per 300 sq. ft. of commercial sales area with a 5 space minimum plus 2 spaces per service bay

Impound Yards	1 per 250 sq. ft. of office plus 1 for every company vehicle
Storage of Operable Vehicles	1 per 250 sq. ft. of office plus 1 for every company vehicle
Banks and Financial Institutions	1 per 250 sq. ft. plus 1 additional space per ATM machine which may be a reserved space at the discretion of the property owner or landlord
Brokerages	1 per 300 sq. ft.
Bars and Drinking Places	1 per 50 sq. ft.
Broadcasting and Recording Studios	As determined as part of the permit process
Building Material Stores	1 per 300 sq. ft. of building area plus 1 per 1,000 sq. ft. of outdoor display/storage area
Business Support Services	1 per 300 sq. ft.
Commercial Recreation	
Amusement Center	1 per 200 sq. ft.
Indoor Entertainment	
Theater, Community Assembly	1 per 4 fixed seats or 1 per 50 sq. ft. for non-fixed seating or as determined as part of the permit process
Indoor Sports and Recreation	
Billiard and Pool Hall	2 per table plus additional spaces as required for other uses in the facility (e.g., restaurant)
Bowling Center	2 per lane plus additional spaces as required for other uses in the facility (e.g. restaurant)
Handball, Tennis, Racquet Ball Facilities	2 per court plus additional spaces as required for other uses in the facility (e.g., restaurant)

Health Clubs and Athletic Clubs	1 per 150 sq. ft. of weight room, pool and spa area plus 1 per 50 sq. ft. of aerobics or martial arts area plus 1 per tanning or massage room plus additional spaces as required for other uses in the facility, excluding area for locker and dressing rooms
Indoor Sport Arenas (such as soccer, volleyball)	50 per field or sports court plus 1 per 3 fixed seats for spectator area plus additional spaces as required for other uses at the facility (e.g., retail)
Skating/Ice Rinks	1 per 175 sq. ft.
Outdoor Entertainment	As determined as part of the permit process
Outdoor Sports and Recreation	
Amusement Parks	As determined as part of the permit process
Driving Range	1.5 per tee plus additional spaces as required for other uses at the facility (e.g., golf course)
Golf Course	6 per hole plus additional spaces as required for other uses at the facility (e.g., driving range, restaurant, pro shop)
Handball, Tennis, Racquetball Facilities	2 per court plus additional spaces as required for other uses at the facility (e.g., restaurant)
Miniature Golf Course	2 per hole plus additional spaces as required for other uses at the facility (e.g., restaurant)
Swimming Pools	1 per 100 sq. ft. of pool area
Residential Recreation Facilities	As specified for the sum of all of the uses within the facility by utilizing the parking requirement for each use as outlined throughout this chapter
Large Amusement Complexes	As determined as part of the permit process
Community Care Facilities	.75 per unit

Day Care Centers	1 per employee plus 1 per company vehicle plus a loading space for every eight persons at the facility. The number of persons permitted at the facility is determined as a part of the licensing by the state or county.
Eating and Drinking Establishments	
Fast Food with Drive Through	1 per 50 sq. ft.
Convenience	1 per 100 sq. ft.
Full Service	1 per 100 sq. ft.
Enclosed Outdoor Seating See Chapter 17.172	1 per 100 sq. ft.
Food and Beverage Retail Sales	1 per 300 sq. ft.
Funeral and Interment Services	1 per 3 fixed seats or 1 per 50 sq. ft. of assembly area
Lodging Services	1 per room plus additional spaces as required for other uses in the facility, plus one space (oversize ten by twenty-five) per 10 rooms for oversize vehicles (i.e., RV's trailers, etc.)
Long-Term Care Facilities	1 per 3 employees for largest shift, plus 1 per 3 beds
Maintenance and Repair of Appliances	1 per 300 sq. ft.
Medical Services, General	1 per 150 sq. ft.
Neighborhood Commercial	1 per 300 sq. ft.
Nightclubs	1 space per 2 occupants based on maximum occupancy load of the building as calculated by the California Building Code plus bus space as determined as part of the permit process
Nursery, Retail	1 per 300 sq. ft. plus 1 per 1,000 sq. ft. of outdoor display/storage area

Offices, Professional	1 per 250 sq. ft. of net leasable square footage as determined with approval of the initial building shell. Where a more intensive office use, as determined by the planning director (i.e., call and telemarketing centers), is proposed the required parking shall be determined as part of the permit process, or via a zoning clearance pursuant to the provisions of 17.36.030B.1.
Personal Services	1 per 300 sq. ft.
Retail Sales and Services	
Furniture, Large Appliance, Floor Covering	1 per 600 sq. ft.
General Retail	1 per 500 sq. ft.
Shopping Centers—A minimum of four commercial establishments, designed or planned in a coordinated fashion, utilizing such elements as common access and parking	Designed and planned at 1 per 200 sq. ft. As tenant spaces are leased, each tenant shall utilize the parking requirement for that use as outlined in this chapter.
Specialized Education and Training	
Vocational Schools	1 per 50 sq. ft. of instructional area plus 1 per 250 sq. ft. of office area
Specialty Schools	1 per 50 sq. ft. of instructional area plus 1 per 250 sq. ft. of office area
Storage, Personal Storage Facilities	4 spaces plus 2 spaces for the managers quarters

5. Industrial use types shall provide off-street parking spaces as follows, but no fewer than four spaces for each separate industrial use or tenant:

INDUSTRIAL USE	NUMBER OF PARKING SPACES REQUIRED

TYPES	
Day Care Centers, Secondary	None, see parking requirements for applicable industrial use type
Equipment and Material Storage Yards	1 per 300 sq. ft. plus 1 per 10,000 sq. ft. of yard area
General Industrial	1 per 1000 sq. ft. Where other uses exceed 10% of the gross floor area (e.g., office, warehouse, etc.) the parking requirement shall be the combined total for each use as outlined in this chapter or as otherwise determined as part of the permit process
Hazardous Materials Handling	1 per 1000 sq. ft. Where other uses exceed 10% of the gross floor area (e.g., office, warehouse, etc.) the parking requirement shall be the combined total for each use as outlined in this chapter or as otherwise determined as part of the permit process
Light Manufacturing	1 per 500 sq. ft. Where other uses exceed 10% of the gross floor area (e.g., office, warehouse, etc.) the parking requirement shall be the combined total for each use as outlined in this chapter or as otherwise determined as part of the permit process
Recycling, Scrap and Dismantling	
Enclosed	1 per 250 sq. ft. of office area, plus 1 per 10,000 sq. ft. of yard area
Unenclosed	
Research Services	1 per 3000 sq. ft., plus 1 per company vehicle
Specialized Industrial	As determined as part of the permit process
Wholesale and Distribution	
Light	1 per 1,000 sq. ft. Where other uses exceed 10% of the gross floor area (e.g. office, warehouse, etc.) the parking requirement shall be the combined total for each use as outlined in this chapter or as otherwise determined as part of the permit process
Heavy	

6. Transportation and communication use types shall provide off-street parking spaces as follows:

TRANSPORTATION AND COMMUNICATION USE TYPES	NUMBER OF PARKING SPACES REQUIRED
Antennas and Communications Facilities	
Developed Lot	None, see parking requirements for applicable use type
Undeveloped Lot	1 per full-time employee
Bus Depots	As required by Chapter 17.136
Heliports	As determined as part of the permit process
Intermodal Facilities	As determined as part of the design review approval process

B. Special Parking Requirements. The number of parking spaces required for uses not specifically listed in subsection A. shall be determined by the planning director based on common functional, product or compatibility characteristics and activities, as provided for in Section 17.64.050 (classification of uses not specifically listed).

1. Uses Not Listed. The number of parking spaces required for uses not specifically listed in subsection A. shall be determined by the planning director based on common functional, product or compatibility characteristics and activities, as provided for in Section 17.64.050 (classification of uses not specifically listed).

2. New Buildings or Development Projects Without Known Tenants. If the type of tenants that will occupy a non-residential building are not known at the time of the development entitlement or building permit approval, the amount of parking to be provided shall be as determined by the planning director

3. Mixed Use Projects. Where a project contains more than one major use classification (such as a residential and a commercial use), the amount of parking to be provided shall be the total of that required for each use, except as otherwise provided by subsection C. below (adjustment to number of required parking spaces).

4. Tenant Spaces with Multiple Functions. When a tenant has several functions, such as sales and office, the amount of required parking is to be determined by requiring one hundred (100) percent of required parking for the principal use and the other uses shall provide, in addition, not less than seventy (70) percent of the code requirements.

5. Tenant Spaces with Accessory Storage. When a tenant has enclosed accessory storage in excess of two thousand (2,000) square feet, the required parking for that portion of the tenant space dedicated to storage shall be calculated as specified by subsection A.5. for warehousing, which is one parking space per one thousand (1,000) square feet of warehousing. The required parking for the remainder of the tenant space shall be calculated as specified in subsection A using the primary use.

6. Changes in Use. When an existing use is enlarged, increased or intensified, or a new use having greater parking requirements than the previous use is proposed, the required number of parking spaces for the new use or existing, enlarged, increased or intensified use shall be calculated as specified by subsection A.

7. Rounding Off. When the required number of parking spaces is other than a whole number, the total number of spaces shall be rounded to the nearest whole number (0.49 and below round down, 0.50 and above round up).

8. Commercial Centers. Commercial centers and building complexes shall provide parking which is the sum of all users within the commercial center or building complex as specified in subsection A, regardless of whether or not the parking is provided on a single or multiple parcels. Where parking is provided on multiple parcels, reciprocal parking and access agreements shall be recorded to provide equal use and access to parking for all users within the commercial center or building complex.

9. Professional Office Uses. Professional office projects shall calculate parking based on the net leasable square footage of the proposed office building(s). Net square footage shall be ninety (90) percent of the total square footage of the proposed building(s). The net square footage shall be determined at original building shell approval and subsequent tenant improvements shall not be granted any additional reduction for net square footage.

C. Adjustment to Number of Required Parking Spaces. The number of parking spaces required by subsection A, above, may be reduced as follows:

1. Specific Plan Provisions. Provisions may be made in a specific plan to allow reductions in the number of required parking spaces based upon special provisions, such as providing golf cart or electric car parking where special provisions are made for golf carts or electric cars.

2. Parking Reductions for Shared Parking. If an applicant believes the number of parking spaces required for their building complex as specified in subsection A (which is the sum of all the users within the building complex) is not applicable because the hours of operation of different tenants/uses within the building complex will effectively allow for dual use of the parking spaces, then the applicant may request an administrative permit. The approval authority shall be the planning director. The applicant shall have the burden of proof for requesting a reduction in the total number of required off-street parking spaces, and documentation shall be submitted substantiating this request. Shared parking reductions shall only be approved by the approval authority if:

a. A sufficient number of spaces are provided to meet the greatest parking demand of the participating uses;

b. Satisfactory evidence is provided describing the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict between them;

c. Overflow parking will not impact any adjacent use; and

d. Additional documents, covenants, deed restrictions, or other agreements as may be deemed necessary by the planning director are executed to assure that the required parking spaces provided are maintained and uses with similar hours and parking

requirements as those uses sharing the parking facilities remain for the life of the project.

3. Parking Reductions for an Individual Use. If an applicant for a proposed use believes the number of parking spaces required for their use as specified in subsection A is not applicable because their use functions differently than the generic use type and associated parking standards established in this title, then the applicant may request an administrative permit. The approval authority shall be the planning director. The applicant shall have the burden of proof for requesting a reduction in the total number of required off-street parking spaces, and documentation shall be submitted substantiating the request. Such documentation may include, but is not limited to: a parking study of another facility of the same use which is similar in size and operation, calculating the required parking spaces with field data of peak parking usage. Reduced parking shall only be approved by the approval authority if:

   a. Satisfactory evidence is provided describing the nature of the use, the operation and data from other facilities or similar facilities so as to demonstrate that the required parking standards are excessive and the proposed parking standards are appropriate; and

   b. Overflow parking will not impact any adjacent use.

D. Purchase or Lease of Parking Spaces. In the event insufficient parking is available for the proposed use, parking requirements may be satisfied by purchasing or leasing available nearby underutilized private or public parking spaces if deemed appropriate by the planning director, after consideration of the proposed lease or other conveyance documentation.

(Ord. No. 519, 8-8-2012)

17.108.045 - Design and improvement of parking.

A. Parking Lot and Parking Space Design and Layout. Except where otherwise provided by subsection 17.108.040C. (adjustments to number of required parking spaces), parking spaces shall be designed as follows and as illustrated in Appendix A to this chapter:

1. Parking Space Design. Except as provided below, all parking spaces shall be standard spaces, designed to accommodate full-sized passenger vehicles.

   a. Parking Space Sizes. Standard spaces shall be a minimum of nine feet by 18 feet for diagonal or ninety-degree spaces; and a minimum of nine feet by twenty-two (22) feet for parallel spaces. Compact car spaces shall be a minimum of eight feet by eleven (11) feet for diagonal or ninety-degree spaces; and a minimum of eight feet by eighteen (18) feet for parallel spaces. Handicapped spaces shall comply with the requirements set forth in Section 17.108.110 below. All measurements are exclusive of access or drive aisles.

   b. Compact spaces are allowed as follows:

Number of Spaces	% of Compact
0-50	20%
50-100	25%

100-200	30%
200 +	35%

Each compact space shall be labeled "COMPACT" or "C."

c. Motorcycle Space Substitution. Parking lots with a minimum of ten (10) parking spaces may substitute standard parking spaces with motorcycle spaces. One standard parking space may be replaced with a motorcycle space for each ten (10) required standard parking spaces. Motorcycle spaces shall be a minimum size of four by eight feet.

2. Parking Lot Design. The design and layout of parking lots shall conform to the following standards:

a. Circulation Aisle Sizes. Parking lot aisle sizes shall be based on the angle and length of the parking stall pursuant to detail A of the appendix attached to the ordinance codified in this chapter. Other parking designs utilizing other parking angles may be approved upon securing an administrative permit.

b. Circulation Aisle for Emergency Access. The minimum width of a drive aisle needed for an emergency response vehicle shall be twenty(20) feet.

c. Vehicular Overhang. Vehicular overhang is permitted, provided no vehicle shall overhang into a sidewalk which would reduce the unencumbered width of a sidewalk to less than four feet. A vehicle is permitted to overhang into a landscaped area by two feet, provided that the required landscaped area is extended by two feet.

d. Perimeter Landscaping. Where a parking lot is adjacent to a public right-of-way, a landscape planter shall be established and continuously maintained between the public right-of-way and the parking lot. The minimum width of the landscape planter shall be determined by the city's design guidelines (Chapter 17.116). In addition, all unused right-of-way between the public street and the parking lot shall be landscaped and maintained by the property owner.

e. Bicycle Racks and Lockers. When bicycle spaces are required, a bicycle rack or locker shall be installed. The bicycle rack shall be designed to allow a bicycle to be secured to the rack. The location of the bicycle rack or locker shall not encroach into the sidewalk which would reduce the unencumbered width of the sidewalk to less than four feet and shall provide adequate clearance surrounding the rack or locker such that bicycles shall not encroach into any walkway, parking space, landscape area or similar area.

f. Curb Stops. A permanent curb, bumper, wheel stop or similar device at least six inches in height shall be installed adjacent to sidewalks, planters and other landscaping areas, parking lot fixtures and buildings and walls to protect these improvements from vehicular damage. The stopping edge of such protected bumper shall be placed no closer than two feet from the above noted improvement.

g. Parking Space Design. All parking spaces shall be delineated and separated by a painted divider. The stripes shall be a four-inch solid line painted either white or yellow in color. Excluding any applicable Americans with Disabilities Act parking requirements, the use of graphics or text in or around the striping is prohibited. The striping shall be maintained in a clear and visible manner. However, existing parking areas with single striping, which require additional parking spaces or modified parking spaces due to building expansion,

parking lot restriping or reconfiguration may maintain the single striping upon securing an administrative permit.

B. Controlled Access Required. All parking spaces (including garage spaces) required for any land use other than a single-family or two-family dwelling shall be designed and located to provide for vehicle maneuvering on the site so that vehicles will enter any adjacent public right-of-way or private road in a forward direction.

C. Location of Parking on a Single Family. Parking spaces may be located as needed on a site, provided that no required parking space shall be located within a front or street side setback required by Article III (use and zone district regulations) except as provided in Section 17.196.040 (second dwelling units), or other use types (community care facility, congregate residence and rooming and boarding house) according to Section 17.108.040. A driveway providing access to a street may be located within a front or street side setback.

D. Surfacing of Parking Areas. Required parking and circulation areas shall be surfaced with asphalt concrete or Portland cement concrete, or other approved all-weather, hard, non-eroding surface. It shall be the responsibility of the property owner to insure that the surface is maintained free from significant cracks or holes.

E. Specialized Parking and Circulation. The standards of this subsection apply to the design and construction of specialized parking and on-site circulation facilities. Additional information regarding stacking capacity for drive through facilities and other types of uses with stacking, are contained in the community design guidelines.

1. Drive-Through Facilities. The following requirements apply to any use with drive-through facilities:

a. Separation and Marking of Lanes. Drive-through aisles shall be a minimum of twelve (12) feet wide and shall be separated from other circulation aisles necessary for ingress or egress, or aisles providing access to any parking space. Each such aisle shall be striped, marked, or otherwise distinctly delineated.

F. Loading Requirements. Loading shall be provided as identified below:

1. No Maneuvering Within Public Rights-of-Way. All site designs shall be designed so as to prevent truck back-up maneuvering within the public right-of-way.

2. Design. The location, number, size and access of the loading area shall be determined pursuant to design review.

G. Screening. Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins or faces institutional premises or premises situated in residential districts by a masonry wall or fence of acceptable design. Such wall or fence shall be not less than four feet or more than six feet in height and shall be maintained in good condition without any advertising thereon.

H. Landscaping. Landscaping shall conform to the requirements of this Code.

I. Lighting. Lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in residential districts, provided such lighting can be provided adequately to accommodate security concerns.

(Ord. No. 519, 8-8-2012)

17.108.050 - Residential districts—Additional requirements.

Any motor vehicle parked out of doors, off the driveway and street, and which can be seen from the public street/right-of-way in any residential district shall be in running condition. Should a motor vehicle be

in the process of repair, it shall be restored to running condition within a period not to exceed seven calendar days. No mechanical repairs, other than emergency repairs, may be made on any street.

(Ord. No. 519, 8-8-2012)

17.108.060 - Off-street parking spaces—Location.

The off-street parking required by the provisions of this chapter shall be located on the same parcel as the use or building to which it pertains, except in the following circumstances:

A. If the use or building lies within the boundary of a legally constituted parking district, the off-street parking space provided by such district shall be deemed to satisfy the provisions of this chapter with regard to such use or building.

B. If the off-street parking spaces are purchased or leased pursuant to Section 17.108.040D. (purchase or lease of parking spaces).

(Ord. No. 519, 8-8-2012)

17.108.070 - Off-street loading spaces—Location.

Off-street loading spaces may occupy any required yard or court spaces, except that off-street loading spaces shall not be located nearer than fifty (50) feet to any lot in any residential district unless such loading spaces are enclosed by a masonry wall not less than eight feet in height.

(Ord. No. 519, 8-8-2012)

17.108.080 - Off-street loading spaces—Size.

Each off-street loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height.

(Ord. No. 519, 8-8-2012)

17.108.090 - Off-street loading spaces—Number required.

For every building or part thereof, having a gross floor area of ten thousand (10,000) square feet or more, which building is occupied by a commercial or industrial use and to or from which delivery of materials or merchandise is regularly made by motor vehicle, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional off-street loading space for each loading door.

(Ord. No. 519, 8-8-2012)

17.108.100 - Handicapped accessible parking provisions.

A. The city is required to enforce state and federal regulations regarding handicapped parking. The required number of handicapped parking spaces and other applicable design standards are set forth in the official ACS Accessibility Standards Interpretative Manual, as amended from time to time, which is incorporated herein by reference.

(Ord. No. 519, 8-8-2012)

17.108.110 - Bicycle parking provisions.

All applications for commercial, industrial and multi-family uses within the city shall include adequate design plans for bicycle parking for patrons and employees. There are two general categories of bicycle parking requirements applicable to multi-family, mobilehome subdivision, commercial and industrial districts within the city:

Class I: provides employee bicycle parking for retail, industrial, or office park uses, or long-term parking for multifamily residential, or mobilehome parks etc. This class I parking is for bicycles that will be left for hours at a time, and requires provisions for security and weather protection. Such parking can be located on site or within a reasonable distance of the site.

Class II: provides shoppers, customers, messengers and other visitors who generally park for two hours or less in a convenient and readily accessible place to park bicycles. Class II parking should be located within fifty (50) feet of the building entrance that cyclists use.

A. Design standards for all bicycle parking spaces in any district:

1. Provide floor, wall or ceiling mounted bike racks, which allow frame and both wheels to be secured, at least fifty (50) percent of such spaces to be covered from the elements
2. Each parking space shall be striped for two feet by six feet for each bicycle parking space, to allow securing and removing bicycles without interference with adjacent bicycles. Bicycle parking will provide an aisle at least five feet wide behind all bicycle parking to allow room for maneuvering.

B. Required parking spaces:

Land Use	Bicycle Spaces Required	Type
RESIDENTIAL		
Single family / two family	N/A	N/A
Multi-Family	1 per unit plus 6 space rack at each building entrance.	Class I 100% Class II 6 space rack
COMMERCIAL		
Hotel/Motel	1 per 15 rooms. In addition, when hotel/motel is greater than 75 rooms, a 6 space visitor rack shall be provided	Class I 60% Class II 40%
Office, retail sales of goods and services, restaurants, research establishments, laboratories	1 per 1,000 sq. ft. for the first 5,000 and 1 per 500 for any additional area	Class I 50% Class II 50%

Shopping Centers	1 per 500 sq. ft. of gross leasable area for the first 3,000 feet and 1 per 500 feet of gross leasable area for any additional area.	Class I 30% Class II 70%
Sports and recreation centers	10% of the number of required vehicle spaces	
Movie theater	5% of the number of required vehicle spaces	
INDUSTRIAL		
All use types	1 per 1,000 sq. ft. of gross floor area	Class I 80% Class II 20%
INSTITUTIONAL		
Hospitals	1 per 500 sq. ft. of gross floor area	Class I 75% Class II 25%
Schools	All levels: 1 per 10 employees	Class I employees college, university 10% Class II students
Elementary	1 per 10 students	
Junior Secondary	1 per 8 students	
Senior Secondary	1 per 8 students	
College	1 per 5 students	
University	1 per 5 students (full time, max. attendance)	
Churches	1 per 50 members	Class II 100%

Library/Museum/Art Gallery	a per 100 ft. GFA	Class I 20% Class II 80%
Personal Care/Nursing Home/Group Home	1 per 15 dwelling units	Class I 75% Class II 25%
CULTURAL AND RECREATIONAL		
Community Center	1 per 500 sq. ft. of gross floor area	Class I 20% Class II 80%
Stadium, Arena, Pool, Exhibition Hall, similar places with spectator facilities	1 per 200 ft. of surface area	Class I 20% Class II 80%
Gymnasium, Health Spa, Sports and Recreation facilities	1 per 200 ft. of surface area	Class I 20% Class II 80%
Bowling Alley	1 per 2 alleys	Class I 20% Class II 80%

(Ord. No. 519, 8-8-2012)

17.108.120 - If more than one regulation applies.

If more than one standard is applicable to any use, then the planning director will make a determination as to which requirements apply.

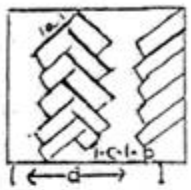
(Ord. No. 519, 8-8-2012)

Chapter 17.36

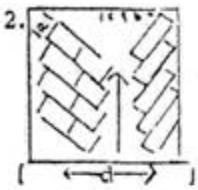
Appendix A

DETAIL A

A. 45°



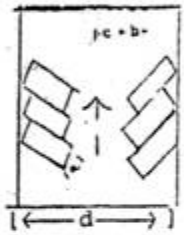
2.



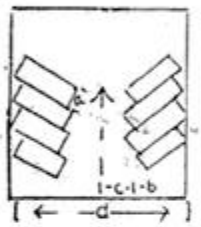
ANGLE PARKING STYLE – Arrows indicate Traffic flow

1. Aisle width for 45° + 60° Spaces are one way only
2. Tier = 2 rows of spaces + one aisle

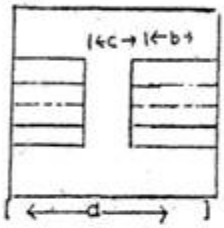
3.



B 60°



C 90°

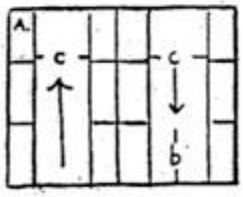


DIMENSIONS FOR ABOVE DIAGRAMS

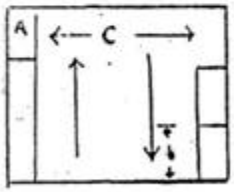
Angle	Space a. width	Space to b. curb	1 c. aisle	tier 2 d. width
45° compact	8'0"	15'0"	12'0"	43'0"
Regular	9'0"	19'0"	16'0"	54'0"
60° compact	8'0"	16'0"	14'0"	48'0"
Regular	9'0"	20'0"	18'0"	58'0"
90° compact	8'0"	14'0"	20'0"	51'0"
Regular	9'0"	18'0"	24'0"	60'0"

PARALLEL PARKING STYLES

A. One Way



B. Two Way



Dimensions For Above Diagrams

Direction	A. Space Width	B. Space Length	C. Aisle Width
1 way compact	8'0"	18'0"	12'0"
regular	9'0"	22'0"	12'0"
2 way compact	8'0"	18'0"	12'0"
regular	9'0"	12'0"	12'0"

Chapter 17.110 - TREE PRESERVATION GUIDELINES

Sections:

ARTICLE IV. - GENERAL DEVELOPMENT REGULATIONS

17.110.010 - Purpose and intent.

17.110.020 - Authority.

17.110.030 - Tree identification.

17.110.040 - Tree preservation requirements.

17.110.050 - Tree replacement requirements.

17.110.010 - Purpose and intent.

The purpose of establishing tree preservation guidelines is to maintain natural scenic beauty, improve air quality, water quality, reduce soil erosion, preserve significant natural heritage values, preserve wildlife habitat and help to reduce energy consumption for air cooling by providing shade. As development of vacant land occurs, loss of some tree cover may be unavoidable. The city's intent is to reduce the loss of trees to reasonably acceptable levels while encouraging cooperation between the development community, citizens, CalFire and the city in attempting to retain tree cover within the city to the maximum extent possible. In the spirit of reasonableness these guidelines shall not categorically prohibit tree removal and shall take into consideration the most recent CalFire defensive perimeter recommendations when approving a tree removal plan. It is recognized that development of foothill topography and project-specific terrain may dictate tree removal. It shall be the policy of the city to preserve trees whenever feasible through the review of all proposed development activities where trees are present, while recognizing individual rights to develop property in a reasonable manner.

(Ord. No. 519, 8-8-2012)

17.110.020 - Authority.

The city has an established planning application review process. The planning director shall oversee enforcement of the tree preservation guidelines through project conditions of approval in conjunction with granting planning application approval.

(Ord. No. 519, 8-8-2012)

17.110.030 - Tree identification.

Planning applications submitted to the city shall prepare a tree removal plan which identifies all healthy trees on the property in excess of six inches in diameter, measured four and one-half feet from ground level. The plan will also provide data on the health of the trees to be preserved and attempt to provide building envelopes where a majority of the trees can be preserved, while at the same time assuring defensive perimeter protection. Trees to be saved and removed shall be clearly designated on the plan. Clearing of trees over six inches in diameter measured four and one-half feet from the ground is prohibited prior to issuance of a grading permit.

(Ord. No. 519, 8-8-2012)

17.110.040 - Tree preservation requirements.

Innovative techniques or alternative project design shall be considered to preserve trees to the maximum extent feasible to retain conifers, oaks, maples and cedars. Preserving trees shall require

installing bright colored mesh fencing, flagged stakes or some visible means of physical demarcation around the drip line of the tree(s) in the field prior to issuance of a grading permit. The drip line of a tree is the outermost edge of a tree's canopy. No movement of soil or earth material shall take place within the drip line of trees designated for preservation.

(Ord. No. 519, 8-8-2012)

17.110.050 - Tree replacement requirements.

Trees enhance the aesthetic appearance of any project. When tree removal is unavoidable:

A. The applicant/developer shall replace and replant removed trees with an equal number of trees.

B. Minimum/maximum replacement trees shall range from one-gallon to forty-eight-inch-box container sizes mixed to create a natural horizon line.

C. A mix of tree species is preferred (rather than planting the same species throughout the project) to achieve a more natural, native appearance.

D. Hillside development shall preserve trees when feasible or be replanted immediately to prevent erosion. "Immediate" means prior to the issuance of a certificate of occupancy or final inspection.

E. Trees shall be irrigated and maintained by any and all subsequent owners for a minimum period of three years after installation in accordance with the Colfax design guidelines maintenance requirements:

1. Deposit with the city a maintenance bond, cash, letter of credit or its equivalent, in an amount equal to one-half the market value of landscaping and irrigation guaranteeing the proper care, treatment and maintenance of landscaping for a period of three years; or

2. Execute an agreement and equitable lien in an amount equal to the full market value of the landscaping and irrigation with the city, guaranteeing the lien shall cause a written letter of notification by the city to the owner of the real property within ten days that the city will perform or have performed by a reputable landscaper any and all maintenance work it deems necessary and bring legal action against the owner for the frill cost of such maintenance work or foreclose such equitable lien as provided by law.

(Ord. No. 519, 8-8-2012)

Chapter 17.112 - SIGNS

Sections:

17.112.010 - Title.

17.112.020 - Purpose and intent.

17.112.030 - Definitions.

17.112.040 - General provisions.

17.112.050 - Administration.

17.112.060 - Sign review.

17.112.070 - Determining the number of signs.

17.112.080 - Sign standards.

17.112.090 - Illumination of signs.

17.112.100 - Projecting signs and sign clearances.

17.112.110 - Accessory signs.

17.112.120 - Incidental and supplemental signs.

17.112.130 - Commercial or retail master sign programs.

17.112.140 - Freestanding multi-tenant signs.

17.112.150 - Digital billboard signs.

17.112.160 - Mural permit.

17.112.170 - Exempt signs.

17.112.180 - Permitted signs.

17.112.190 - Prohibited signs.

17.112.200 - Revisions and/or alterations to signs.

17.112.210 - Nonconforming signs.

17.112.220 - Abandoned signs.

17.112.230 - Signs to be removed.

17.112.240 - Construction

17.112.250 - Liability for damages.

17.112.260 - Maintenance of signs.

17.112.270 - Enforcement.

17.112.280 - Appeals.

17.112.010 - Title.

This chapter shall be known and cited to as the "Colfax Sign Ordinance."

(Ord. No. 519, 8-8-2012)

17.112.020 - Purpose and intent.

A. This chapter establishes the legal framework for a comprehensive system for the regulation of signs. This chapter presents a set of reasonable, non-arbitrary and non-discriminatory standards and controls designed to optimize communication between the citizens and their environment. To not only facilitate the protection of the public, but the aesthetic character of the city and to ensure the availability to the community of adequate, high quality signs.

B. Signs have an obvious impact on the character, quality of life and economic health of the city. As a prominent aspect of the scenery, they either attract or repel the viewing public and may affect the safety of vehicular and pedestrian traffic. Their suitability and appropriateness helps define the character of a neighborhood and the larger community. The purpose of this chapter is to regulate signs in a manner that will benefit the public and maintain a high quality of development throughout the city. The regulations contained herein are intended to:

1. Direct persons to various activities and enterprises in order to provide for the maximum public convenience;

2. Provide a reasonable system of regulations for signs in order to ensure the development of a quality visual environment;
3. Encourage signs that are well-designed and pleasing in appearance, recognizing that a well-designed sign enhances a business's image and economic vitality;
4. Provide incentive and latitude for variety, good design relationships and spacing of signs;
5. Encourage a desirable urban character that has a minimum of overhead clutter and reduce sign proliferation;
6. Enhance the economic value of the community and each area thereof through the regulation of such things as size, number, location, design and illumination of signs;
7. Encourage signs that are compatible with adjacent land uses and that provide pedestrian-scale atmosphere;
8. Reduce possible traffic and safety hazards through good signage;
9. Ensure the maintenance of signs; and
10. Implement the community architectural and landscape design goals, objectives and policies of the general plan, design guidelines established by the city, and other applicable design guidelines to enhance the beautification of the city.

(Ord. No. 519, 8-8-2012)

17.112.030 - Definitions.

For the purposes of this chapter, the definitions shall be as follows:

"Abandoned" means a sign which has not been maintained in accordance with the provisions of this chapter for a period in excess of thirty (30) days following legal notice to the owner of the property and/or owner of the advertising display or tenant on whose property the advertising display is located that such sign does not meet, in the discretion of the planning director, minimum maintenance standards or a sign display for a business, product or service no longer in existence on the premises.

"Accessory sign" means signs which advertise a product or service in association with the business.

"Agricultural sign" means a sign that advertises the sale or growing of fruits, vegetables, nuts and organic materials.

"Amortization" means the elimination of nonconforming signs over a period of time intended to allow the owner opportunity to depreciate the value of the sign.

"Appeal" means a request for reconsideration of an administrative remedy by a higher level of legislative or quasi-judicial government.

"Architect, contractor or construction sign" means a sign which gives notice of development advertising a contractor, architect or construction company.

"Awning/canopy sign" means a simulated roof or umbrella-type structure which projects from a wall or roof of a building, which contains text advertisement for a business, goods or services.

"Beacon" means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also any light with one or more beams that rotate or move.

"Building frontage" means that side of a building which contains the main entrance for pedestrian ingress and egress. If more than one main entrance exists, the one that more nearly faces or is oriented to a parking area or the street of highest classification as portrayed in the current circulation element of

the general plan shall be considered the building frontage. For unique designs that do not allow use of the preceding discussion, the planning director shall determine building frontage.

"Combination canopy and under-canopy sign" means a sign painted, placed or installed on an awning/canopy and a sign hanging under an awning/canopy.

"Digital billboard" means a billboard or other off-site sign that uses digital-display technology.

"Exempt sign" means a sign not required to comply with the standards of this chapter.

"Freestanding sign" means a sign standing alone or on its own foundation free of support or attachment.

"Government flags" means flags displayed by federal, state, county or city governments.

"Illumination" means the source of light used for visible display of both interior/exterior signage.

"Maintenance" means ongoing care and repair of a sign.

"Master sign program" means a plan for signage for more than one business sign in a unified commercial area.

"Multi-tenant sign, freestanding" means a freestanding sign that is made up of three or more individual sign faces, one of which must be associated with the parcel upon which the sign is located. For the purposes of this chapter, all multi-tenant signs are considered on-site signs.

"Mural" means an application of pictures or other graphic art forms onto exterior walls, either full or portions of walls to enhance the architecture or aesthetics of a building or wall. Murals must not include the name, logo or other representation that advertises a business, product, service or other commercial activity.

"Nonconforming sign" means a sign that originally complied with all applicable regulations and laws at the time it was erected, but violates a regulation or law subsequently adopted.

"Off-site sign" means individual signs advertising a business, service, commercial or industrial entity not located on the parcel of land as the sign.

"Permitted sign" means a sign that has been approved pursuant to this chapter and for which a sign permit has been issued.

"Political sign/civic sign" means a sign that draws attention to a ballot issue, candidate or measure in a national, state or local election.

"Prohibited sign" means a sign and/or sign materials not consistent with the standards of this chapter.

"Projecting sign" means a sign which extends out from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall.

"Real estate sign" means a sign which gives notice of the sale, rental or lease of real property.

"Residential sign" means a sign which notices the name of an occupant or resident.

"Roof sign, integral" means any sign erected or constructed as an integral part of a normal roof structure of any design, in such way that no part of the sign extends vertically above the highest portion of the roof and no part of the sign is separated from the rest of the roof by a space of more than six inches.

"Sandwich sign" means a freestanding portable "V"-shaped sign (horizontal or vertical "V") used temporarily for events, goods, services or activities.

"Sign clearance" means the distance of the sign to a public right-of-way, pedestrian or vehicular.

"Sign review" means planning director review of a sign permit application for compliance with this chapter and approval or denial by the planning director or planning commission.

"Temporary sign" means a sign that is limited to the duration of a condition, activity or event.

"Wall sign" means a sign affixed to or painted on the wall surface of a building in such a manner that the surface of the sign is parallel with the prevailing surface of the wall upon which the sign is displayed.

"Window sign" means a sign displayed within a building or attached to the interior/exterior of a window or similar opening for the primary purpose of visibility.

(Ord. No. 519, 8-8-2012)

17.112.040 - General provisions.

Unless exempt by Section 17.112.170 of this chapter or an approved freestanding multi-tenant, master sign program, digital billboard sign or off-site subdivision sign, signs shall be located on the same legal parcel as the permitted use and shall be clearly incidental, customary and commonly associated with the operation of the permitted use. For the purposes of this chapter, a unified retail shopping, commercial or business center shall be treated as a single parcel regardless of whether the center is comprised of more than one legal parcel. Freestanding multi-tenant signs must advertise the business located on the parcel, as well as the additional business, product, service or other commercial activity, except as provided in Section 17.112.220 of this chapter, abandoned signs.

(Ord. No. 519, 8-8-2012)

17.112.050 - Administration.

A. Administration of this chapter shall be carried out by the planning director or his or her designee. All limitations shall be as set forth in the California State Planning and Zoning Law (Title 7, Chapter 65000 of the Government Code, as amended) and all applicable sections of the Business and Professions Code, and California Building and Fire Codes.

B. Unless expressly exempted in this chapter, no sign may be erected, displayed, reconstructed or altered until a sign permit is granted as set forth in this chapter and a building permit (when applicable) has been issued.

C. The objectives of sign review are:

   1. To provide a means of review appropriate to the magnitude of the proposed signage;

   2. To assure the planned character of freestanding multi-tenant signs and master sign programs;

   3. To provide a means of flexible application of the sign regulations so as to encourage maximum incentive and latitude in the design and display of signs in order to achieve, not circumvent the intent of this chapter.

D. All sign applications are subject to sign review by the planning director for compliance with this chapter.

E. The planning director will review the sign application and may approve, deny or approve with conditions the sign permit (known as an administrative sign permit) or refer the application to the planning commission. The planning director may also delegate administrative sign permit review and approval to other city employees.

F. Signs associated with projects subject to design review shall be reviewed as part of that process; however, such signs also require a sign permit from the planning director.

G. Planning commission approval is required for sign applications in any instance where it is combined with a project that is subject to be heard by the planning commission, such as a conditional use permit, general plan amendment or rezone.

H. The planning director may approve deviation of letter type fonts after approval of the sign permit. This type of change shall not require the applicant to process an additional sign permit application.

I. Findings. In approving a sign permit, the approval authority shall make the findings set forth in subsection 17.40.070D. or 17.40.070E., as applicable.

(Ord. No. 519, 8-8-2012)

17.112.060 - Sign review.

Sign review shall be initiated by the applicant submitting a completed sign application form to be provided by the city. Upon receipt of a completed application, the planning director will review and may grant approval of the sign or refer the application to the planning commission pursuant to the standards of this chapter. If the planning director determines the sign to be unacceptable and/or the sign application to be incomplete, the applicant will be informed of identifiable issues and suggested alternatives to resolve such issues.

(Ord. No. 519, 8-8-2012)

17.112.070 - Determining the number of signs.

A. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing sign faces physically connected and having a coterminous boundary, with the following exception: combination canopy, under-canopy and awning, under-awning signs shall be considered as one sign.

B. A two-sided or multi-sided sign shall be regarded as one sign subject to the following:

1. A "V-type" sign shall be regarded as a single sign only if the two sides are separated by no more than three feet at any point;

2. Double-faced (back-to-back) signs shall be regarded as a single sign only if the distance between the backs of each face of the sign does not exceed two feet.

C. All freestanding signs twenty (20) feet or less in height shall have a solid base comprised of rock, brick, wood, exposed aggregate or natural material(s) or as approved by the planning director.

D. The total number of signs advertising an individual business, service, product or commercial activity shall not exceed three in the historic district.

(Ord. No. 519, 8-8-2012)

17.112.080 - Sign standards.

A. Signs shall conform to the applicable standards as set forth in this chapter, including the standards set forth in the charts at the end of this chapter.

B. Height of Signs. Except for restrictions contained in the historic district, determination of the height of the sign will be made pursuant to Section 17.40.070

C. Copyrighted Logos. The City of Colfax will not require the modification, including requiring a change in color, of any copyrighted logo, national logo or state-approved logo of any business located outside of the historic district.

D. The following guidelines should be considered:

1. Interior lit signs are discouraged and will not generally be approved.

2. Signs should respect the architectural design and proportion of the building and should not cover transoms, insignias, or any architectural ornamentation.
3. Limit the number of lettering styles on a sign to increase legibility, i.e. not more than two for small signs.
4. The preferred lettering styles for Colfax are Bostonian, Hasler Circus, Playbill, Mesquite, Wide Latin, Bookman Bold, and Barclay Expanded Ultrabold. Refer to Appendix 2 of this document.
5. The following types of signs are encouraged: flush wall mounted, projecting with solid metal supports, hanging signs, window painted signs, integral roof signs and monument signs.
6. Any change in copy shall still conform to the sign ordinance in terms of materials, sign area, standards, and criteria.

(Ord. No. 519, 8-8-2012)

17.112.090 - Illumination of signs.

A. The following standards for illumination apply to all signs in all zones:

1. All sign illumination shall be from the interior or by indirect lighting (diffused) light, which is stationary and constant in intensity and color at all times. All signs shall be turned off after business hours or at ten p.m., whichever is later.
2. Signs without internal lighting shall be lighted from above and in a downward direction.
3. All lighted signs shall be mounted, arranged or shielded to prevent spillage of light off-site or into the sky.
4. Neon tubing as a sign material shall be permitted to the extent that it composes twenty (20) percent or less of the total allowable sign surface area.
5. Neon tubing as an architectural detail shall be used in limited quantities in the commercial or highway/commercial districts subject to the approval as part of sign review. All neon tubing used as an architectural detail shall be integrated into the design of the building. Visible neon tubing outlining the interior of a window shall be considered a sign.
6. Neon tubing used as an architectural detail is prohibited in the historic district.

B. The following standards for illumination shall apply in the A, R, RM, R-MHS and OS zoning districts: maximum illumination of ten (10) foot lambert per sign.

(Ord. No. 519, 8-8-2012)

17.112.100 - Projecting signs and sign clearances.

A. All projecting signs, except awnings or canopies, must be double-faced.

B. An encroachment permit from the building department is required for signs that project more than two feet over a public right-of-way.

C. All signs that project more than two feet over a public right-of-way shall have a minimum height clearance of seven feet.

D. No permit for any sign shall be issued and no sign shall be constructed or maintained that has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the state or rules and regulations duly promulgated by agencies thereof.

(Ord. No. 519, 8-8-2012)

17.112.110 - Accessory signs.

Signs that are temporary or transient in nature and placed in a window or wall area shall be considered accessory signs and shall not count toward the permitted business signage.

(Ord. No. 519, 8-8-2012)

17.112.120 - Incidental and supplemental signs.

Signs that are incidental or supplemental to the use of the property, such as drive-through menu boards do not count towards the permitted signage. The design, number, location and size of incidental or supplemental signs shall be reviewed and approved as part of a sign review or master sign program by the planning director.

(Ord. No. 519, 8-8-2012)

17.112.130 - Commercial or retail master sign programs.

A. The purpose of a master sign program is to integrate signs with buildings, landscape design and promote a unified architectural unit, to reduce the overall number of signs and to ensure the magnitude of proposed signs are substantially consistent with existing and proposed buildings and the character of the district within which the signs are proposed.

B. A master sign program for a unified commercial area, such as a retail shopping, commercial or business center, shall be processed prior to installation of any signs. Any sign which conforms to an approved master sign program may be approved by the planning director. Approval of a master sign program does not waive the permit requirements for individual signs.

C. Amendment. A master sign program may be amended by submitting an amended master sign program that conforms to all requirements of this chapter to the planning director and obtaining planning director approval.

D. Binding Effect. After approval of a master sign program, no signs shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same ways as any provision in this chapter. The master sign program shall be attached to the lease agreements for all leasable space within the project. In case of any conflict between the provisions of such a plan with any other provisions herein, this section shall control.

(Ord. No. 519, 8-8-2012)

17.112.140 - Freestanding multi-tenant signs.

Freestanding multi-tenant signs must comply with all applicable provisions of this chapter and consider topographic conditions and visual impairment.

(Ord. No. 519, 8-8-2012)

17.112.150 - Digital billboard signs.

Digital Billboard Signs on City-owned Property. For purposes of this section, (1) a "digital billboard sign" means and refers to an advertising structure (as that term is defined in the California Outdoor Advertising Act - Business & Professions Code, Division 3, Chapter 2) that uses digital-display technology; and (2) "City-owned property" means and refers to any property in which the city is the owner

of the majority of the fee title interest, as well as property in which the city has a leasehold, easement, license or other possessory interest.

A. Notwithstanding any provision of this title to the contrary, the city, on such terms as the planning director may approve in his or her discretion, may: construct, repair, replace and maintain; cause the construction, repair, replacement and/or maintenance of; or issue a permit for the construction, repair, replacement and/or maintenance of, digital billboard signs within city-owned property and visible from Interstate Highway 80 and/or State Highway 174, subject to subsections A.1. through A.5, below. Such terms may include utilizing a relocation agreement, which would allow the removal of a display and construction of a new display to substitute for the display that is removed. A digital billboard sign may be electronic, programmable and/or illuminated and provide for "off-site" advertising (as that term is defined in this chapter). The total number of billboard signs in the city, whether digital or not, may not exceed the number of billboard signs in the city at the time the digital billboard sign ordinance is adopted, without further action of the city council.

1. The city-owned property must be located in a commercial or industrial zone as of the date a permit for a digital billboard sign is issued.

2. All digital-display faces must be oriented primarily for viewing from the freeway or highway to which it is adjacent.

3. Notwithstanding any provision to the contrary in this title, the maximum height of a digital billboard sign, measured from grade to the top of the digital-display face, is forty-five (45) feet; and the overall maximum height, measured from grade to the top of the billboard structure, is fifty (50) feet. The planning director may, upon a showing of good cause supported by substantial evidence in the record, grant a variance on the maximum height restriction.

4. Notwithstanding any provision to the contrary in this Title, a digital billboard sign may have either one or two display faces, and the maximum area of a display face is one thousand two hundred (1,200) square feet. The maximum height of the display face is 25 feet and maximum length of the display face is sixty (60) feet.

5. A digital billboard sign may display only a still image in each of its display messages. This means that the still image being displayed may not move or present the appearance of motion and may not use flashing, blinking, or traveling lights or any other means not providing constant illumination (except that part necessary to give public service information such as time, date, temperature, weather, or similar information). The digital billboard sign must expose each message display for not less than four seconds, unless a greater amount of time is set forth as a recommendation in the most recent guidance document issued by the Federal Highway Administration on the subject of changeable electronic variable message signs; in such case, the minimum FHWA standard shall apply. The transition or blank screen time between one display message and the next may not exceed one second, nor shall this transition time be construed as a failure to comply with the constant illumination requirement set forth above.

B. Notwithstanding any provision of this title to the contrary, an existing sign that is removed and/or relocated in the implementation or exercise of subsection A., above, may include either a legal conforming sign or a legal nonconforming sign; such status shall be determined by the planning director. Any sign approved for relocation must be removed prior to construction or installation of the digital billboard sign that will replace it.

C. Compliance. In addition to complying with the other requirements of this section, a digital billboard sign must also comply with the requirements of the California Outdoor Advertising Act, Chapter 2 in Division 3 of the California Business and Professions Code ("Act"), including, but not limited to, the restrictions on size, height, intermittent flashing lights, proximity to interstate and primary highways and landscaped freeways, and other regulations set forth in Articles 7

and 8 of the Act. To the extent a conflict arises between this section and the Act, the Act will prevail, except for the FHWA recommendation referenced in subsection A.5., above.

D. Findings for Approval of a Digital Billboard Sign or Relocation Agreement. A digital billboard sign or relocation agreement may be approved if the planning director makes the following findings:

1. The digital billboard sign or relocation agreement substantially complies with the purpose and requirements of this section;

2. The digital billboard sign or relocation agreement will not interfere with on-site access or circulation or significantly interfere with visibility.

(Ord. No. 519, 8-8-2012)

17.112.160 - Mural permit.

A. Purpose and Intent. To ensure a mural enhances the architecture or aesthetics of a building or wall and does not detract from the character of the district within which it is located. To ensure a mural is not detrimental to the public health, safety or welfare, a mural permit shall be required for all murals.

B. Review Process. Murals are considered a means to enhance the architecture or aesthetics of a building or wall and not a form of advertisement. All murals shall be treated as a sign and reviewed pursuant to this chapter. If a mural is proposed containing business or business-related advertising materials, it shall be required to pay the sign permit fee. If the mural is civic-oriented in nature, as opposed to promoting a specific business, the sign permit fee shall be waived. The mural permit process shall require review of murals to ensure that size, location and placement is consistent with the character of the district within which it is located; the character of the building or wall upon which it is placed; and that the mural is not detrimental to the public health, safety or welfare. The approval authority for a mural permit is the planning director, who shall not delegate such authority to other city employees.

(Ord. No. 519, 8-8-2012)

17.112.170 - Exempt signs.

The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number or area of signs allowed in each zone district; however, exempt signs are subject to building, plumbing or electrical permits as appropriate.

A. Official federal, state or local government flags, emblems and historical markers;

B. Official federal, state or local government traffic, directional and information signs and notices issued by any court, person or officer in performance of a public duty;

C. Temporary signs warning of construction, excavations or similar hazards;

D. Temporary holiday decorations;

E. "No Trespassing" signs not more than one square foot in size placed at each corner and each entrance to a property and at intervals of not less than one hundred (100) feet;

F. Parking lot and other private traffic directional signs not exceeding three square feet in area which are limited to guidance of pedestrian or vehicular traffic. If located off-site, the signs are further limited to street number, street name and directional symbols. References to the name of a business and/or business logo are not permitted if the sign is located off-site. In addition, off-site signage requires proof of permission from, or a contract with, the property owner to use

the location, which must be in a form found to be acceptable to the city manager prior to sign installation; ;

G. For each service station, pricing and grade signs as required by the state;

H. Legal or ordinance enforcement signs not exceeding three square feet in area and erected by private individuals or businesses and not otherwise regulated by this Code;

(Ord. No. 519, 8-8-2012)

17.112.180 - Permitted signs.

Permitted signs are all signs that have been approved pursuant to this chapter and for which a sign permit has been issued. Such signs include:

A. Integral roof signs, awning/canopy signs, combination canopy and under-canopy signs, wall signs and freestanding signs, subject to the regulations set forth in the charts at the end of this chapter;

B. Temporary advertising signs or special event display, subject to the following regulations and the regulations set forth in the charts at the end of this chapter:

1. Signs painted on a window or constructed of paper, cloth, wood or similar material, including banners, flags, pennants and balloons provided they are displayed for no more than thirty (30) days prior to an event and five days afterward, with a maximum of three thirty-day periods per business establishment) calendar days each calendar year, to promote events or sales of products, merchandise or service;

2. Temporary Gas and hot air balloons or inflatable displays, subject to the following regulations and the regulations set forth in the charts at the end of this chapter:

a. No more than one hot air balloon or inflatable display is permitted per event;

b. Use of gas balloons or inflatable displays are limited to three days per event. Not to exceed thirty-six (36) such displays in each calendar year per business establishment;

c. Balloons or inflatable displays shall not be located on any roof structure nor shall they occupy required parking spaces or be placed in walkways;

d. Window signs, banners, commercial flags and pennants may be used in conjunction with balloons or inflatable displays as listed in subsection A.1. of this section.

3. Permanent window signs limited to hours of operation; business name; address; and emergency information and menu of services or goods

C. Real estate signs for sales, rental or lease subject to the following regulations:

1. Residential dwellings offered for sale, rent or lease on an individual basis not in association with a subdivision or apartment complex, one sign per parcel not exceeding five square feet and six feet in height. Such signs shall be removed within five calendar days after the sale, rent or lease of property. Signs shall not create sight distance hazards.

2. One sign per parcel to advertise the sale, lease or rent of commercial or industrial property provided all of the following are met:

a. Such signs shall not exceed four square feet each and be no greater than six feet in height;

b. Signs shall not create sight distance hazards for pedestrians or vehicles;

c. Such signs shall be removed within five calendar days of the close of the sale or termination of the lease or rental agreement;

d. Where a project has in excess of six hundred (600) lineal feet of street frontage, one additional sign shall be permitted for each full six hundred (600) lineal feet of street frontage.

D. Subdivision signs subject to the following regulations:

1. On- or off-site, unlighted signs advertising subdivisions within the city, containing only the name of the subdivision, its products, the name of the developer and/or agent, an identification emblem and a directional arrow shall be permitted for not more than two years provided:

a. There shall be not more than two such signs located within the city limits for each subdivision. Signs must be located on private property;

b. The total area of each sign shall not exceed ninety-four (94) square feet;

c. The total height of each sign shall not exceed twenty-four (24) feet;

d. Directional subdivision signs may be displayed during construction or until the last lot has been sold.

2. One on-site subdivision sign for each subdivision entrance shall be permitted provided the total area per sign is not greater than thirty-two (32) square feet and sign height does not exceed six feet. Such on-site sign shall be permitted to remain only as long as a sales office is maintained in the subdivision not to exceed four years and provided such signs are maintained in good condition as determined by the planning director.

3. Permanent gateway/entrance subdivision signs must be consistent with the general plan and are subject to the following regulations:

a. One on-site subdivision sign for each subdivision entrance, excluding emergency secondary access, provided the total sign area is not greater than forty-eight (48) square feet;

b. Sign height shall not exceed sixteen (16) feet;

c. Permanent gateway/entrance subdivision signs shall be maintained in good condition as determined by the planning director.

E. Architect, contractor or construction signs providing the name of architect(s) and/or contractor(s) working on the site, subject to the following:

1. For residential projects greater than four dwelling units, up to two signs may be placed on the construction site;

2. For commercial and industrial projects, up to two signs may be placed on the construction site;

3. For all other projects, a total of two signs may be placed on the construction site.

F. Future tenant identification signs to advertise the future use of an approved project on the property may be placed on vacant or developing property to give the location where information may be obtained. Such signs will be approved by the planning director at the time a use permit is issued and are subject to the following restrictions:

1. One future tenant identification sign per parcel;

2. Such signs shall not be erected until a use permit is issued for the development and shall be removed within one year from the date of the building permit.

G. Residential Signs. Multiple-family residential building identification signs limited to address and building number or letter. One wall sign is allowed per building frontage and shall be located

below the roof line. Directional signage for the multiple-family residential building complex may be placed along the internal drive areas.

H. Agricultural signs identifying agricultural products grown or sold on the premises shall be approved at the discretion of the planning director.

I. Election Campaign Signs. Political signs advertising candidates or positions on issues for an election campaign may be placed on private property only, and are subject to the following requirements:

1. Location of Signs. Election campaign signs shall be prohibited within any public right-of-way.

2. Maximum Sign Area. Thirty-two (32) square feet.

3. Property Owner Consent Required. The placement of election campaign signs shall only occur with the permission of the owner of the property where the sign is to be placed.

4. Time Limit for Posting, Removal Required. Election campaign signs may be posted no sooner than sixty (60) days before the applicable election, and shall be removed from public view no later than twenty-one (21) days after such election.

5. Enforcement. If an election campaign sign is in violation of the provisions of this section, notice shall be given by the planning director to either the property owner or manager and/or the candidate and/or organization for which the sign was placed, that directs removal of the sign within seven days of the date of the notice. Failure to remove the sign shall be punishable as provided in Section 17.112.270. (enforcement).

J. Government and noncommercial signs except when displayed in connection with commercial promotion, provided that such flags are no greater in size than ten (10) feet by fifteen (15) feet or as approved by the planning director.

K. Miscellaneous Signs.

1. Memorial tablets, plaques or directional signs for community historical and cultural resources installed by the city or by a city recognized historical society or civic organization.

2. Official and legal notices issued by any court, public body or officer or in furtherance of any non-judicial process by federal, state or local law.

3. Public utility signs indicating danger or that serve as an aid to public safety or that show locations of underground facilities or public telephones.

4. Safety signs on construction sites.

5. Public transportation vehicle signs, including, but not limited to buses and taxi cabs.

6. Signs on licensed commercial vehicles that are not used or intended for use as portable signs and that are not specifically prohibited by the provisions of this chapter.

7. Change of copy on an approved sign in compliance with this chapter.

8. Holiday decorations to celebrate nationally recognized holidays and local celebrations.

9. Vehicle-oriented convenience and directional signs solely for the purpose of guiding traffic and parking on private property and not bearing advertising material, limited to a maximum area of two square feet.

10. Directional, warning or informational signs as required or authorized by law or by any federal, state, county, special district or city authority and "No Trespassing," "No Parking," "Neighborhood Watch" and similar warning signs, limited to a maximum area of two square feet.

11. Incidental signs for auto-related uses, motels and hotels that show notices of services provided or required by law, trade affiliations and credit cards accepted, provided such signs are attached to an otherwise approved ground sign, structure or building and limited to a maximum area of two square feet.
12. "Open" and "Closed" signs.
13. Automobile service stations are permitted to have the following additional signs provided they conform to the height and setback requirements of the district in which they are located:
    a. State-Authorized Testing Centers. Four square feet per sign, wall mounted only;
    b. Price Signs. One single- or double-faced sign per street frontage, twenty (20) square feet maximum per face. This exception is intended to allow for full compliance with state law for posting of gasoline prices. Portable price signs are not permitted;
    c. Pump Signs. One sign for each gas pump unit not to exceed two square feet per pump face or one sign per bank of pumps, not to exceed eight square feet per face, identifying the gasoline brand and rating only.
14. City-sponsored civic signs for community entrance, identification, direction or information.
15. Wall signs must not project beyond the wall surface more than six inches.

L. Signs on vehicles or trailers provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body property of the vehicle. The sign is incidental to the vehicle's primary use and the vehicle is not used primarily for advertising purposes. Such signs shall not exceed twelve (12) square feet per sign face.

M. Any sign as determined by the planning director to be similar in use and size to the signs listed above.

(Ord. No. 519, 8-8-2012)

17.112.190 - Prohibited signs.

A. Any sign not in compliance with the provisions of this chapter. Violations shall be processed pursuant to this title.

B. Roof signs extending more than six feet above the eave or parapet line, except when, in the opinion of the planning director, the sign is a complementary architectural feature of the building. This provision does not apply to integral roof signs.

C. Beacons.

D. Signs emitting audible sounds, odors or visible matter.

E. Portable signs not specifically permitted by the provisions of this chapter.

F. Signs within the public right-of-way except those permitted by a governmental agency, and otherwise permitted for digital billboard signs.

G. Signs in any location that interferes with vehicular, bicycle or pedestrian circulation or safety.

H. Signs in proximity to utility lines that have less horizontal or vertical clearance from authorized communication or energized electrical power lines than that prescribed by the laws of the state or rules and regulations duly promulgated by agencies thereof.

I. Signs blocking driveways, door or window openings or fire escapes.

J. Electric reader board signs that: (i) are not exempt by virtue of being interior signs or (ii) are not otherwise specifically permitted by the provisions of this chapter, such as digital billboard signs and signs subject to an approved master sign program.

K. Signs that simulate, by virtue of size, shape, color, lettering, or design, a traffic sign or signal, or signs with characters or graphics that interfere with, mislead, or confuse the pedestrian or motorist are prohibited.

(Ord. No. 519, 8-8-2012)

17.112.200 - Revisions and/or alterations to signs.

Revisions other than copy (text only) to signs will require a modification pursuant to the procedures set forth in Section 17.36.180.

(Ord. No. 519, 8-8-2012)

17.112.210 - Nonconforming signs.

Signs existing prior to the of adoption of the ordinance codified in this chapter that do not comply with the provisions herein shall be regarded as nonconforming signs and shall be removed from the site at the time the business is no longer in operation, in accordance with Section 17.112.220.A, except when the following applies:

A. Historical Signs.

1. Upon written request by a sign owner, the planning director may determine that a sign is historical based on the following findings:

   a. The sign is unique because its shape, colors, materials or other aspects of sign design are indicative of the historical period within which it was constructed; or

   b. The sign is unique because it is integrated into the design of a historical building and removal of the sign would jeopardize the historical integrity of the building.

2. Historical signs may be maintained, reconstructed, modified or expanded consistent with the historical nature of the sign after notification to the planning director.. New signs proposed on the property shall comply with this chapter and shall be complementary to the historical sign.

3. Signs not qualifying for historical status shall be permitted to remain until such time as there is a change in the use of the property, at which time sign review shall be required pursuant to this chapter.

(Ord. No. 519, 8-8-2012)

17.112.220 - Abandoned signs.

A. A sign that pertains to a business or occupation which is no longer using the particular property or which relates to a time or event that no longer applies shall be removed within thirty (30) days after the associated business or occupation has vacated the property. Abandoned signs are prohibited and sign removal shall be the joint responsibility of the owner of the sign and the owner of the property.

B. Any sign copy which no longer identifies the subject matter for which it was intended shall be removed or changed by the owner of the sign or the owner of the property upon which it is located

within thirty (30) days of the event causing the improper identification. The structure shall be removed or replaced subject to the appropriate procedures required by this chapter.

(Ord. No. 519, 8-8-2012)

17.112.230 - Signs to be removed.

A. Notice and Removal. The chief building official shall remove or cause to be removed any abandoned, dangerous, defective, illegal, prohibited, not maintained, or nonconforming sign subject to removal under the provisions of this chapter, which has not been removed within the time period specified in this chapter. The chief building official shall prepare a notice which shall describe the sign and specify the violation involved and shall state that if the sign is not removed or the violation is not corrected within thirty (30) days, the sign shall be removed in accordance with the provisions of this section. For signs described under provisions of this chapter, the notice shall be mailed or given to the occupant of the property or other employee or, the owner of the sign, or representative upon which the sign is located. If known, the notice may also be mailed or delivered to the owner of the sign and the occupant of the property.

B. Emergency Removal. Notwithstanding the above provisions of this section, in cases where the chief building official determines that the sign may collapse or injure persons or property, thus constituting an emergency, the chief building official may cause the immediate removal of hazardous, dangerous or defective signs, without notice.

C. Cost of Lien. Any sign removed by the chief building official pursuant to the provisions of this section shall become the property of the City of Colfax, and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign shall be considered a debt to the city by the owner of the sign and the owner of the property, and may be recovered by the city by a lien against the property or any other remedy prescribed by law.

(Ord. No. 519, 8-8-2012)

17.112.240 - Construction

specifications and safety.

A. Compliance with Building Code. All signs shall comply with all applicable provisions of this code, including, but not limited to, the California Building Code and the California Sign Code relative to design and construction, structural integrity, connections and safety. Signs shall also comply with the provisions of all applicable electric codes and any additional construction standards set forth in this code.

B. Construction of Signs.

1. All signs shall be structurally safe; shall be made of rust-inhibitive materials; and shall be fabricated, constructed, erected or installed and maintained in such a manner as will comply with the provisions of this title in addition to the California Building Code and National Electrical Code.

2. Each sign hereafter erected or remodeled shall bear, in a visible position, clearly legible identification decals stating the firm or corporation responsible for its construction and erection. Electric signs shall be marked with input amperages at the full load input.

3. No sign shall be attached in any form, shape or manner that will interfere with an opening required for ventilation, except in circumstances when not in violation of the building or fire codes.

4. Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the electrical code and the regulations of the affected entity and the public utilities commission.
5. Certain signs may be required to be properly guttered and connected with down spouts to storm drains so that water will not drip or flow into public sidewalks or streets.
6. All permanent freestanding signs shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures shall have exterior aesthetic materials of rock, wood, exposed aggregate or other such materials as approved by the planning director.
7. All signs shall be constructed to withstand wind loads, acceptable to the chief building official and/or city engineer.
8. No chains or other devices, which allow a sign to move, are permitted. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

(Ord. No. 519, 8-8-2012)

17.112.250 - Liability for damages.

The provisions of this chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person erecting or owning any sign, for personal injury or property damage resulting from the placement of such sign, or resulting from the negligence or willful acts of such person, its agents, employees, or workmen, in the construction, maintenance, repair, or removal of any sign erected in accordance with a permit issued under this chapter; nor shall it be construed as imposing upon the city or its officers or employees any responsibility or liability by reason of approval of any signs, materials, or devices under the provisions of this chapter.

(Ord. No. 519, 8-8-2012)

17.112.260 - Maintenance of signs.

A. Every sign and all parts, portions, components and materials thereof, shall be maintained and kept in good condition and proper repair. The display surface of all signs shall be kept clean, neatly painted and free from rust and corrosion. Any cracked or broken surfaces and malfunctioning or damaged portions of a sign shall be repaired or replaced within thirty (30) calendar days following notification by the city. Noncompliance with such a request shall constitute a nuisance and may be abated in accordance with the provisions of this chapter.

B. Any maintenance, except a change of copy not specifically exempted, shall be permitted.

(Ord. No. 519, 8-8-2012)

17.112.270 - Enforcement.

A. Permit Revocation. The planning director or planning commission is authorized and empowered to revoke any sign permit issued by the planning director upon failure of the holder thereof to comply with any provisions of this chapter. Additionally, the planning commission can initiate revocation proceedings. The city council is authorized and empowered to revoke any sign permit issued by the planning commission upon failure of the holder thereof to comply with any provisions of this chapter.

B. Public Nuisance. In the event any person should erect, alter, relocate or maintain a sign in violation of the provisions of this chapter, the same is declared a public nuisance and, in addition to any other remedies available, including but not limited to administrative citations and civil penalties, the city

attorney is authorized to bring and prosecute an action in a court of competent jurisdiction to enjoin such person from continuing such violation.

(Ord. No. 519, 8-8-2012)

17.112.280 - Appeals.

Decisions on sign permits may be appealed pursuant to Chapter 17.44.

(Ord. No. 519, 8-8-2012)

Residential Sign Standards

Residential Districts: R-1-20 single-family residential (20,000 s.f.), R-1-10 single-family residential (10,000 s.f.), R-1-5 single-family residential (5,000 s.f.), RM-1 multi-family residential (medium density), R-M-2 multi-family residential (high density), R-MHS residential mobilehome subdivision, mobilehome park.

Number of Signs	Sign Type	Maximum Height	Maximum Sign Area	Location/Min. Spacing Set Backs	Special Regulations Limitations
1	Civic: wall, flat or freestanding	6′	3 s.f.	10′ from property line, where reasonable and applicable	
1	Real Estate: wall, flat or freestanding	6′	4 s.f.	10′ from property line, where reasonable and applicable	Removal within 5 days of rent, lease or sale. Spinners, pennants, streamers, banners or similar temporary outdoor display materials prohibited. No illumination
1	Mobilehome subdivision/Park sign	6′	32 s.f.	10′ from property line, where reasonable and applicable	One sign at each entry. Limited to name, logo and neighborhood address.

Commercial/Industrial Sign Standards

Commercial/Industrial Districts: I industrial, CR commercial retail and CH commercial highway

Number	Sign Type	Maximum	Maximum Sign	Location/Min.	Special Regulations

of Signs		Height	Area	Spacing Set Backs	Limitations
1	Street Numbers	6′	2 s.f.	Below roof line or 10′ from property line, where reasonable and applicable	
1	Civic: wall, flat or freestanding	6′	1 s.f. per lineal foot of building or street frontage	10′ from property line, where reasonable and applicable	
1	Real Estate	6′	4 s.f.	10′ from property line, where reasonable and applicable or within a window or on a wall	Removal within 5 days of rent, lease or sale. Spinners, pennants, streamers or similar temporary outdoor display materials are prohibited
1	Future Tenant Identification	As determined pursuant to section 17.40.070	As determined pursuant to section 17.40.070	As determined pursuant to section 17.40.070	Removal within 1 year of building permit issuance.
1	Roof	6′ above roof line	1 s.f. per lineal foot of building or street frontage	6′ above roof line	
1	Awning/Canopy	As determined pursuant to section 17.40.070	1 s.f. per lineal foot of building or street frontage	2′ from the curb line of street, alley or area accessible to motor vehicles, bicycles and; 7′ of clearance above the walking surface	No awning/canopy shall project more than 5′ from the wall to which it is affixed.

1	Freestanding	As determined pursuant to section 17.40.070	120 s.f.	10' from property line, where reasonable and applicable. Sign bottom 16' above ground level	50' minimum separation from any other freestanding sign on the same parcel or adjoining parcels.
1	Freestanding Multi-Tenant	As determined pursuant to chapter 17.40.070	As determined pursuant to section 17.40.070	As determined pursuant to section 17.40.070	Advertising on a freestanding sign in addition to a multi-tenant sign is prohibited.
1	Master Sign Program	As determined pursuant to chapter 17.40.070	30 s.f. minimum per business; cumulative maximum 200 s.f. or five @ 40 s.f.	10' from property line, where reasonable and applicable	Individual freestanding signs in addition to a master sign is prohibited.
1	Banners	Attached to building or securely set poles	1 ½ times the business sign permitted	Within the property or the business site	Banners and sandwich boards may not be used at the same time. Limited to three 30-day displays per year and only one per 100 feet of street frontage
1	Sandwich Board	4'	8 s.f.	On the property of the business site	Sandwich boards and banners may not be used at the same time. Limited to three 30-day displays per year and only one per 100 feet of street frontage

1	Window	Maximum 4 s.f.	Not to exceed 25% of window area	Within window	
1	Business: wall, flat, projecting or window	6' above roof line	1 s.f. per lineal foot of building or street frontage. Not to exceed 25% of window area	Wall/flat attached to building; Projecting must be double faced not to extend more than 2' over the right-of-way	

Agricultural Sign Standards

A agricultural district

Number of Signs	Sign Type	Maximum Height	Maximum Sign Area	Location/Min. Spacing Set Backs	Special Regulations Limitations
1	Civic: wall, flat or freestanding	6'	3 s.f.	10' from property line, where reasonable and applicable	
1	Real Estate	6'	4 s.f.	10' from property line, where reasonable and applicable	Removal within 5 days of rent, lease or sale. Spinners, pennants, streamers, banners or similar temporary outdoor display prohibited. No illumination
1	Name Plate & Street Numbers: wall, flat or freestanding	6'	2 s.f.	10' from property line, where reasonable and applicable	

1	Agriculture	6′	2 s.f.	10′ from property line or attached to building wall	
1	Window	Maximum 4 s.f.	Not to exceed 25% of window area	Within the window	

Historic District Sign Standards [1]

H historic district

Number of Signs	Sign Type	Maximum Height	Maximum Sign Area	Location/Min. Spacing Set Backs	Special Regulations Limitations
1	Civic: wall, flat or freestanding	6′	3 s.f.	10′ from property line, where reasonable and applicable	
1	Business: wall, flat or freestanding	6′ above roof line	Wall/flat: 1 s.f. per lineal foot of building or street frontage. Window business signs not to exceed 25% of the window area	Wall/flat must be attached to building; Window limited to 25% coverage; Projecting must be double faced and extend not more than 2′ over public right-of-way	
1	Real estate: wall, flat or freestanding	6′	4 s.f.	Attached to building or 10′ from property line, where reasonable and applicable	Removal within 5 days of rent, lease or sale. Spinners, pennants, streamers or similar outdoor display materials prohibited

1	Awning/ Canopy	35' measured from the ground level to the top of the sign	1 s.f. per lineal foot of awning or canopy	2' from curb line of street, alley or area accessible to motor vehicles, bicycles, motorcycles and 7' of clearance above the walking surface	No illumination. No awning/canopy shall project more than 5' from the wall/roof to which it is affixed.
1	Freestanding	35'	Maximum 120 s.f.	10' from property line, where reasonable and applicable	
1	Sandwich Board	4'		On the property or business site	Sandwich boards and banners may not be used at the same time. Limited to three 30-day displays per year and only one per 100 feet of street frontage
1	Window	Maximum 4 s.f.	Not to exceed 25% of window area	Within the window	

Open Space Sign Standards

O open space district

Number of Signs	Sign Type	Maximum Height	Maximum Sign Area	Location/Min. Spacing Set Backs	Special Regulations Limitations
1	Name Plate and Street Numbers: wall, flat or freestanding	6'	2 s.f.	10' from property line, where reasonable and applicable. One at each entry	No illumination

1	Directional	6′	2 s.f.	10′ from property line, where reasonable and applicable	No illumination

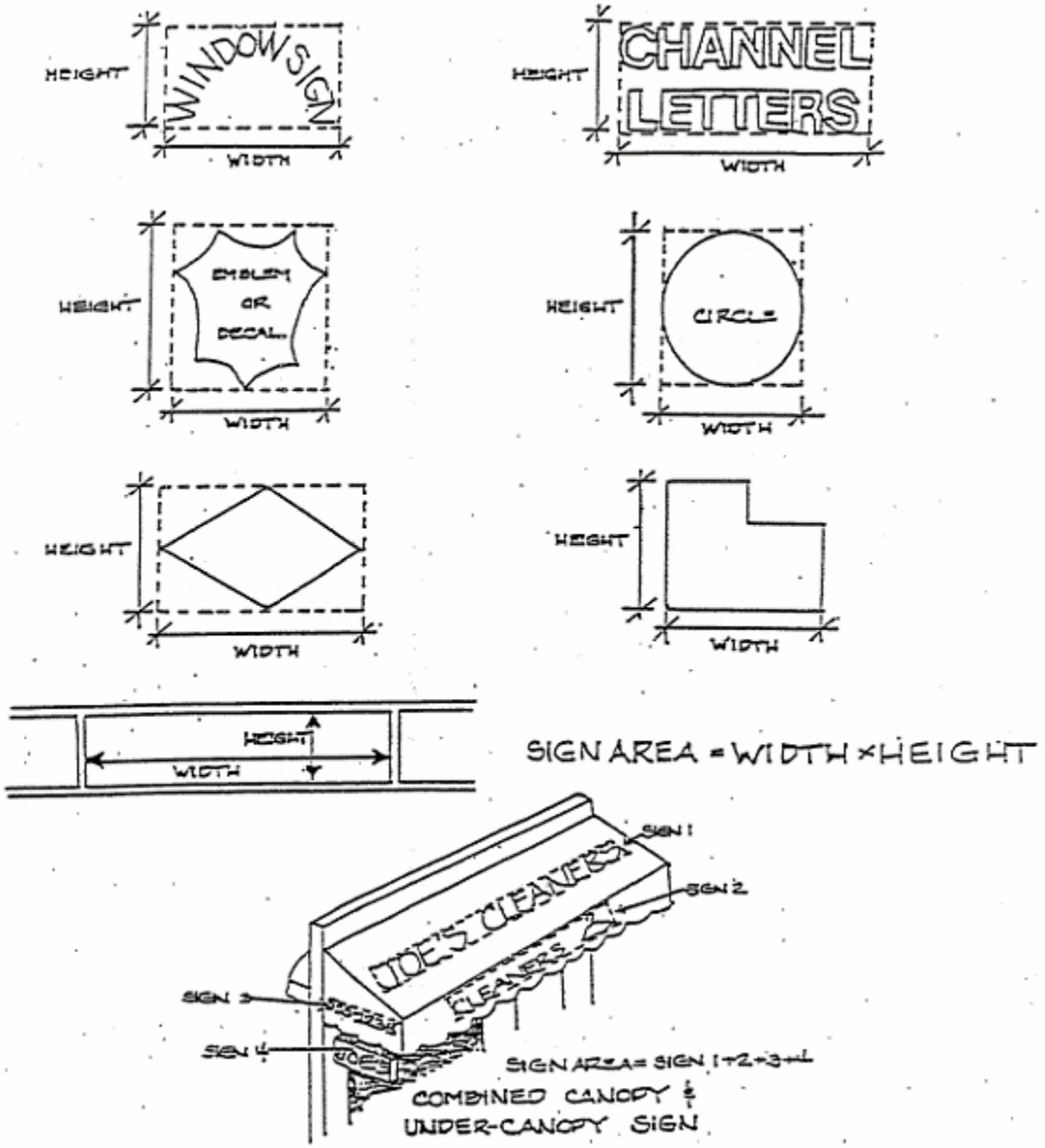
Special Public Service District Sign Standards

SPSD special public service district

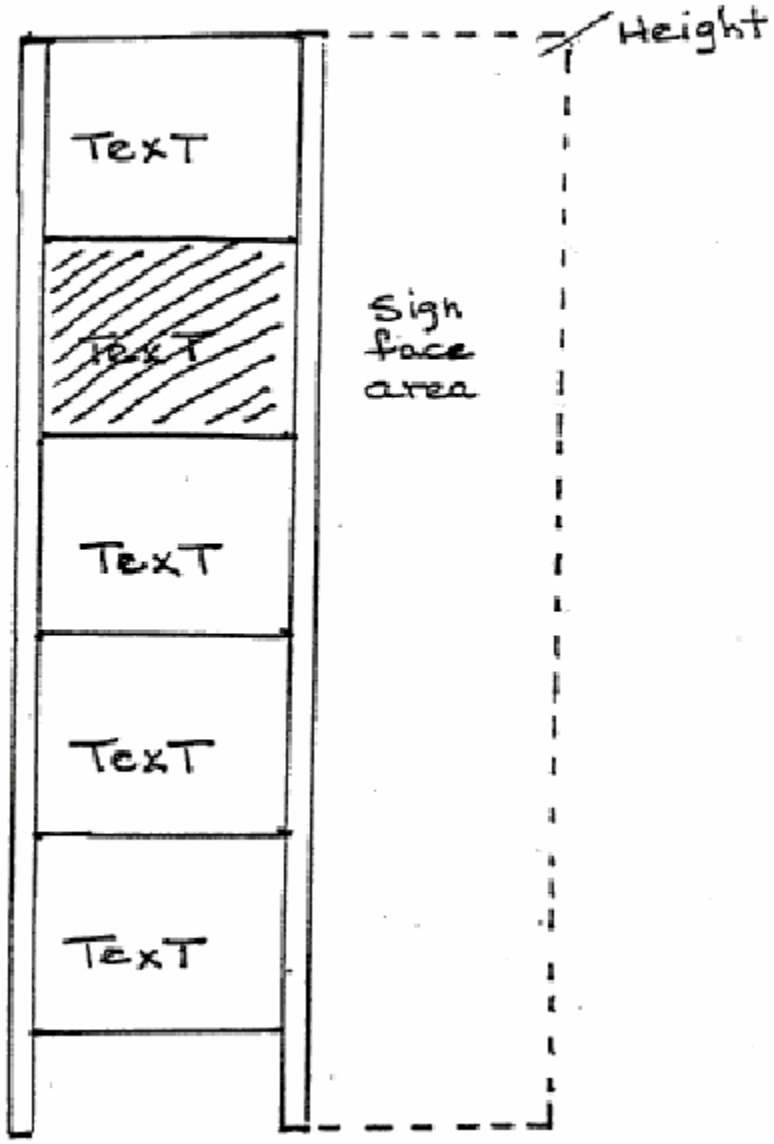
Number of Signs	Sign Type	Maximum Height	Maximum Sign Area	Location/Min. Spacing Set Backs	Special Regulations Limitations
1	Name Plate and Street Numbers: wall, flat or freestanding	6′	2 s.f.	10′ from public right-of-way or property line, where reasonable and applicable	
1	Directional	6′	2 s.f.	10′ from public right-of-way or property line, where reasonable and applicable	

(Ord. 451 (part), 1998)

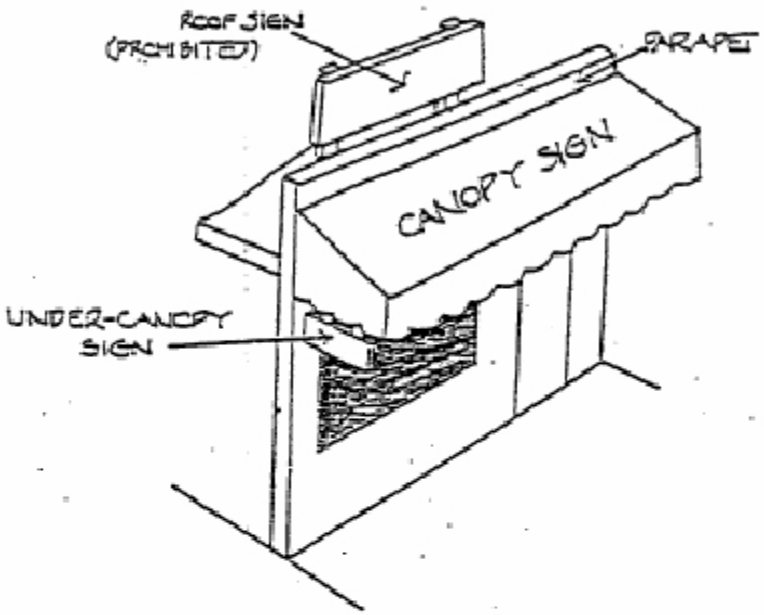
COMPUTATION OF SIGN AREA



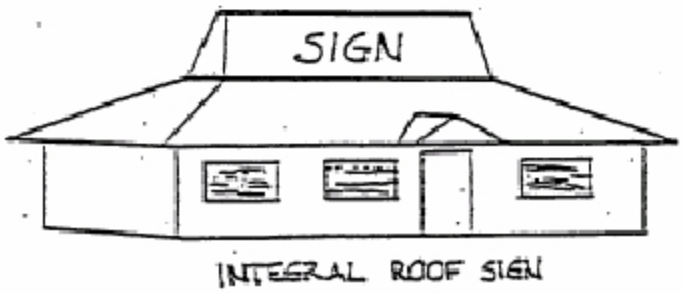
FREESTANDING MULTI-TENANT SIGN



AWNING/CANOPY SIGN



ROOF SIGN



(Ord. No. 519, 8-8-2012)

Chapter 17.116 - DESIGN GUIDELINES

Sections:

ARTICLE IV. - GENERAL DEVELOPMENT REGULATIONS

17.116.010 - Purpose and intent.

17.116.020 - Design guidelines.

17.116.030 - Projects requiring a design review permit.

17.116.040 - Approval authority for a design review permit.

17.116.050 - Findings for a design review permit.

17.116.060 - Appeals.

17.116.070 - Fees.

17.116.010 - Purpose and intent.

The purpose and intent of design guidelines is to establish a set of standard regulations to maintain and enhance the city's character and visual appearance in order to create a quality future community; and to continue to maintain and enhance the historic resources, qualities and character of the city. The city council finds establishment of design guidelines necessary to achieve the cited mitigation of the community design element and implementation of the Colfax General Plan 2020 with the following findings:

A. The design guidelines will maintain the small town character that makes Colfax a desirable place to live;

B. The design guidelines will maintain and enhance the city's character and visual appearance in order to create a quality fixture community; and

C. The design guidelines will maintain and enhance the historic resources, qualities and character of the city.

(Ord. No. 519, 8-8-2012)

17.116.020 - Design guidelines.

This chapter incorporates the Colfax design guidelines previously adopted and as thereafter amended.

These guidelines are applicable to all zones within the city limits of Colfax, excepting therefrom single-family residential zones R-l-5, R-l-1O, R-1-15, R-1-20 and R-1-40. The official zone map is available at city hall. The purpose of the design guidelines is to enhance the visual quality of the city by using the basic design elements in the existing environment: building materials, architectural styles, sign letter type fonts, colors, landscaping, physical elements and space for people; capitalizing on the area's unique assets.

Most of the downtown core area architecture preserves the history of the community. A few buildings have strayed from the past tradition. However, most of the buildings embody quality in construction, craft, and a style the community wants to maintain and replicate. All projects undertaken should reflect the existing community style to reinforce and extend the qualities and special characteristics of the Colfax community, unless clearly infeasible.

A. General Considerations.

- Research and/or a visual inventory of the surrounding community building architecture, colors, landscaping and signage is recommended.

- Respect the design of the existing structures as products of the design philosophy and reflection of a specific time.

- Retain and restore the distinctive stylistic features of existing structures.

- Replace or repair lot features (i.e. fencing) when possible.

- Restore historical elements of the original building design to create the visual appearance of the original structure.

- Minimize alterations to historic structures. Facade changes should reflect and conform to the appearance of the surrounding area.

- All new or remodeled structures should reflect the early railroad and/or a mountain/western style of architecture.

- Traditional building materials such as simulated wood shingles, lap siding, board and batten, brick, and indigenous rock should be used.

- Utilize varied materials, textures, or colors to create horizontal and vertical articulation. A range of selected colors is available for viewing at city hall.

B. Considerations for Residential Uses.

- Porches or covered entries are encouraged.

- Residences should be located toward the front lot line setback. Roofs should be pitched.

- Detached and rear access garages are encouraged.

- Garage doors should not be the focal point of a residence.

- Front doors and porches should be the most prominent aspect of residential design.

- Residential housing or land use conversion to commercial should reflect characteristics and architectural features common during 1875 to the early 1940s.

C. Considerations for Commercial/Business Uses.

- Commercial/business design characteristics should reflect architectural features common during 1875 to the early 1930s.

- Storefronts should be treated as focal point(s).

- Utilize established historic design features i.e. cornices, window types and sizes, recessed double doorways, etc.

- Maintain the existing building/pedestrian scale.

- Differentiate building facades through the use of color, facade elements, or a change in materials.

- Use appropriate window and awning styles, sizes, and spacing.

- Height and building mass should be in proportion to the surrounding buildings, trees, and terrain.

- Two stories or stepped hillside/split level construction is preferred, rather than long ware house buildings with no articulation.

- Avoid a lack of architectural detail, which creates a plain appearance.

- Stucco, concrete slab, and metal exteriors generally detract from the community character and are discouraged.

D. Considerations for Equipment/Utilities.

- Refuse areas should be recessed, enclosed, or screened from view and located in accordance with the servicing disposal company.

- Enclosures should be constructed and finished in a manner consistent with the design elements of the main structure.

- On-site utility service should be installed underground in accordance with the public works department, city engineer and applicable city codes and policies.

- Adjacent off-site utility services should be installed underground in accordance with the public works department, city engineer and applicable city codes and policies.

- All heating/cooling or other equipment and appurtenances should be recessed and/or screened from view.

E. Considerations for lighting.

- No lighting should constitute a safety hazard.

- All lighting should be downcast.

- Lighting standards should be mounted on reinforced pedestals or otherwise protected.

- Under canopy lighting should be recessed or concealed so as not to be directly visible from a public street.

- Neon lighting is discouraged in the historic (H) district.

- Exterior lighting should be compatible with the architecture, landscaping, and consistent with surrounding fixtures and styles.

F. Considerations for Landscaping.

a. Landscaping should enhance the aesthetic appearance of the project. Innovative techniques or uses of alternative plants and planting schemes will be considered; a minimum of five percent of the gross area of the total parcel or lot should be landscaped; a minimum of two percent in conjunction with parking lot landscaping.

- Hillside development should preserve native trees when feasible, and be planted immediately and landscaped to prevent erosion and should channel run-off to designated retention areas.

- Landscaping should consider conservation of water resources through the efficient use of irrigation, appropriate plant materials (i.e. appropriate plant zones), and regular maintenance of landscaped areas.

- A recommended list of trees, shrubs, and groundcovers is in Appendix 3 of this title. A mix of trees, shrubs, groundcovers, and surfacing materials is preferred, rather than planting the same species throughout the project in public areas.

- Recommended surfacing materials: rocks, gravel, ornamental mulch materials, chips, or any other materials acceptable to the planning director. Not more than thirty (30) percent of the landscape area should be covered by surface materials.

- Minimum tree size should be fifteen (15) gallons.

- Minimum shrub size one gallon, five gallon is preferred.

- Rooted cutting groundcover plants should be placed for uniform coverage within twelve (12) months.

- Retain old/new native conifers, oaks, and maples when possible. Replace and replant any dead or removed plants or trees. All landscaping must be irrigated in conformance with Chapter 17.122 ("California State-Mandated Water Efficient Landscape Regulations") and maintained in a live state, or replaced within a reasonable time (three to six months) of discovery; The use of native vegetation is intended to eliminate the need for permanent irrigation, however, temporary irrigation should be provided for three years or until the vegetation is permanently established.

- Landscaping and irrigation shall be installed prior to issuance of a certificate of occupancy by the chief building official.

- All landscaping and irrigation shall be maintained by any and all subsequent owners for a minimum period of three years after installation, the developer shall comply with either (i) or (ii) of the following provisions and shall comply with (iii):

(i) Deposit with the city a maintenance bond, cash, letter of credit, or its equivalent, in an amount equal to one-half the market value of landscaping and irrigation guaranteeing the proper care, treatment and maintenance of landscaping for a period of three years or;

(ii) Execute an agreement and equitable lien in an amount equal to the full market value of the landscaping and irrigation with the city, guaranteeing the maintenance thereof during a three-year period. Default of such agreement or lien shall cause written letter of notification by the city, to the owner of said real property within ten (10) days that the city will perform or have performed by a reputable landscaper any and all maintenance work it deems necessary and bring legal action against the owner for the full cost of such maintenance work, or foreclose such equitable lien as provided by law;

(iii) Prior to the expiration of the three year maintenance guarantee period and return of the security, the property owner shall maintain, replace or restore all deficient landscaping.

G. Considerations for parking lots.

- One shade tree for every eight to ten (10) parking spaces is requested, in no case shall there be more than sixteen (16) stalls without a landscape break.

- Perimeter landscaping is required for screening purposes:

  - Adjacent to residential uses;

  - Street frontage buffers;

  - Along property lines, berms, hedges, or other features may be requested to differentiate boundaries of land uses.

- Landscape strips constructed adjacent to the street should be a minimum of four feet wide, except that portion of the frontage within two feet of driveways or alleys.

- Screening hedge should not exceed three feet in height consisting of compact evergreen plants a minimum height of eighteen inches within eighteen (18) months, some situations may substitute a decorative masonry wall.

- Earth berms will be a height of three to four feet, may be substituted provided the landscaped strip is widened appropriately to provide ease of maintenance and slopes not to exceed two feet horizontally to one foot vertically.

- Landscaping, berms, or masonry walls shall not inhibit line of sight distance of driveways, alleys, or street intersections.

- Not less than two percent of the interior parking lot shall be landscaped. Perimeter building landscaping shall not be considered a part of the two percent.

- All unused space resulting from the design of the parking spaces shall be used for planting purposes.

- Planted areas shall be separated from vehicular areas and street rights-of-way by a concrete curb at least six inches high.

- Planted areas should average three feet wide, more when feasible.

- Existing mature trees retained may be given credit for parking stalls.

- Provide safe clearly designated pedestrian pathways when feasible.

H. Considerations for Sidewalk Treatment.

- Curb cuts shall conform to adopted city codes and standards.

- Street furniture such as benches, trash enclosures, bicycle racks, planter boxes and landscape vegetation is encouraged.

I. Considerations for signs.

- Sign standards are set forth in Chapter 17.112.

(Ord. No. 519, 8-8-2012)

17.116.030 - Projects requiring a design review permit.

Projects requiring a design review permit are as set forth in subsection 17.32.010C.

(Ord. No. 519, 8-8-2012)

17.116.040 - Approval authority for a design review permit.

The approval authority for a design review permit is as set forth in subsection 17.32.010C.

(Ord. No. 519, 8-8-2012)

17.116.050 - Findings for a design review permit.

The approval authority shall make the findings set forth in subsection 17.40.070B. to approve a design review permit.

(Ord. No. 519, 8-8-2012)

17.116.060 - Appeals.

Decisions on design review permits may be appealed pursuant to Chapter 17.44.

(Ord. No. 519, 8-8-2012)

17.116.070 - Fees.

Fees for design review shall be established by resolution and incorporated in the official city fee schedule.

(Ord. No. 519, 8-8-2012)

Chapter 17.120 - PERFORMANCE STANDARDS

Sections:

17.120.010 - Purposes.

17.120.020 - Compliance required.

17.120.030 - Nonconforming uses—Compliance required—Time limits.

17.120.040 - Uses subject to review.

17.120.050 - Dangerous and objectionable elements enumerated.

17.120.060 - Dangerous and objectionable elements—Determinations of existence.

17.120.070 - Loud, unnecessary or unusual noises unlawful.

17.120.080 - Vibrations.

17.120.090 - Odors.

17.120.100 - Glare.

17.120.110 - Fires and explosives.

17.120.120 - Radioactivity and electrical disturbances.

17.120.130 - Smoke and gas.

17.120.140 - Air pollution.

17.120.150 - Liquid and solid wastes.

17.120.160 - Violations—Investigations—Remedies.

17.120.170 - Enforcement.

17.120.010 - Purposes.

Performance standards shall be enforced for the control of agricultural, commercial and industrial uses in the city for the following purposes:

A. To permit potential nuisances to be measured factually and objectively in terms of the potential nuisance itself;

B. To ensure that all industries will provide necessary control methods to protect the city from hazards and nuisances which can be prevented by modern processes of control and nuisance elimination; and

C. To protect any industry from arbitrary exclusion or persecution based solely on the characteristics of uncontrolled production in such type of industry in the past.

(Ord. No. 519, 8-8-2012)

17.120.020 - Compliance required.

No use shall be undertaken or maintained unless it conforms to the provisions of this chapter in addition to the provisions of this title for the district in which such use is located. Initial and continued compliance with the performance standards set forth in this chapter shall be required for every use, even though such compliance is not required for a particular use to secure a zoning clearance certification.

(Ord. No. 519, 8-8-2012)

17.120.030 - Nonconforming uses—Compliance required—Time limits.

Any use established on or before August 24, 1967, which use is nonconforming as to the performance standards set forth in this chapter, shall be made to conform with the provisions of this chapter on or before August 24, 1972.

(Ord. No. 519, 8-8-2012)

17.120.040 - Uses subject to review.

The planning director may require such reviews for any use in any district when he or she has reason to believe that such use or the manner of its operation does not conform to the performance standards set forth in this chapter.

(Ord. No. 519, 8-8-2012)

17.120.050 - Dangerous and objectionable elements enumerated.

No land or building in any district shall be used or occupied in any manner so as to create dangerous or objectionable elements, which shall include:

A. Dangerous, injurious, noxious or otherwise objectionable fires, explosives or other hazards;

B. Noise, vibration, smoke, dust, odor or other forms of air pollution;

C. Heat, cold, dampness, glare, electrical or other disturbances;

D. Liquid or solid refuse or wastes; and

E. Other substances, conditions or elements used in such a manner or in such an amount as to affect adversely the surrounding areas or adjoining premises of any land or building.

(Ord. No. 519, 8-8-2012)

17.120.060 - Dangerous and objectionable elements—Determinations of existence.

The determination of the existence of dangerous and objectionable elements shall be made at the location of the use creating such elements and at any point where the existence of such elements may be more apparent (referred to in this chapter as "at any point"); provided, however, the measurements necessary for the enforcement of the performance standards set forth in Sections 17.120.070 through 17.120.100 of this chapter for noise, vibrations, odors and glare shall be taken at the following points of measurement:

A. In any district except the industrial district (I): beyond the lot line of the establishment or use; and

B. In the industrial district (I): five hundred (500) feet from the establishment or use or at the boundary of the district, if closer to the establishment or use or at any point within an adjacent district other than the industrial district.

(Ord. No. 519, 8-8-2012)

17.120.070 - Loud, unnecessary or unusual noises unlawful.

It is unlawful for any business operation to make or continue or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others within the city when not in the normal or usual conduct of commercial or industrial business.

(Ord. No. 519, 8-8-2012)

17.120.080 - Vibrations.

No vibration (other than from a transportation facility or temporary construction work) shall be permitted which is discernible without instruments at the point of measurement set forth in Section 17.120.060 of this chapter.

(Ord. No. 519, 8-8-2012)

17.120.090 - Odors.

No emission of odorous gases or other odorous matter shall be permitted in excess of the most recent standards adopted by the Placer County Air Pollution Control District and Placer County Department of Environmental Health. Any process which may involve the creation or emission of any odor shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

(Ord. No. 519, 8-8-2012)

17.120.100 - Glare.

No direct or sky-reflected glare, whether from floodlights or from high temperature processes, such as combustion, welding or otherwise, shall be permitted to be visible at the point of measurement set forth in Section 17.120.060 of this chapter. The restriction set forth in this section shall not apply to signs or the

lighting of buildings or grounds for advertising or protection as otherwise permitted by the provisions of this title.

(Ord. No. 519, 8-8-2012)

17.120.110 - Fires and explosives.

All activities involving and all storage of, flammable and explosive materials shall be provided at any point with adequate safety devices standard in the industry. The burning of waste materials in open fires shall be prohibited at any point.

(Ord. No. 519, 8-8-2012)

17.120.120 - Radioactivity and electrical disturbances.

No activity shall be permitted which emits dangerous radioactivity at any point or electrical disturbances adversely affecting the operation at the point of any equipment other than that of the creator of such disturbance.

(Ord. No. 519, 8-8-2012)

17.120.130 - Smoke and gas.

No emission of visible smoke from any chimney or other source or gas in excess of the most recent standards adopted by the Placer County Air Pollution Control District shall be permitted.

(Ord. No. 519, 8-8-2012)

17.120.140 - Air pollution.

No emission at any point shall be permitted which can cause damage to human or animal health, to vegetation or to other forms of property or which can cause any excessive soiling. No emission shall be permitted in excess of the most recent standards adopted by the Placer County Air Pollution Control District.

(Ord. No. 519, 8-8-2012)

17.120.150 - Liquid and solid wastes.

No discharge shall be permitted at any point into any public sewer, private sewage system, stream or into the ground and of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements, except in accordance with the most recent standards approved by the Placer County Environmental Health Services Department and California Regional Water Quality Control Board. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces. Any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.

(Ord. No. 519, 8-8-2012)

17.120.160 - Violations—Investigations—Remedies.

The planning director or his or her designee shall investigate any purported violations of such performance standards and may employ qualified experts for such investigations. If the planning director finds that a violation has existed or does exist, the planning director may establish a reasonable time within which compliance with the performance standards shall be achieved. Should the planning director find that the public health, convenience or welfare so require, he or she may order the offending establishment to cease operations until proper steps are taken to correct the conditions which cause the violation. A copy of such findings and rulings shall be forwarded to the offending violator. The services of any qualified expert employed by the planning director to advise in establishing a violation shall be paid by the violator if the violation is established; otherwise the city shall pay for such services.

(Ord. No. 519, 8-8-2012)

17.120.170 - Enforcement.

Provisions for the enforcement of continued compliance with the performance standards set forth in this chapter shall be invoked by the planning director and/or any state and county agencies charged with primary responsibility over such standards against any use if there are reasonable grounds to believe that such performance standards are being violated by such use.

(Ord. No. 519, 8-8-2012)

Chapter 17.122 - CALIFORNIA STATE-MANDATED WATER EFFICIENT LANDSCAPE REGULATIONS

Sections:

17.122.010 - Purpose.

17.122.020 - Applicability.

17.122.030 - Definitions.

17.122.040 - Compliance with landscape documentation package.

17.122.050 - Elements of the landscape documentation package.

17.122.060 - Water efficient landscape worksheet.

17.122.070 - Soil management report.

17.122.080 - Landscape design plan.

17.122.090 - Irrigation design plan.

17.122.100 - Grading design plan.

17.122.110 - Certificate of completion.

17.122.120 - Irrigation scheduling.

17.122.130 - Landscape and irrigation maintenance schedule.

17.122.140 - Irrigation audit, irrigation survey, and irrigation water use analysis.

17.122.150 - Irrigation efficiency.

17.122.160 - Recycled water.

17.122.170 - Stormwater management.

17.122.180 - Public education.

17.122.190 - Environmental review.

17.122.200 - Provisions for existing landscapes.

17.122.210 - Irrigation audit, irrigation survey, and irrigation water use analysis.

17.122.220 - Water waste prevention.

17.122.230 - Water Efficient Landscape Worksheet.

17.122.240 - Certification of completion.

17.122.010 - Purpose.

The purpose of this chapter is to reduce potential water waste by assuring landscaping and irrigation systems for new development are designed and installed in accordance with the State of California Model Water Efficient Landscape Ordinance (MWELO), Title 23, Waters, Division 2, Department of Water Resources Chapter 2.7.

(Ord. No. 519, 8-8-2012)

17.122.020 - Applicability.

A. This chapter shall apply to the following projects:

1. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than two thousand five hundred (2,500) square feet requiring a building or landscape permit, plan check or design review;
2. New construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than two thousand five hundred (2,500) square feet requiring a building or landscape permit, plan check, or design review;
3. New construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than five thousand (5,000) square feet requiring a building or landscape permit, plan check or design review;
4. Existing landscapes limited to Sections 17.122.200, 17.122.210 and 17.122.220 of this chapter; and
5. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 17.122.060, 17.1222140 and 17.122.200; and existing cemeteries are limited to Sections 17.122.200, 17.122.210 and 17.122.220 of this chapter.

B. This chapter does not apply to:

1. Registered local, state or federal historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system;
3. Mined-land reclamation projects that do not require a permanent irrigation system; or
4. Plant collections, as part of botanical gardens and arboretums open to the public.

(Ord. No. 519, 8-8-2012)

17.122.030 - Definitions.

The terms used in this chapter have the meaning set forth below:

"Applied water" means the portion of water supplied by the irrigation system to the landscape.

"Automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

"Backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

"Certificate of completion" means the document required under Section 17.122.240.

"Certified irrigation designer" means a person certified to design irrigation systems by an accredited academic institution a professional trade organization or other program such as the U.S. Environmental Protection Agency's WaterSense Irrigation Designer Certification Program and Irrigation Association's Certified Irrigation Designer Program.

"Certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the U.S. Environmental Protection Agency's WaterSense Irrigation Auditor Certification Program and Irrigation Association's Certified Landscape Irrigation Auditor Program.

"Check valve" or "anti-drain valve" means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

"Common interest developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

"The city" means the incorporated City of Colfax that is responsible for adopting and implementing the ordinance. The city is also responsible for the enforcement of this chapter, including but not limited to, approval of a permit and plan check or design review of a project.

"Conversion factor (0.62)" means the number that converts acre-inches per acre per year to gallons per square foot per year.

"Drip irrigation" means any nonspray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low-volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

"Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

"Effective precipitation" or "usable rainfall" (EPPT) means the portion of total precipitation which becomes available for plant growth.

"Emitter" means a drip irrigation emission device that delivers water slowly from the system to the soil.

"Established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

"Establishment period of the plants" means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.

"Estimated total water use" (ETWU) means the total water used for the landscape.

"ET adjustment factor" (ETAF) means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET adjustment factor is (0.7)=(0.5/0.71). ETAF for a special landscape area shall not exceed 1.0. ETAF for existing nonrehabilitated landscapes is 0.8.

"Evapotranspiration rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

"Flow rate" means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

"Hardscapes" means any durable material (pervious and nonpervious).

"Homeowner-provided landscaping" means any landscaping either installed by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this chapter, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.

"Hydrozone" means a portion of the landscaped area having plants with similar water needs. A hydrosome may be irrigated or nonirrigated.

"Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

"Invasive plant species" means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. "Noxious weeds" means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a regional district noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA Invasive and Noxious Weeds Database.

"Irrigation audit" means an in-depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

"Irrigation efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this chapter is 0.71. Greater irrigation efficiency can be expected from well-designed and maintained systems.

"Irrigation survey" means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

"Irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.

"Landscape architect" means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

"Landscape area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or nonpervious hardscapes, and other nonirrigated areas designated for nondevelopment (e.g., open spaces and existing native vegetation).

"Landscape contractor" means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

"Landscape documentation package" means the documents required under Section 17.122.050.

"Landscape project" means total area of landscape in a project as defined in "landscape area" for the purposes of this chapter, meeting requirements under Section 17.122.020.

"Lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

"Low-volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low-volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

"Main line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.

"Maximum applied water allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 17.122.230. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscape area. The estimated total water use shall not exceed the maximum applied water allowance. Special landscape areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.

"Microclimate" means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

"Mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

"Mulch" means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

"New construction" means, for the purposes of this chapter, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

"Operating pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

"Overhead sprinkler irrigation systems" means systems that deliver water through the air (e.g., spray heads and rotors).

"Overspray" means the irrigation water which is delivered beyond the target area.

"Permit" means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

"Pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.

"Placer County Water Agency" is the local water purveyor that provides the city retail water service.

"Plant factor" or "plant water use factor" is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this chapter, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for

high water use plants is 0.7 to 1.0. Plant factors cited in this chapter are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species."

"Precipitation rate" means the rate of application of water measured in inches per hour.

"Project applicant" means the individual or entity submitting a landscape documentation package required under Section 17.122.050, to request a permit, plan check, or design review from the city. A project applicant may be the property owner or his or her designee.

"Rain sensor" or "rain-sensing shutoff device" means a component which automatically suspends an irrigation event when it rains.

"Record drawing" or "as-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

"Recreational area" means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.

Recycled water", "reclaimed water", or "treated sewage effluent water" means treated or recycled waste water of a quality suitable for nonpotable uses such as landscape irrigation and water features. This water is not intended for human consumption.

"Reference evapotranspiration" or "ETo" means a standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowance so that regional differences in climate can be accommodated as presented for the Colfax area as follows:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
1.1	1.5	2.6	4.0	5.8	7.1	7.9	7.0	5.3	3.2	1.4	0.9	47.9

"Rehabilitated landscape" means any relandscaping project that requires a permit, plan check, or design review, meets the requirements of Section 17.122.010 of this chapter, and the modified landscape area is equal to or greater than two thousand five hundred (2,500) square feet, is fifty (50) percent of the total landscape area, and the modifications are completed within one year.

"Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

"Soil moisture sensing device" or "soil moisture sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

"Soil texture" means the classification of soil based on its percentage of sand, silt, and clay.

"Special landscape area" (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

"Sprinkler head" means a device which delivers water through a nozzle.

"Static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.

"Station" means an area served by one valve or by a set of valves that operate simultaneously.

"Swing joint" means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

"Turf" means a groundcover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.

"Valve" means a device used to control the flow of water in the irrigation system.

"Water conserving plant species" means a plant species identified as having a low plant factor.

"Water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

"Watering window" means the time of day irrigation is allowed.

"WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

(Ord. No. 519, 8-8-2012)

17.122.040 - Compliance with landscape documentation package.

A. Prior to construction, the city shall:

1. Provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;
2. Review the landscape documentation package submitted by the project applicant;
3. Approve or deny the landscape documentation package;
4. Issue a permit or approve the plan check or design review for the project applicant; and
5. Upon approval of the landscape documentation package, submit a copy of the water efficient landscape worksheet to Placer County Water Agency.

B. Prior to construction, the project applicant shall:

1. Submit a landscape documentation package to the city.

C. Upon approval of the landscape documentation package by the city, the project applicant shall:

1. Receive a permit or approval of the plan check or design review and record the date of the permit in the certificate of completion;
2. Submit a copy of the approved landscape documentation package along with the record drawings, and any other information to the property owner or his/her designee; and
3. Submit a copy of the water efficient landscape worksheet to the Placer County Water Agency.

(Ord. No. 519, 8-8-2012)

17.122.050 - Elements of the landscape documentation package.

A. The landscape documentation package shall include the following six elements:

1. Project Information:
   a. Date;
   b. Project applicant;
   c. Project address (if available, parcel and/or lot number(s));
   d. Total landscape area (square feet);
   e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
   f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well;
   g. Checklist of all documents in landscape documentation package;
   h. Project contacts to include contact information for the project applicant and property owner; and
   i. Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package".
2. Water Efficient Landscape Worksheet:
   a. Hydrozone information table; and
   b. Water budget calculations.
      (i) Maximum applied water allowance (MAWA); and
      (ii) Estimated total water use (ETWU).
      (iii) Soil management report;
      (iv) Landscape design plan;
      (v) Irrigation design plan; and
      (vi) Grading design plan.

(Ord. No. 519, 8-8-2012)

17.122.060 - Water efficient landscape worksheet.

A. A project applicant shall complete the water efficient landscape worksheet which contains two sections (see sample worksheet in Appendix B):

1. A hydrozone information table (see Appendix B, Section A) for the landscape project; and
2. A water budget calculation (see Appendix A, Section B) for the landscape project. For the calculation of the maximum applied water allowance and estimated total water use, a project applicant shall use the ETo values from the reference evapotranspiration table in Appendix A. For geographic areas not covered in Appendix A, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999.

B. Water budget calculations shall adhere to the following requirements:

1. The plant factor used shall be from WUCOLS. The plant factor ranges from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
2. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
3. All special landscape areas shall be identified and their water use calculated as described below.
4. ETAF for special landscape areas shall not exceed 1.0.

C. Maximum applied water allowance:

The maximum applied water allowance shall be calculated using the equation:

$$MAWA = (ETo)\ (0.62)\ [(0.7 \times LA) + (0.3 \times SLA)]$$

The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing and/or planned landscape project. The ETo values used in these calculations for Colfax are for planning purposes only as follows:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
1.1	1.5	2.6	4.0	5.8	7.1	7.9	7.0	5.3	3.2	1.4	0.9	47.9

For actual irrigation scheduling, automatic irrigation controllers are required and shall use current reference evapotranspiration data, such as from the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

1. Example MAWA calculation: a hypothetical landscape project in Colfax, CA, with an irrigated landscape area of fifty thousand (50,000) square feet without any special landscape area (SLA= 0, no edible plants, recreational areas, or use of recycled water). To calculate MAWA, the annual reference evapotranspiration value for Colfax is 47.9 inches.

MAWA	=(ETo) (0.62) [(0.7 x LA) + (0.3 x SLA)]
MAWA	=Maximum Applied Water Allowance (gallons per year)
ETo	=Reference Evapotranspiration (inches per year)
0.62	=Conversion Factor (to gallons)
0.7	=ET Adjustment Factor (ETAF)
LA	=Landscape Area including SLA (square feet)

0.3	=Additional Water Allowance for SLA
SLA	=Special Landscape Area (square feet)
MAWA	=(47.9 inches) (0.62) [(0.7 x 50,000 square feet) + (0.3 x 0)] = 1,039,430 gallons per year
To convert from gallons per year to hundred-cubic-feet per year:	
	=1,039,430/748 = 1,399 hundred-cubic-feet per year (100 cubic feet = 748 gallons)

2. In this next hypothetical example, the landscape project in Colfax has the same ETo value of 47.9 inches and a total landscape area of fifty thousand (50,000) square feet. Within the fifty thousand (50,000) square foot project, there is now a two thousand (2,000) square foot area planted with edible plants. This two thousand (2,000) square foot area is considered to be a special landscape area.

MAWA	=(ETo) (0.62) [(0.7 x LA) + (0.3 x SLA)]
MAWA	=(47.9 inches) (0.62) [(0.7 x 50,000 square feet) + (0.3 x 2,000 square feet)]
	=29.70 x [35,000 + 600] gallons per year
	=29.70 x 35,600 gallons per year
	=1,057,320 gallons per year or 1,414 hundred-cubic-feet per year

D. Estimated Total Water Use. The estimated total water use shall be calculated using the equation below. The sum of the estimated total water use calculated for all hydrazones shall not exceed MAWA. Where:

ETWU	=Estimated Total Water Use per year (gallons)
ETo	=Reference Evapotranspiration (inches)
PF	=Plant Factor from WUCOLS (see section 17.110.20)

HA	=Hydrozone Area [high, medium, and low water use areas] (square feet)
SLA	=Special Landscape Area(square feet)
0.62	=Conversion Factor
IE	=Irrigation Efficiency (minimum 0.71)

1. Example ETWU calculation: landscape area is fifty thousand (50,000) square feet; plant water use type, plant factor, and hydrozone area are shown in the table below. The ETo value is 47.9 inches per year. There are no special landscape areas (recreational area, area permanently and solely dedicated to edible plants, and area irrigated with recycled water) in this example.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	10,000	7,000
3	Medium	0.5	16,000	8,000
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	24,700
*Plant Factor from WUCOLS = 1,057,320 gallons per year				

Compare ETWU with MAWA: For this example MAWA = (47.9) (0.62) [(0.7 × 50,000) + (0.3 × 0)] = 1,057,320 gallons per year. The ETWU (1,039,430 gallons per year) is less than MAWA (1,102,116 gallons per year). In this example, the water budget complies with the MAWA.

2. Example ETWU calculation: total landscape area is fifty thousand (50,000) square feet, two thousand (2,000) square feet of which is planted with edible plants. The edible plant area is considered a special landscape area (SLA). The reference evapotranspiration value is 47.9 inches per year. The plant type, plant factor, and hydrozone area are shown in the table below.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF xHA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	9,000	6,300
3	Medium	0.5	15,000	7,500
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	23,500
6	SLA	1.0	2,000	2,000
*Plant Factor from WUCOLS				

= (29.70) (33,099 + 2,000)

= 1,042,440 gallons per year

Compare ETWU with MAWA. For this example:

MAWA = (47.9) (0.62) [(0.7 x 50,000) + (0.3 × 2,000)]

= 29.70 × [35,000 + 600]

= 29.70 × 35,600

=1,057,320 gallons per year

The ETWU (1,042,440 gallons per year) is less than MAWA (1,057,320 gallons per year). For this example, the water budget complies with the MAWA.

(Ord. No. 519, 8-8-2012)

17.122.070 - Soil management report.

A. In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

1. Submit soil samples to a laboratory for analysis and recommendations.

a. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

b. The soil analysis may include:

(i) Soil texture;

(ii) Infiltration rate determined by laboratory test or soil texture infiltration rate table;

(iii) pH;

(iv) Total soluble salts;

(v) Sodium;

(vi) Percent organic matter; and

(vii) Recommendations.

2. The project applicant, or his/her designee, shall comply with one of the following:

a. If significant mass grading is not planned, the soil analysis report shall be submitted to the city as part of the landscape documentation package; or

b. If significant mass grading is planned, the soil analysis report shall be submitted to the city as part of the certificate of completion.

3. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

4. The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the city with certificate of completion.

(Ord. No. 519, 8-8-2012)

17.122.080 - Landscape design plan.

A. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the landscape documentation package.

1. Plant Material.

a. Any plant may be selected for the landscape, providing the estimated total water use in the landscape area does not exceed the maximum applied water allowance. To encourage the efficient use of water, the following is highly recommended:

(i) Protection and preservation of native species and natural vegetation;

(ii) Selection of water-conserving plant and turf species;

(iii) Selection of plants based on disease and pest resistance;

(iv) Selection of trees based on applicable local tree ordinances or tree shading guidelines; and

(v) Selection of plants from local and regional landscape program plant lists.

b. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in subsection 17.110.090A.2.d.

c. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:

(i) Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;

(ii) Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; and

(iii) Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

d. Turf is not allowed on slopes greater than twenty-five (25) percent where the toe of the slope is adjacent to an impermeable hardscape and where twenty-five (25) percent means one foot of vertical elevation change for every four feet of horizontal length (rise divided by run × 100 = slope percent).

e. A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.

f. The use of invasive and/or noxious plant species is strongly discouraged.

g. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

2. Water Features.

a. Recirculating water systems shall be used for water features.

b. Where available, recycled water shall be used as a source for decorative water features.

c. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

d. Pool and spa covers are highly recommended.

3. Mulch and Amendments.

a. A minimum two-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

b. Stabilizing mulching products shall be used on slopes.

c. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

d. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 17.110.070).

B. The landscape design plan, at a minimum, shall:

1. Delineate and label each hydrozone by number, letter, or other method;

2. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
4. Identify areas permanently and solely dedicated to edible plants;
5. Identify areas irrigated with recycled water;
6. Identify type of mulch and application depth;
7. Identify soil amendments, type, and quantity;
8. Identify type and surface area of water features;
9. Identify hardscapes (pervious and nonpervious);
10. Identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:
    a. Infiltration beds, swales, and basins that allow water to collect and soak into the ground;
    b. Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and
    c. Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.
11. Identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);
12. Contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and
13. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape.

(Ord. No. 519, 8-8-2012)

17.122.090 - Irrigation design plan.

A. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the landscape documentation package.

1. System.
    a. Dedicated landscape water meters are highly recommended on landscape areas smaller than five thousand (5,000) square feet to facilitate water management.
    b. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.
    c. The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
        (i) If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as in-line pressure regulators, booster

pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

(ii) Static water pressure, dynamic or operating pressure and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

d. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

e. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

f. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable City Code (i.e., public health) for additional backflow prevention requirements.

g. High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.

h. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto nontargeted areas, such as adjacent property, nonirrigated areas, hardscapes, roadways, or structures.

i. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

j. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

k. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 17.122.060 of this chapter regarding the maximum applied water allowance.

l. It is highly recommended that the project applicant inquire with the Placer County Water Agency about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

m. In mulched planting areas, the use of low-volume irrigation is required to maximize water infiltration into the root zone.

n. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

o. Head-to-head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

p. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high-traffic areas.

q. Check valves or anti-drain valves are required for all irrigation systems.

r. Narrow or irregularly shaped areas, including turf, less than eight feet in width in any direction shall be irrigated with subsurface irrigation or low-volume irrigation system.

s. Overhead irrigation shall not be permitted within twenty-four (24) inches of any nonpermeable surface. Allowable irrigation within the setback from nonpermeable surfaces

may include drip, drip line, or other low-flow nonspray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

(i) The landscape area is adjacent to permeable surfacing and no runoff occurs;

(ii) The adjacent nonpermeable surfaces are designed and constructed to drain entirely to landscaping; or

(iii) The irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in subsection 17.122.090A.1.h. of this chapter. Prevention of overspray and runoff must be confirmed during the irrigation audit.

t. Slopes greater than twenty-five (25) percent shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the landscape documentation package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

2. Hydrozone.

a. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

b. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

c. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.

d. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

(i) Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

(ii) The plant factor of the higher water using plant is used for calculations.

e. Individual hydrozones that mix high and low water use plants shall not be permitted.

f. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the hydrozone information table (see Appendix A, Section A). This table can also assist with the irrigation audit and programming the controller.

B. The irrigation design plan, at a minimum, shall contain:

1. Location and size of separate water meters for landscape;

2. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture-sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

3. Static water pressure at the point of connection to the public water supply;

4. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;

5. Recycled water irrigation systems as specified in Section 17.122.160

6. The following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and
7. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system.

(Ord. No. 519, 8-8-2012)

17.122.100 - Grading design plan.

A. For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted, as required by the city's grading ordinance as part of the landscape documentation package. A comprehensive grading plan prepared by a California licensed civil engineer for other city permits satisfies this requirement.

1. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:
   a. Height of graded slopes;
   b. Drainage patterns;
   c. Pad elevations;
   d. Finish grade; and
   e. Stormwater retention improvements, if applicable.
2. To prevent excessive erosion and runoff, it is highly recommended that project applicants:
   a. Grade so that all irrigation and normal rainfall remains within property lines and does not drain on to nonpermeable hardscapes;
   b. Avoid disruption of natural drainage patterns and undisturbed soil; and
   c. Avoid soil compaction in landscape areas.
3. The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

(Ord. No. 519, 8-8-2012)

17.122.110 - Certificate of completion.

A. The certificate of completion (see Appendix C for a sample certificate) shall include the following six elements:

1. Project information sheet that contains:
   a. Date;
   b. Project name;
   c. Project applicant name, telephone, and mailing address;
   d. Project address and location; and
   e. Property owner name, telephone, and mailing address.
2. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved landscape documentation package;

a. Where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification.

3. Irrigation scheduling parameters used to set the controller (see Section 17.122.120);

4. Landscape and irrigation maintenance schedule (see Section 17.122.130);

5. Irrigation audit report (see Section 17.122.140); and

6. Soil analysis report, if not submitted with landscape documentation package, and documentation verifying implementation of soil report recommendations (see Section 17.122.070).

B. The project applicant shall:

1. Submit the signed certificate of completion to the city for review;

2. Ensure that copies of the approved certificate of completion are submitted to the Placer County Water Agency and property owner or his or her designee.

C. The city shall:

1. Receive the signed certificate of completion from the project applicant;

2. Approve or deny the certificate of completion. If the certificate of completion is denied, the city shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

(Ord. No. 519, 8-8-2012)

17.122.120 - Irrigation scheduling.

A. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

1. Irrigation scheduling shall be regulated by automatic irrigation controllers.

2. Overhead irrigation shall be scheduled between eight p.m. and ten (10) a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the Placer County Water Agency, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

3. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the estimated total water use. Total annual applied water shall be less than or equal to maximum applied water allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

4. Parameters used to set the automatic controller shall be developed and submitted for each of the following:

a. The plant establishment period;

b. The established landscape; and

c. Temporarily irrigated areas.

5. Each irrigation schedule shall consider for each station all of the following that apply:

a. Irrigation interval (days between irrigation);

b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);

c. Number of cycle starts required for each irrigation event to avoid runoff;

d. Amount of applied water scheduled to be applied on a monthly basis;

e. Application rate setting;

f. Root depth setting;

g. Plant type setting;

h. Soil type;

i. Slope factor setting;

j. Shade factor setting; and

k. Irrigation uniformity or efficiency setting.

(Ord. No. 519, 8-8-2012)

17.122.130 - Landscape and irrigation maintenance schedule.

A. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the certificate of completion.

B. A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing and obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

C. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.

D. A project applicant is encouraged to implement sustainable or environmentally-friendly practices for overall landscape maintenance.

(Ord. No. 519, 8-8-2012)

17.122.140 - Irrigation audit, irrigation survey, and irrigation water use analysis.

A. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

B. For new construction and rehabilitated landscape projects installed after January 1, 2010, as described in Section 17.122.020

1. The project applicant shall submit an irrigation audit report with the certificate of completion to the city that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule;

2. The city shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the maximum applied water allowance.

(Ord. No. 519, 8-8-2012)

17.122.150 - Irrigation efficiency.

For the purpose of determining maximum applied water allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.

(Ord. No. 519, 8-8-2012)

17.122.160 - Recycled water.

A. When recycled water is economically available, new irrigation systems as provided under Section 17.122.020 shall incorporate recycled water systems unless a written exemption has been granted by the Placer County Water Agency in accordance with subsection B. of this section of the chapter.

B. Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the Placer County Water Agency stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.

C. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and state laws.

D. Landscapes using recycled water are considered special landscape areas. The ET adjustment factor for special landscape areas shall not exceed 1.0.

(Ord. No. 519, 8-8-2012)

17.122.170 - Stormwater management.

A. Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are encouraged.

B. Project applicants shall refer to the city or regional water quality control board for information on any applicable stormwater ordinances and stormwater management plans.

C. Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.

(Ord. No. 519, 8-8-2012)

17.122.180 - Public education.

A. Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community. The city and/or Placer County Water Agency shall provide information to owners of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes.

B. Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this chapter.

1. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.

2. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

(Ord. No. 519, 8-8-2012)

17.122.190 - Environmental review.

The city must comply with the California Environmental Quality Act (CEQA), as appropriate.

(Ord. No. 519, 8-8-2012)

17.122.200 - Provisions for existing landscapes.

The city designates Placer County Water Agency to implement all of the requirements contained in Section 17.122.200.

(Ord. No. 519, 8-8-2012)

17.122.210 - Irrigation audit, irrigation survey, and irrigation water use analysis.

A. This section shall apply to all existing landscapes that were installed before January 1, 2010, and are over one acre in size.

1. For All Landscapes in Subsection 17.122.200A. that have a water meter, the Placer County Water Agency shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the maximum applied water allowance for existing landscapes. The maximum applied water allowance for existing landscapes shall be calculated as: MAWA = (0.8) (ETo)(LA)(0.62).

2. For All Landscapes in Subsection 17.122.200A. that do not have a meter, the city shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

B. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

(Ord. No. 519, 8-8-2012)

17.122.220 - Water waste prevention.

The city shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions are established under Section 17.122.220.

(Ord. No. 519, 8-8-2012)

17.122.230 - Water Efficient Landscape Worksheet.

"Appendix A" Water Efficient Landscape is hereby incorporated by reference to this chapter and made a part thereof.

(Ord. No. 519, 8-8-2012)

17.122.240 - Certification of completion.

"Appendix B" Certificate of Completion is hereby incorporated by reference to this chapter and made part thereof.

(Ord. No. 519, 8-8-2012)

ARTICLE V. - SPECIAL AREA AND SPECIFIC USE REGULATIONS

Chapter 17.124 - SPECIAL AREA AND SPECIFIC USE REQUIREMENTS

Chapter 17.128 - ADULT (SEX)-ORIENTED ENTERTAINMENT BUSINESSES

Chapter 17.132 - ANTENNAS AND COMMUNICATION FACILITIES

Chapter 17.136 - BUS DEPOTS

Chapter 17.140 - EMERGENCY SHELTER

Chapter 17.144 - FOOD SERVICE FACILITY

Chapter 17.148 - FOOD DISTRIBUTION FACILITY

Chapter 17.152 - HOME OCCUPATIONS

Chapter 17.156 - LARGE AMUSEMENT COMPLEXES

Chapter 17.160 - LARGE FAMILY DAY CARE

Chapter 17.162 - MEDICAL MARIJUANA DISPENSARIES

Chapter 17.163 - MINERAL EXTRACTION AND PROCESSING

Chapter 17.164 - NIGHTCLUBS

Chapter 17.168 - OPEN-AIR VENDING FACILITIES

Chapter 17.172 - OUTDOOR RESTAURANT SEATING

Chapter 17.176 - SELF-SERVICE STORAGE FACILITIES

Chapter 17.180 - POWER GENERATING FACILITIES

Chapter 17.184 - RECYCLING COLLECTION CENTERS

Chapter 17.188 - RELOCATION OF DWELLINGS (SINGLE- OR TWO-FAMILY)

Chapter 17.192 - REASONABLE ACCOMMODATIONS

Chapter 17.196 - SECOND DWELLING UNITS

Chapter 17.200 - SIGNIFICANT BUILDINGS

Chapter 17.204 - TEMPORARY USES

Chapter 17.208 - USED GOODS COLLECTION CENTERS

Chapter 17.124 - SPECIAL AREA AND SPECIFIC USE REQUIREMENTS

Sections:

17.124.010 - Purpose.

17.124.010 - Purpose.

The provisions of this chapter regulate specific uses or areas as otherwise permitted in Article III of this title. These requirements are in addition to those contained in the respective zone districts.

(Ord. No. 519, 8-8-2012)

Chapter 17.128 - ADULT (SEX)-ORIENTED ENTERTAINMENT BUSINESSES

Sections:

17.128.010 - Purpose.

17.128.020 - Definitions.

17.128.030 - Limitations.

17.128.040 - Auxiliary sales of erotica.

17.128.050 - Waivers—Applications.

17.128.060 - Waivers—Procedure.

17.128.070 - Conditional use permits—Required.

17.128.080 - Public notice.

17.128.010 - Purpose.

The council finds that sex-oriented entertainment businesses, because of their very nature, are recognized as having objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. The special regulation of such businesses is necessary to insure that such adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary purpose of the regulation is to prevent the concentration or clustering of such businesses in any one area.

(Ord. No. 519, 8-8-2012)

17.128.020 - Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as set forth in this section.

"Cabaret" means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

"Massage parlor" means an establishment where, for any form of consideration or gratuity, massages, alcohol rubs, the administration of fomentations, electric or magnetic treatments or any other

treatment or manipulation of the human body occurs, other than medical or therapeutic treatments by persons licensed by the state to administer such treatments.

"Model studio" means any business where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity.

"Sex-oriented book/novelty store" means an establishment having as a portion of its stock-in-trade exposed books, magazines and other periodicals or novelty item which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material or novelty item.

"Sex-oriented entertainment business" means any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. "Sex-oriented hotel or motel" means a hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

"Sex-oriented motion picture arcade" means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to persons and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

"Sex-oriented motion picture theater" means an enclosed or unenclosed building or structure or portion thereof, used for presenting materials distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons in such theater.

"Sexual encounter center" means any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.

"Specified sexual activities" means and includes:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching or sexual stimulation of human genitals, pubic regions, buttocks or female breasts.

"Specified anatomical areas" means and includes:

1. Less than completely and opaquely covered:
    a. Human genitals or pubic regions;
    b. Buttocks; and
    c. Female breasts below a point immediately above the top of the areola; and
3. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(Ord. No. 519, 8-8-2012)

17.128.030 - Limitations.

A. In those land use districts where the sex-oriented entertainment businesses regulated by this chapter would otherwise be permitted pursuant to Article III, it is unlawful to establish any such sex-oriented entertainment business if the location is:

1. Within one-thousand hundred (1,000) feet of any area zoned for residential use or mixed-used property with residential use included;
2. Within one thousand (1,000) feet of any other sex-oriented entertainment business; or
3. Within one thousand (1,000) feet of any public or private school, park, playground, public building, church, noncommercial establishment operated by a bona fide religious organization or any establishment likely to be frequented by minors.

B. The establishment of any sex-oriented entertainment business shall include the opening of such a business as a new business, the relocation of such a business or the conversion of an existing business location to any sex-oriented entertainment business use.

(Ord. No. 519, 8-8-2012)

17.128.040 - Auxiliary sales of erotica.

Business establishments which sell magazines, videos or books depicting, describing or relating to specified sexual activities or specified anatomical areas and which are located in a general business district may only display such items if done so in a manner where only the title of the publication is exposed or visible.

(Ord. No. 519, 8-8-2012)

17.128.050 - Waivers—Applications.

Any property owner or his or her authorized agent may apply to the planning commission for a waiver of any locational provisions as set forth in Section 17.128.030 of this chapter. The planning commission, after a hearing, may waive any locational provision if the following findings are made:

A. That the proposed use will not be contrary to the public interests or injurious to nearby properties and that the spirit and intent of this chapter will be observed;

B. That the proposed use will not enlarge or encourage the development of a "skid row" area;

C. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal; and

D. That all the applicable regulations of this code will be observed.

(Ord. No. 519, 8-8-2012)

17.128.060 - Waivers—Procedure.

Notwithstanding any other provision of this title original jurisdiction to hear applications for waivers pursuant to this chapter is vested in the planning commission. The procedure for such hearing shall be the same as that provided for in this title for the issuance of conditional use permits by the planning commission, including the same notice requirements, the same right of appeal to the council and the same fees payable by the applicant.

(Ord. No. 519, 8-8-2012)

17.128.070 - Conditional use permits—Required.

Notwithstanding any other provision of this code, a conditional use permit shall be required for the establishment of a sex-oriented entertainment business in any district. Such requirement shall be for the purpose of establishing conditions found to be reasonably necessary to prevent incompatibility or conflicts with other land uses in the immediate vicinity of the proposed business. Applications for such conditional use permits shall be heard by the planning commission.

(Ord. No. 519, 8-8-2012)

17.128.080 - Public notice.

In addition to the notification procedure in Section 17.40.020, notice of a permit application for an adult (sex)-oriented entertainment business shall be provided to all property owners within one thousand (1,000) feet of the proposed use.

(Ord. No. 519, 8-8-2012)

Chapter 17.132 - ANTENNAS AND COMMUNICATION FACILITIES

Sections:

17.132.010 - Purpose.

17.132.020 - Permit requirements.

17.132.030 - General standards.

17.132.040 - Satellite dish antennas.

17.132.010 - Purpose.

This chapter establishes standards for the placement of telecommunication facilities in all zoning districts. It is the intent of this chapter to minimize the adverse impacts of such equipment and structures on neighborhoods and surrounding developments by limiting the height, number, and location of such devices.

(Ord. No. 519, 8-8-2012)

17.132.020 - Permit requirements.

A. Telecommunications facilities are permitted as identified in Article III. Satellite dish antennas and HAM radio antennas are permitted as accessory structures pursuant to Section 17.96.030

B. The following types of telecommunication facilities are exempt from permit provided they meet applicable California Building and Fire Code regulations and the following additional requirements:

   1. Antennas and/or related telecommunication equipment attached to an existing monopole, tower, or similar structure provided the equipment does not increase the height of the existing monopole, tower, or structure.

2. Antennas and/or related telecommunication equipment located on an existing building provided the equipment does not increase the height of the existing building and the antennae does not conflict with the architectural treatment of the building and is screened from public view or painted to match the exterior of the building.

3. Equipment shelters/cabinets may be located on site as long as they do not adversely impact the approved building, parking and landscape design and shall be no larger than one hundred sixty (160) square feet in size with a maximum height of six feet.

4. All proposed telecommunication equipment shall conform to the standards identified in Section 17.132.030

5. In residential zone districts, HAM radio antennas are subject to a thirty-five-foot height limit if ground mounted. If roof mounted, the antenna may exceed the height limit of the zone district by fifteen (15) percent. HAM radio antennas shall maintain a minimum five-foot setback from any property line.

C. The following telecommunication facilities may be approved pursuant to an administrative permit:

1. Monopoles/towers and related facilities not exceeding sixty (60) feet in height;

2. Monopoles/towers not located between a building and an adjacent street;

3. Antennas or related telecommunication equipment that increases the height of a building but does not exceed more than one-half the height of the building on which the equipment will be located;

4. Antennas and related telecommunication equipment not painted or screened to match the existing pole/tower, building or roof; and

5. In R-1 single family residential zones and properties designated as open space such facilities will be allowed as long as the facility meets the standards of this section, are co-located within the footprint of an existing tower or attached to a monopole, tower or similar structure, and do not require permanent roadway or driveway access improvements.

6. Equipment buildings, shelters and cabinets larger than one hundred sixty (160) square feet in size and/or more than six feet in height provided they are screened from public view (street).

D. Cellular facilities and equipment that does not conform to the provisions identified within subsections A. and B. above may be approved pursuant to approval of a conditional use permit.

E. The following activities are prohibited on telecommunication facilities:

1. Advertising. No advertising or display is permitted on any telecommunication facility or related equipment.

(Ord. No. 519, 8-8-2012)

17.132.030 - General standards.

The following requirements apply to telecommunication in all zone districts in addition to the general development standards required under Articles III and IV, except where a more restrictive standard is required by Section 17.132.040 for satellite dish antennas:

A. General Standards.

1. Building mounted antennas are encouraged, provided that the wireless communication facility is compatible with the building design and does not negatively impact the surrounding area.

2. Where building mounting is not possible, an attempt should be made to screen new monopoles from public view and to co-locate new antennas on existing monopoles.
3. In order to minimize overall visual impact, wireless communication facilities should be designed to promote facility and site sharing.
4. No facility should be installed on an exposed ridgeline, in or at a location readily visible from a public trail recreation area, or scenic area unless it is satisfactorily screened or made to appear as a natural environmental feature.
5. Wireless communication facilities should be painted color(s), which are most compatible with their surroundings.
6. Innovative design should be used whenever the screening potential for the site is low. For example, designing structures, which are compatible with surrounding architecture, or appear as a natural environmental feature, could help mitigate the visual impact of a facility.
7. Wireless communication facilities and all other equipment, such as emergency generators and air conditioners, must be designed to be consistent with the city noise standards when in proximity to sensitive receptors.
8. A professional telecommunications expert shall perform an evaluation of the radio frequency certifying that the frequency levels meet federal standards and that the facility will not interfere with the city's or other public entities emergency broadcast systems.
9. Telecommunication facilities located on a lot adjacent to a residential zone district shall be set back from the residential zone by two feet for each one foot of total height. The required setback shall be measured at its widest potential position.

B. Standards for Building Mounted Antennas.

1. Building mounted antennas and all other equipment should be in scale and architecturally integrated with the building design in such a manner as to be visually unobtrusive.
2. When feasible, colors and materials should match the existing building.
3. All equipment should be screened from public view.

C. Standards for Monopoles.

1. Substantial landscaping or other screening should be provided to reasonably buffer any adjoining residential uses from the potential visual impacts of the facility. Landscape screening should be designed to achieve its desired appearance in a reasonable period of time.
2. Guy wires or support structures shall not overhang any property line.
3. The antennas attached to a monopole should be mounted as close as possible to the monopole as a means of reducing the visual impacts of the antenna structures.

(Ord. No. 519, 8-8-2012)

17.132.040 - Satellite dish antennas.

The following requirements apply to satellite dish antennas greater than forty (40) inches in diameter:

A. Residential Standards. In addition to the general requirements in Section 17.132.030 of this chapter, the following shall apply:

1. Maximum Height. Six feet from the natural grade at the base of the antenna.

2. Roof-Mounting Prohibited. No satellite antenna shall be mounted on a building roof in residential zones. Satellite dish antennas shall be ground mounted, and shall not be visible from public streets.

3. Screening Required. Satellite antennas shall not be placed in front yards and shall be screened from public view from streets and adjacent properties by fences, or walls of six feet in height and/or landscaping.

B. Commercial and Industrial Standards. The following requirements shall apply to satellite antennas in all commercial and industrial zones established by Article III:

1. Setbacks. If the zoning district abuts a residential zone, any satellite antenna higher than six feet shall be located a minimum of ten (10) feet from the residential property line. For each foot of height above six feet, the satellite antenna shall be located two additional feet back from the residential district.

2. Maximum Height, Ground-Mounted Antenna. Twenty (20) feet above natural grade.

3. Roof-mounted antenna shall be screened so as to not be visible from surrounding streets.

C. Height Measurement. The height of a moveable or adjustable antenna shall be measured at its highest potential position (i.e., with the face plane of a satellite dish antenna parallel to the support post) from natural grade.

(Ord. No. 519, 8-8-2012)

Chapter 17.136 - BUS DEPOTS

Sections:

17.136.010 - Purpose.

17.136.020 - Mandatory standards.

17.136.030 - Optional standards.

17.136.010 - Purpose.

The regulations of this section shall apply to the operation of bus depots where permitted or conditionally permitted in any district as identified in Article III. A conditional use permit is required for a bus depot and shall be evaluated in accordance with the criteria of this chapter.

(Ord. No. 519, 8-8-2012)

17.136.020 - Mandatory standards.

All bus depots shall comply with the following standards, in addition to the general development standards required under Articles III and IV and the Americans with Disabilities Act:

A. Location. Bus depots shall be located near freeway access or arterial streets so that buses do not travel through residential zone districts.

B. Driveways. The location of driveways shall be approved by the public works department.

C. Limitation on Use. Bus depots may include services for ticket sales, passenger loading, or freight handling, but shall not include overnight storage of buses, refueling, or maintenance and repair of buses.

D. Bus depots shall at all times comply with the most recently idling limitations imposed by Placer County Air Quality Management District.

(Ord. No. 519, 8-8-2012)

17.136.030 - Optional standards.

In approving a conditional use permit for a bus depot, the following criteria may be applied at the discretion of the planning commission:

A. Site Access. Ingress/egress points should be of sufficient width to accommodate the turning movements of both a bus and other vehicles simultaneously.

B. Turning Lanes. Special turning lanes may be required to reduce traffic conflicts.

C. On-Site Circulation. On-site circulation should be designed to allow looped one-way ingress/egress. In the case of an existing development, circulation of buses should not conflict with the functioning of the existing development.

D. Loading Areas. On-site loading zones should be installed to accommodate the stacking of three buses:

1. Loading zones should be a minimum of twelve (12) feet wide in addition to the minimum required travel lane of twenty-four (24) feet.

2. The location of the loading zone should not conflict with other uses on the property, or block pedestrian or vehicular access, or visibility to other existing on-site uses.

3. Bus depots shall be designed to accommodate a nine by forty-foot bus with a 52-foot turning radius.

E. Parking. Off-street parking shall be provided to accommodate the use as determined by the approval authority.

F. Additional measures as may be deemed necessary, including but are not limited to sound walls, landscaping and other site design modifications, to alleviate noise, aesthetic and other impacts.

(Ord. No. 519, 8-8-2012)

Chapter 17.140 - EMERGENCY SHELTER

Sections:

17.140.010 - Emergency shelter.

17.140.020 - Permit requirements.

17.140.030 - Development and management standards.

17.140.040 - Cessation of operation.

17.140.010 - Emergency shelter.

This chapter establishes the requirements and standards for the location and operation of an emergency shelter as defined in subsection 17.64.070K.3.

(Ord. No. 519, 8-8-2012)

17.140.020 - Permit requirements.

A. Emergency shelters are allowed as identified in Article III.

B. An emergency shelter that meets the requirements of Section 17.140.030 is exempt from a conditional use permit when located in the light industrial (I-L) zone. An emergency shelter proposed within any other zone requires approval of a conditional use permit.

C. An emergency shelter within the light industrial (I-L) zone shall not operate prior to approval of a zoning clearance certification in accordance with Chapter 17.28

(Ord. No. 519, 8-8-2012)

17.140.030 - Development and management standards.

The following development standards are required in addition to the general development standards required under Articles III and IV.

A. Distance Separation Requirements. No emergency shelter shall be located within two hundred fifty (250) feet of any other emergency shelter.

B. Occupancy. An emergency shelter shall not exceed forty (40) residents, excluding staff.

C. Length of Occupancy. Any single resident's stay shall not exceed six consecutive months.

D. Zone Specific Development Standards. An emergency shelter shall comply with all development standards of the applicable zoning district in which it is located.

E. Parking Requirements. Emergency shelters shall provide one parking space for every staff member and one parking space for every ten (10) temporary residents.

F. Management. An emergency shelter must adequately comply with the management standards:

1. There shall be space inside the building so that prospective and current residents are not required to wait on sidewalks or any other public rights-of-way.

2. Security shall be provided on site during hours of operation.

3. On-site management shall be provided by at least one emergency shelter staff member at all times while residents are present at the shelter.

4. Emergency shelter lighting shall be consistent with the City of Colfax's adopted building code.

G. When a Conditional Use Permit is Required. An emergency shelter that does not meet the development and management standards of this section or is located within any other zone shall be required to obtain a conditional use permit.

H. Conditional Use Permit Conditions of Approval and Findings.

1. In review of an application for a conditional use permit for an emergency shelter, the approval authority shall review the requirements of this section and may approve reasonable deviations from the requirements of this section and may approve additional

conditions consistent with protecting public health, safety and welfare, provided that such conditions do not render the project infeasible.

2. Notwithstanding subsection 17.40.070A., and consistent with Government Code Section 65589.5, in approving a conditional use permit the approval authority shall only make the specific finding that the application would not have a specific adverse impact upon the public health or safety.

(Ord. No. 519, 8-8-2012)

17.140.040 - Cessation of operation.

If an emergency shelter ceases operation for a period of six consecutive months, any permit issued pursuant to this chapter shall automatically lapse and be deemed null and void, unless the permit provides otherwise.

(Ord. No. 519, 8-8-2012)

Chapter 17.144 - FOOD SERVICE FACILITY

Sections:

17.144.010 - Food service facility.

17.144.020 - Permit required; general requirements.

17.144.030 - Maintenance of food service facility.

17.144.040 - Cessation of operation.

17.144.050 - Nonconforming food service facility.

17.144.010 - Food service facility.

This chapter establishes the requirements and standards for the location and operation of a food service facility, which is defined as a facility or use where food is served on-site on a not-for-profit basis (see subsection 17.064.070K.2.).

(Ord. No. 519, 8-8-2012)

17.144.020 - Permit required; general requirements.

A. Permit Required. No person or entity shall operate or maintain a food service facility without first obtaining a permit. An administrative permit will be issued pursuant to this chapter if the standards in this section are met.

B. Location. The food service facility may be located only in commercial or industrial zones pursuant to Article III.

C. Distance Separation Requirements. A conditional use permit shall be required of any food service facility to be located within five hundred (500) feet of any preschool, elementary school, middle school, high school, or any zone where food service facilities are not permitted. The food service facility shall be located no closer than one thousand (1,000) feet from any other food distribution or

social service facility as defined in subsections 17.64.070K.1. and 17.64.070K.3. of this title, unless the facility is located within the same building or on the same lot.

D. Occupancy. The food service facility shall serve no more than twelve (12) persons per day, unless such facility has first obtained a conditional use permit.

E. Development Standards. The food service facility shall comply with the general development standards as set forth under Articles III and IV. The facility shall provide one parking space for every staff person and one parking space for every four seats within the facility.

F. Business Practices. The food service facility must comply with the following business practices:

1. All food preparation, service, consumption and related activities shall occur inside the structure and comply with applicable health and safety code requirements.

2. There shall be adequate waiting space inside the food service facility such that any person waiting for food service is not required to wait on the sidewalk or any other public right-of-way.

3. Restroom(s) shall be permanent, non-portable, inside the structure and consistent with all applicable requirements of the building and fire standards of Title 16 of this Code.

4. Trash receptacles and enclosures shall be provided and made secure to the satisfaction of the solid waste division of the environment utilities department.

5. The facility shall provide lighting sufficient to ensure public safety.

6. Occupancy standards of the building and fire standards of Title 16 of this code shall be posted and complied with. The facility shall comply with all applicable California Code of Regulations Title 24 requirements.

7. Food service shall be limited to the hours between six a.m. and nine p.m.

G. When Conditional Use Permit Required. If a food service facility does not meet the standards as set forth in this section, such facility shall be required to obtain a conditional use permit in accordance with Chapter 17.32. If a food service facility is combined with any other social service facility on the same lot, such facility shall be required to obtain a conditional use permit in accordance with Chapter 17.32

H. Conditions of Approval; Findings. In review of an application for a conditional use permit for a food service facility, the planning commission shall review the requirements of this section and may approve reasonable deviations from the requirements of this section and may place additional conditions consistent with protecting the public health, safety, and welfare. The planning commission shall make a specific finding that such deviations and/or additional conditions protect the public health, safety and welfare. The planning commission shall make a specific finding that such deviations and/or additional conditions are consistent with the requirements of all applicable zoning and developmental standards. There shall be no deviations from the requirements of subsection 17.144.020B.

(Ord. No. 519, 8-8-2012)

17.144.030 - Maintenance of food service facility.

Any food service facility shall be maintained in a safe and clean manner and free from refuse or discarded goods.

(Ord. No. 519, 8-8-2012)

17.144.040 - Cessation of operation.

If any food service facility ceases operation for a period of six consecutive months, any permit issued pursuant to this chapter shall automatically lapse and be deemed null and void, unless the permit provides otherwise.

(Ord. No. 519, 8-8-2012)

17.144.050 - Nonconforming food service facility.

A. A food service facility lawfully in existence prior to the effective date of this chapter may continue to operate as a nonconforming use. Nonconforming uses must still adhere to applicable health and safety regulations.

B. Closure or cessation of a nonconforming use for a period of six consecutive months shall terminate its legal nonconforming status, and any person or entity who intends to resume operations of the nonconforming use must first obtain a permit as required under this chapter.

C. Any alteration or expansion of the nonconforming use involving more than ten (10) percent of its floor space shall subject the nonconforming use to the requirements of this chapter and the appropriate permit must be obtained prior to alteration or expansion.

(Ord. No. 519, 8-8-2012)

Chapter 17.148 - FOOD DISTRIBUTION FACILITY

Sections:

17.148.010 - Food distribution facility.

17.148.020 - Permit required; general requirements.

17.148.030 - Maintenance of food distribution facility.

17.148.040 - Cessation of operation.

17.148.050 - Nonconforming food distribution facility.

17.148.010 - Food distribution facility.

This chapter establishes the requirements and standards for the location and operation of a food distribution facility, which is defined as a facility or use which distributes food on a not-for-profit basis (see subsection 17.64.070K.1.).

(Ord. No. 519, 8-8-2012)

17.148.020 - Permit required; general requirements.

A. Permit Required. No person or entity shall operate or maintain a food distribution facility without first obtaining a permit. An administrative permit will be issued pursuant to this chapter if the standards in this section are met.

B. Location. A food distribution facility may be located only in commercial or industrial zones as set forth under Article III.

C. Distance Separation Requirements. A conditional use permit shall be required for any food distribution facility located within five hundred (500) feet of any preschool, elementary school, high school, or any zone where food distribution facilities are not permitted. A food distribution facility may be located no closer than one thousand (1,000) feet from any other food service or social service facility as defined in subsection 17.64.070K.2. or 17.64.070K.3. of this title, unless the facility is located within the same building or on the same lot.

D. Size. A facility which exceeds six hundred (600) square feet shall require a conditional use permit.

E. Development Standards. The food distribution facility shall comply with the general development standards as set forth under Articles III and IV. The facility shall provide parking one space for every staff person and one parking space for every five hundred (500) square feet of floor area.

F. Business Practices. The food distribution facility must comply with the following business practices:

1. All food distribution and related activities shall occur inside the structure.
2. There shall be adequate waiting space inside the facility such that any person waiting for food distribution is not required to wait on the sidewalk or any other public right-of-way.
3. Restroom(s) shall be permanent, non-portable, inside the structure and consistent with all applicable requirements of the building and fire standards of Title 16 of this Code.
4. Trash receptacles and enclosures shall be provided and made secure to the satisfaction of the solid waste division of the environmental utilities department.
5. The food distribution facility shall provide lighting sufficient to ensure public safety.
6. Occupancy standards of the building and fire standards of this code shall be posted and complied with. The facility shall comply with all applicable California Code of Regulations Title 24 requirements.
7. Food distribution shall be limited to the hours between six a.m. to nine p.m.

G. When Conditional Use Permit Required. A food distribution facility which does not meet the standards set forth in this section, shall be required to obtain a conditional use permit in accordance with Chapter 17.32. Any food distribution facility combined with any other social service facility on the same lot shall be required to obtain a conditional use permit in accordance with Chapter 17.32

H. Conditions of Approval; Findings. In review of an application for a conditional use permit for a food distribution facility, the planning commission shall review the requirements of this section and may approve reasonable deviations from the requirements of this section and may place additional conditions consistent with protecting public health, safety and welfare. The planning commission shall make a specific finding that such deviations and/or additional conditions protect the public health, safety and welfare. The planning commission shall make a specific finding that such deviations and/or additional conditions are consistent with the requirements of all applicable zoning and developmental standards. There shall be no deviations from the requirements of subsection 17.148.020B.

(Ord. No. 519, 8-8-2012)

17.148.030 - Maintenance of food distribution facility.

Any food distribution facility shall be maintained in a safe and clean manner, and free from refuse or discarded goods.

(Ord. No. 519, 8-8-2012)

17.148.040 - Cessation of operation.

If any food distribution facility ceases operation for a period of six consecutive months, any permit issued pursuant to this chapter shall automatically lapse and be deemed null and void, unless the permit provides otherwise.

(Ord. No. 519, 8-8-2012)

17.148.050 - Nonconforming food distribution facility.

A. A food distribution facility lawfully in existence prior to the effective date of this chapter may continue to operate as a nonconforming use. Nonconforming uses must still adhere to applicable health and safety regulations.

B. Closure or cessation of a nonconforming use for a period of six consecutive months shall terminate its legal nonconforming status, and any person or entity who intends to resume operations of the nonconforming use must first obtain a permit as required under this chapter.

C. Any alteration or expansion of the nonconforming use involving more than ten (10) percent of its floor space shall subject the nonconforming use to the requirements of this chapter and the appropriate permit must be obtained prior to alteration or expansion.

(Ord. No. 519, 8-8-2012)

Chapter 17.152 - HOME OCCUPATIONS

Sections:

17.152.010 - Purpose.

17.152.020 - Home occupation defined.

17.152.030 - Limitation on use.

17.152.040 - Permit requirements.

17.152.050 - Performance standards.

17.152.010 - Purpose.

The purpose of these regulations is to permit and regulate nonresidential activities to be performed within a structure in residential zones as home occupations as set forth in Chapter 17.96 (accessory uses and structures).

(Ord. No. 519, 8-8-2012)

17.152.020 - Home occupation defined.

A home occupation is an accessory, nonresidential business activity carried on within a dwelling by its inhabitants, incidental to the residential use of the dwelling, that does not change the character of the surrounding residential area by generating more traffic, noise, or storage of material than would normally be expected in a residential zone.

(Ord. No. 519, 8-8-2012)

17.152.030 - Limitation on use.

Home occupations shall be permitted in a dwelling, so long as the maximum cumulative impact of all such businesses shall not exceed the limits set forth in this section for a single home occupation. The following uses or activities are prohibited as home occupations:

A. Kennel services. However, animal grooming and training which does not involve overnight kenneling of animals may be allowed upon review and approval of an administrative permit;

B. Any use or activity that affects the character of the surrounding residential neighborhood by generating more noise, odors, vehicles, storage, or traffic than would be normally expected in a residential zone.

(Ord. No. 519, 8-8-2012)

17.152.040 - Permit requirements.

If a home occupation is not in substantial compliance with the performance standards of this chapter, the approval of an administrative permit is required. The operation of a home occupation which requires personal contact with customers at the subject site, or involves regulatory oversight and/or permits, requires approval of an administrative permit pursuant to Chapter 17.32.

(Ord. No. 519, 8-8-2012)

17.152.050 - Performance standards.

A home occupation shall be subject to the following conditions and criteria in addition to the general development standards set forth in Articles III and IV:

A. All Activities Indoors. All home occupation activities shall occur within the dwelling or accessory structures. No home occupation activity shall occur outside at any time, nor shall any equipment or material relating to the home occupation be parked or stored outside the residence at any time. All functions of the business, except storage and inventory, shall be conducted within the dwelling.

B. Customers. Personal contact with customers at the residence is prohibited except when authorized by the approval authority through approval of an administrative permit. Home occupations involving private instruction of children under eighteen (18) will require proof of compliance with State Education Code "Safe School Program" requirements satisfactory to the city before obtaining an administrative permit. A maximum of two students, or one student and one authorized adult chaperone, is permitted for home occupations involving private instruction. All functions of the business, except storage and inventory, shall be conducted within the dwelling.

C. Deliveries. No delivery shall be by vehicles larger than an automobile, pickup, or typical delivery van.

D. Employees. A home occupation shall be operated by no more than two individuals, both of whom shall be residents of the dwelling. All functions of the business, except storage and inventory, shall be conducted within the dwelling. No other person shall operate, or perform any function of the business at the residence.

E. Flammable or Hazardous Materials. A home occupation involving the storage of flammable or hazardous materials shall not be allowed unless the fire department approves, in writing, the amount and method of such storage of materials.

F. Inspection Required. The city may, at all reasonable times during normal business hours, enter the premises for the purpose of inspecting to determine whether or not the conditions of this chapter are being complied with.

G. Maximum Area. The home occupation shall not require the use of more than 15 percent of the total floor area of the dwelling (including garage and detached accessory buildings). The home occupation shall not result in any addition to, alteration of, or exterior remodeling of, the dwelling, garage or accessory structures.

H. Merchandise for Sale. The making of merchandise for sale is permitted provided that the storage of such merchandise does not exceed total allowable area for home occupations and does not require the transporting of material or finished product by means other than an automobile, pickup or typical delivery van.

I. Parking. No home occupation shall result in the elimination of required off-street parking spaces.

J. Signs. Only one non-illuminated sign at the subject residence advertising the home occupation shall be allowed, except one vehicle used for the home occupation may also display the business name. If the property is zoned residential, the sign shall be no larger than one foot by two feet and shall be placed at the front door. A sign permit is required for any non-vehicle sign.

K. Vehicles. Not more than one vehicle specifically designated to be used for a home occupation shall be parked at the subject residence at any time. Such allowed vehicle shall not be larger than a standard pickup or delivery van. No commercial vehicles or trailers shall be parked at the residence at any time.

L. Equipment. No equipment (other than a permitted vehicle) or material relating to a home occupation shall be parked or stored outside the subject residence.

(Ord. No. 519, 8-8-2012)

Chapter 17.156 - LARGE AMUSEMENT COMPLEXES

Sections:

17.156.010 - Purpose.

17.156.020 - Regulations.

17.156.010 - Purpose.

The provisions of this chapter are intended to ensure that large amusement complexes as defined in subsection 17.64.090I.7. are located at locations appropriate for the intensity of the use as set forth in Article III.

(Ord. No. 519, 8-8-2012)

17.156.020 - Regulations.

No privately owned large amusement complex shall be located within one thousand (1,000) feet of the boundary of any residential zone, dwelling, church or school. Large amusement complexes must comply with the general development standards set forth in Articles III and IV.

(Ord. No. 519, 8-8-2012)

Chapter 17.160 - LARGE FAMILY DAY CARE

Sections:

17.160.010 - Purpose.

17.160.020 - General requirements.

17.160.030 - Application procedures.

17.160.040 - Pre-existing large family day care homes.

17.160.010 - Purpose.

This chapter establishes requirements and standards for the location and operation of large family day care homes, as defined in subsection 17.64.080G., and are in addition to the location and general development standards set forth in Articles III and IV.

(Ord. No. 519, 8-8-2012)

17.160.020 - General requirements.

A. Location. A large family day care home shall only be located within a detached single-family dwelling.

B. Parking. Off-street parking shall be provided as follows:

1. One space for each employee not residing in the large family day care home dwelling, plus the two spaces required for the occupants of the single-family residence as required in Chapter 17.108 (off-street parking and loading).

2. Four spaces for the loading and unloading of children. If the property is located in a residential zone, these spaces must be provided on site; however, these spaces may be purchased or leased pursuant to Section 17.108.040D. (purchase or lease of parking spaces). If the property is located in a commercial zone, and off-street parking is available along the street frontage of the large family day care home site, only two of these spaces are required on site.

3. Not more than three of the spaces required herein, located side by side, shall be permitted within the required front yard setback area. These spaces may be so designed to permit backing onto the adjacent street.

4. Up to three of the required employee or children loading/unloading on-site parking spaces may be located in tandem behind the required parking spaces for the occupants of the dwelling or for employees. However, in no instance shall such tandem parking result in more than one parking space behind each required occupant or employee parking space.

C. Noise. It is intended that noise from outdoor play areas be kept to a level consistent with residential neighborhoods. To attain this intent and reduce possible noise impacts, outdoor play/activity areas shall only be used between the hours of six a.m. to eight p.m. Additionally, radio or other electronic amplification devices, if used, shall be play at volumes which are not audible beyond the exterior boundary of the large family day care home site.

D. Separation. As a means to maintain the integrity of residential neighborhoods, new large family day care homes shall not be located within five hundred (500) feet of an existing state licensed large

family day care home or within five hundred (500) feet of any other child day care center licensed to care for fifteen (15) or more children.

(Ord. No. 519, 8-8-2012)

17.160.030 - Application procedures.

An application for an administrative permit shall be filed with the planning department as required in Chapter 17.32. Deviation from the general requirements described in Section 17.160.020 may be approved pursuant to an approval of an administrative permit.

(Ord. No. 519, 8-8-2012)

17.160.040 - Pre-existing large family day care homes.

A. Those large family day care homes that exist on the effective date of the ordinance codified in this title, and on that date have a valid large family day care home license issued by the state of California, are considered legal nonconforming uses. Such nonconforming use may continue until the renewal date required for state of California licensing of the provider's large family day care home. If the provider does not apply for approval of his or her large family day care home pursuant to this chapter by the date required for state licensing renewal, then the legal nonconforming use shall be deemed to terminate.

B. In those instances where an application has been filed in a timely manner, and the director finds that numerous conditions must be applied to make the nonconforming large family day care home consistent with this chapter, the director may extend the valid nonconforming use status up to five years. This extension by the director would be granted only as a means to give the applicant adequate time to satisfy the conditions of permit approval. If conditions of approval are not satisfied within the extension period granted by the director, the legal nonconforming use shall terminate.

(Ord. No. 519, 8-8-2012)

Chapter 17.162 - MEDICAL MARIJUANA DISPENSARIES

Sections:

17.162.010 - Prohibition of medical marijuana dispensaries.

17.162.020 - Existing medical marijuana dispensaries.

17.162.030 - Definitions.

17.162.040 - Penalty provisions.

17.162.050 - Civil and administrative remedies.

17.162.010 - Prohibition of medical marijuana dispensaries.

Medical marijuana dispensaries as defined in this chapter are a prohibited use in all zoning districts throughout the city.

(Ord. No. 519, 8-8-2012)

17.162.020 - Existing medical marijuana dispensaries.

Existing medical marijuana dispensaries with valid business licenses as of November 27, 2009, shall be considered as legal nonconforming uses. Such dispensaries may continue to operate in accordance with the provisions of Chapter 17.32, except that, in addition to such regulations, if any of the following circumstances arise then, without further action by the city, such building and the land on which such building is located shall be subject to the provisions of this chapter prohibiting such use:

A. The operators of the dispensary are convicted of any crime other than an infraction relating to the operation of the dispensary;

B. The dispensary becomes a public nuisance;

C. The dispensary or its operators violate any provision of this Code relating to its operation;

D. The dispensary is closed or its activities curtailed by the action of a superior governmental authority or by order of any court of competent jurisdiction; or

E. The dispensary is closed or its activities curtailed by other valid legal process.

(Ord. No. 519, 8-8-2012)

17.162.030 - Definitions.

Whenever used in this chapter, the following words or phrases shall have the following meanings:

"Identification card" shall have the same meaning as that set forth in California Health and Safety Code § 11362.7 as currently in effect or as may be amended from time to time, or any successor statute.

"Medical marijuana dispensary" means and refers to any facility or location where medical marijuana is made available, sold, transmitted, given, distributed, supplied or otherwise provided to one or more of the following: (1) more than one qualified patient, (2) more than one person with an identification card, or (3) more than one primary caregiver. The term "Medical marijuana dispensary" includes a medical marijuana cooperative. "Medical marijuana dispensary" shall not include the following uses, as long as the location of such uses is otherwise regulated by applicable law and as long as such use complies strictly with applicable law, including, but not limited to, Health and Safety Code § 11362.7 et seq.:

1. A clinic, licensed pursuant to Chapter 1, Division 2 of the Health and Safety Code;

2. A health care facility, licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code;

3. A residential care facility for persons with chronic life-threatening illness, licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code;

4. A residential care facility for the elderly, licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code;

5. A hospice licensed pursuant to Chapter 8.5 of Division 2 of the California Health and Safety Code, the owner or operator, or

6. A home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.

"Person with an identification card" shall have the same meaning as that set forth in California Health and Safety Code § 11362.7 as currently in effect or as may be amended from time to time, or any successor statute.

"Primary caregiver" shall have the same meaning as that set forth in California Health and Safety Code § 11362.7 as currently in effect or as may be amended from time to time, or any successor statute.

"Qualified patient" shall have the same meaning as that set forth in California Health and Safety Code § 11362.7 as currently in effect or as may be amended from time to time, or any successor statute.

(Ord. No. 519, 8-8-2012)

17.162.040 - Penalty provisions.

A. Violation of any provision of this chapter is a misdemeanor unless (1) the city attorney authorizes issuance of an infraction citation or files, or authorizes the filing of, a complaint charging the offense as an infraction or (2) a court with jurisdiction over the matter, upon recommendation of the city attorney, determines that the offense should be prosecuted as an infraction.

B. Any person who violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes any violation thereof, and shall be penalized accordingly.

(Ord. No. 519, 8-8-2012)

17.162.050 - Civil and administrative remedies.

A. The violation of any provision of this chapter shall be and is hereby declared to be a public nuisance and shall, in the city's discretion, be prosecuted as such and subject to all remedies allowed by law.

B. In addition to the criminal penalties and civil remedies set forth above, any violation of any provision of this chapter shall, in the city's discretion, be subject to any administrative remedies presently or hereafter allowed under the Colfax Municipal Code.

(Ord. No. 519, 8-8-2012)

Chapter 17.163 - MINERAL EXTRACTION AND PROCESSING

Sections:

17.163.010 - Purpose.

17.163.020 - Permit requirements.

17.163.030 - General standards.

17.163.010 - Purpose.

This chapter establishes standards for mineral extraction and processing uses where permitted within any zone district. It is the intent of this chapter to minimize the adverse impacts of these types of uses on residences, neighborhoods and surrounding development by regulating such uses.

(Ord. No. 519, 8-8-2012)

17.163.020 - Permit requirements.

Mineral extraction and processing uses are permitted as identified in Article III.

(Ord. No. 519, 8-8-2012)

17.163.030 - General standards.

The following requirements apply to mineral extraction and processing uses where permitted within any zone district and are in addition to the general development standards set forth in Articles III and IV:

A. Any quarry existing and operating as such on or after August 24, 1967, shall be required to have a conditional use permit and shall conform with the provisions of this chapter.

B. The conditions under which the conditional use permit may be issued may include, but shall not be limited to:

1. Any condition found necessary for the protection of the public health, safety, comfort, convenience or general welfare, including the requirement for insurance against liability arising from activities incidental thereto;
2. The designation of the areas in which work may be done;
3. The designation of the slopes to which excavations may be made and the grades of fill slopes;
4. Provisions for controlling noise and dust;
5. The hours during which operations may proceed;
6. Precautions to guide safe traffic movements by vehicles in and around such operations;
7. Buffer strips and fencing of exterior boundaries of the property;
8. The posting of bonds to ensure compliance with such permit; and
9. Other conditions deemed necessary by the approval authority, including any conditions recommended by the city engineer which are necessitated by or based upon standard engineering practices.

C. Mineral extraction and processing uses must comply with the performance standards set forth in Chapter 17.120 (performance standards).

D. The city engineer shall make such inspections as he or she deems necessary or as are required by the approval authority to ensure that all work is conducted in accordance with the conditional use permit. The actual cost to the city of all inspection services shall be paid for by the applicant.

(Ord. No. 519, 8-8-2012)

Chapter 17.164 - NIGHTCLUBS

Sections:

17.164.010 - Purpose.

17.164.020 - Permit requirements.

17.164.030 - General standards.

17.164.040 - Public notice.

17.164.010 - Purpose.

This chapter establishes standards for the location of nightclubs where permitted within any zone district. It is the intent of this chapter to minimize the adverse impacts of nightclubs on residences, neighborhoods and surrounding development by regulating the location of such uses.

(Ord. No. 519, 8-8-2012)

17.164.020 - Permit requirements.

Nightclubs are permitted as identified in Article III.

(Ord. No. 519, 8-8-2012)

17.164.030 - General standards.

The following requirement applies to nightclubs where permitted within any zone district and is in addition to the general development standards set forth in Articles III and IV:

A. Nightclubs are prohibited to be located within one thousand (1,000) feet of a residential zone district as measured from the residential zone district boundary to the structure where the nightclub use is proposed.

(Ord. No. 519, 8-8-2012)

17.164.040 - Public notice.

In addition to the notification procedure in Section 17.40.020, notice of a permit application for a nightclub shall be provided to all property owners within one thousand (1,000) feet of the use.

(Ord. No. 519, 8-8-2012)

Chapter 17.168 - OPEN-AIR VENDING FACILITIES

Sections:

17.168.010 - Purpose.

17.168.020 - Permits required.

17.168.030 - Development standards.

17.168.040 - Findings for approval.

17.168.050 - Appeal procedure.

17.168.060 - Lapse of permit.

17.168.070 - Display of permit.

17.168.010 - Purpose.

The purpose of this chapter is to regulate open air vending facilities selling prepared food, fresh cut flowers or plants, or any other use determined by the planning director to be consistent with this type of

sales from a stand or non-motorized non-stationary cart or pushcart. The following regulations shall apply to the operation of open air vendors where allowed by Article III in the applicable zone. This chapter does not apply to weekend fundraising events (such as schools/charities) which are allowed pursuant to Chapter 17.204 (temporary uses).

(Ord. No. 519, 8-8-2012)

17.168.020 - Permits required.

A. Open air vending facilities may be permitted on commercial or industrial zoned private property and specific locations on said property subject to the approval of an administrative permit by the director, pursuant to Chapter 17.32

1. Exemptions. Open air vending facilities located within enclosed retail buildings, shopping centers, malls, office buildings and industrial buildings are exempt from the regulations and requirements of this chapter.

B. The operation of an open air vending facility within the public right-of-way shall require the approval of a conditional use permit pursuant to Chapter 17.32 of this title.

(Ord. No. 519, 8-8-2012)

17.168.030 - Development standards.

An open air vending facility shall comply with the following development standards, which are in addition to the general development standards set forth in Articles III and IV:

A. The use shall be on improved private property unless an administrative permit, pursuant to subsection 17.32.010A., is approved (improved private property shall be defined as a property which has a paved legal access and adequate hardscaping to accommodate an open air vending facility);

B. The use shall not be within two hundred (200) feet of another open air vending facility;

C. The use shall not be within fifteen (15) feet of any fire hydrant;

D. The use shall not occupy required off-street parking spaces or required landscape areas, and shall not be located on a pedestrian path/sidewalk that is less than ten (10) feet in width. A minimum of a six-foot path of travel shall be maintained around the facility;

E. The use shall not be located within any required landscaping setback adjacent to a public street;

F. The use shall not exceed more than five hundred (500) square feet in area;

G. At an intersection, the use shall be located outside of a thirty-foot by thirty-foot commercial clear vision triangle (Chapter 17.12, definitions);

H. The use shall include trash receptacle(s) and such receptacles shall be maintained, by the vendor, so as not to create an offending odor or visual nuisance;

I. The area on which the open air vending facility is located shall be kept free of debris;

J. The use shall not reflect undesirable light and glare from the designated premises;

K. The use shall not use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound in connection with the promotion of an open air vending facility;

L. The open air vending facility shall not be greater than ten (10) feet in height;

M. Signage shall not exceed a total of thirty (30) square feet on a maximum of two signs, both of which are required to be attached to the pushcart;

N. Sale of product shall be from the approved open air vending facility and not from additional accessory stands, tables, chairs, or other devices other than those indicated on the approved application;

O. The use shall be located on a generally level portion of the site and an adequate braking system be provided for, as necessary;

P. The use shall not be closer than twelve (12) feet from the outer edge of any entrance to any building; and

Q. Storage and handling of food shall comply with all applicable county and state requirements.

R. Subject to compliance with all applicable county and state requirements for the storage and handling of food, a vendor may sell any type of food, be it prepared, cooked on-site or fresh.

S. The use shall comply with California Code of Regulations Title 24.

(Ord. No. 519, 8-8-2012)

17.168.040 - Findings for approval.

The approval or conditional approval of an administrative permit for an open air vending facility shall be based on a finding by the planning director that the establishment, maintenance or operation of the use and facility will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood, or to the general welfare of the city.

(Ord. No. 519, 8-8-2012)

17.168.050 - Appeal procedure.

Appeal of the decision of the planning director shall be made in accordance with the procedures specified in Chapter 17.44 of this title.

(Ord. No. 519, 8-8-2012)

17.168.060 - Lapse of permit.

A permit issued pursuant to this chapter shall lapse and be of no further force and effect in the event the open air vending facility fails to be operated either for a period of sixty (60) consecutive days between May 1 and September 30 of any year or for a period of ninety (90) consecutive days between October 1 of one year and April 30 of the next year. Prior to conducting any further activities including upon lapse, a new permit shall be obtained.

(Ord. No. 519, 8-8-2012)

17.168.070 - Display of permit.

The approved permit shall be prominently displayed at all times at the approved location.

(Ord. No. 519, 8-8-2012)

Chapter 17.172 - OUTDOOR RESTAURANT SEATING

Sections:

17.172.010 - Purpose.

17.172.020 - Regulations.

17.172.030 - Approval.

17.172.010 - Purpose.

The purpose of this chapter is to establish standards for the placement of outdoor seating in association with restaurant uses.

(Ord. No. 519, 8-8-2012)

17.172.020 - Regulations.

Outdoor restaurant seating is permitted provided all of the following conditions are met:

A. A reasonable horizontal clearance to allow foot traffic from the street curb to the tables and chairs shall be maintained at all times, free from open car doors, car bumper overhangs or other encroachments;

B. Tables and chairs shall be limited to the area immediately adjacent to the restaurant use;

C. Outdoor restaurant seating may be uncovered, partially covered or fully covered by means of umbrellas, awnings or canopies;

D. Decorative or accent lighting may be incorporated into the awning or canopy;

E. Tables and chairs shall be movable unless otherwise approved by the planning director;

F. Full service eating and drinking establishments using outdoor restaurant seating that is enclosed for the exclusive use by the patrons from a single restaurant shall provide one parking space for every one hundred (100) square feet of outdoor seating area in addition to indoor parking requirements identified in Section 17.108.040. Fast food establishments using outdoor restaurant seating shall provide one parking space for every fifty (50) square feet of outdoor seating area in addition to indoor parking requirements;

G. Full service eating and drinking establishments that provide unsecured outdoor restaurant seating, that is available for use by multiple establishments, are not required to provide additional parking provided that the boundary, as required by the state department of alcoholic beverage control (ABC), is transparent; does not exceed three feet in height, or as required by ABC; and does not include improvements to enclose, cover, or further improve the site such that a building permit would be required or that would create exclusive use area protected from the elements;

H. Outdoor restaurant seating areas shall be maintained free of garbage and other debris; and

I. Outdoor restaurant seating areas shall not violate any condition of an approved design review or conditional use permit.

(Ord. No. 519, 8-8-2012)

17.172.030 - Approval.

A. No person shall maintain or operate outdoor restaurant seating without first obtaining a zoning clearance certification pursuant to Chapter 17.28

B. An encroachment permit must be obtained from the city prior to placement of seats, tables, umbrellas or awnings in a public right-of-way.

(Ord. No. 519, 8-8-2012)

Chapter 17.176 - SELF-SERVICE STORAGE FACILITIES

Sections:

17.176.010 - Purpose.

17.176.020 - Limitations on use.

17.176.030 - Special hours of operation.

17.176.040 - Design standards.

17.176.010 - Purpose.

This chapter provides requirements and standards for the operation and design of self-service storage facilities as defined and permitted by Article III of this title.

(Ord. No. 519, 8-8-2012)

17.176.020 - Limitations on use.

The following uses or activities are prohibited in self-service storage facilities:

A. Automotive repair which includes, but is not limited to, auto body and paint shop facilities.

B. Wood, metal or other working shops whether for business or as a hobby.

C. Office and other business uses, except the office for the facility and the storage of personal belongings.

D. Living quarters for human habitation or the keeping of animal life, except caretakers/managers quarters.

E. Storage of hazardous materials as listed in Title 8, California Code of Regulations, Section 5194 as amended, or its successor section or statute.

1. Rental agreements shall contain language prohibiting the storage of hazardous materials as outlined above.

2. The operator of the facility shall maintain a copy of said section and ensure compliance with these regulations.

F. Sewer, water or electrical services to any of the storage units except electrical services needed for lighting purposes.

(Ord. No. 519, 8-8-2012)

17.176.030 - Special hours of operation.

When adjacent to residential land uses hours of operations shall not allow opening before seven a.m. (Monday through Friday and eight a.m. (Saturday, Sunday and holidays), nor close any later than seven p.m. (Monday through Friday) and eight p.m. (Saturday, Sunday and holidays).

(Ord. No. 519, 8-8-2012)

17.176.040 - Design standards.

In approving the design review permit for a self-service storage facility, the following criteria may be applied at the discretion of the approval authority to protect public health, safety and welfare and to ensure design compatibility, and are in addition to the general development standards set forth in Articles III and IV.

A. Architecture. The facility, including the caretakers/managers residence, the storage units and the office shall be designed using roof and building materials and colors compatible with adjacent developments.

B. Site Design. To minimize visual impact on the adjacent residences, self-service storage facilities shall be designed to:

1. Locate the project entry/exit as far as possible from the residential land use.
2. Locate the caretakers/managers residence and office as close as possible to the project entrance.
3. Setback the outdoor storage of materials a minimum of twenty (20) feet from the property lines adjacent to residential land uses.
4. Setback all self-service storage buildings over one story in height a minimum of thirty (30) feet from the property lines adjacent to residential land uses.

C. Security. In addition to the requirements of the building security ordinance, to ensure security when self-service storage facilities are adjacent to residential land uses the police department may require security measures, such as controlled access, alarms or video cameras.

D. Lighting. To minimize visual impacts to adjacent properties, self-service storage facilities shall provide the following:

1. No off-site glare through the use of cut-off lenses.
2. Wall-mounted lights shall be located on the building below the roofline of the storage facility and shall be directed downward.
3. Parking lot lighting, in conjunction with vehicle storage, shall not exceed sixteen (16) feet in height, and shall be setback a minimum of fifty (50) feet from the property line adjacent to the residential land use and directed toward the parking lot.

E. Screening. To protect the views from adjacent residential land uses, the self-service storage facility shall provide adequate screening which may include:

1. A minimum six-foot high masonry screen wall shall be provided along the property line adjacent to any residential land use. The height of the wall shall be measured from the highest grade (either on site or the adjacent site); and/or
2. Within the storage facility, a minimum ten-foot wide landscape planter with shrubs (minimum five gallon size) and evergreen trees (minimum fifteen-gallon size placed a minimum twenty (20) feet on center) shall be provided along the property line adjacent to any residential land use.

F. Caretakers/Managers Residence. A caretakers/managers residence will only be approved as part of the storage facility where the owner provides assurances to the city that on-site management will acknowledge in writing that the facility is located within a commercial or industrial zone and therefore subject to the levels of noise and night-time lights which are ordinary and expected in those zones.

(Ord. No. 519, 8-8-2012)

Chapter 17.180 - POWER GENERATING FACILITIES

Sections:

17.180.010 - Purpose.

17.180.020 - General requirements.

17.180.010 - Purpose.

This chapter provides the requirements and standards for the location and operation of power generating facilities as defined in Section 17.64.070 and as identified in Article III. It is the intent of this chapter to minimize the adverse impacts of such uses and their associated equipment by establishing permitting requirements and standards for locating the various types of facilities within residential, commercial, industrial and public/quasi-public zones. The following standards are in addition to the general development standards set forth in Articles III and IV.

(Ord. No. 519, 8-8-2012)

17.180.020 - General requirements.

A. Exempt From Permit. In addition to the requirements established by Article III, the following power generating facilities are exempt from permit, subject to the city's planning director's and/or building official's determination that the proposed power generating unit or facility will not have an adverse impact on public health and safety:

1. Emergency power generating facilities such as temporary portable generators, permanent natural gas generators or similar emergency facilities are principally permitted within the residential zone districts when in conformance with the established residential standards.

2. Passive power generating facilities that conform to the residential standards and do not materially impact the character of the zone district or adjacent residential uses are exempt from obtaining a permit.

3. Overhead electric transmission lines in excess of sixty (60)kV capacity. Other public utility distribution and transmission lines, both overhead and underground, shall be permitted in all districts without the necessity of first obtaining an administrative permit; provided, however, the routes of the proposed electric transmission lines shall be submitted to the commission for recommendation and such recommendation shall be favorable prior to the acquisition of locations or rights-of-way therefor.

B. Permit Required. Power generating facilities requiring a permit are addressed in the permitted use types for residential zones (Section 17.72.020), commercial zones (Section 17.76.020), industrial zones (Section 17.80.020) and civic and resource protection zones (Section 17.68.020).

C. Residential Standards. The following requirements shall apply to power generating facilities in all residential zones established by Article III:

1. Setbacks. Permanent ground mounted and portable temporary generators shall comply with separation requirements from structures as required by all applicable building and fire codes.

2. Front Yard Setback/Screening Required. Permanent emergency generators shall not be placed in front yards and shall be screened from public view from streets and adjacent properties by fences, or walls of six feet in height and/or landscaping. Portable temporary generators (gas/diesel) used during emergency power outages shall not be located within the front yard setback. Solar ground mounted panels or photovoltaic panels shall not be allowed within the front yard setback.

3. Roof Mounting. Solar panels and photovoltaic applications shall be allowed to be mounted on residential roofs with the provision that these improvements conform to the maximum height standards established in Article III. The maximum height standard may be exceeded upon approval of an administrative permit. Additionally, solar panels and photo voltaics shall be mounted to the roof in a manner that does not detract from the surrounding neighborhood and preserves the residential nature of the house. Typical methods to achieve this would be to mount the panels as close to parallel to the pitch of the roof and as close as reasonably possible to the roofing material.

D. Commercial and Industrial Standards. The following requirements shall apply to power generating facilities in all commercial and industrial zones established by Article III:

1. Development Standards. Emergency power generating facilities shall be sited so that they are screened from public view from streets and adjacent properties. Emergency power generating facilities and all other power generating facilities shall comply with all development standards of the applicable zoning district.

2. Roof Mounting. Power generating facilities are permitted to be mounted on the roof, with the provision that these improvements conform to the maximum height standards established in Article III. The maximum height standard may be exceeded upon approval of an administrative permit. Where reasonably feasible, the power generating units shall be screened from view by the building's parapet or roof design.

E. Operation. Emergency power generating facilities shall be limited in usage to times when power is unavailable from the local electric utility due to scheduled blackouts or due to natural disasters which have impacted the utility's ability to provide service. Limited testing of the facilities is permitted during times in which electricity is available from the utility. Emergency power generating facilities are not permitted to provide a substitute or supplemental power source under normal circumstances when the electric utility is capable of delivering power.

(Ord. No. 519, 8-8-2012)

Chapter 17.184 - RECYCLING COLLECTION CENTERS

Sections:

17.184.010 - Purpose.

17.184.020 - Permit required.

17.184.030 - Operation and maintenance.

17.184.040 - Scavenging prohibited.

17.184.010 - Purpose.

The following regulations shall apply to the operation of a recycling collection center permitted as an accessory use pursuant to subsection 17.96.020E.7.

(Ord. No. 519, 8-8-2012)

17.184.020 - Permit required.

An administrative permit shall be obtained for the operation of a recycling collection center, except for:

A. Reverse vending machines; and

B. Mobile recycling units, such as trucks and trailers, if not located on a given parcel, in a recognized shopping center, or on the property of a single business entity, for more than two days in any calendar month.

(Ord. No. 519, 8-8-2012)

17.184.030 - Operation and maintenance.

An approved recycling collection center shall comply with the following regulations, which are in addition to the general development standards set forth in Articles III and IV:

A. Receptacles shall not obstruct any required parking spaces or disrupt either automobile or pedestrian traffic to or within the site. Receptacle(s) shall be located so as not to be detrimental to the appearance of the neighborhood or so as to create a public or private nuisance.

B. Collection receptacles shall be kept clean, well maintained, neatly painted, and in good operating condition.

C. Each collection receptacle shall be clearly marked with the name of the organization doing the collection, the recycling business sponsoring or collecting the materials, and the local telephone numbers of each.

D. Collection receptacles shall be emptied on a regular basis, but not less than once every two weeks. In no event shall material be allowed to overflow the containers. External stacking or collection of materials outside of the collection receptacles is prohibited.

E. Any litter or spillage shall be immediately removed and cleaned.

F. Upon termination of a collection campaign or program, receptacles shall be removed and the site restored to its original condition within forty-eight (48) hours.

(Ord. No. 519, 8-8-2012)

17.184.040 - Scavenging prohibited.

It is unlawful for any person to scavenge in or remove materials from any collection receptacle at a recycling collection center without prior authorization from the organization conducting the collection.

(Ord. No. 519, 8-8-2012)

Chapter 17.188 - RELOCATION OF DWELLINGS (SINGLE- OR TWO-FAMILY)

Sections:

17.188.010 - Purpose.

17.188.020 - Permits required.

17.188.030 - General requirements.

17.188.040 - Findings for approval.

17.188.050 - Appeal procedure.

17.188.010 - Purpose.

The purpose of this chapter is to provide the requirements and standards for relocation of a single-family or two-family dwelling.

(Ord. No. 519, 8-8-2012)

17.188.020 - Permits required.

An administrative permit (AP) is required for the relocation of a single-family or two-family dwelling.

(Ord. No. 519, 8-8-2012)

17.188.030 - General requirements.

The relocation of a dwelling shall be subject to the following requirements, which are in addition to the general development standards set forth in Articles III and IV:

A. The dwelling shall be compatible with the existing neighborhood in terms of height, form, and materials.

B. Parking shall be provided in conformance with Chapter 17.108 (off-street parking and loading).

C. The applicant shall obtain a moving permit from the building department prior to transporting the structure within the city limits of Colfax.

D. The applicant shall obtain an encroachment permit from the public works department if any work is needed to be performed within the public right-of-way.

E. Public facilities which may be damaged during the course of construction shall be repaired by the applicant/property owner.

F. The dwelling shall be placed on a permanent foundation within one hundred twenty (120) days of the date of relocation to the site, unless the permit specifically allows for a different time period for such action.

G. The dwelling shall comply with all applicable building and fire codes.

H. Any additional requirements as the planning director may deem necessary to ensure the house is compatible with the neighborhood, including, but not limited to, architectural enhancements, additional landscaping, location of ingress/egress from a public street, necessary grading, and hours of moving and/or hours of project construction.

(Ord. No. 519, 8-8-2012)

17.188.040 - Findings for approval.

The approval of an administrative permit for moving a house shall be based on a finding by the planning director that:

A. Moving the house is consistent with the City of Colfax general plan and any applicable specific plan;

B. Moving the house conforms with all applicable standards and requirements of this title; and

C. The location, size, design and operating characteristics of the house and the move are compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the neighborhood, or be detrimental or injurious to public or private property or improvements.

(Ord. No. 519, 8-8-2012)

17.188.050 - Appeal procedure.

Appeal of the planning director's decision shall be made in accordance with the procedures specified in Chapter 17.44 of this title.

(Ord. No. 519, 8-8-2012)

Chapter 17.192 - REASONABLE ACCOMMODATIONS

Sections:

17.192.010 - Purpose.

17.192.020 - Requesting reasonable accommodation.

17.192.030 - Required information.

17.192.040 - Approval authority.

17.192.050 - Group homes.

17.192.060 - Required findings.

17.192.070 - Appeals.

17.192.010 - Purpose.

The purpose of this chapter is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the various land use, zoning, or rules, policies, practices and/or procedures of the city.

It is the policy of the city, pursuant to the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, to provide people with disabilities reasonable accommodation in rules, policies and procedures that may be necessary to ensure equal access to housing.

(Ord. No. 519, 8-8-2012)

17.192.020 - Requesting reasonable accommodation.

A. In order to make specific housing available to an individual with a disability, a disabled person or representative may request reasonable accommodation relating to the various land use, zoning, or rules, policies, practices and/or procedures of the city.

B. If an individual needs assistance in making the request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the planning department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative.

C. A request for reasonable accommodation in laws, rules, policies, practices and/or procedures may be filed on an application form provided by the planning department at the time that the accommodation may be necessary to ensure equal access to housing.

(Ord. No. 519, 8-8-2012)

17.192.030 - Required information.

The applicant shall provide the following information:

A. A completed city application indicating, among other things, the applicant's name, address and telephone;

B. Address of the property for which the request is being made;

C. The current actual use of the property;

D. The zoning code provision, regulation or policy from which reasonable accommodation is being requested;

E. The basis for the claim that the person(s) for whom reasonable accommodation is sought is [are] considered disabled under the Fair Housing Act and why the accommodation is reasonably necessary to make specific housing available to the person(s);

F. Such other relevant information as may be requested by the planning director or his or her designee.

(Ord. No. 519, 8-8-2012)

17.192.040 - Approval authority.

Notwithstanding any other provision of this title, the planning director shall have the authority to consider and take action on requests for reasonable accommodation. When a request for reasonable accommodation is filed with the planning department, it will be referred to the planning director for review and consideration as a ministerial action unless determined otherwise by the planning director. A request for reasonable accommodation shall be considered ministerial in nature when it is related to a physical improvement that cannot be constructed to conform to the city's setbacks or design standards. Typical improvements considered to be "ministerial" in nature would include ramps, walls, handrails or other physical improvements necessary to accommodate a person's disability. The planning director shall issue a written determination of his or her action within thirty (30) days of the date of receipt of a completed application and may:

A. Grant or deny the accommodation request; or

B. Grant the accommodation request subject to specified nondiscriminatory condition(s); or

C. Forward the request to the planning commission for consideration as an administrative permit as prescribed in Section 17.32.010 and subject to the findings stated in Section 17.192.060

In the event the planning director determines that the request for reasonable accommodation(s) is non-ministerial in nature, such request shall be forwarded to the planning commission in accordance with Chapter 17.32 and shall be subject to the findings stated in Section 17.192.060.

All written determinations of actions of the planning director shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process (e.g., requesting that city staff attempt to schedule an appeal hearing as soon as legally and practically possible), if necessary. The notice of action shall be sent to the applicant by mail.

If necessary to reach a determination or action on the request for reasonable accommodation, the planning director may request further information from the applicant consistent with the planning department's specifying in detail what information is required. In the event a request for further information is made, the 30-day period to issue a written determination shall be stayed until the applicant fully and sufficiently responds to the request.

(Ord. No. 519, 8-8-2012)

17.192.050 - Group homes.

All requests for reasonable accommodation relating to increased occupancy of a group home shall be filed first with the planning director. At his or her sole discretion the planning director can act upon the request as described in Section 17.192.040 or such request shall be forwarded to the planning commission. If a request is forwarded to the planning commission, it shall be processed as an administrative permit in accordance with Section 17.32.010 and shall be subject to the findings stated in Section 17.192.060.

(Ord. No. 519, 8-8-2012)

17.192.060 - Required findings.

In making a determination regarding the reasonableness of a requested accommodation the following findings shall be made:

A. The housing, which is the subject of the request for reasonable accommodation, will be used for an individual protected under the Act.

B. The request for reasonable accommodation is necessary to make specific housing available to an individual protected under the Act.

C. The requested reasonable accommodation does not impose an undue financial or administrative burden on the city, and does not fundamentally alter city zoning, development standards, policies or procedures of the city.

(Ord. No. 519, 8-8-2012)

17.192.070 - Appeals.

Appeal of the planning director or planning commission action on the request for reasonable accommodation shall be made in accordance with the procedures specified in Chapter 17.44 of this title.

(Ord. No. 519, 8-8-2012)

Chapter 17.196 - SECOND DWELLING UNITS

Sections:

17.196.010 - Purpose.

17.196.020 - Definitions.

17.196.030 - administrative permit required.

17.196.040 - Development standards and requirements.

17.196.050 - General plan.

17.196.060 - Appeals.

17.196.010 - Purpose.

It is the purpose of this section to maintain the single-family character of established single-family neighborhoods, while allowing for the possibility of second residential units on such lots.

(Ord. No. 519, 8-8-2012)

17.196.020 - Definitions.

As used in this section:

"Primary residential unit" means the first permanent residential structure built to serve as a dwelling unit on a parcel in an R-1 district.

"Second residential unit" means the second permanent residential structure built to serve as a separate dwelling unit on a parcel in an R-1 district. Mobilehomes without a permanent foundation and recreational vehicles are not considered, and shall not be allowed as, second residential units.

(Ord. No. 519, 8-8-2012)

17.196.030 - administrative permit required.

A second residential unit may be permitted on a parcel in an R-1 district if an administrative permit is issued allowing it. The city may attach any conditions necessary to insure that the use is compatible with the neighborhood.

(Ord. No. 519, 8-8-2012)

17.196.040 - Development standards and requirements.

Second residential units must comply with the following standards, which are in addition to the general development standards set forth in Articles III and IV:

A. The second residential unit shall be in compliance with existing zoning requirements, including setbacks and lot coverage;

B. A second residential unit may be attached to or detached from the primary unit;

C. In addition to the two off-street parking spaces required for the primary residential unit, two (2) additional off-street parking spaces shall be required for the second residential unit. The additional parking spaces may not be purchased or leased pursuant to subsection 17.108.040D. (purchase or lease of parking spaces);

D. There shall be a maximum of one second residential unit per parcel;

E. The second residential unit shall conform in design, materials and color to the primary residence;

F. A minimum lot size of seven thousand five hundred (7,500) square feet shall be required;

G. Except in the case of smaller efficiency units allowed by law, the minimum allowable floor area for a second residential unit shall be four hundred (400) square feet. The maximum allowable floor area for a second residential unit shall be six hundred forty (640) square feet or thirty-five (35) percent of the original gross floor area of the primary unit, whichever is greater, up to a maximum of one thousand two hundred (1,200) square feet, unless otherwise specified by the planning commission;

H. If attached, the secondary unit shall have a separate outside entrance or a hallway leading directly to the outside;

I. A second residential unit shall not be added on a parcel with a pre-existing primary residential unit which does not have a legal sewer connection or does not conform to this code. The second residential unit shall also be required to obtain a separate legal sewer connection.

(Ord. No. 519, 8-8-2012)

17.196.050 - General plan.

In adopting this section, the city recognizes that the approval of second residential units may, in some instances, result in dwelling unit 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 residential units and that the adoption of these sections furthers the goals, objectives and policies of the general plan housing element.

(Ord. No. 519, 8-8-2012)

17.196.060 - Appeals.

If the applicant or adjacent property owners are dissatisfied with the conditions of approval of the second unit, they may appeal the decision as per Chapter 17.44 of this title.

(Ord. No. 519, 8-8-2012)

Chapter 17.200 - SIGNIFICANT BUILDINGS

Sections:

17.200.010 - Purpose.

17.200.020 - Definitions.

17.200.030 - Applicability.

17.200.040 - Demolition of significant buildings.

17.200.010 - Purpose.

There are certain buildings which have special historic, cultural or aesthetic interest, and by virtue of that may have significant value to the community. It is the intent of this chapter to prevent the demolition

of such significant buildings unless it is needed for the development of a new building and after having a noticed public hearing and a discretionary approval.

(Ord. No. 519, 8-8-2012)

17.200.020 - Definitions.

"Significant building" means a building which has special historic, cultural or aesthetic interest, and which has been listed in subsection 17.200.030A. of this title. A significant building shall be characterized by one or more of the following: (1) a building listed on the National Register of Historic Places or California Register of Historic Places; or (2) a building determined by the city council to be notably associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of Colfax.

"Demolition" means the intentional, physical act or process which removes or destroys a building, either in part or in whole. However, interior and exterior remodeling are not considered demolition and are not restricted by this chapter.

(Ord. No. 519, 8-8-2012)

17.200.030 - Applicability.

A. As of the adoption of this ordinance, the following constitutes the current list of significant buildings.

Property Name	Address	APN
Colfax Freight Depot	7 Main Street	
Colfax Passenger Depot	99 Railroad Avenue	

B. The list of properties contained in subsection A above may be amended in the manner set forth in Chapter 17.52, zoning ordinance amendments, of this title with the following additional provision:

1. Any person may request the listing of a building by submitting an application to the planning and redevelopment director. The director or city council may also initiate such proceedings on its own motion. The application shall include a statement explaining the reason(s) the building should be listed.

(Ord. No. 519, 8-8-2012)

17.200.040 - Demolition of significant buildings.

A. Permits Required. No person, state or federal agency shall demolish or cause to be demolished any significant building without first obtaining approval of a design review permit or design review permit Modification in the manner set forth in Chapter 17.32 of this title, unless the building is exempt from such permit, as described in subsection D. below.

B. Findings for Demolition. In addition to the required findings for approval of a design review permit or design review permit modification, all of the following findings shall be made, based on substantial evidence:

1. The proposed development could not occur without demolition of the significant building.
2. The proposed development will provide a substantial public benefit mitigating the loss of the significant building.
3. To the extent feasible, mitigation measures have been incorporated into the project to reduce the effect of the demolition.
4. The technological feasibility of maintaining the significant building and the economic cost of building restoration would preclude the owner from making any reasonable use of the property.

C. Mitigations for Demolition. Mitigations for the demolition of a significant building may include, but are not limited to, the following: preservation in place; relocation to another location on the same site; relocation to another site; reuse of architectural elements or building materials from the building; and archival photographic study of the building.

D. Exemption for Dangerous Building. The requirement to obtain a design review permit approval shall not apply to any significant building that the chief building official determines is dangerous to the health and safety of the building occupants, neighbors or public, pursuant to Colfax Municipal Code, Section 15.20.060. The chief building official shall set forth in writing the reasons for the determination that the significant building is dangerous to the health and safety of the building occupants, neighbors or public, and therefore immediate demolition is warranted. Upon receipt of notice from the chief building official that the dangerous building has been demolished, the planning director shall process an amendment to remove it from the list of significant buildings.

(Ord. No. 519, 8-8-2012)

Chapter 17.204 - TEMPORARY USES

Sections:

17.204.010 - Purpose.

17.204.020 - Permitted temporary uses.

17.204.030 - Temporary uses permitted with an administrative permit.

17.204.040 - Conditions of approval.

17.204.010 - Purpose.

This chapter establishes the standards for which an administrative permit may be approved for a temporary use, and the limitations that may be placed on such use.

(Ord. No. 519, 8-8-2012)

17.204.020 - Permitted temporary uses.

The following temporary uses are permitted on a parcel without issuance of any permit:

A. Temporary outdoor promotional events which, in the opinion of the planning director, are compatible with the zoning district and surrounding land uses and where the display and/or

event is limited to open plaza areas so as to not impede site accessibility, parking or emergency accessibility/service, or where the temporary display and/or promotional event is associated with a permanently established business within a center or business complex.

B. Fireworks, when in compliance with Chapters 8.04 (fireworks) and 15.08 (fire code) of the Colfax Municipal Code and only in the historic district and commercial highway zones;

C. Farmers markets in the historic district and commercial highway zones only;

D. Fairs, festivals, circuses, rodeos, carnivals, and concerts when not held on premises designed to accommodate such events, such as auditoriums, stadiums, or other public assembly facilities, when conducted in compliance with Chapter 5.24 (outdoor festivals) of the Colfax Municipal Code and in the historic district and commercial highway zones only;

E. Weekend fund raising events conducted at locations which can accommodate the event in compliance with all provisions of this title. Such events shall not be conducted on more than two weekends per month at any one location and may include but are not limited to carwashes and pancake breakfasts. An administrative permit shall be obtained for events that extend longer than a weekend (Saturday and Sunday) except for long weekends which include a Friday and/or Monday due to a holiday;

F. Outdoor promotional display, sales, and events in conjunction with an established commercial business within a commercial zoning districts, limited to three events per calendar year. An event is from five p.m. on a Friday to eight a.m. on the following Monday and includes only merchandise customarily sold on the premises by a permanently established business.

The duration of the event may be extended to incorporate holidays which create longer weekends.

G. Construction trailer for an approved project.

H. A model home complex within an approved subdivision for sale of residential units within that same subdivision.

I. A temporary sales office or trailer within an approved subdivision or multifamily complex used for sale of residential units within that same subdivision or leasing of units within that same complex. The temporary sales office for residential subdivision may be operated with or without a model home complex.

(Ord. No. 519, 8-8-2012)

17.204.030 - Temporary uses permitted with an administrative permit.

The following temporary uses may be permitted, subject to the issuance of an administrative permit by the planning director, who may also delegate this authority to other city employees.

A. Residential Temporary Uses. A trailer, coach or mobilehome as a temporary residence of the property owner when a valid residential building permit is in force. The permit may be granted for up to one hundred eighty (180) days, or upon expiration of the building permit, whichever occurs first, unless extended by the planning director or chief building official.

B. Non-Residential Temporary Uses.

1. Temporary outdoor fund raising activities associated with a non-profit organization may be conducted for periods not exceeding ten (10) consecutive days for each non-profit organization. Not more than five events shall be conducted on one site in a calendar year for each non-profit organization.

2. Christmas tree sale lots, provided such activity shall be only held from November 1 through January 15 of each year.

3. Pumpkin sales lots, provided such activity shall be only held from October 1 through November 1 of each year.

4. Enclosed storage containers (e.g., cargo containers, seatrains, etc.) for temporary on-site storage associated with a permitted use.

C. Industrial Temporary Uses. In addition to those uses permitted in association with non-residential uses, the following use is permitted in industrial zone districts:

1. Temporary office buildings, provided that the temporary office space is not used for a period exceeding twelve (12) months, unless otherwise approved by an administrative permit.

D. Temporary Uses in All Districts.

1. On- and off-site contractors' construction yards in conjunction with an approved development project.

2. Watchman's or caretaker's trailer associated with other approved temporary uses or during construction of a project.

3. Similar temporary uses which, in the opinion of the planning director are compatible with the zoning district and surrounding land uses.

(Ord. No. 519, 8-8-2012)

17.204.040 - Conditions of approval.

In approving an administrative permit, the approval authority may impose conditions deemed necessary to ensure that the temporary use or development will be compatible with the zone district and surrounding uses. These conditions may involve any pertinent factors affecting the operation of such temporary use or development, and may include but are not limited to:

A. Requirements for improved parking facilities, including vehicular ingress and egress;

B. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination on adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat;

C. Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;

D. Provision for sanitary and medical facilities;

E. Provision for solid, hazardous and toxic waste collection and disposal;

F. Provision for security and safety measures;

G. Regulation of signs;

H. Submission of a performance bond or other surety devices, satisfactory to the city attorney, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition;

I. A requirement that approval of the temporary use permit is contingent upon compliance with applicable provisions of the Colfax Municipal Code; and

J. Any other conditions which will ensure the operation of the proposed temporary use, will protect public health and safety and in accordance with the intent and purpose of this title.

(Ord. No. 519, 8-8-2012)

Chapter 17.208 - USED GOODS COLLECTION CENTERS

Sections:

17.208.010 - Purpose.

17.208.020 - Permit requirements.

17.208.030 - Development and performance standards.

17.208.010 - Purpose.

The following regulations shall apply to the operation of used goods collection centers where allowed by the accessory use regulations of subsection 17.96.020E.8.

(Ord. No. 519, 8-8-2012)

17.208.020 - Permit requirements.

Prior to the installation or operation of a used goods collection center, an administrative permit shall be obtained from the planning director.

(Ord. No. 519, 8-8-2012)

17.208.030 - Development and performance standards.

Used goods collection centers shall be designed, developed, and operated in compliance with all of the following standards, which are in addition to the general development standards set forth in Articles III and IV:

A. The location of collection trailers shall not obstruct any required parking spaces or disrupt either automobile or pedestrian traffic to or within the site. Trailers shall be located so as not to be detrimental to the appearance of the neighborhood or so as to create a public or private nuisance. They shall be operated by nonprofit organizations.

B. Only one trailer is permitted per parcel.

C. Collection trailers shall be kept clean, well maintained, neatly painted, and in good operating condition.

D. Each collection trailer shall be clearly marked with the name of the non-profit organization doing the collection and the local telephone number of the organization.

E. Any litter or spillage shall be immediately removed and cleaned.

F. Upon termination of a collection campaign or program, trailers shall be removed and the site restored to its original condition within forty-eight (48) hours.

G. The collection trailer shall be manned at all times the trailer is in use.

H. The written consent of the property owner shall be provided at the time permission is requested to use a collection trailer.

(Ord. No. 519, 8-8-2012)

STATUTORY REFERENCES FOR CALIFORNIA CHARTERED CITIES

The statutory references listed below refer the code user to state statutes relevant to California chartered cities. They are up to date through June 22, 2012.

General Provisions

Adoption of city charters
Cal. Const. Art. XI §§ 3 and 5

Procedure for enactment or revision of city charters
Government Code § 34450 et seq.

Adoption of codes
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
Code of Civil Procedure § 1230.010 et seq.

Initiative and referendum
Cal. Const. Art. XI § 7.5

Administration and Personnel

City records
Government Code § 34090 et seq.

Meetings
Government Code § 54950 et seq.

Political activities of public employees
Government Code § 3201 et seq.

Local planning agencies
Government Code § 65100 et seq.

Emergency services
Government Code § 8550 et seq.

Personnel system, merit system or civil service system
Government Code § 45000 et seq.

Peace officer standards and training
Penal Code § 13500 et seq.

Retirement systems
Government Code § 45300 et seq.

Removal from office
Government Code § 3000 et seq.

Revenue and Finance

Transfer of tax function to county
Government Code § 51500 et seq.

Property tax assessment, levy and collection
Government Code § 43000 et seq.

Local sales and use tax
Revenue and Taxation Code § 7200 et seq.

Transient occupancy tax
Revenue and Taxation Code § 7280 et seq.

Real property transfer tax
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.

Bingo
Penal Code § 326.3 et seq.

Community antenna TV systems.
Government Code § 53066 et seq.

Charitable solicitations
Business and Professions Code § 17510 et seq.

Commercial filming
Government Code § 65850.1

Private investigators
Business and Professions Code § 7512 et seq.

Taxicabs
Vehicle Code §§ 16500 et seq., 21100, 21112 and Government Code § 53075.5

Gambling Control Act
Business and Professions Code § 19800 et seq.

Massage parlors
Government Code § 51030 et seq.

Automatic checkout systems
Civil Code § 7100 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 Agricultural Code § 31601 et seq.

Rabies control
Health and Safety Code § 121575 et seq.

Cruelty to animals and related offenses
Penal Code § 596 et seq.

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 et seq.

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

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. and 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 § 5220 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

State building code
Health and Safety Code § 18901 et seq.

Mobile home parks
Health and Safety Code § 18200 et seq.

Signs
Government Code §§ 38774 and 65850; 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.

PRIOR CODE CROSS-REFERENCE TABLE

This table provides users with the legislative history and the current disposition of the sections in the Colfax Municipal Code.

Thus, prior code Section 1-2.01 appears in this code as Section 1.24.010.

The legislative history information was derived from the Colfax Municipal Code, comprising the general ordinances of the city enacted through Ordinance 385.

Prior Code §	Ordinance History	Herein
1-1.01	§ 1100, C.M.C.	Not codified
1-1.02	§ 1101, C.M.C.	Not codified
1-1.03	§ 1102, C.M.C.	Not codified
1-1.04		Not codified
1-1.05	§ 1103, C.M.C.	Not codified
1-1.06	§ 1104, C.M.C.	Not codified
1-1.07	§ 1105, C.M.C.	Not codified
1-1.08	§ 1106, C.M.C.	Not codified
1-1.09	§ 1107, C.M.C.	Not codified
1-2.01	§ 1200, C.M.C.	1.24.010
1-2.02		1.24.020
1-2.03		1.24.030
1-2.04		1.24.040
1-2.05		1.24.050
1-2.06		1.24.060

1-2.07		1.24.070
1-3.01		1.04.010
1-3.02	§ 1103, C.M.C.	1.04.020
1-3.03		1.04.030
1-3.04		1.04.040
1-3.05		1.04.050
1-3.06		1.04.060
1-3.07	§ 1300, C.M.C.	1.04.070
1-3.08		1.04.080
1-3.09		1.04.090
1-3.10	§ 1301, C.M.C.	1.04.100
1-3.11		1.04.110
1-3.12		1.04.120
1-3.13		1.04.130
1-4.01		1.20.010
1-4.02		1.20.020
1-4.03		1.20.030
1-4.04		1.20.040
2-1.101	§ 1, Ord. 30, as amended by § 2, Ord. 80, thereafter codified in § 2103, C.M.C.	2.04.010
2-1.102	§ 1, Ord. 30, as amended by Ord. 40, and § 2, Ord. 80, thereafter	2.04.010

	codified in § 2103, C.M.C.	
2-1.201		2.24.030
2-1.301	§ 2, Ord. 270, eff. January 22, 1981	2.44.010
2-1.302	§ 2, Ord. 270, eff. January 22, 1981	2.44.020
2-1.303	§ 2, Ord. 270, eff. January 22, 1981	2.44.030
2-1.304	§ 2, Ord. 270, eff. January 22, 1981	2.44.040
2-1.305	§ 2, Ord. 270, eff. January 22, 1981	2.44.050
2-1.306	§ 2, Ord. 270, eff. January 22, 1981	2.44.060
2-1.307	§ 2, Ord. 270, eff. January 22, 1981	2.44.070
2-1.308	§ 2, Ord. 270, eff. January 22, 1981	2.44.080
2-1.309	§ 2, Ord. 270, eff. January 22, 1981	2.44.090
2-1.310	§ 2, Ord. 270, eff. January 22, 1981	2.44.100
2-1.311	§ 2, Ord. 270, eff. January 22, 1981	2.44.110
2-1.312	§ 2, Ord. 270, eff. January 22, 1981	2.44.120
2-1.313	§ 2, Ord. 270, eff. January 22, 1981	2.44.130
2-1.314	§ 2, Ord. 270, eff. January 22, 1981	2.44.140
2-1.315	§ 2, Ord. 270, eff. January 22, 1981	2.44.150
2-1.316	§ 2, Ord. 270, eff. January 22, 1981	Not codified
2-2.101	§ 1, Ord. 185	2.36.010
2-2.102	§§ 2 and 4, Ord. 185	2.36.020

2-2.103	§ 2, Ord. 185	2.36.030
2-2.104	§ 3, Ord. 185	2.36.040
2-2.105	§ 4, Ord. 185	2.36.050
2-2.106	§ 4, Ord. 185	2.36.060
2-2.200	§ 1, Ord. 243, eff. July 24, 1980	2.40.010
2-2.201	§ 1, Ord. 243, eff. July 24, 1980; amended by § 1, Ord. 329, eff. December 18, 1986	2.40.020
2-2.202	§ 1, Ord. 243, eff. July 24, 1980	2.40.030
2-2.203	§ 1, Ord. 243, eff. July 24, 1980	2.40.040
2-2.204	§ 1, Ord. 243, eff. July 24, 1980	2.40.050
2-2.205	§ 1, Ord. 243, eff. July 24, 1980	2.40.060
2-2.206	§ 1, Ord. 243, eff. July 24, 1980	2.40.070
2-2.207	§ 1, Ord. 243, eff. July 24, 1980	2.40.080
2-2.301	§ 1, Ord. 346, eff. September 8, 1988	Not codified
2-2.302	§ 1, Ord. 346, eff. September 8, 1988	Not codified
2-2.303	§ 1, Ord. 346, eff. September 8, 1988	Not codified
2-2.304	§ 1, Ord. 346, eff. September 8, 1988	Not codified
2-2.305	§ 1, Ord. 346, eff. September 8, 1988	Not codified
2-2.307	§ 1, Ord. 346, eff. September 8, 1988	Not codified
2-2.308	§ 1, Ord. 346, eff. September 8, 1988	Not codified
2-2.309	§ 1, Ord. 346, eff. September 8, 1988	Not codified

2-2.310	§ 1, Ord. 346, eff. September 8, 1988	Not codified
2-2.311	§ 1, Ord. 346, eff. September 8, 1988	Not codified
2-2.312	§ 1, Ord. 346, eff. September 8, 1988	Not codified
2-3.101	§ 1, Ord. 32, as amended by § 1, Ord. 360	2.28.010
2-3.102	§ 1, Ord. 32, as amended by § 3, Ord. 80, thereafter codified in § 2300, C.M.C.	2.28.020
2-3.103	§ 1, Ord. 32, as amended by § 3, Ord. 80, thereafter codified in § 2300, C.M.C.	2.28.030
2-3.104	§ 2, Ord. 32, thereafter codified in § 2301, C.M.C.	2.28.040
2-3.105	§ 3, Ord. 32, thereafter codified in §§ 2302 and 2303, C.M.C.	2.28.050
2-3.106	§ 4, Ord. 32, thereafter codified in § 2303, C.M.C.	2.28.060
2-3.107	§ 5, Ord. 32, thereafter codified in § 2304, C.M.C.	2.28.070
2-3.108		2.28.080
2-3.109		2.28.090
2-3.201	Ord. 276, eff. March 26, 1981	2.32.010
2-3.202	Ord. 276, eff. March 26, 1981	2.32.020
2-3.203	Ord. 276, eff. March 26, 1981	2.32.030
2-3.204	Ord. 276, eff. March 26, 1981	2.32.040
2-3.205	Ord. 276, eff. March 26, 1981	2.32.050
2-3.206		2.32.060
2-4.101	§ 1, Ord. 1, as amended by § 2, Ord. 80, thereafter codified in § 2101, C.M.C.	2.24.010

2-4.102	§ 1, Ord. 1	2.24.020
2-4.201	§ 1, Ord. 195, as amended by Ord. 241, eff. October 11, 1979	Repealed by 487
2-4.202		2.12.020
2-4.203		2.12.030
2-4.204		2.12.040
2-4.301	§ 1, Ord. 196	Not codified
2-4.401	§ 1, Ord. 181	2.52.010
2-4.402	§ 2, Ord. 181	2.52.020
2-4.501	§ 1, Ord. 247, eff. April 10, 1980	2.16.010
2-4.502	§ 1, Ord. 247, eff. April 10, 1980	2.16.020
2-4.503	§ 1, Ord. 247, eff. April 10, 1980	2.16.030
2-4.504	§ 1, Ord. 247, eff. April 10, 1980	2.16.040
2-4.505	§ 1, Ord. 247, eff. April 10, 1980	2.16.050
2-4.506	§ 1, Ord. 247, eff. April 10, 1980	2.16.060
2-4.507	§ 1, Ord. 247, eff. April 10, 1980	2.16.070
2-4.508	§ 1, Ord. 247, eff. April 10, 1980	2.16.080
2-4.509	§ 1, Ord. 247, eff. April 10, 1980	2.16.090
2-4.510	§ 1, Ord. 247, eff. April 10, 1980	2.16.100
2-4.511	§ 1, Ord. 247, eff. April 10, 1980	2.16.110
2-4.512	§ 1, Ord. 247, eff. April 10, 1980	2.16.120

2-4.513	§ 1, Ord. 247, eff. April 10, 1980	2.16.130
2-4.601		2.08.010
2-4.602		2.08.020
2-4.603		2.08.030
2-4.604		2.08.040
2-4.605		2.08.050
2-4.606		2.08.060
2-4.607		2.08.070
2-4.608		2.08.080
2-4.701	Ord. 250, as amended by § 1, Ord. 321	2.48.010
2-4.702	Ord. 250, as amended by § 1, Ord. 321	2.48.020
2-4.703	Ord. 250, as amended by § 1, Ord. 321	2.48.030
2-4.704	Ord. 250, as amended by § 1, Ord. 321	2.48.040
2-4.705		2.48.050
2-4.706	Ord. 250, as amended by § 1, Ord. 321	2.48.060
2-4.707	Ord. 250, as amended by § 1, Ord. 321	2.48.070
2-4.708	Ord. 250, as amended by § 1, Ord. 321	2.48.080
2-5.01	§ 1, Ord. 2, thereafter codified in § 2100, C.M.C.	1.08.010
2-5.02	§ 1, Ord. 2, thereafter codified in § 2100, C.M.C.	1.08.020
2-6.01	§ 1, Ord. 254, eff. June 12, 1980	3.04.010

2-6.02	§ 2, Ord. 254, eff. June 12, 1980	3.04.020
2-6.03	§ 3, Ord. 254, eff. June 12, 1980	3.04.030
2-6.04	§ 4, Ord. 254, eff. June 12, 1980	3.04.040
2-6.05	§ 5, Ord. 254, eff. June 12, 1980	3.04.050
2-6.06	§ 6, Ord. 254, eff. June 12, 1980	3.04.060
2-6.07	§ 7, Ord. 254, eff. June 12, 1980	3.04.070
2-6.08	§ 8, Ord. 254, eff. June 12, 1980	3.04.080
2-6.09	§ 9, Ord. 254, eff. June 12, 1980	3.04.090
2-6.10	§ 10, Ord. 254, as amended by § 1, Ord. 318	3.04.100
2-6.11	§ 11, Ord. 254, as amended by § 1, Ord. 318	3.04.110
2-6.12	§ 12, Ord. 254, eff. June 12, 1980	3.04.120
2-6.13	§ 13, Ord. 254, eff. June 12, 1980	3.04.130
2-7.01	§ 1, Ord. 317, eff. January 10, 1985	2.56.010
2-7.02	§ 1, Ord. 317, eff. January 10, 1985	2.56.020
2-7.03	§ 1, Ord. 317, eff. January 10, 1985	2.56.030
2-7.04	§ 1, Ord. 317, eff. January 10, 1985	2.56.040
2-7.05	§ 1, Ord. 317, eff. January 10, 1985	2.56.050
2-7.06	§ 1, Ord. 317, eff. January 10, 1985	2.56.060
2-7.07	§ 1, Ord. 317, eff. January 10, 1985	2.56.070
2-7.08	§ 1, Ord. 317, eff. January 10, 1985	2.56.080

2-7.09	§ 1, Ord. 317, eff. January 10, 1985	2.56.090
2-8.01	§ 1, Ord. 358, eff. October 12, 1989	3.52.010
2-8.02	§ 1, Ord. 358, eff. October 12, 1989	3.52.020
2-8.03	§ 1, Ord. 358, eff. October 12, 1989	3.52.030
2-8.04	§ 1, Ord. 358, eff. October 12, 1989	3.52.040
2-8.05	§ 1, Ord. 358, eff. October 12, 1989	3.52.050
2-8.06	§ 1, Ord. 358, eff. October 12, 1989	3.52.060
2-8.07	§ 1, Ord. 358, eff. October 12, 1989	3.52.070
2-8.08	§ 1, Ord. 358, eff. October 12, 1989	3.52.080
2-8.09	§ 1, Ord. 358, eff. October 12, 1989	3.52.090
3-1.101	§ 1, Ord. 188	5.04.010
3-1.102	§ 2, Ord. 188	5.04.020
3-1.103	§ 3, Ord. 188	5.04.030
3-1.104	§ 4, Ord. 188	5.04.040
3-1.105	§ 10, Ord. 188	5.04.050
3-1.106	§ 9, Ord. 188	5.04.060
3-1.107	§ 12, Ord. 188	5.04.070
3-1.108	§ 14, Ord. 188	5.04.080
3-1.109	§ 16, Ord. 188	5.04.090
3-1.110	§ 5, Ord. 188	5.04.100

3-1.111	§ 11, Ord. 188	5.04.110
3-1.112	§ 8, Ord. 188	5.04.120
3-1.113	§ 7, Ord. 188	5.04.130
3-1.114	§ 17, Ord. 188, as amended by § 1, Ord. 359, eff. October 12, 1989	5.04.140
3-1.115	§ 18, Ord. 188	5.04.150
3-1.116	§ 19, Ord. 188	5.04.160
3-1.117	§ 20, Ord. 188	5.04.170
3-1.118	§ 21, Ord. 188	5.04.180
3-1.119	§ 22, Ord. 188	5.04.190
3-1.120	§ 6, Ord. 188	5.04.200
3-1.121	§ 36, Ord. 188	5.04.210
3-1.122	§ 13, Ord. 188	5.04.220
3-1.123	§ 15, Ord. 188	5.04.230
3-1.124	§ 37, Ord. 188	5.04.240
3-1.125	§ 38, Ord. 188	5.04.250
3-1.126	§ 40, Ord. 188	5.04.260
3-1.127	§§ 39 and 41, Ord. 188	5.04.270
3-1.128		5.04.280
3-1.201	§ 34, Ord. 188	5.08.010
3-1.202	§ 23, Ord. 188	5.08.020

3-1.203	§ 23, Ord. 188	5.08.030
3-1.204		5.08.040
3-1.205	§ 23, Ord. 188	5.08.050
3-1.206	§ 23, Ord. 188	5.08.060
3-1.207	§ 24, Ord. 188	5.08.070
3-1.208	§ 25, Ord. 188, repealed by 1, Ord. 341, and added by § 2, Ord. 341, eff. May 24, 1988	5.08.080
3-1.209	§ 26, Ord. 188 as repealed and added by Sec. 1 & 2 of Ord. 341, eff. May 24, 1988	5.08.090
3-1.210	§ 2, Ord. 188	5.08.100
3-1.211	§ 29, Ord. 188	5.08.110
3-1.212	§ 30, Ord. 188	5.08.120
3-1.213	§ 31, Ord. 188	5.08.130
3-1.214	§ 27, Ord. 188, repealed by § 1 of Ord. 341, eff. May 24, 1988	Repealed by 341
3-1.215	§ 32, Ord. 188	5.08.140
3-1.216	§ 33, Ord. 188	5.08.150
3-1.217	§ 35, Ord. 188	5.08.160
3-1.218	§ 36, Ord. 188	5.08.170
3-2.101	§ 1, Ord. 50, thereafter codified in § 2104, C.M.C.	3.48.010
3-2.102	§ 2, Ord. 50, thereafter codified in § 2104, C.M.C.	3.48.020
3-2.103	§ 3, Ord. 50, thereafter codified in § 2104, C.M.C.	3.48.030

3-3.101	§ 1, Ord. 135	3.12.010
3-3.102	§ 2, Ord. 135	3.12.020
3-3.103	§ 3, Ord. 135	3.12.030
3-3.104	§ 4, Ord. 135	3.12.040
3-3.105	§ 5 and § 7, Ord. 135	3.12.050
3-3.106	§ 6, Ord. 135	3.12.060
3-3.201	§ 2501, C.M.C., as added by § 1, Ord. 86	3.08.010
3-3.202	§ 2500, C.M.C., as added by § 1, Ord. 86	3.08.020
3-3.203	§ 2503, C.M.C., as added by § 1, Ord. 86	3.08.030
3-3.204	§ 2502, C.M.C., as added by § 1, Ord. 86	3.08.040
3-3.301	§ 1, Ord. 197	3.24.010
3-3.302	§ 1, Ord. 197, as amended by Ord. 221, eff. December 22, 1977	3.24.020
3-3.303	§ 2, Ord. 197, as amended by § 1, Ord. 199	3.24.030
3-3.304	§ 3, Ord. 197, as amended by § I1, Ord. 199, Ord. 221, eff. December 22, 1977, and § 1, Ord. 269, eff. January 8, 1981	3.24.040
3-3.305	§ 4 and § 5, Ord. 197	3.24.050
3-3.306	§ 6, Ord. 197	3.24.060
3-3.307	§ 6, Ord. 197, as amended by Ord. 221, eff. December 22, 1977	3.24.070
3-3.308	§ 7, Ord. 197	3.24.080
3-3.401	§ 1, Ord. 176	3.16.010
3-3.402	§ 2, Ord. 176	3.16.020

3-3.403	§ 3, Ord. 176	3.16.030
3-3.404	§ 4, Ord. 176	3.16.040
3-3.405	§ 5, Ord. 176	3.16.050
3-3.406	§ 6, Ord. 176	3.16.060
3-3.407	§ 7, Ord. 176	3.16.070
3-3.408	§ 8, Ord. 176	3.16.080
3-3.409	§ 9, Ord. 176	3.16.090
3-3.410	§ 10, Ord. 176	3.16.100
3-3.411	§ 11, Ord. 176	3.16.110
3-3.412	§ 12, Ord. 176	Not codified
3-3.413	§ 13, Ord. 176	Not codified
3-3.414	§ 14, Ord. 176	Not codified
3-3.415	§ 15, Ord. 176	3.16.120
3-3.416	§ 16, Ord. 176	3.16.130
3-4.01	Ord. 232, as amended by § 1, Ord. 365, eff. Oct. 25, 1990	3.28.010
3-5.01	Ord. 233, eff. May 10, 1979	3.40.010
3-5.02	Ord. 233, eff. May 10, 1979	3.40.020
3-5.03	Ord. 233, eff. May 10, 1979	3.40.030
3-5.04	Ord. 233, eff. May 10, 1979	3.40.040
3-5.05	Ord. 233, eff. May 10, 1979	3.40.050

3-5.06	Ord. 233, eff. May 10, 1979	3.40.060
3-5.07	Ord. 233, eff. May 10, 1979	3.40.070
3-5.08	Ord. 233, eff. May 10, 1979	3.40.080
3-6.02	§ 1, Ord. 325, eff. July 10, 1986	3.20.010
3-6.03	§ 1, Ord. 325, eff. July 10, 1986	3.20.020
3-6.04	§ 1, Ord. 325, eff. July 10, 1986	3.20.030
3-6.05	§ 1, Ord. 325, eff. July 10, 1986	3.20.040
3-6.06	§ 1, Ord. 325, eff. July 10, 1986	3.20.050
3-6.07	§ 1, Ord. 325, eff. July 10, 1986	3.20.060
3-6.08	§ 1, Ord. 325, eff. July 10, 1986	3.20.070
3-6.09	§ 1, Ord. 325, eff. July 10, 1986	3.20.080
3-6.10	§ 1, Ord. 325, eff. July 10, 1986	3.20.090
3-6.11	§ 1, Ord. 325, eff. July 10, 1986	3.20.100
3-6.12	§ 1, Ord. 325, eff. July 10, 1986	3.20.110
3-6.13	§ 1, Ord. 325, eff. July 10, 1986	3.20.120
3-7.01	§ 2, Ord. 365, eff. October 25, 1990	3.32.010
3-7.02	§ 2, Ord. 365, eff. October 25, 1990	3.32.020
3-7.03	§ 2, Ord. 365, eff. October 25, 1990	3.32.030
3-8.01		3.36.010
3-8.02		3.36.020

4-1.01	§ 3300, C.M.C., as added by Ord. 94	10.24.010
4-1.02	§ 3301, C.M.C., as added by Ord. 94	10.24.020
4-2.01	§ 1, Ord. 159	2.60.010
4-2.02	§ 2, Ord. 159	2.60.020
4-2.03	Ord. 159 as amended by Ord. 370, eff. March 28, 1991	2.60.030
4-2.04	Ord. 159 as amended by Ord. 370, eff. March 28, 1991	2.60.040
4-2.05	Ord. 159 as amended by Ord. 370, eff. March 28, 1991	2.60.050
4-2.06	Ord. 159 as amended by Ord. 370, eff. March 28, 1991	2.60.060
4-2.07	Ord. 159 as amended by Ord. 370, eff. March 28, 1991	2.60.070
4-2.08	Ord. 159 as amended by Ord. 370, eff. March 28, 1991	2.60.080
4-2.09	Ord. 159 as amended by Ord. 370, eff. March 28, 1991	2.60.090
4-3.101	Ord. 114 as amended by Ord. 227 and Ord. 378, eff. April 11, 1991	Repealed by 495
4-3.102	§ 4, Ord. 114	Repealed by 495
4-3.103	§ 3, Ord. 114	Repealed by 495
4-3.104	Ord. 114 as amended by Ord. 335 and Ord. 372, eff. April 11, 1991	Repealed by 495
4-3.105	Ord. 114 as amended by Ord. 372, eff. April 11, 1991	Repealed by 495
4-3.106	Ord. 114 as amended by Ord. 372, eff. April 11, 1991	Repealed by 495

4-3.109	§ 9, Ord. 114	Repealed by 495
4-3.110	§ 10, Ord. 114	Repealed by 495
4-3.201	§ 1, Ord. 186	8.04.010
4-3.202	§ 2, Ord. 186	8.04.020
4-3.203	§ 3, Ord. 186	8.04.030
4-3.204	§ 4, Ord. 186	8.04.040
4-3.205	§ 5, Ord. 186	8.04.050
4-3.206	§ 7, Ord. 186	8.04.060
4-3.207	§ 7, Ord. 186	8.04.070
4-3.208	§ 9, Ord. 186	8.04.080
4-3.209	§ 8, Ord. 186	8.04.090
4-3.210	§ 1, Ord. 303, as amended by § 1, Ord. 314, eff. June 26, 1984	8.04.100
4-3.301	§ 4104.1, C.M.C., as added by Ord. 127	8.12.010
4-3.302	§ 4104.2, C.M.C., as added by Ord. 127	8.12.020
4-4.01	§ 6200, C.M.C., as added by Ord. 201	5.28.010
4-4.02	§ 6201, C.M.C., as added by Ord. 201	5.28.020
4-4.03	§ 6202, C.M.C., as added by Ord. 201	5.28.030
4-4.04	§ 6203, C.M.C., as added by Ord. 201	5.28.040
4-4.05	§ 6204, C.M.C., as added by Ord. 201	5.28.050

4-4.06	§ 6205, C.M.C., as added by Ord. 201	5.28.060
4-4.07	§ 6206, C.M.C., as added by Ord. 201	5.28.070
4-4.08	§ 6206, C.M.C., as added by Ord. 201	5.28.080
4-4.09	§ 6207, C.M.C., as added by Ord. 201	5.28.090
4-4.10	§ 620g, C.M.C., as added by Ord. 201	5.28.100
4-4.11	§ 621n, C.M.C., as added by Ord. 201	5.28.110
4-4.12	§ 6211, C.M.C., as added by Ord. 201	5.28.120
4-4.13	§ 6209, C.M.C., as added by Ord. 201	5.28.130
4-4.14	§ 6212, C.M.C., as added by Ord. 201	5.28.140
4-4.15	§ 6213, C.M.C., as added by Ord. 201	5.28.150
4-5.101	§ 1, Ord. 44, as amended by § 1, Ord. 57, thereafter codified in § 3201, C.M.C.	10.12.010
4-5.102	§ 1, Ord. 44, as amended by § 1, Ord. 57, thereafter codified in § 3203, C.M.C.	10.12.020
4-5.103	§ 1, Ord. 44, as amended by § 1, Ord. 57, thereafter codified in § 3202, C.M.C.	10.12.030
4-5.201	Ord. 53, thereafter codified in § 3200, C.M.C. and § 1, Ord. 178	10.16.030
4-5.202	Ord. 53, thereafter codified in § 3200, C.M.C., § 1, Ord. 178, and § 1, Ord. 203	10.16.040
4-5.203	Ord. 53, thereafter codified in § 3200, C.M.C.	10.16.050
4-5.204	§§ 3 and 5, Ord. 203	10.16.060
4-5.205	§§ 3 and 5, Ord. 203	10.16.070

4-5.206	§ 1, Ord. 96, as amended by § 1, Ord. 130	10.16.080
4-5.206.1	§ 2, Ord. 203, as amended by Ord. 211 and § 1 of Ord. 306, eff. August 17, 1983	Not codified
4-5.207	§§ 4 and 5, Ord. 203	10.16.090
4-5.208	§ 1, Ord. 96, as amended by § 1, Ord. 130	Not codified
4-5.209	§ 2, Ord. 96, as amended by § 2, Ord. 130	10.16.100
4-5.210	§ 3, Ord. 178	10.16.110
4-5.211	§ 2, Ord. 178	10.16.120
4-5.212		10.16.130
4-5.213		10.16.140
4-5.214		10.16.150
4-5.301	Ord. 177	10.28.010
4-5.401	Ord. 376, eff. May 9, 1991	10.04.010
4-5.402	Ord. 376, eff. May 9, 1991	10.04.020
4-5.403	Ord. 376, eff. May 9, 1991	10.04.030
4-5.501		10.32.010
4-5.502		10.32.020
4-5.503		10.32.030
4-5.601		10.36.010
4-6.01	Ord. 214	10.24.030
4-6.02	Ord. 214	10.24.040,

		10.24.070
4-6.03	Ord. 214	10.24.050, 10.24.110
4-6.04		10.24.060
4-6.05		10.24.070
4-6.06		10.24.080
4-6.07		10.24.090
4-6.08		10.24.100
4-6.09		10.24.110
4-7.01	Ord. 266, eff. November 27, 1980	Not codified
4-7.02	Ord. 266, eff. November 27, 1980	Not codified
4-7.03	Ord. 266, eff. November 27, 1980	Not codified
4-7.04	Ord. 266, eff. November 27, 1980	Not codified
4-7.05	Ord. 266, eff. November 27, 1980	Not codified
4-7.06	Ord. 266, eff. November 27, 1980	Not codified
4-7.07	Ord. 266, eff. November 27, 1980	Not codified
4-7.08	Ord. 266, eff. November 27, 1980	Not codified
4-8.101	§ 1, Ord. 328, eff. December 18, 1986	10.08.010
4-8.102	§ 1, Ord. 328, eff. December 18, 1986	10.08.020
4-9.01	Ord. 381, eff. September 12, 1991	Not codified
4-9.02	Ord. 381, eff. September 12, 1991	Not codified

4-9.03	Ord. 381, eff. September 12, 1991	Not codified
4-9.04	Ord. 381, eff. September 12, 1991	Not codified
4-9.05	Ord. 381, eff. September 12, 1991	Not codified
4-9.06	Ord. 381, eff. September 12, 1991	Not codified
4-9.07	Ord. 381, eff. September 12, 1991	Not codified
4-9.08	Ord. 381, eff. September 12, 1991	Not codified
4-9.09	Ord. 381, eff. September 12, 1991	Not codified
4-9.10	Ord. 381, eff. September 12, 1991	Not codified
4-9.11	Ord. 381, eff. September 12, 1991	Not codified
4-9.12	Ord. 381, eff. September 12, 1991	Not codified
4-9.13	Ord. 381, eff. September 12, 1991	Not codified
5-1.01	§ 2, Ord. 154	6.16.010
5-1.02	§ 1, Ord. 154	6.16.020
5-1.03	§ 1, Ord. 154	6.16.030
5-2.01	§§ 1, 3, and 4, Ord. 121, as amended by § 1, Ord. 291, eff. November 12, 1982	5.20.010
5-2.02	§ 2, Ord. 121, as amended by § 1, Ord. 291, eff. November 12, 1982	Not codified
5-2.03	§ 3, Ord. 121, as amended by § 1, Ord. 291, eff. November 12, 1982	Not codified
5-2.04	§ 3, Ord. 121, as amended by § 1, Ord. 291, eff. November 12, 1982	Not codified
5-2.05	§ 3, Ord. 121, as amended by § 1, Ord. 291, eff. November 12, 1982	Not codified
5-2.06	§ 3, Ord. 121, as amended by § 1, Ord. 291, eff. November 12, 1982	Not codified

5-2.07	§ 6, Ord. 121, as amended by § 1, Ord. 291, eff. November 12, 1982	Not codified
5-2.08	§ 4, Ord. 121, as amended by § 1, Ord. 291, eff. November 12, 1982	Not codified
5-2.09	§ 4, Ord. 121, as amended by § 1, Ord. 291, eff. November 12, 1982	5.20.020
5-2.10	§ 4, Ord. 121, as amended by § 1, Ord. 291, eff. November 12, 1982	5.20.030
5-2.11	§ 4, Ord. 121, as amended by § 1, Ord. 291, eff. November 12, 1982	5.20.040
5-2.12	§ 4, Ord. 121, as amended by § 1, Ord. 291, eff. November 12, 1982	5.20.050
5-2.13	§ 5, Ord. 121, as amended by § 1, Ord. 291, eff. November 12, 1982	5.20.060
5-2.14	§ 7, Ord. 121, as amended by § 1, Ord. 291, eff. November 12, 1982	5.20.070
5-2.15	§ 9, Ord. 121, as amended by § 1, Ord. 291, eff. November 12, 1982	5.20.080
5-3.01	§ 2, Ord. 56, thereafter codified in § 4101, C.M.C.	9.04.010
5-3.02	§ 1, Ord. 56, thereafter codified in § 4100, C.M.C.	9.04.020
5-3.03	§ 3, Ord. 56, thereafter codified in § 4102, C.M.C.	Not codified
5-3.04	Ord. 99, thereafter codified in § 4102.5, C.M.C.	Not codified
5-4.01	§ 1, Ord. 64, as amended by § 1, Ord. 137, thereafter codified in § 4108, C.M.C.	Ch. 9.08
5-4.02	§ 2, Ord. 64, as amended by § 2, Ord. 137, thereafter codified in § 4109, C.M.C.	Ch. 9.08
5-4.03		Ch. 9.08
5-4.04		Ch. 9.08
5-5.01	§ I, Ord. 175	5.24.010
5-5.02	§ II, Ord. 175	5.24.020

5-5.03	§ II, Ord. 175	5.24.030
5-5.04	§ II, Ord. 175	5.24.040
5-5.05	§ III, Ord. 175	5.24.050
5-5.06	§ IV, Ord. 175	5.24.060
5-5.07	§ V, Ord. 175	5.24.070
5-5.08	§ VI, Ord. 175	5.24.080
5-5.09	§ VII, Ord. 175	5.24.090
5-5.10	§ VIII, Ord. 175	5.24.100
5-5.11	§ IX, Ord. 175	Not codified
5-6.01	§ 1.1, Ord. 204	5.08.180
5-6.02	§ 1.2, Ord. 204	5.08.190
5-6.03	§ 1.2, Ord. 204	5.08.200
5-6.04	§ 1.2, Ord. 204	5.08.210
5-7.01	§ 4104, C.M.C., as amended by Ord. 103	9.12.010
5-7.02	§ 4104, C.M.C., as amended by Ord. 103	9.12.020
5-7.03	§ 4106, C.M.C., as amended by Ord. 103	9.12.030
5-7.04	§ 5100, C.M.C., as added by Ord. 88	9.12.040
5-7.05	§ 5101, C.M.C., as added by Ord. 88	9.12.050
5-7.06	§ 5103, C.M.C., as added by Ord. 88	9.12.060
5-8.01	§ 1.2, Ord. 219, eff. October 27, 1977	5.12.020

5-8.02	§ 1.3, Ord. 219, eff. October 27, 1977	5.12.010
5-8.03	§ 1.4, Ord. 219, eff. October 27, 1977	5.12.030
5-8.04	§ 1.5, Ord. 219, eff. October 27, 1977	5.12.040
5-8.05	§ 1.6, Ord. 219, eff. October 27, 1977	5.12.050
5-8.06	§ 1.7, Ord. 219, eff. October 27, 1977	5.12.060
5-8.07	§ 1.8, Ord. 219, eff. October 27, 1977	5.12.070
5-8.08	§ 1.8, Ord. 219, eff. October 27, 1977	5.12.080
5-8.09	§ 1.9, Ord. 219, eff. October 27, 1977	5.12.090
5-8.10	§ 1.10, Ord. 219, eff. October 27, 1977	5.12.100
5-8.11	§ 1.11, Ord. 219, eff. October 27, 1977	5.12.110
5-8.12	§ 1.12, Ord. 219, eff. October 27, 1977	5.12.120
5-8.13	§ 1.13, Ord. 219, eff. October 27, 1977	5.12.130
5-8.14	§ 1.14, Ord. 219, eff. October 27, 1977	5.12.140
5-8.15	§ 1.15, Ord. 219, eff. October 27, 1977	5.12.150
5-8.16	§ 1.16, Ord. 219, eff. October 27, 1977	5.12.160
5-8.17	§ 1.17, Ord. 219, eff. October 27, 1977	5.12.170
5-8.18	§ 1.18, Ord. 219, eff. October 27, 1977	5.12.180
5-8.19	§ 1.19, Ord. 219, eff. October 27, 1977	5.12.190
5-8.20	§ 1.20, Ord. 219, eff. October 27, 1977	5.12.200
5-8.21	§ 1.21, Ord. 219, eff. October 27, 1977	5.12.210

5-8.22	§ 1.22, Ord. 219, eff. October 27, 1977	5.12.220
5-8.23	§ 1.23, Ord. 219, eff. October 27, 1977	5.12.230
5-8.24	§ 1.24, Ord. 219, eff. October 27, 1977	5.12.240
5-8.25	§ 1.25, Ord. 219, eff. October 27, 1977	5.12.250
5-8.26	§ 1.26, Ord. 219, eff. October 27, 1977	Not codified
5-8.27	§ 1.27, Ord. 219, eff. October 27, 1977	5.12.260
5-8.28	§ 1.28, Ord. 219, eff. October 27, 1977	5.12.270
5-8.29	§ 1.29, Ord. 219, eff. October 27, 1977	5.12.280
5-8.30	§ 1.30, Ord. 219, eff. October 27, 1977	5.12.290
5-9.01	§ 1, Ord. 249, eff. April 10, 1980	8.08.010
5-9.02	§ 2, Ord. 249, eff. April 10, 1980	8.08.020
5-9.03	§ 3, Ord. 249, eff. April 10, 1980	8.08.030
5-9.04	§ 4, Ord. 249, eff. April 10, 1980	8.08.040
5-9.05	§ 5, Ord. 249, eff. April 10, 1980	8.08.050
5-9.06	§ 6, Ord. 249, eff. April 10, 1980	8.08.060
5-9.07	§ 7, Ord. 249, eff. April 10, 1980	8.08.070
5-9.08	§ 8, Ord. 249, eff. April 10, 1980	Not codified
5-9.09	§ 9, Ord. 249, eff. April 10, 1980	8.08.080
5-9.10	§ 10, Ord. 249, eff. April 10, 1980	8.08.090
5-9.11	§ 11, Ord. 249, eff. April 10, 1980	8.08.100

5-9.12	§ 12, Ord. 249, eff. April 10, 1980	8.08.110
5-9.13	§ 13, Ord. 249, eff. April 10, 1980	8.08.120
5-9.14	§ 14, Ord. 249, eff. April 10, 1980	8.08.130
5-10.101	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.102	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.103	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.104	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.105	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.106	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.107	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.201	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.202	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.203	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.204	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.205	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.206	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.301	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.302	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.303	§ 1, Ord. 277a, eff. March 24, 1981	Not codified
5-10.304	§ 1, Ord. 277a, eff. March 24, 1981	Not codified

5-10.401	§ 1, Ord. 277b, eff. March 24, 1981	Not codified
5-10.402	§ 1, Ord. 277b, eff. March 24, 1981	Not codified
5-10.403	§ 1, Ord. 277b, eff. March 24, 1981	Not codified
5-11.101	Ord. 273, eff. June 11, 1981	Not codified
5-11.102		Not codified
5-11.103	Ord. 273, eff. June 11, 1981	Not codified
5-11.104	Ord. 273, eff. June 11, 1981	Not codified
5-11.105	Ord. 273, eff. June 11, 1981	Not codified
5-11.106	Ord. 273, eff. June 11, 1981	Not codified
5-11.107	Ord. 273, eff. June 11, 1981	Not codified
6-1.01	§ 2600, C.M.C., as added by Ord. 87	6.04.010
6-1.02	§ 2604, C.M.C., as added by Ord. 87	6.04.020
6-1.03	§ 2604, C.M.C., as added by Ord. 87	6.04.030
6-1.04	§ 2603, C.M.C., as added by Ord. 87	6.08.010
6-1.05	§ 2601, C.M.C., as added by Ord. 87, as amended by Ord. 126	6.08.020
6-1.06	§ 2601, C.M.C., as added by Ord. 87	6.08.030
6-1.07	§ 2608, C.M.C., as added by Ord. 87	6.08.040
6-1.08	§ 2609, C.M.C., as added by Ord. 87	6.08.050
6-1.09	§ 2612, C.M.C., as added by Ord. 87, as amended by Ords. 126 and 168	6.08.060
6-1.10	Ord. 87	6.08.070

6-1.11	§ 2606, C.M.C., as added by Ord. 87	6.08.080
6-1.12	§ 2605, C.M.C., as added by Ord. 87	6.04.040
6-1.13	§ 2604, C.M.C., as added by Ord. 87	6.04.050
6-1.14	§ 2612, C.M.C., as added by Ord. 87	6.08.090
6-1.15	§ 2602, C.M.C., as added by Ord. 87	6.12.010
6-1.16	§ 2602, C.M.C., as added by Ord. 87	6.12.020
6-1.17	§ 2613, C.M.C., as added by Ord. 87	6.04.060
6-1.18	§ 2607, C.M.C., as added by Ord. 87	6.04.070
6-1.19	§ 2611, C.M.C., as added by Ord. 87, as amended by § 1, Ord. 168	6.04.080
6-2.01	Ord. 258, as amended by Ord. 352, eff. January 30, 1989	8.20.010
6-2.02	Ord. 258, eff. July 1, 1980	8.20.020
6-2.03	Ord. 258, eff. July 1, 1980	8.20.030
6-2.04	Ord. 258, eff. July 1, 1980	8.20.040
6-2.05	Ord. 258, eff. July 1, 1980	8.20.050
6-2.06	Ord. 258, eff. July 1, 1980	8.20.060
6-2.07	Ord. 258, eff. July 1, 1980 and re-codified by § 1, Ord. 357	8.20.070
6-2.08	Ord. 258, eff. July 1, 1980	8.20.080
6-2.09	Ord. 258 as amended by Sec. 2 Ord. 357, eff. July 11, 1989	8.20.090
6-2.10	Ord. 258, eff. July 1, 1980	8.20.100
6-2.11	Ord. 258, eff. July 1, 1980	8.20.110

6-2.12	Ord. 258, eff. July 1, 1980	8.20.120
6-2.13	Ord. 258, eff. July 1, 1980	8.20.130
6-2.14	Ord. 258, eff. July 1, 1980	8.20.140
6-2.15	Ord. 258, eff. July 1, 1980	8.20.150
6-2.16	Ord. 258, eff. July 1, 1980	8.20.160
6-2.17	Ord. 258, eff. July 1, 1980	8.20.170
6-2.18		8.20.180
6-2.19	Ord. 258, as amended by Ord. 352, eff. March 30, 1989	8.20.190
6-2.20	Ord. 258, eff. July 1, 1980	8.20.200
6-2.21	Ord. 258, eff. July 1, 1980	8.20.210
6-2.22	Ord. 258, eff. July 1, 1980	8.20.220
6-2.23	Ord. 258, eff. July 1, 1980	8.20.230
6-2.24	Ord. 258, eff. July 1, 1980	8.20.240
6-2.25	Ord. 258, eff. July 1, 1980	8.20.250
6-3.101	§ 1.1, Ord. 194	13.08.010
6-3.102	§ 1.1, Ord. 194	13.08.020
6-3.103	§ 1.2, Ord. 194, as amended by § 1, Ord. 361, eff. March 15, 1990	13.08.030
6-3.104	§ 1.3, Ord. 194	13.08.040
6-3.105	§ 1.4, Ord. 194	13.08.050
6-3.106	§ 1.5, Ord. 194	13.08.060

6-3.201	§ 2.1, Ord. 194	13.08.070
6-3.202	§ 2.2, Ord. 194 as amended by § 1, Ord. 288 as further amended by Ord. 361, eff. March 15, 1990	13.08.080
6-3.203	§ 2.3, Ord. 194, as amended by Ord. 245 as amended by § 1, Ord. 288, and as amended by § 1, Ord. 361, eff. March 15, 1990	13.08.090
6-3.204	§ 1, Ord. 361	13.08.100
6-3.205	§ 1, Ord. 361	13.08.110
6-3.206	§ 1, Ord. 361	Repealed by 475
6-3.207	§ 2.3, Ord. 194, as amended by Ord. 215, renumbered by § 1, Ord. 361, eff. March 15, 1990	Repealed by 475
6-3.208	§ 2.4, Ord. 194, renumbered by § 1, Ord. 361 eff. March 15, 1990	Repealed by 475
6-3.301	§ 3.1, Ord. 194	13.08.120
6-3.302	§ 3.2, Ord. 194; amended by Ord. 330; amended by Ord. 333; as amended by § 1, Ord. 361, eff. March 15, 1990	13.08.130
6-3.303	Ord. 194, 208, 330, 332, as amended by Ord. 379, eff. June 25, 1991	13.08.140
6-3.304	§ 3.4, Ord. 194	13.08.150
6-3.305		13.08.160
6-3.306		13.08.170
6-3.401	§ 4.1, Ord. 194	13.08.180
6-3.402	§ 4.2, Ord. 194	13.08.190
6-3.403	§ 4.3, Ord. 194	13.08.200

6-3.404	§ 4.4, Ord. 194	13.08.210
6-3.405	§ 4.5, Ord. 194	13.08.220
6-3.406	§ 4.6, Ord. 194	Repealed by 475
6-3.407	§ 4.7, Ord. 194	Repealed by 475
6-3.408	§ 4.8, Ord. 194	Repealed by 475
6-3.409	§ 4.9, Ord. 194	Repealed by 475
6-3.410	§ 4.10, Ord. 194	Repealed by 475
6-3.411	§ 4.11, Ord. 194	Repealed by 475
6-3.412	§ 4.12, Ord. 194	Repealed by 475
6-3.413	§ 1.6, Ord. 194	Repealed by 475
6-3.414	§ 4.13, Ord. 194	Repealed by 475
6-3.415	§ 4.14, Ord. 194	Repealed by 475
6-3.416	§ 4.15, Ord. 194	Repealed by 475
6-3.501	§ 5.1, Ord. 194	13.08.230
6-3.502	§ 5.2, Ord. 194	13.08.240

6-3.503	§ 5.3, Ord. 194	13.08.250
6-3.504	§ 5.4, Ord. 194	13.08.260
6-3.505	§ 5.5, Ord. 194	13.08.270
6-3.506		13.08.280
6-3.507		13.08.290
6-3.508		13.08.300
6-3.601	Ord. 230, eff. October 24, 1978	13.08.310
6-3.602	Ord. 230, eff. October 24, 1978	13.08.320
6-3.603	Ord. 230, eff. October 24, 1978	13.08.330
6-3.604		13.08.340
6-3.605		13.08.350
6-3.606		13.08.360
6-3.607		13.08.370
6-3.608		13.08.380
6-3.609		13.08.390
6-3.610		13.08.400
6-3.611		13.08.410
6-3.612		13.08.420
6-3.613		13.08.430
6-3.614		13.08.440

6-3.701		13.08.450
6-3.702		13.08.460
6-3.703		13.08.470
6-3.801		13.08.480
6-3.802		13.08.490
6-4.01	Ord. 274, eff. March 26, 1981	13.12.010
6-5.01	§ 1 Ord. 295	Not codified
6-6.01		10.40.010
6-6.02		10.40.020
6-6.03		10.40.030
6-6.04		10.40.040
6-6.05		10.40.050
6-6.06		10.40.060
6-6.07		10.40.070
6-6.08		10.40.080
6-6.09		10.40.090
6-6.10		10.40.100
6-6.11		10.40.110
6-6.12		10.40.120
7-1.01	Ord. 248, eff. April 10, 1980	Repealed by 439

7-1.02	Ord. 248, eff. April 10, 1980	Repealed by 439
7-1.03	Ord. 248, eff. April 10, 1980	Repealed by 439
7-1.04	Ord. 248, eff. April 10, 1980	Repealed by 439
7-1.05	Ord. 248, eff. April 10, 1980	Repealed by 439
7-1.06	Ord. 248, eff. April 10, 1980	Repealed by 439
7-1.07	Ord. 248, eff. April 10, 1980	Repealed by 439
7-1.08	Ord. 248, eff. April 10, 1980	Repealed by 439
7-1.09	Ord. 248, eff. April 10, 1980	Repealed by 439
7-1.10	Ord. 248, eff. April 10, 1980	Repealed by 439
7-1.11	Ord. 248, eff. April 10, 1980	Repealed by 439
7-1.12	Ord. 248, eff. April 10, 1980	Repealed by 439
7-1.13	Ord. 248, eff. April 10, 1980	Repealed by 439
7-1.14	Ord. 248, eff. April 10, 1980	Repealed by 439
7-1.15	Ord. 248, eff. April 10, 1980	Repealed by

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7-2.01	Ord. 89	12.16.010
7-2.02	Ord. 89	12.16.020
7-2.03	Ord. 89	12.16.030
7-2.04	Ord. 89	12.16.040
7-2.05	Ord. 89	12.16.050
7-2.06	Ord. 89	12.16.060
7-2.07		12.16.070
7-3.01	§ 1, Ord. 149	13.16.010
7-3.02	§ 2, Ord. 149	13.16.020
7-3.03	§ 3, Ord. 149	13.16.030
7-3.04	§ 4, Ord. 149	13.16.040
7-3.05	§ 5, Ord. 149	13.16.050
7-3.06	§ 6, Ord. 149	13.16.060
7-3.07	§ 7, Ord. 149	13.16.070
7-3.08	§ 8, Ord. 149	13.16.080
7-3.09	§ 9, Ord. 149	13.16.090
7-3.10	§ 10, Ord. 149	13.16.100
7-3.11	§ 11, Ord. 149	13.16.110
7-4.01	§ 1, Ord. 252, eff. May 22, 1980	12.08.010

7-4.02	§ 1, Ord. 252, eff. May 22, 1980	12.08.020
7-4.03	§ 1, Ord. 252, eff. May 22, 1980	12.08.030
7-4.04	§ 1, Ord. 252, eff. May 22, 1980	12.08.040
7-6.01	§ 1, Ord. 253, eff. May 22, 1980	12.12.010
7-6.02	§ 1, Ord. 253, eff. May 22, 1980	12.12.020
7-6.03	§ 1, Ord. 253, eff. May 22, 1980	12.12.030
7-7.01	Ord. 256, eff. June 12, 1980	12.04.010
7-7.02	Ord. 256, eff. June 12, 1980	12.04.020
7-7.03	Ord. 256, eff. June 12, 1980	12.04.030
7-7.04	Ord. 256, eff. June 12, 1980	12.04.040
7-8.01	§ 1, Ord. 279, eff. May 14, 1981	13.04.010
7-8.02	§ 1, Ord. 279, eff. May 14, 1981	13.04.020
7-8.03	§ 1, Ord. 279, eff. May 14, 1981	13.04.030
7-8.04	§ 1, Ord. 279, eff. May 14, 1981	13.04.040
7-8.05	§ 1, Ord. 279, eff. May 14, 1981	13.04.050
7-8.06	§ 1, Ord. 279, eff. May 14, 1981	13.04.060
7-8.07	§ 1, Ord. 279, eff. May 14, 1981	13.04.070
7-8.08	§ 1, Ord. 279, eff. May 14, 1981	13.04.080
7-8.09	§ 1, Ord. 279, eff. May 14, 1981	13.04.090
7-8.10	§ 1, Ord. 279, eff. May 14, 1981	13.04.100

7-8.11	§ 1, Ord. 279, eff. May 14, 1981	13.04.110
7-8.12	§ 1, Ord. 279, eff. May 14, 1981	13.04.120
7-8.13	§ 1, Ord. 279, eff. May 14, 1981	13.04.130
7-8.14	§ 1, Ord. 279, eff. May 14, 1981	13.04.140
7-8.15	§ 1, Ord. 279, eff. May 14, 1981	13.04.150
7-8.16	§ 1, Ord. 279, eff. May 14, 1981	13.04.160
8-1.01	Ord. 349	Repealed by 494
8-1.02	Ord. 349	Repealed by 494
8-1.03	Ord. 349	Repealed by 494
8-1.04	Ord. 349	Repealed by 486
8-1.05	Ord. 349	15.04.050
8-1.06	Ord. 349 as amended by Ord. 371, eff. April 11, 1991	Repealed by 486
8-1.07	Ord. 349	Repealed by 486
8-1.08	Ord. 349	15.04.080
8-1.09	Ord. 349	15.04.090
8-1.10	Ord. 349	Repealed by 486
8-1.11	Ord. 349	15.04.110

8-1.12	Ord. 349	Repealed by 486
8-1.13	Ord. 349	Repealed by 476
8-1.14	Ord. 349, renumbered by codifier to conform to code	Repealed by 476
8-2.01	Ord. 349	Not codified
8-2.02	Ord. 349	Not codified
8-2.03	Ord. 349	Not codified
8-2.04	Ord. 349	Not codified
8-2.05	Ord. 349	Not codified
8-2.06	Ord. 349	Not codified
8-2.07	Ord. 349	Not codified
8-2.08	Ord. 349	Not codified
8-2.09	Ord. 349	Not codified
8-2.10	Ord. 349	Not codified
8-2.11	Ord. 349	Not codified
8-2.12	Ord. 349	Not codified
8-2.13	Ord. 349	Not codified
8-2.14	Ord. 349	Not codified
8-2.15	Ord. 349	Not codified
8-2.16	Ord. 349	Not codified

8-2.17	Ord. 349	Not codified
8-2.18	Ord. 349	Not codified
8-2.19	Ord. 349 eff. Sept. 22, 1988	Not codified
8-2.20	Ord. 349	Not codified
8-2.21	Ord. 349	Not codified
8-3.01	Ord. 349	15.12.010
8-3.02	Ord. 349	15.12.020
8-3.03	Ord. 349	15.12.030
8-3.04	Ord. 349	15.12.040
8-3.1		17.112.020
8-3.2		17.112.040
8-3.2.1		17.112.050
8-3.2.2		17.112.060
8-3.2.3		17.112.070
8-3.2.4		17.112.080
8-3.2.5		17.112.090
8-3.2.6		17.112.100
8-3.3		17.112.110
8-3.4		17.112.120
8-3.5		17.112.130

8-3.6		17.112.140
8-3.7		17.112.150
8-3.8		17.112.160
8-3.9— 8-3.9.12		17.112.170
8-3.10		17.112.180
8-3.11		17.112.190
8-3.12		17.112.200
8-3.13		17.112.210
8-3.14		17.112.220
8-3.15		17.112.230
8-3.16		17.112.240
8-3.17		17.112.250
8-3.18		17.112.260
8-3.19		17.112.030
8-4.01	Ord. 350	15.12.050
8-4.02	Ord. 350	15.12.060
8-4.03	Ord. 350	15.12.070
8-4.04	Ord. 350	15.12.080
8-4.05	Ord. 350	15.12.090
8-4.06	Ord. 350	15.12.100

8-4.07	Ord. 350	15.12.110
8-4.08	Ord. 350	15.12.120
8-4.09	Ord. 350	15.12.130
8-4.10	Ord. 350	15.12.140
8-4.11	Ord. 350	15.12.150
8-4.12	Ord. 350	15.12.160
8-4.13	Ord. 350	15.12.170
8-4.14	Ord. 350	15.12.180
8-4.15	Ord. 350	15.12.190
8-4.16	Ord. 350	15.12.200
8-5.01	Ord. 362	15.16.010
8-5.02	Ord. 362	15.16.020
8-5.03	Ord. 362	15.16.030
8-5.04	Ord. 362	15.16.040
8-6.01	Ord. 362	15.16.050
8-6.02		15.16.060
8-6.03	Ord. 362	15.16.070
8-7.01	Ord. 385, eff. December 26, 1991	15.16.080
8-7.02	Ord. 385, eff. December 26, 1991	15.16.090
8-7.03	Ord. 385, eff. December 26, 1991	15.16.100

8-7.04	Ord. 385, eff. December 26, 1991	15.16.110
8-7.05	Ord. 385, eff. December 26, 1991	15.16.120
8-7.07	Ord. 385, eff. December 26, 1991	15.16.130
8-7.08	Ord. 385, eff. December 26, 1991	15.16.140
8-7.09	Ord. 385, eff. December 26, 1991	15.16.150
9-1.110	Ord. 368, eff. November 13, 1990	16.04.010
9-1.115	Ord. 368, eff. November 13, 1990	16.04.020
9-1.120	Ord. 368, eff. November 13, 1990	16.04.030
9-1.210	Ord. 368, eff. November 13, 1990	16.04.040
9-1.215	Ord. 368, eff. November 13, 1990	16.04.050
9-1.220	Ord. 368, eff. November 13, 1990	16.04.060
9-1.225	Ord. 368, eff. November 13, 1990	16.04.070
9-1.230	Ord. 368, eff. November 13, 1990	16.04.080
9-1.234		16.04.090
9-1.235	Ord. 368, eff. November 13, 1990	16.04.100
9-1.310	Ord. 368, eff. November 13, 1990	16.04.110
9-1.315	Ord. 368, eff. November 13, 1990	16.04.120
9-1.320	Ord. 368, eff. November 13, 1990	16.04.130
9-1.325	Ord. 368, eff. November 13, 1990	16.04.140
9-1.410	Ord. 368, eff. November 13, 1990	16.08.010

9-1.415	Ord. 368, eff. November 13, 1990	16.08.020
9-1.420	Ord. 368, eff. November 13, 1990	16.08.030
9-1.425	Ord. 368, eff. November 13, 1990	16.08.040
9-1.430	Ord. 368, eff. November 13, 1990	16.08.050
9-1.435	Ord. 368, eff. November 13, 1990	16.08.060
9-1.440	Ord. 368, eff. November 13, 1990	16.08.070
9-1.445	Ord. 368, eff. November 13, 1990	16.08.080
9-1.450	Ord. 368, eff. November 13, 1990	16.08.090
9-1.455	Ord. 368, eff. November 13, 1990	16.08.100
9-1.510	Ord. 368, eff. November 13, 1990	16.16.010
9-1.515	Ord. 368, eff. November 13, 1990	16.16.020
9-1.520	Ord. 368, eff. November 13, 1990	16.16.030
9-1.525	Ord. 368, eff. November 13, 1990	16.16.040
9-1.530	Ord. 368, eff. November 13, 1990	16.16.050
9-1.535	Ord. 368, eff. November 13, 1990	16.16.060
9-1.610	Ord. 368, eff. November 13, 1990	16.20.010
9-1.615	Ord. 368, eff. November 13, 1990	16.20.020
9-1.620	Ord. 368, eff. November 13, 1990	16.20.030
9-1.710	Ord. 368, eff. November 13, 1990	16.24.010
9-1.715	Ord. 368, eff. November 13, 1990	16.24.020

9-1.720	Ord. 368, eff. November 13, 1990	16.24.030
9-1.725	Ord. 368, eff. November 13, 1990	16.24.040
9-1.730	Ord. 368, eff. November 13, 1990	16.24.050
9-1.810	Ord. 368, eff. November 13, 1990	16.28.010
9-1.815	Ord. 368, eff. November 13, 1990	16.28.020
9-1.820	Ord. 368, eff. November 13, 1990	16.28.030
9-1.825	Ord. 368, eff. November 13, 1990	16.28.040
9-1.830	Ord. 368, eff. November 13, 1990	16.28.050
9-1.835	Ord. 368, eff. November 13, 1990	16.28.060
9-1.840	Ord. 368, eff. November 13, 1990	16.28.070
9-1.845	Ord. 368, eff. November 13, 1990	16.28.080
9-1.850		16.28.090
9-1.910	Ord. 368, eff. November 13, 1990	16.32.010
9-1.915	Ord. 368, eff. November 13, 1990	16.32.020
9-1.920	Ord. 368, eff. November 13, 1990	16.32.030
9-1.925	Ord. 368, eff. November 13, 1990	16.32.040
9-1.930	Ord. 368, eff. November 13, 1990	16.32.050
9-1.1010	Ord. 368, eff. November 13, 1990	16.36.010
9-1.1015	Ord. 368, eff. November 13, 1990	16.36.020
9-1.1020	Ord. 368, eff. November 13, 1990	16.36.030

9-1.1025		16.36.050, 16.36.060
9-1.1025.1		16.36.070
9-1.1025.2		16.36.080
9-1.1025.3		16.36.090
9-1.1025.4		16.36.100
9-1.1025.5		16.36.110
9-1.1025.6		16.36.120
9-1.1025.7		16.36.130
9-1.1025.8		16.36.140
9-1.1110	Ord. 368, eff. November 13, 1990	16.36.150
9-1.1210	Ord. 368, eff. November 13, 1990	16.40.010
9-1.1315	Ord. 368, eff. November 13, 1990	16.44.010
9-1.1320	Ord. 368, eff. November 13, 1990	16.44.020
9-1.1325	Ord. 368, eff. November 13, 1990	16.44.030
9-1.1330	Ord. 368, eff. November 13, 1990	16.44.040
9-1.1335	Ord. 368, eff. November 13, 1990	16.44.050
9-1.1340	Ord. 368, eff. November 13, 1990	16.44.060
9-1.1410	Ord. 368, eff. November 13, 1990	16.48.010
9-1.1415	Ord. 368, eff. November 13, 1990	16.48.020
9-1.1420	Ord. 368, eff. November 13, 1990	16.48.030

9-1.1425	Ord. 368, eff. November 13, 1990	16.48.040
9-1.1510	Ord. 368, eff. November 13, 1990	16.52.010
9-1.1515	Ord. 368, eff. November 13, 1990	16.52.020
9-1.1520	Ord. 368, eff. November 13, 1990	16.52.030
9-1.1525	Ord. 368, eff. November 13, 1990	16.52.040
9-1.1530	Ord. 368, eff. November 13, 1990	16.52.050
9-1.1535	Ord. 368, eff. November 13, 1990	16.52.060
9-1.1540	Ord. 368, eff. November 13, 1990	16.52.070
9-1.1545	Ord. 368, eff. November 13, 1990	16.52.080
9-1.1550	Ord. 368, eff. November 13, 1990	16.52.090
9-1.1555	Ord. 368, eff. November 13, 1990	16.52.100
9-1.1560	Ord. 368, eff. November 13, 1990	16.52.110
9-1.1565	Ord. 368, eff. November 13, 1990	16.52.120
9-1.1610	Ord. 368, eff. November 13, 1990	16.56.010
9-1.1615	Ord. 368, eff. November 13, 1990	16.56.020
9-1.1620	Ord. 368, eff. November 13, 1990	16.56.030
9-1.1625	Ord. 368, eff. November 13, 1990	16.56.040
9-1.1630	Ord. 368, eff. November 13, 1990	16.56.050
9-1.1635	Ord. 368, eff. November 13, 1990	16.56.060
9-1.1640	Ord. 368, eff. November 13, 1990	16.56.070

9-1.1645	Ord. 368, eff. November 13, 1990	16.56.080
9-1.1646	Ord. 368, eff. November 13, 1990	16.56.090
9-1.1650	Ord. 368, eff. November 13, 1990	16.56.100
9-1.1655	Ord. 368, eff. November 13, 1990	16.56.110
9-1.1660	Ord. 368, eff. November 13, 1990	16.56.120
9-1.1665	Ord. 368, eff. November 13, 1990	16.56.130
9-1.1670	Ord. 368, eff. November 13, 1990	16.56.140
9-1.1675	Ord. 368, eff. November 13, 1990	16.56.150
9-1.1680	Ord. 368, eff. November 13, 1990	16.56.160
9-1.1685		16.56.170
9-1.1710	Ord. 368, eff. November 13, 1990	16.60.010
9-1.1715	Ord. 368, eff. November 13, 1990	16.60.020
9-1.1720	Ord. 368, eff. November 13, 1990	16.60.030
9-1.1810	Ord. 368, eff. November 13, 1990	16.64.010
9-1.1815	Ord. 368, eff. November 13, 1990	16.64.020
9-1.1820	Ord. 368, eff. November 13, 1990	16.64.030
9-1.1910	Ord. 368, eff. November 13, 1990	16.68.010
9-1.1915	Ord. 368, eff. November 13, 1990	16.68.020
9-1.1920	Ord. 368, eff. November 13, 1990	16.68.030
9-1.1925	Ord. 368, eff. November 13, 1990	16.68.040

9-1.1930	Ord. 368, eff. November 13, 1990	16.68.050
9-1.1935	Ord. 368, eff. November 13, 1990	16.68.060
9-1.1940	Ord. 368, eff. November 13, 1990	16.68.070
9-1.1941	Ord. 369, eff. March 28, 1991	16.68.080
9-1.2010	Ord. 368, eff. November 13, 1990	Repealed by 483
9-1.2015	Ord. 368, eff. November 13, 1990	Repealed by 483
9-1.2020	Ord. 368, eff. November 13, 1990	Repealed by 483
9-1.2025	Ord. 368, eff. November 13, 1990	Repealed by 483
9-1.2030	Ord. 368, eff. November 13, 1990	Repealed by 483
9-1.2035	Ord. 368, eff. November 13, 1990	Repealed by 483
9-1.2040	Ord. 368, eff. November 13, 1990	Repealed by 483
9-1.2110	Ord. 368, eff. November 13, 1990	16.76.010
9-1.2115	Ord. 368, eff. November 13, 1990	16.76.020
9-1.2120	Ord. 368, eff. November 13, 1990	16.76.030
9-1.2125	Ord. 368, eff. November 13, 1990	16.76.040
9-1.2130	Ord. 368, eff. November 13, 1990	16.76.050
9-1.2135	Ord. 368, eff. November 13, 1990	16.76.060

9-1.2140		16.76.070
9-1.2010	Ord. 368, eff. November 13, 1990	16.80.010
9-1.2015	Ord. 368, eff. November 13, 1990	16.80.020
9-1.2020	Ord. 368, eff. November 13, 1990	16.80.030
9-1.2310	Ord. 368, eff. November 13, 1990	16.84.010
9-1.2315	Ord. 368, eff. November 13, 1990	16.84.020
9-1.2320	Ord. 368, eff. November 13, 1990	16.84.030
9-1.2901		16.12.010
9-1.2902		16.12.020
9-1.2903		16.12.030
9-1.2904		16.12.040
9-1.2905		16.12.050
9-1.2906		16.12.060
9-1.2907		16.12.070
9-1.2908		16.12.080
9-1.2909		16.12.090
9-1.2910		16.12.100
9-1.2911		16.12.110
9-1.2912		16.12.120
9-2.101	§ 1-300, Ord. 131	17.04.010

9-2.102	§ 1-100, Ord. 131	17.04.020
9-2.103	§ 1-100, Ord. 131	17.04.030
9-2.104	§ 1-200, Ord. 131	17.04.040
9-2.201	§ 4-100, Ord. 131	17.08.010
9-2.202	§ 11-705, Ord. 131	17.08.020
9-2.203	§ 4-101, Ord. 131	17.08.030
9-2.204	§ 4-102, Ord. 131	17.08.040
9-2.205	§ 4-103, Ord. 131	17.08.050
9-2.206	§ 4-105, Ord. 131	17.08.060
9-2.207	§ 4-104, Ord. 131	17.08.070
9-2.208	§ 4-106, Ord. 131	17.08.080
9-2.209	§ 4-107, Ord. 131	17.08.090
9-2.210	§ 4-109, Ord. 131	17.08.100
9-2.211	§ 4-110, Ord. 131	17.08.110
9-2.212	§§ 4-100 and 4-111, Ord. 131	17.08.120
9-2.213	§ 4-112, Ord. 131	17.08.130
9-2.214	§ 4-100, Ord. 131	17.08.140
9-2.215	§ 4-113, Ord. 131	17.08.150
9-2.216	§ 4-1581, Ord. 131	17.08.160
9-2.217	§ 4-1582, Ord. 131	17.08.170

9-2.218	§ 4-1583, Ord. 131	17.08.180
9-2.219	§ 4-114, Ord. 131	17.08.190
9-2.220	§ 4-115, Ord. 131	17.08.200
9-2.221	§ 4-100, Ord. 131	17.08.210
9-2.222	§ 4-108, Ord. 131	17.08.220
9-2.223	§ 4-116, Ord. 131	17.08.230
9-2.224	§ 4-117, Ord. 131	17.08.240
9-2.225	§ 4-118, Ord. 131	17.08.250
9-2.226	§ 4-119, Ord. 131	17.08.260
9-2.227	§ 4-120, Ord. 131	17.08.270
9-2.228	§ 4-121, Ord. 131	17.08.280
9-2.229	§ 4-122, Ord. 131	17.08.290
9-2.230	§ 4-123, Ord. 131	17.08.300
9-2.231	§ 4-1223, Ord. 131	17.08.310
9-2.232	§ 4-1221, Ord. 131	17.08.320
9-2.233	§ 4-1222, Ord. 131	17.08.330
9-2.234	§ 4-124, Ord. 131	17.08.340
9-2.235	§ 4-125, Ord. 131	17.08.350
9-2.236	§ 4-126, Ord. 131	17.08.360
9-2.237	§ 12-204, Ord. 131	17.08.370

9-2.238	§ 4-126.5, Ord. 131	17.08.380
9-2.239	§ 4-127, Ord. 131	17.08.390
9-2.240	§ 4-128, Ord. 131	17.08.400
9-2.241	§ 4-129, Ord. 131	17.08.410
9-2.242	§ 4-129a, Ord. 131	17.08.420
9-2.243	§ 4-130, Ord. 131	17.08.430
9-2.244	§ 4-131, Ord. 131	17.08.440
9-2.245	§ 4-1311, Ord. 131	17.08.450
9-2.246	§ 4-1313, Ord. 131	17.08.460
9-2.247	§ 4-1312, Ord. 131	17.08.470
9-2.248	§ 4-1314, Ord. 131	17.08.480
9-2.249	§ 4-1314(1), Ord. 131	17.08.490
9-2.250	§ 4-1314(2), Ord. 131	17.08.500
9-2.251	§ 4-1314(3), Ord. 131	17.08.510
9-2.252	§ 4-1314(4), Ord. 131	17.08.520
9-2.253	§ 4-1315, Ord. 131	17.08.530
9-2.254	§ 4-1584, Ord. 131	17.08.540
9-2.255	§ 4-132, Ord. 131	17.08.550
9-2.256	§ 4-133, Ord. 131	17.08.560
9-2.257	§ 4-134, Ord. 131	17.08.570

9-2.258	§ 4-135, Ord. 131	17.08.580
9-2.259	§ 4-136, Ord. 131	17.08.590
9-2.260	§ 4-137, Ord. 131	17.08.600
9-2.261	§ 4-138, Ord. 131	17.08.610
9-2.262	§ 4-100, Ord. 131	17.08.620
9-2.263	§ 4-100, Ord. 131	17.08.630
9-2.264	§ 4-139, Ord. 131	17.08.640
9-2.265	§ 4-140, Ord. 131	17.08.650
9-2.266	§ 4-141, Ord. 131	Not codified
9-2.267	§ 4-142, Ord. 131	Not codified
9-2.268	§ 4-148, Ord. 131	Not codified
9-2.269	§ 4-143, Ord. 131	Not codified
9-2.270	§ 4-144, Ord. 131	Not codified
9-2.271	§ 4-145, Ord. 131	Not codified
9-2.271.1	Ord. 294	Not codified
9-2.272	§ 4-150, Ord. 131	Not codified
9-2.273	§ 4-149, Ord. 131	Not codified
9-2.274	§ 4-141, Ord. 131	Not codified
9-2.275	§ 4-151, Ord. 131	Not codified
9-2.276	§ 4-146, Ord. 131	Not codified

9-2.277	§ 4-147, Ord. 131	Not codified
9-2.278	§ 4-152, Ord. 131	17.08.660
9-2.279	§ 4-153, Ord. 131	17.08.670
9-2.280	§ 4-1532, Ord. 131	17.08.680
9-2.281	§ 4-1531, Ord. 131	17.08.690
9-2.282	§ 4-154, Ord. 131	17.08.700
9-2.283	§ 4-155, Ord. 131	17.08.710
9-2.284	§ 4-157, Ord. 131	17.08.720
9-2.285	§ 4-156, Ord. 131	17.08.730
9-2.286	§ 4-158, Ord. 131	17.08.740
9-2.287	§ 4-159, Ord. 131, as amended by § 1, Ord. 136	17.08.750
9-2.288	§ 4-160, Ord. 131	17.08.760
9-2.289	§ 4-100, Ord. 131	17.08.770
9-2.290	§ 4-161, Ord. 131	17.08.780
9-2.291	§§ 4-1611 and 4-1612, Ord. 131	17.08.790
9-2.292	§ 4-162, Ord. 131	17.08.800
9-2.293	§ 4-1621, Ord. 131	17.08.810
9-2.294	§ 4-163, Ord. 131	17.08.820
9-2.295	§§ 4-1631 and 4-1632, Ord. 131	17.08.830
9-2.296	§ 4-164, Ord. 131	17.08.840

9-2.296.1	Ord. 300	Not codified
9-2.296.2	Ord. 307	Not codified
9-2.296.3	Ord. 312	Not codified
9-2.296.4	Ord. 313	Not codified
9-2.296.5	Ord. 322	Not codified
9-2.296.6	Ord. 323	Not codified
9-2.296.7	Ord. 333	Not codified
9-2.296.8	Ord. 344	Not codified
9-2.296.9	Ord. 345	Not codified
9-2.296.10	Ord. 363	Not codified
9-2.296.11	Ord. 364	Not codified
9-2.297	§ 4-165, Ord. 131	17.08.850
9-2.301	§ 2-100, Ord. 131, as amended by Ord. 174	17.12.010
9-2.302	§§ 2-200 through 2-204, Ord. 131	17.12.020
9-2.401	Ord. 131 as amended by Ord. 340, eff. June 9, 1988	17.16.010
9-2.402	Ord. 131 as amended by Ord. 340, eff. June 9, 1988	17.16.020
9-2.403	Ord. 131 as amended by Ord. 340, eff. June 9, 1988	17.16.030
9-2.404	Ord. 131 as amended by Ord. 340, eff. June 9, 1988	17.16.040
9-2.501	Ch. 15, Ord. 131	17.20.010
9-2.502	§ 15-100, Ord. 131	17.20.020

9-2.503	§§ 15-300 through 15-304, Ord. 131	17.20.030
9-2.504	§§ 15-400 and 15-401 and 15-4011 through 15-4013, Ord. 131	17.20.040
9-2.505	§ 15-402, Ord. 131	17.20.050
9-2.506	§§ 15-4021 through 15-4027, Ord. 131	17.20.060
9-2.507	Ord. 131 as amended by Ord. 212, 316, 348, 355, and Ord. 375, eff. April 25, 1991	17.20.070
9-2.508	§ 15-501, Ord. 131	17.20.080
9-2.509	§§ 15-505 through 15-5054, Ord. 131	17.20.090
9-2.510	§ 15-502, Ord. 131	17.20.100
9-2.511	§§ 15-503 and 15-5031 through 15-5035, Ord. 131	17.20.110
9-2.512	§ 15-504, Ord. 131	17.20.120
9-2.513	§§ 15-504 through 15-5048, Ord. 131	17.20.130
9-2.514	§§ 15-506 and 15-5061, Ord. 131	17.20.140
9-2.515	§ 15-507, Ord. 131	17.20.150
9-2.516	§§ 11-607, Ord. 131, as added by § 3, Ord. 136	17.20.160
9-2.517	§§ 15-508 and 15-5081, Ord. 131	Not codified
9-2.518	Ord. 131, 355, as amended by Ord. 368 eff. November 13, 1990	17.20.170
9-2.601	§ 11-101, Ord. 131	17.24.010
9-2.602	§§ 11-200, 11-201, 11-2011 through 11-2014, 11-202, and 11-203, Ord. 131	17.24.020
9-2.603	§ 11-204, Ord. 131	17.24.030

9-2.604	§§ 11-205 and 11-2051 through 11-2056, Ord. 131	17.24.040
9-2.605	§§ 11-206 and 11-207, Ord. 131	17.24.050
9-2.606		Repealed by 356
9-2.607	§§ 11-300 through 11-303 and 11-3031 through 11-3033, Ord. 131	17.24.060
9-2.608	§ 1 Ord. 334, eff. August 25, 1987	17.24.070
9-2.701	§ 11-400, Ord. 131	17.28.010
9-2.702	§ 11-401, Ord. 131	17.28.020
9-2.703	§ 11-402 through 11-404, Ord. 131	17.28.030
9-2.704	§ 11-406, Ord. 131	17.28.040
9-2.705	§ 11-405, Ord. 131	17.28.050
9-2.706	§ 11-407, Ord. 131	17.28.060
9-2.901	§ 11-705, Ord. 131	17.32.010
9-2.902	§ 11-701, Ord. 131	17.32.020
9-2.903	§ 11-700, Ord. 131	17.32.030
9-2.904	§§ 11-7041 and 11-7042, Ord. 131	17.32.040
9-2.905	§ 11-703, Ord. 131	17.32.050
9-2.906	§ 11-7043, Ord. 131	17.32.060
9-2.907	§ 11-706, Ord. 131	17.32.070
9-2.908	§ 11-702, Ord. 131	17.32.080
9-2.1001	§ 12-100, Ord. 131	17.36.010

9-2.1002	§ 12-201, Ord. 131	17.36.020
9-2.1003	§ 12-202, Ord. 131	17.36.030
9-2.1004	Ord. 131 as amended by Ord. 380, eff. August 22, 1991	17.36.040
9-2.1005	§§ 12-205, 12-2051, and 12-2052, Ord. 131	17.36.050
9-2.1006	Ord. 131, as amended by Ord. 320	17.36.060
9-2.1007	Ord. 284 as amended by Ord. 320	17.36.070
9-2.1008	§ 12-303, Ord. 131	17.36.080
9-2.1009	§ 12-302, Ord. 131	17.36.090
9-2.1010	§ 12-301, Ord. 131	17.36.100
9-2.1011	Ord. 284 as amended by Ord. 320	17.36.110
9-2.1012	Ord. 284 as amended by Ord. 320	17.36.120
9-2.1013	Ord. 320	17.36.130
9-2.1014	Ord. 320	17.36.140
9-2.1015	Ord. 320	17.36.150
9-2.1101	§ 14-100, Ord. 131	17.40.010
9-2.1102	§§ 14-200 and 14-202, Ord. 131	17.40.020
9-2.1103	§ 14-203, Ord. 131	17.40.030
9-2.1104	§ 14-201, Ord. 131	17.40.040
9-2.1105	§ 14-200, Ord. 131	17.40.050
9-2.1106	§ 14-204, Ord. 131	17.40.060

9-2.1107— 9-2.1107.2	§ 14-301, Ord. 131	17.40.070
9-2.1108	§ 14-302, Ord. 131	17.40.080
9-2.1109	§ 14-303, Ord. 131	17.40.090
9-2.1110	§ 14-304, Ord. 131	17.40.100
9-2.1111	§ 14-305, Ord. 131	17.40.110
9-2.1112	§ 14-306, Ord. 131	17.40.120
9-2.1113	§ 14-307, Ord. 131	17.40.130
9-2.1114	§ 14-308, Ord. 131	17.40.140
9-2.1115	§ 14-309, Ord. 131	17.40.150
9-2.1116	§ 14-202, Ord. 131	17.40.160
9-2.1201	§§ 11-600 through 11-604, 11-6041 through 11-6044, 11-605, and 11-606, Ord. 131	17.44.010
9-2.1301	§ 13-100, Ord. 131	17.48.010
9-2.1302	Ord. 131 as amended by § 1 Ord. 339, eff. May 12, 1988	17.48.020
9-2.1303	§§ 13-202 and 13-400, Ord. 131	17.48.030
9-2.1304	§ 13-301, Ord. 131	17.48.040
9-2.1305	§ 13-302, Ord. 131	17.48.050
9-2.1306	§ 13-303, Ord. 131	17.48.060
9-2.1307	Ord. 131, 366 as amended by Ord. 368, eff. Nov. 13, 1990	17.48.070
9-2.1308	§§ 13-507 and 13-5071 through 13-5073, Ord. 131	17.48.080

9-2.1401	§ 18-100, Ord. 131	17.52.010
9-2.1402	§ 18-101, Ord. 131	17.52.020
9-2.1403	§§ 18-102 and 18-1021 through 18-1023, Ord. 131	17.52.030
9-2.1404	§§ 18-103 and 18-1031, Ord. 131	17.52.040
9-2.1405	§§ 18-1032 and 18-104, Ord. 131	17.52.050
9-2.1406	§ 18-106, Ord. 131	17.52.060
9-2.1407	§§ 18-107, 18-1071, 18-1072, and 18-108, Ord. 131	17.52.070
9-2.1408	§ 18-105, Ord. 131	17.52.080
9-2.1409	§ 18-109, Ord. 131	17.52.090
9-2.1501	§ 16-100, Ord. 131	17.56.010
9-2.1502	§ 16-100, Ord. 131	17.56.020
9-2.1503	§ 16-200, Ord. 131	17.56.030
9-2.1504	§ 17-100, Ord. 131	17.56.040
9-2.1601	§ 5-100, Ord. 131	17.60.010
9-2.1602	Ord. 131; as amended by Ord. 354	17.60.020
9-2.1603	§§ 5-300 through 5-304, and 5-3041 through 5-3044, Ord. 131	17.60.030
9-2.1604	Ord. 131 as amended by Ord. 296, eff. January 13, 1983	17.60.040
9-2.1605	§ 5-500, Ord. 131	17.60.050
9-2.1606	§ 5-600, Ord. 131	17.60.060
9-2.1607	Ord. 354	17.60.070

9-2.1608	Ord. 354	17.60.080
9-2.1609	§ 5-700 and 5-702, Ord. 131	17.60.090
9-2.1610	Ord. 354	17.60.100
9-2.1701	§ 5A-100, Ord. 131, as added by Ord. 174	17.64.010
9-2.1702	§ 5A-200, Ord. 131, as added by Ord. 174	17.64.020
9-2.1801	§ 6-100, Ord. 131	17.68.010
9-2.1802	§§ 6-200 through 6-203, Ord. 131	17.68.020
9-2.1803	§§ 6-300 through 6-305, and 6-3051 through 6-3054, Ord. 131	17.68.030
9-2.1804	§§ 6-400 through 6-403, Ord. 131	17.68.040
9-2.1805	§ 6-500, Ord. 131	17.68.050
9-2.1806	Ord. 131 as amended by Ord. 347, eff. September 8, 1988	17.68.060
9-2.1807	§§ 6-700 and 6-701, Ord. 131	17.68.070
9-2.1808	§§ 6-700 and 6-702, Ord. 131	17.68.080
9-2.1809		17.68.090
9-2.1901	§ 7-100, Ord. 131	17.72.010
9-2.1902	§§ 7-200 through 7-205, Ord. 131	17.72.020
9-2.1903	§§ 7-300 through 7-304, and 7-3041 through 7-3044, Ord. 131	17.72.030
9-2.1904	Ord. 131 as amended by Ord. 296, eff. January 13, 1983	17.72.040
9-2.1905	Ord. 131 as amended by Ord. 302, eff. July 14, 1983	17.72.050
9-2.1906	Ord. 131 as amended by Ord. 373, eff. April 11, 1991	17.72.060

9-2.1907	§§ 7-600 and 7-602, Ord. 131	17.72.070
9-2.2001	§ 8-100, Ord. 131	17.76.010
9-2.2002	Ord. 131 as amended by Ord. 383, eff. October 10, 1991	17.76.020
9-2.2003	§§ 8-300, 8-301, 8-301.5, 8-302, and 8-3021 through 8-3024, Ord. 131, as amended by Ord. 285	17.76.030
9-2.2004	Ord. 131, 209, 272, 291, 336, 353, and 374, as amended by Ord. 383, eff. October 10, 1991	17.76.040
9-2.2005	§ 8-500, Ord. 131	17.76.050
9-2.2006	§ 8-600, Ord. 131	17.76.060
9-2.2007	§§ 8-700 and 8-701, Ord. 131	17.76.070
9-2.2008	§§ 8-700 and 8-702, Ord. 131	17.76.080
9-2.2009	§§ 8-700 and 8-703, Ord. 131; amended 1988, Ord. 348	17.76.090
9-2.2010	§§ 8-700 and 8-704, Ord. 131	17.76.100
9-2.2011	§§ 8-700 and 8-705, Ord. 131	17.76.110
9-2.2101	§ 9-100, Ord. 131	17.80.010
9-2.2102	Ord. 131 as amended by Ord. 383, eff. October 10, 1991	17.80.020
9-2.2103	§§ 9-300, 9-301, 9-3011 through 9-3014, 9-302, and 9-302.5, Ord. 131	17.80.030
9-2.2104	§§ 9-400 through 9-408, Ord. 131, as amended by § 2, Ord. 272, eff. February 26, 1981 as amended by Ord. 291, eff. November 12, 1982	17.80.040
9-2.2105	§ 9-500, Ord. 131	17.80.050
9-2.2106	§ 9-600, Ord. 131	17.80.060
9-2.2107	§§ 9-700 and 9-701, Ord. 131; Amended 1988, Ord. 348	17.80.070

9-2.2108	§§ 9-700 and 9-702, Ord. 131	17.80.080
9-2.2201	§ 10-100, Ord. 131	17.84.010
9-2.2202	§§ 10-200 through 10-210, Ord. 131	17.84.020
9-2.2203	§§ 10-300, 10-301, and 10-3011 through 10-3015, Ord. 131, as amended by Ord. 285	17.84.030
9-2.2204	§§ 10-400 and 10-401, Ord. 131, and § 10-402, Ord. 131, as amended by § 2, Ord. 136	17.84.040
9-2.2205	§ 10-500, Ord. 131	17.84.050
9-2.2206	§ 10-600, Ord. 131	17.84.060
9-2.2207	§§ 10-700 and 10-701, Ord. 131	17.84.070
9-2.2208	§§ 10-700 and 10-702, Ord. 131	17.84.080
9-2.2209	§§ 10-700 and 10-703, Ord. 131; Amended 1988, Ord. 348	17.84.090
9-2.2301	Ord. 224, eff. March 30, 1978	17.88.010
9-2.2302	Ord. 224, eff. March 30, 1978	17.88.020
9-2.2303	Ord. 224, eff. March 30, 1978	17.88.030
9-2.2304	Ord. 224, eff. March 30, 1978	17.88.040
9-2.2305	Ord. 224, eff. March 30, 1978	17.88.050
9-2.2306	Ord. 224, eff. March 30, 1978	17.88.060
9-2.2307	Ord. 224, eff. March 30, 1978	17.88.070
9-2.2401	Ord. 223, eff. March 30, 1978	17.88.080
9-2.2402	Ord. 223, eff. March 30, 1978	17.88.090

9-2.2403	Ord. 223, eff. March 30, 1978	17.88.100
9-2.2404	Ord. 223, eff. March 30, 1978	17.88.110
9-2.2405	Ord. 223, eff. March 30, 1978	17.88.120
9-2.2406	Ord. 223, eff. March 30, 1978	Repealed by 428
9-2.2407	Ord. 223, eff. March 30, 1978	17.88.130
9-2.2408	Ord. 223, eff. March 30, 1978	17.88.140
9-2.2409	Ord. 223, eff. March 30, 1978	17.88.150
9-2.2501	Ord. 2685 eff. December 25, 1980	17.92.010
9-2.2502	Ord. 268, eff. December 25, 1980	17.92.020
9-2.2601	Ord. 343, eff. June 14, 1988	17.100.010
9-2.2602	Ord. 343, eff. June 14, 1988	17.100.020
9-2.2603	Ord. 343, eff. June 14, 1988	17.100.030
9-2.2604	Ord. 343, eff. June 14, 1988	17.100.040
9-2.2701	Ord. 384, eff. November 21, 1991	17.104.010
9-2.2702	Ord. 384, eff. November 21, 1991	17.104.020
9-2.2703	Ord. 384, eff. November 21, 1991	17.104.030
9-2.2704	Ord. 384, eff. November 21, 1991	17.104.040
9-2.2705	Ord. 384, eff. November 21, 1991	17.104.050
9-2.2706	Ord. 384, eff. November 21, 1991	17.104.060
9-2.2707	Ord. 384, eff. November 21, 1991	17.104.070

9-2.2708	Ord. 384, eff. November 21, 1991	17.104.080
9-2.2709	Ord. 384, eff. November 21, 1991	17.104.090
9-2.2710	Ord. 384, eff. November 21, 1991	17.104.100
9-2.2801	Ord. 380, eff. August 22, 1991	Repealed by 464
9-2.2802	Ord. 380, eff. August 22, 1991	Repealed by 464
9-2.2803	Ord. 380, eff. August 22, 1991	Repealed by 464
9-2.2804	Ord. 380, eff. August 22, 1991	Repealed by 464
9-2.2805	Ord. 380, eff. August 22, 1991	Repealed by 464
9-2.2806	Ord. 380, eff. August 22, 1991	Repealed by 464
9-2.2807	Ord. 380, eff. August 22, 1991	Repealed by 464
9-2.2808	Ord. 380, eff. August 22, 1991	Repealed by 464
9-2.2809	Ord. 380, eff. August 22, 1991	Repealed by 464
9-2.2810	Ord. 380, eff. August 22, 1991	Repealed by 464
9-3.101	Ord. 278, eff. June 25, 1981	17.108.010
9-3.201— 9-3.212	Ord. 278, eff. June 25, 1981	17.108.020

9-3.301	Ord. 278, eff. June 25, 1981	17.108.030
9-3.401	Ord. 278, eff. June 25, 1981	17.108.040
9-3.402	Ord. 278, eff. June 25, 1981	17.108.050
9-3.501	Ord. 278, eff. June 25, 1981	17.108.060
9-3.601	Ord. 278, eff. June 25, 1981	Not codified
9-4.101		8.16.010, 8.16.020
9-4.102		8.16.030
9-4.103		8.16.040
9-4.104		8.16.050
9-4.105		8.16.060
9-4.106		8.16.070
9-4.107		8.16.080
9-4.108		8.16.090
9-4.109		8.16.100
9-4.110		8.16.110
9-4.111		8.16.120
9-4.112		8.16.130
9-4.113		8.16.140
9-4.114		8.16.150
9-4.115		8.16.160

9-4.116		8.16.170
9-4.117		8.16.180
9-4.118		8.16.190
9-4.119		8.16.200
9-4.120		8.16.210
9-4.121		8.16.220
10-1.01	§ 1, Ord. 120	12.20.010
10-1.02	§ 2 B, Ord. 120, as added by Ord. 202	12.20.020
10-1.03	§ 2 A, Ord. 120, as added by Ord. 202	12.20.030
10-1.04	§ 2, Ord. 120	12.20.040
18.83.01		15.20.010
18.83.02		15.20.020
18.83.03		15.20.030
18.83.04		15.20.040
18.83.05		15.20.050
18.83.06		15.20.060

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

ORDINANCE LIST AND DISPOSITION TABLE

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

Resolution Number	
27-2000	Establishes parking violation bail schedule (10.36)

Ordinance Number	
386	Adds prior code § 9-1.310(3), developer agreements (16.04)
387	Adds prior code Article 29 of Chapter 1 of Title 9, vesting tentative maps (16.12)
388	Adds prior code Chapter 8 of Title 3, recreational facility fees (3.36)
389	Amends prior code Article 27 of Chapter 2 of Title 9, density bonuses and other incentives for developers (17.04)
390	Amends prior code § 2-1.305, conflicts of interest (2.44)
391	Amends prior code § 4-3.101 and Chapter 1 of Title 8, uniform codes (15.04)
392	Adds prior code § 3-1.128, business license revocation (5.04)
393	Amends prior code § 9-2.1307(c), land use intensity in residential developments (17.48)
394	Amends prior code §§ 9-2.1906(a) and (b), site plans and architectural approval in multi-family residential districts (17.72)
395	Adds prior code § 4-9.05.1; repeals subsection (1)(h) of § 4-9.05, smoking in restaurants (Not codified)
396	Adds prior code § 2-2.401 and Article 30 to Chapter 2 of Title 9, provisions relating to historic

	architecture (Repealed by 464)
397	Amends prior code Chapter 4 of Title 5 and § 9-2.1107, various provisions relating to public peace (9.08, 17.40
398	Adds prior code §§ 8-2.20.1—8-2.20.5; repeals prior code § 8.20 [8-2.20], signs (Not codified)
399	Amends prior code §§ 2-6.07 and 2-6.10, bid procedures (3.04)
400	Rezone (Special)
401	Development agreement (Special)
402	Water efficient landscaping (Repealed by 464)
403	Amends prior code §§ 6-3.203(a), 6-3.204 and 6-3.205(b), fees (Repealed by 475)
404	Adds prior code §§ 4-6.04—4-6.09; repeals and replaces §§ 4-6.01—4-6.03, skateboards (10.24)
405	Adds prior code §§ 9-1.1685 and 9-1.2140, slope development standards (16.56, 16.76
406	Amends prior code § 9-2.1007(e), residential parking requirements (17.36)
407	Adds prior code Chapter 6 of Title 6, trip reduction program (10.40)
408	Amends prior code §§ 2-2.102, 2-2.103 and 2-2.200, commission membership (2.36, 2.40
409	Adds prior code § 9-2.507(t); amends § 9-1.1010, planning and processing fees (16.36, 17.20
410	Rezone (Special)
411	Amends prior code § 6-3.303, sewer service charges (Repealed by 475)
412	Increases certain fees (Repealed by 475)
413	Amends prior code § 2-1.201, salaries of city council members (2.24)
414	Amends prior code § 8-1.06, National Electrical Code (15.04)
415	Rezone (Special)

416	Development agreement (Special)
417	Amends prior code §§ 6-6.04(i), 6-6.05(b), 6-6.07(b)(3) and 6-6.07(b)(4), transportation demand management (10.40)
418	(Number not used)
419	Amends prior code §§ 8-1.13 (a) and (e) and Chapters 5 and 6 of Title 8, construction (15.04, 15.16
420	Adds prior code Articles 5 and 6 to Chapter 5 of Title 4, parking citations (Repealed by 469)
421	Adds prior code Article 6 to Chapter 4 of Title 2, city manager (2.08)
422	Municipal elections (1.12)
423	Adds prior code §§ 2-3.108—2-3.109; amends § 2-3.102; repeals and replaces prior code §§ 2-3.104—2-3.107, fire department (2.28)
424	Rezone (Special)
425	Amends prior code §§ 4-5.204 and 4-5.205, parking (Repealed by 469)
426	Amends prior code § 7-2.06, abatement of fire or health hazard (12.16)
427	Amends prior code §§ 6-3.203(a), 6-3.204(a), (b) and (c), 6-3.205(b) and 3-4.01(3), fees (3.28)
428	Amends prior code Chapter 2 of Title 8; repeals prior code §§ 9-2.183(e) [9-2.1803(e)], 9-2.1903(e), 9-2.2003(c), 9-2.2103(c), 9-2.2203(b) and 9-2.2406, signs (17.72, 17.76, 17.80, 17.84
429	Rezone (Special)
430	Amends prior code §§ 6-3.401—6-3.403, sewer service charges (Repealed by 475)
431	Amends prior code §§ 6-2.10 and 6-2.11, refuse collection service (8.24)
432	Amends prior code §§ 4-6.02[4-6.05] and 4-6.03 [4-6.09], skateboards (10.24)
433	Amends prior code § 6-3.303, sewer service charges (Repealed by 475)

434	Repeals and replaces prior code Chapter 1 of Title 8, uniform construction codes (15.04)
435	Amends prior code § 4-3.101, Uniform Fire Code (Repealed by 495)
436	Adds prior code § 2-3.206, reserve police officers (2.32)
437	Repeals and replaces prior code Article 2 of Chapter 4 of Title 2, city clerk (2.12)
438	Adds prior code § 2-4.606 R and amends § 2-4.301, director of finance (2.20)
439	Repeals and replaces prior code Chapter 1 of Title 7, cable television franchises (5.16)
440	Adds prior code § 9-2.1809, second residential units in single-family neighborhoods (17.68)
441	Amends prior code § 6-3.203(a), sewer connection and plant expansion fees (Repealed by 475)
442	Adds prior code § 2-2.312; renumbers former § 2-2.312 to be 2-2.313; amends §§ 2-2.302—2-2.304, 2-2.310 and 2-2.401, design review board (Repealed by 464)
443	Adds prior code §§ 6-3.203(f), 6-3.305 and 6-3.601(l); amends §§ 6-3.103(d) and (g), 6-3.105, 6-3.202, 6-3.204, 6-3.205(b), 6-3.207 and 6-3.302, sewer service, connections and charges (Repealed by 475)
444	Amends prior code § 2-2.304, design review board (Repealed by 464)
445	Amends prior code § 2-1.201, salaries of city council members (2.24)
446	Off-site signs (Repealed by 448)
447	Extends effective period of Ord. 446, off-site signs (Special)
448	Adds prior code §§ 8-2.085, 8-2.15(b)(6), 8-2.25(d), 8-2.25(e) and 8-2.28(d); amends prior code §§ 8-2.02, 8-2.05, 8-2.08(d), 8-2.09, 8-2.14(a), 8-2.14 (b), 8-2.14(g)(1), 8-2.15(a), 8-2.15(b), 8-2.15(g)(1), 8-2.16(a), 8-2.16(c), 8-2.17, 8-2.18, 8-2.19, 8-2.20, 2-2.20(b) [8-2.20(b)], 8-2.21, 8-2.22, 8-2.23, 8-2.25(a); repeals §§ 8-2.05(e), 8-2.07 and 8-2.10 and Ord. 446, signs (Not codified)
449	Adds prior code § 2-2.312; amends prior code §§ 2-2.302, 2-2.303 and 2-2.304, design review commission (Repealed by 464)
450	Adds prior code § 6-3.305 and adopts staff report; amends § 6-3.303(a), sewer charges (Not

	codified)
451	Sign ordinance (17.112)
452	Adds prior code § 9-2204(c) [9-2.2204(c)]; amends prior code § 9-2.2202 (c), (j) and (k), light industrial uses (17.84)
453	Transfers collection of certain fees to county of Placer (3.08)
454	Nuisance abatement (8.16)
455	Amends Section 4(d) of Ord. 450, sewer charges (Not codified)
456	Adds prior code § 6-3.305 [6-3.306] and adopts staff report; amends prior code § 6-3.303(a), sewer charges (13.08)
457	Adds prior code § 9-1.1025, traffic mitigation fees and procedures (16.36)
458	Extension of building permit (Special)
459	Extension of building permit (Special)
460	Rezone (Special)
461	Adds subsections (a) and (b) to prior code Article 10 of Title 9, air quality mitigation (16.36)
462	Extension of building permit (Special)
463	Overweight and oversize vehicle loads (10.20)
464	Adopts Colfax design guidelines; repeals Ords. 380, 396, 402, 442, and 449, and prior code Article 28 of Title 9, and references in Title 9 to design review/guidelines (17.96)
465	Temporary suspension of enforcement of prior code §§ 8-3.9.1 and 8-3.9.4, signs (Special)
466	Fair share payment for infrastructure improvements and street extension (3.44)
467	Rezone (Special)
468	Rezone (Special)

469	Repeals and replaces prior code Title 4, Ch. 5, Art 2; repeals Ords. 44, 53, 96, 130, 306, 178, 203, 420 and 425, parking (10.16)
470	Hours of operation for city ball field/children's park/swimming pool (12.20)
471	Repeals and replaces prior code §§ 8-3.2, 8-3.9.1 and 8-3.9.4, signs (17.112)
472	Tree preservation guidelines (12.16)
473	Adopts official zoning map (Special)
474	Amends Ord. 470, city ball field/children's park/swimming pool regulations (12.20)
475	Amends prior code § 3-4.01(f); repeals and replaces prior code Title 6, Ch. 3; repeals Ords. 403, 411, 412, 427 (§§ 1—4), 430, 433, 441 and 443, sewer use (3.28, 13.08
476	Repeals and replaces prior code Title 8, Ch. 1, uniform building codes and building permit procedures (15.04)
477	Adds prior code Ch. 18.83, demolition review and permit process (15.20)
478	Urgency ordinance governing issuance of sewer connections (Not codified)
479	Amends Ord. 475 and prior code §§ 6-3.203 and 6-3.204, sewer impact fee (13.08)
480	Adopts the Colfax Municipal Code 2004 (Special)
481	Urgency ordinance adopting regulations governing grading within the city limits (Not codified)
482	Urgency ordinance adopting an extension to Ord. 481 (Special)
483	Adopts regulations governing grading within the city limits (15.30, 16.72)
484	Amends §§ 2.40.010—2.40.040, 2.40.060, and 2.40.080, parks and recreation commission (2.40)
485	Adds § 2.36.070, planning and zoning commission (2.36)
486	Adds § 15.04.130; repeals and replaces §§ 15.04.040, 05.04.060, 15.04.070, 15.04.100, and 15.04.120, uniform construction codes (15.04)

487	Amends §2.12.020; repeals and replaces §§ 2.12.010 and 2.20.020, city clerk, director of finance (2.12, 2.20
488	Adds Ch. 3.56, mitigation impact fees (3.56)
489A	Adds Ch. 17.98, special development overlay zone (17.98)
490	Adds Ch. 17.25, development agreements (17.25)
491	Amends Ch. 12.20, city parks (12.20)
492	(Pending)
493	Amends Ch. 9.08, minors—restricted hours (9.08)
494	Repeals §15.04.070; repeals and replaces §§15.04.010—15.04.040, 15.04.100 and 15.04.130, building code (15.04)
495	Repeals and replaces Ch. 15.08, fire code (15.08)
496	Contract with California Public Employees Retirement System (Special)
497	Amends § 2.04.020, attendance (2.04)
498	Adds Ch. 2.13, city treasurer (2.13)

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 chronological listing of the ordinances of Colfax, California beginning with Supplement No. 5, included in this Code.

Ordinance Number	Date	Description	Section	Section this Code
499	12-9-2009	Requiring testing, inspection, repair and replacement of building sewer laterals	Added	Ch. 13.08, Art. IX
500	6-9-2009	Planning and Zoning Commission	Exh. A Rpld	Ch. 2.36
			Added	Ch. 2.36
501	12-16-2009	Regulate and reduce fats, oils and grease	I	13.08.460E
			II Added	Ch. 13.08, Art. X
502		Not used		
503		Not used		
504		Pending		
505	9-8-2009	Time and place of meetings	1	2.04.010
506	10-28-2009	Prohibiting operation of medical marijuana dispensaries in the city	Added	Ch. 17.109
507	12-9-	Adopting the California state-mandated water efficient landscape regulations	Added	Ch. 17.110

	2009			
508	12-16-2009	Prohibiting camping and storage of personal property in certain places	Added	Ch. 8.24
509	12-16-2009	Purchasing system	1 Rpld	Ch. 3.04
510	3-10-2010	Allowing preference for local vendors in contracting for equipment, materials, supplies and services	Added	Ch 3.04
511	5-12-2010	Prohibiting public urination or defecation	Added	Ch. 9.14
513	5-26-2010	Allowing consumption of alcoholic beverages in public places under limited circumstances		9.04.010, 9.04.020
514	1-26-2011	Adopting by reference the 2010 Edition of the Califonia Building Standards Code, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 11 and 12 Title 24 of the California Code of Regulations which incorporates the 2009 Edition of the International Building Code, the 2009 Edition of the International Residential Code, the 2009 Edition of the Uniform Plumbing Code, the 2009 Edition of the Uniform Mechanical Code, the 2008 Edition of the National Electrical Code, the 2009 Edition of the Uniform Pool, Spa and Hot Tub Code, the 2009 Edition of the International Fire Code and amending those portions of the California Building Standards for the issuance of permits and collection of fees thereof, together with amendments and additions to the various codes	1 Rpld	15.04.010—15.04.130, 15.08.010
			4 Added	15.04.010—15.04.130, 15.08.010,

				15.08.020
515	2-23-2011	Establishing public hearing procedures	Exh. A Added	1.28.010—1.28.130
516	3-14-12	Digital billboard signs on city-owned property		17.112.175
517	5-9-12	Refuse collection service—charges—delinquencies—liens		8.20.130
519	8-8-12	Repealing and re-enacting Tit. 17, zoning; adding Ch. 6.20, limitation on number of animals; adding Ch. 8.28, noise standards	Added	6.20.010—6.20-030
			Added	8.28.010
			Rpld	17.04.010—17.04.040
				17.08.010—17.08.850
				17.12.010, 17.12.020
				17.16.010—17.16.040
				17.20.010—17.20.170
				17.24.010—17.24.070
				17.25.010—17.25.080
				17.28.010—

				17.28.060
				17.32.010—17.32.080
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				17.40.010—17.40.160
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			Added	17.04.010— 17.04.030
				17.08.010— 17.08.030
				17.12.010— 17.12.030
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